



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 30 Aibreán 2009.
Thursday, 30 April 2009.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

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

Deputy Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the urgent need to preserve jobs in all existing companies as a major strategy in economic recovery and the need for the IDA and Enterprise Ireland to work more closely with these firms as a priority and as a start in this process to preserve jobs to push the latest five bids for SR Technics on the north side of Dublin in order to maximise the level of sustainable employment and I call on the Government to act now.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the threat to the Irish economy, which under the current Government is shrinking faster than any other developed country, according to the Economic and Social Research Institute. GDP will have dropped by 11.6% between 2008 and 2010, levels not seen since the Great Depression of the 1930s. In the spirit of Nero fiddling while Rome burned the perceived architect of the country's misfortune seems unable to act constructively or decisively, increasing the treat to national stability.

Deputies: Hear, hear.

Deputy Paul Kehoe: The Government should be ashamed.

Deputy Jimmy Devins: I seek leave to move a motion for the adjournment of the Dáil under Standing Order 32 on a specific and important matter of public interest requiring urgent consideration, namely, in view of the designation yesterday by the World Health Organisation that level five status has been afforded to the influenza disease caused by the H1N1 virus — known as swine flu — and the statement by the Director General of the WHO that the global spread of the disease is almost inevitable and the opinion of the chief medical officer, Dr. Tony Holohan that we may expect to see some positive cases in this country, I ask that a full debate take place during which the Minister for Health and Children can inform the House, and by extension the country, of the measures currently in place and any proposed measures that

[Deputy Jimmy Devins.]

might be considered necessary to curtail the spread of the disease and to minimise the risk to the public.

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.

Minister for Finance (Deputy Brian Lenihan): It is proposed to take No. 12a, motion regarding a referral to joint committee of proposed approval by Dáil Éireann for a regulation of the European Parliament and of the Council establishing a European Asylum Support Office; No. 3, Criminal Justice (Surveillance) Bill 2009 — Second Stage (resumed); No. 21, Housing (Miscellaneous Provisions) Bill 2008 [*Seanad*] — Second Stage (resumed); and No. 22, Health (Miscellaneous Provisions) Bill 2009 — Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that No. 12a shall be decided without debate and that the Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 6 May 2009.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with No. 12a agreed to?

Deputy Joan Burton: On No. 12a, we are not prepared to accept any arrangements for the Order of Business today unless the Minister for Finance makes an arrangement to come into the House and clarify the absolute dog's breakfast that has been made of the withdrawal of mortgage interest relief from about 60,000 home owners. People are facing a weekend where they are not sure what their net mortgage payments are going to be from next month onwards. We are told that this was the most prepared budget in the history of the State and that Cabinet Ministers met no less than ten times to work out the detail of the budget, yet they have left an extraordinary trail of confusion. Tomorrow is May Day and it will be marked in many households by the beginning of the Minister for Finance's draconian regime where people do not know what is happening to them. Tomorrow is also pay day for Mr. Fingleton who is collecting a €27 million bonus, of which one quarter will be tax free.

An Ceann Comhairle: Only brief contributions are allowed now.

Deputy Joan Burton: May Day is workers' day but it is pay day for Fianna Fáil's friends.

An Ceann Comhairle: The Deputy has made her contribution.

Deputy Joan Burton: Will the Minister come into the House and make a statement for worried home owners and taxpayers as to where they stand on mortgage interest relief?

An Ceann Comhairle: The Deputy has made her point.

Deputy Richard Bruton: I rise to support Deputy Burton. We are within hours of the implementation of this change and there is total confusion as to what exactly is happening. We are told that 500,000 people who have continuing entitlement or likely continuing entitlement to the mortgage relief will lose it tomorrow, simply because the Minister and his advisers did not anticipate the impact of the change they announced on 7 April. We were warned months in advance by Ministers and spokespersons for the Revenue that when the income tax code is

changed in mid-year, there will be difficulties. The Minister had ample time to anticipate those difficulties and make sure that the sort of fiasco we have today would not happen. This is an indication of failure on the part of Government. We have seen far too often this Minister and his colleagues announce initiatives, then find they cannot implement them. This is just one more in a long series of such failures.

Deputy Caoimhghín Ó Caoláin: There is no question about the widespread confusion. This was exemplified in this morning's need by "Morning Ireland" to bring back a representative from the Revenue Commissioners in order to make a second attempt at explaining exactly what was going to happen tomorrow. It is important that the Minister for Finance come into the House today to address the issue, to clarify it for Members of the House and the wider public and to afford Members the opportunity to question him so that we can have a complete understanding of what the Government is proposing.

It is a most unfortunate development because those who will suffer most as a result of this measure are those who already have been extensively penalised by this Government's measures in the supplementary budget and in last October's budget. We need clarity on the matter and the opportunity to debate it. Will the Minister confirm to the House that he will accommodate our wishes today?

Deputy Brian Lenihan: The decision in principle was made at the time of the budget. I commend RTE for the very responsible coverage it gave this issue this morning and the extensive explanation the Revenue Commissioners gave on the implementation of this measure.

Deputy Joan Burton: RTE is better at explaining it than the Minister.

Deputy Brian Lenihan: The question of principle is that the Government proposes to restrict the availability of mortgage interest relief to a seven year period. That applies to anybody who has bought a house for the first time, moved up to another House or who has improved their house. It applies in all those circumstances.

Deputy Joan Burton: The Minister is wrong.

Deputy Brian Lenihan: The Revenue Commissioners have made it clear that in the implementation of this measure there will be no change for a first-time buyer. For those who have improved their houses or traded up to another house and taken out a mortgage in the last seven years, the interest relief continues to be available. However, the Revenue Commissioners have made it clear that non-first time buyers do not need to do anything at this stage. The Revenue Commissioners will make the necessary administrative arrangements, in liaison with the financial institutions for the relevant deductions. It may take two months for this arrangement to be finalised by the Revenue Commissioners. Deputies will appreciate the enormous volume of work the Revenue Commissioners need to do in the implementation of a measure of this character. The Revenue Commissioners have made it clear that non-first time buyers do not need to do anything at this stage.

Deputy Noel J. Coonan: What about paying for it?

Deputy Brian Lenihan: They are satisfied that the vast majority of non-first time buyers can be dealt with through their arrangements with the relevant financial institutions. There is a small number of non-first time buyers whom the Revenue may wish to contact and they will make the necessary contact before the position is finalised.

Deputy Michael D. Higgins: Through Mr. Michael Fingleton.

Deputy Brian Lenihan: I urge those who are concerned about this matter to refer to the Revenue website where extensive information is available on this matter. The issue of principle has been decided and this is a matter of implementation.

An Ceann Comhairle: I again ask if the proposal for dealing with No. 12a without debate is agreed to.

Deputy Joan Burton: Has the Minister agreed to a debate?

Question, "That the proposal for dealing with No. 12a, without debate, be agreed to," put and declared carried.

An Ceann Comhairle: Is the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 6 May 2009 agreed to?

Deputy Richard Bruton: While it is traditional practice that the Dáil does not sit until the Wednesday after a bank holiday, we are in exceptional times when such practices must be re-examined. The Dáil needs to examine very important legislation, not least in respect of our banking system and the Finance Bill. So many issues are pressing on the Government and Oireachtas time that this practice of having an extra day on bank holidays should be removed and the Dáil should be seen to be about its business. That would give some level of confidence to people, whereas such practices are apt to cause scandal in the eyes of many people looking in at what we are doing here. We cannot afford that when confidence is low and needs to be bolstered.

Deputy Joan Burton: I concur with what Deputy Bruton said. People are reeling under the shock of what the Government has done in the supplementary budget, ordinary families who feel the ordering of Government as we have known it in Ireland has collapsed. We would understand if we heard that the people in Government were to do an away-day on Tuesday, sit down, maybe get a black board and explain the mortgage interest relief and other provisions in the supplementary budget which they have rowed back on since making very loud and confident statements. If they went away and studied that we would all be rather comforted for the sake of the country. If they take Tuesday off, could they at least arrange to come in here for 10.30 a.m. next Wednesday? They could have a study day and we could come in on Wednesday and do a full day's work.

Deputy Dermot Ahern: Deputy Burton is making a dog's breakfast of this.

Deputy Joan Burton: Can the Government explain to an ordinary, hard-pressed family whose tax relief is being withdrawn why Mr. Fingleton is tomorrow getting €27 million, of which one quarter is tax free? He is receiving a tax break of over €5 million.

An Ceann Comhairle: We cannot discuss that now. We are discussing something entirely different.

Deputy Caoimhghín Ó Caoláin: I agree with Deputy Bruton that this may be presented as tradition, practice or precedent, but we can change it. We can establish new traditions, practices and precedents. There is a whole raft of issues to be addressed. One issue we have not addressed was reflected here this morning. I welcome the fact that a Government backbencher brought forward a request under Standing Order 32 asking the Minister for Health and Chil-

dren to come into the House and address the issue of a threatened swine vesicular disease pandemic.

An Ceann Comhairle: We cannot deal with this. We are discussing the proposal for next Tuesday.

Deputy Caoimhghín Ó Caoláin: I have asked the Taoiseach to have this matter addressed in the House. It is very important, and now that the alert has gone to level 5, one short of a declared pandemic, there is an onus and responsibility on this House properly to address this issue. The Minister should come into the House. She is at a meeting of health Ministers today in Europe. Will she come into the House and report to us next week, and allow for an opportunity——

An Ceann Comhairle: That is the end of that. We cannot discuss that.

Deputy Caoimhghín Ó Caoláin: With respect, I would like to finish. This is on the Order of Business. I am explaining my objection to the fact that we will not assemble here again until 2.30 p.m. next Wednesday. I would like the opportunity to explain that. We can come up with any number of issues but this is one that requires urgent address in this House. Will the Minister return to the House to deal with it? The Opposition is of one mind on this and we have evidence of it in Government benches this morning. Will the Minister for Finance agree to bring the House back early next week and have the Minister for Health and Children accountable to this House as we face a swine vesicular disease pandemic? This is a very important issue.

Deputy Brian Lenihan: Deputies Bruton and Ó Caoláin raised the long standing practice that the House does not sit until the Wednesday after a bank holiday Monday. It has always been the tradition and custom of this House. If it is wished to review that arrangement it can be discussed between the Whips.

Deputy Paul Kehoe: The Whips never have a say.

Deputy Brian Lenihan: On Deputy Burton's suggestion that the Government should meet on Tuesday, we are meeting on Tuesday and have many matters to study——

Deputy Fergus O'Dowd: They should get their sums right this time.

(Interruptions).

Deputy Paul Kehoe: Is the Minister going on "The Late Late Show" on Friday night?

Deputy Brian Lenihan: As Minister for Finance I have not sanctioned the expense of an interactive white board for Government meetings. On the suggestion that we should meet at 10.30 a.m. on Wednesday morning, the commemoration by the State of the 1916 Rising takes place at Arbour Hill on Wednesday morning. As Deputy Ó Caoláin acknowledges, the Minister for Health and Children is at an emergency meeting in Luxembourg to discuss swine vesicular disease and I am sure she will be pleased to advise the House of developments next week.

Deputy Aengus Ó Snodaigh: On Tuesday.

Question put: "That the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 6 May 2009 be agreed to."

The Dáil divided: Tá, 62; Níl, 51.

Tá

Ahern, Dermot.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Healy-Rae, Jackie.
 Hoctor, Máire.

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

Níl

Bannon, James.
 Behan, Joe.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Hayes, Brian.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 McCormack, Pádraic.
 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.
 Perry, John.
 Quinn, Ruairí.
 Reilly, James.
 Ring, Michael.
 Sheahan, Tom.
 Sheehan, P.J.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

Deputy Richard Bruton: I should like to inquire about the national assets management agency, NAMA. We are now seven months on from the introduction of a guarantee and the same boards are in all the banks and the Central Bank. We have the same boards in the Financial Regulator and effectively in the Department of Finance and in the Government. They have hatched this proposal where the taxpayer's neck is being put on the line to deal with the banking crisis. There is an enormous number of questions to be asked and addressed by this House.

11 o'clock

An Ceann Comhairle: The question must relate to the legislation.

Deputy Richard Bruton: The Minister has indicated that he will establish this agency on an interim basis without reference to the House. That is unacceptable and I would ask him whether he will prepare heads of legislation in the coming weeks, as we were told. We were told last week that the entire legislation would be in place before the summer. However, if he is going to produce the heads, will he, in accordance with accepted precedent, present them to the Joint Committee on Finance and the Public Service so that there can be a proper input by the Oireachtas into the shape of the Bill before either the interim board or the system is bedded down? Out of respect to taxpayers and their representatives he should provide for that.

With regard to the forthcoming Finance Bill, the Taoiseach yesterday said the Government had taken €8 billion out of the deficit. He omitted to say that €6 billion of that had come from extra taxes that ordinary families will have to pay. Tomorrow we will have the extraordinary situation whereby a person on €36,000, an average industrial wage, will be paying tax at the rate of 51%.

An Ceann Comhairle: We cannot go into that. The Deputy must ask about the legislation.

Deputy Richard Bruton: When will we see the publication of the Finance Bill?

Deputy Joan Burton: On the issue of the proposed NAMA, I have asked the Minister before whether he can facilitate a detailed debate in this House about what is being proposed. We are now told that there is to be a shadow NAMA authority and board appointed. There will be no opportunity for scrutiny of this board. The Minister also promised legislation in regard to a Labour Party proposal of a commission to supervise and have oversight of the whole banking and regulatory system in this time of terrible national economic crisis. It is extraordinarily difficult for people in Opposition who have legitimate concerns for the country to get any information or briefing from any of the four principal agencies, the Department of Finance, the Financial Regulator, the Central Bank and the NTMA, so that we are left to follow events through leaks to the newspaper.

I understand, for instance, that the debts are to stay in the banks, in a bad debts division——

An Ceann Comhairle: We cannot have a financial debate now, unfortunately.

Deputy Joan Burton: ——and NAMA is simply to be a co-ordinating mechanism.

An Ceann Comhairle: The Deputy can only ask about the legislation, as she well knows.

Deputy Joan Burton: How do we ascertain the Minister's proposals regarding the membership of the shadow board? I have said before that we do not want a HSE-type scenario for the NAMA, where a shadow structure is put in place——

An Ceann Comhairle: I shall ask the Minister to answer.

Deputy Joan Burton: —which subsequently is extraordinarily difficult to ever unwind, particularly on the bureaucratic front. Could the Minister outline his intentions to the House with regard to the various items of legislation on banking and finance that he has promised? What are the dates for these and when will we get sight of them? I agree with the proposal that the finance committee could be used for this purpose.

There are up to seven inquiries under way regarding various disclosures from the guarantee scheme, the Seanie FitzPatrick warehousing of loans——

An Ceann Comhairle: I have to deal with the legislation now. I cannot go into that.

Deputy Joan Burton: The point is Anglo Irish Bank has been nationalised for nearly three months.

An Ceann Comhairle: That is the end of it. I shall now call on the Minister to reply.

Deputy Brian Lenihan: Deputy Bruton raised the question about the changes in the Irish banking system and their management. He suggested there had been no change in the banking sector in Ireland, whatever about the Government. The position is that of the 12 chairmen and chief executives of the institutions guaranteed last September, seven of them no longer occupy the positions they held at that time. That is a substantial degree of change in the senior management of the Irish banking system.

With regard to taxation, the position is that——

Deputy Richard Bruton: I said “boards”, if the Minister would listen.

Deputy Brian Lenihan: It is the position that of the 12 chairmen and chief executives of the guaranteed institutions, seven have departed since last September.

Deputy Joan Burton: More spin.

(Interruptions).

Deputy Brian Lenihan: On the question of taxation——

Deputy Michael Ring: Give us facts.

Deputy Brian Lenihan: Facts are facts, Deputy. On the issue of taxation——

A Deputy: The Minister cannot recognise the truth when he sees it.

An Ceann Comhairle: Questions were asked and I have asked the Minister for Finance to reply. The Minister listened to the questions in respectful silence and all I am asking is that he be afforded the same courtesy.

Deputy James Reilly: He wants to answer a different question.

Deputy Brian Lenihan: With regard to the four budgetary adjustments that have taken place in the last year, the position is that this has had the result of reducing a potential deficit of 15% of our annual wealth to 10.5%. I should tell Deputy Bruton that this is a substantial fiscal achievement and it was secured in relation to expenditure as well as taxation.

I will now turn to the other issues raised. The suggestion the heads of the NAMA Bill should be circulated to the Joint Oireachtas Committee on Finance and the Public Service in advance

of the publication of the legislation is an excellent one. I will see whether it can be facilitated. I will communicate further with Deputies Bruton and Burton on that.

Legislation to establish and govern the operation of the national asset management agency 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 agency. I am considering the establishment of the agency on a non-statutory interim basis with a view to undertaking the initial scoping work required. This will include work on the assessment of the human resource requirements and potential recruitment process. I will bring proposals to Government in that regard.

On the question of the Central Bank commission and proposals to reform the regulatory system, I outlined details of this in my Budget Statement and would be happy to facilitate whatever discussion Deputies can agree at the Joint Oireachtas Committee on Finance and the Public Service in that regard. It is important we try to secure all-party agreement on the nature of the regulatory reforms.

Sir Andrew Large has been retained to advise on the recruitment process for a new regulator who will be in place before the reform process takes place. It is important that discussion takes place at the Joint Oireachtas Committee on Finance and the Public Service.

Deputy Michael Ring: Some months ago the Taoiseach announced legislation on the “Nine o’clock news” in regard to regulating Independent Members, in particular those elected as Independent Members but who subsequently join a party. We were told it was imminent. When will it come before the House?

I support my colleague, Deputy Devins’s, request. There should be a debate in the House on this very serious ’flu affecting the world. This country has Fianna Fáil pneumonia but the world has the ’flu. RTE and every radio programme are discussing it. The House should be told what the Government and the Department of Health and Children are doing because old people are worried about their health and I would like a debate on it immediately.

An Ceann Comhairle: Everybody is worried about their health. We will have to ask the Whips to deal with that. I call the Minister for Finance on amendments to the electoral law.

Deputy Brian Lenihan: I will have to communicate with the Deputy on the amendment to which he referred. It should be possible to do this with speed.

Deputy James Reilly: What plans are in place to deal with the swine ’flu?

An Ceann Comhairle: Does Deputy Reilly understand Standing Orders?

Deputy James Reilly: Yes.

An Ceann Comhairle: In those circumstances, will he find another way to raise this matter? He has often found other ways to raise matters.

Deputy James Reilly: A Bill is promised.

An Ceann Comhairle: I am not closing down the discussion but there are ways to raise this matter. I know the Deputy is well aware of that.

Deputy James Reilly: I thank the Ceann Comhairle for the advice.

An Ceann Comhairle: It is even possible to talk about it today but there are other ways of doing so.

Deputy Michael Ring: Deputy Reilly is after giving the Ceann Comhairle the injection.

Deputy James Reilly: I refer to the public health Bill. I have been told we have a plan in place yet there is only one doctor out of hours in the whole country. There is one doctor per 250,000 people in the UK. We have a plan but like all the other plans in health, we do not have the personnel to carry it out.

An Ceann Comhairle: We cannot discuss that now. There are other ways to raise it.

Deputy James Reilly: We have been told the 'flu will be here next week.

An Ceann Comhairle: Unfortunately, the Deputy is out of order. There are other ways to raise this matter.

Deputy James Reilly: I do not want to panic people——

An Ceann Comhairle: I do not either. I can assure the Deputy there are ways to raise this matter. I strongly advise him to adhere to the Standing Orders and find other ways to raise it.

Deputy James Reilly: I want people to be reassured that the plans we have are workable because the personnel are in place to make them work.

Deputy Bernard J. Durkan: My questions are on promised legislation notwithstanding the limited number of Ministers who attend the Order of Business. What is the position in regard to legislation, No. 11 on the list, to give effect to the Government decision to increase to €100,000, with effect from 20 September, the protection for depositors with banks and building societies and to extend it to credit unions? Have the heads of the Bill been agreed? When will it be published?

I refer to another Bill which might encourage participation from all Government parties. The purpose of this Bill, No. 66 on the list, is to transfer ministerial responsibility for building societies from the Minister for the Environment, Heritage and Local Government to the Minister for Finance, who will be anxious to know about it, and to provide for various other urgent miscellaneous amendments to financial services law. Have the heads of that Bill been agreed? Is it deemed urgent?

Deputy Brian Lenihan: The heads of the financial services (deposit guarantee scheme) Bill were approved by Cabinet this week and it will be published in a matter of weeks. The delay in regard to the publication of this legislation was occasioned by the fact the EU decided to draw up a directive in this area and we had to revise the Bill in light of our obligations under the directive.

The draft heads of the financial services (miscellaneous provisions) Bill, which transfers responsibility for building societies from the Minister for the Environment, Heritage and Local Government to the Minister for Finance, are near completion and it is expected to be published this year.

Deputy Bernard J. Durkan: Perhaps the Minister for the Environment, Heritage and Local Government will come into the House.

Deputy Kieran O'Donnell: Some 450 workers in Dell will lose their jobs today. What measures does the Minister propose to bring before the House——

An Ceann Comhairle: That is not in order.

Deputy Kieran O'Donnell: I refer to legislation.

An Ceann Comhairle: As serious as the matter is, I cannot——

Deputy Kieran O'Donnell: I refer to the European global adjustment fund of €500 million. Will secondary legislation or a supplementary budget be required to provide the matching Government funding? When will that happen?

An Ceann Comhairle: We cannot deal with secondary legislation on the Order of Business.

Deputy Kieran O'Donnell: I have tabled the matter for the Adjournment today. I am looking for alternative routes.

An Ceann Comhairle: The Deputy should table it for the Adjournment.

Deputy Kieran O'Donnell: I thank the Ceann Comhairle.

Deputy James Bannon: Once again, in the spirit of concern for our national heritage which does not seem to be a priority of this Government——

Deputy Noel Dempsey: We will preserve Deputy Bannon.

Deputy James Bannon: ——I seek clarification on a Bill to protect our unique past and boost our tourism industry. Will the Minister give me a positive indication on when the national cultural institutions Bill will be published?

Deputy Brian Lenihan: The Bill proposes to amalgamate the National Gallery of Ireland, the Irish Museum of Modern Art and the Crawford Gallery and to merge the National Archives, the Manuscripts Commission and the National Library. However, it is not possible to indicate a publication date at this stage.

An Ceann Comhairle: If that does not protect our unique past, I do not know what will.

Deputy Joanna Tuffy: There was a report in a newspaper recently that an official from the Department of the Environment, Heritage and Local Government said there would be a planning Bill 2009, that there was a need to prevent excessive rezonings or rezonings in poorly located areas because the Government could not resource that anymore and that we need to stop urban sprawl. Our economic crisis has been largely caused by land speculation and excessive rezonings. Will that Bill be passed any time soon?

Deputy Brian Lenihan: It is expected to be published this session.

Deputy Liz McManus: The Minister for Finance said the national asset management agency legislation would be introduced in the summer legislative session. That can extend to the end of September.

Deputy Brian Lenihan: It cannot.

Deputy Liz McManus: I have raised questions on this many times and I have always been told the full period extends to the end of September. I want reassurance that the legislation will be introduced and dealt with before we rise for the summer. At the recent Fianna Fáil Ard-Fheis, legislation on accountability in referendum campaigns, in respect of funding and the resource requirement, was promised. Will it be introduced and completed before a further referendum?

Deputy Brian Lenihan: I understand the referendum legislation will be taken this session. There is a commitment to introduce the NAMA legislation in this session.

Deputy Liz McManus: That does not necessarily mean it will be completed. Does that mean before we rise?

Deputy Brian Lenihan: Yes.

Deputy Frank Feighan: There is much worry and confusion over the proposed introduction of third level fees. When does the Minister for Finance expect the Student Support Bill to return to the House? Will there be any amendments to that Bill?

Deputy Brian Lenihan: I understand the legislation is in committee and that the Minister proposes to introduce further amendments.

Treaty of Amsterdam: Referral to Joint Committee.

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

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

a proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office,

a copy of which proposed measure was laid before Dáil Éireann on 18th March, 2009, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 21st May, 2009, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Social Welfare and Pensions Bill 2009, changed from the Social Welfare Bill 2009, without amendment.

Criminal Justice (Surveillance) Bill 2009: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): When this debate concluded last night, I was responding to the fine contribution that had been made by Deputy O'Dowd. I emphasised my agreement with many of the points he had made. Today, I

am happy to restate my full backing for this Bill. In essence, we all agree with it. The main purpose of the Bill is to regulate the law and the present practices of the Garda Síochána, the Defence Forces and the Revenue Commissioners relating to the secret surveillance of suspects. It is a sad reflection on the development of society that we have to provide for the secret surveillance of suspects. If it is deemed necessary, however, it is appropriate that there should be a good and strong legislative basis for it. This legislation provides such a basis. Secret surveillance operations can produce valuable intelligence material, not only when serious crimes and subversive activities are being planned but also when offences are being committed and after they have been committed. Last night, I outlined some of the reasons it is appropriate to make statutory provision for such operations.

This Bill will put in place a system whereby the use of surveillance devices during security operations can be authorised and approved. This legislation is good because it specifies the requirements that must be observed by the various State agencies when they are using such devices. An authorisation may be issued on foot of an application to a District Court judge. On the basis of the evidence presented to the court by a superior officer of the Garda Síochána, the Defence Forces or the Revenue Commissioners, the judge must be satisfied that the proposed surveillance is necessary and uses the least intrusive method available. While a judicial authorisation will be generally required before surveillance can take place, the reality is that the exigencies of an individual situation frequently mean that it is not possible to go to court. Under the terms of the two general exceptions provided for in the Bill, surveillance may be carried out with the approval of a superior officer. This good and well drafted Bill sets out the specific circumstances in which such a departure from the norm may be permitted.

We all understand that in circumstances of exceptional urgency, it may simply not be possible to get court authorisation. Every reasonable person will accept that if there is an immediate risk of a person evading justice, committing an offence or destroying information or evidence relating to a crime, exceptional circumstances can be said to exist. In such instances, a senior officer of the Garda Síochána, the Defence Forces or the Revenue Commissioners must be satisfied that the proposed surveillance is necessary and uses the least intrusive method available. There is a strict time limit of 72 hours for the use of approved surveillance. If the surveillance is to continue beyond that period, authorisation must be sought from a judge within the 72 hours in question. This is a prudent measure. In such circumstances, the senior officer who approved the surveillance will be required under this legislation to make a report to a more senior officer — an assistant commissioner, a general officer or an assistant secretary — on all aspects of the approval. The report will summarise the surveillance that was conducted. The other set of circumstances in which an approval, rather than an authorisation, will be required will be when tracking devices are used to provide information on the location of a person, place or thing. The safeguards that are provided for in this Bill are proportionate. They offer the necessary balance between privacy rights and the protection of national security.

One of the most important features of this Bill is the section that sets out the qualifying criteria which must be fulfilled before surveillance may be used. It underscores the fact that secret surveillance is only permitted where serious crime is involved and the interference with privacy is proportionate. Those criteria must be taken into consideration in cases of judicial and non-judicial authorisation. In that context, I would like to refer briefly to a recent unpleasant personal experience. I was present at the scene of a crime that was carried out by masked individuals who could not possibly be identified by gardaí at the scene. I understand that surveillance material on these individuals was available from a place in which they had committed another crime, in the lead-up to the second crime. It seems to me that it is important to ensure that members of the Garda are not frustrated by excessive regulation. I recall speak-

[Deputy Dick Roche.]

ing about the viciousness of the crime I witnessed. I referred particularly to the manner in which some of the young women who were working where the crime took place were treated.

Deputy Costello agreed with me last night when I said there is something extraordinarily vicious and almost inhumane about the crimes carried out by gangs. Members of the Garda have told me it is frustrating to have to fight crime with one hand tied behind their backs. The surveillance arrangements we are providing for will help to liberate the Garda, while offering specific protections to prevent future abuses. It is good and prudent that proper records will have to be kept of the details of approvals and operations and that complaints procedures are being provided for.

If a breach of the operation of the legislation takes place, it is right that the relevant authorisation or approval may be quashed and an order for compensation may be made. I am glad there will be judicial oversight of the use of the authorisation procedure and the conduct of autonomous emergency Garda operations. It is appropriate that a judge of the High Court will be appointed to keep this legislation under review and to report to the Taoiseach, who will ensure copies of such reports are laid before the Oireachtas.

As an aside, I wonder if our High Court judges should be so encumbered — perhaps we should find people outside the High Court to do these things. There are strict rules governing the storage and disclosure of material gathered from surveillance. If material is collected for one purpose, it is important that it should not be used for another. I have already mentioned that the Bill addresses crucial issues such as the disclosure of evidence and operations, to protect the integrity, effectiveness and security of Garda methods and operations.

Overall, the Minister has produced a fine Bill. The Garda Commissioner has advised him that a new approach is needed in light of the kind of serious crime the force has been dealing with over recent times. Deputy O'Dowd referred graphically last night to instances of gangland activity. Drug empires have been built. Threats have been made by subversive elements in our society. It can be difficult to get strong evidence against the godfathers of crime. This Bill provides a new approach and represents a change of policy. Up to now, it has not been the practice to use the results of secret surveillance in evidence. Quite rightly, the courts have been careful to avoid the use of such evidence. The balance has now been tipped to the point that this exceptional step needs to be taken. The availability of information, including aural recordings, about planning meetings, the context of such meetings, the individuals involved and the places discussed, could be of crucial importance in supporting criminal charges, particularly if direct evidence is weak or inconclusive or, as we have seen in recent times, there is a real and physical threat to decent citizens who would otherwise be available to provide evidence. This Bill is a necessary part of the ongoing fight against gangland activity and other serious crime. It should and will enjoy the support of all Members of this House and the other House. I wish the Minister and his Department well in processing the legislation.

Deputy Paul Connaughton: I would like to share time with Deputy Deenihan.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Paul Connaughton: Like previous speakers, I welcome this Bill. Fine Gael welcomes the introduction of measures to deal with some of society's most serious problems. Having listened to a good few Deputies speaking on this legislation, it appears that it is getting universal approval.

The most shocking statistic I have heard is that the perpetrators of just 12% of the fatal shootings that have taken place over the past 11 years have been brought to justice. It is obvious

that the efforts that have been made to apprehend such people have not been successful. The insidious intimidation of people in the heartlands of Dublin and Limerick is now spreading all over the country. Intimidation is a dreadful thing when it gets into people's minds. A ripple effect makes people afraid to trust even those who live beside them. We know about intimidation following the Troubles in Northern Ireland but the intimidation now is insidious and getting worse by the hour.

Like every other legislator here I believe in the rule of law, the book of evidence, the jury system and so on. The problem is that many involved in the sort of crime for which this legislation is intended successfully spread rumours saying they think someone rang the Garda Síochána confidential line, irrespective of whether anyone did. I hope that none of us will ever be subject to this kind of intimidation. We have a responsibility to protect people who are good, just and genuinely want to do well. They are to be found everywhere, even in the heart of gangland slums. We do not give enough time in this House to the psychology used in those areas to frighten the living daylights out of people. People saw on television the person in Limerick giving the fingers to everybody. He was a young fellow whose name I forget but I will never forget that image, which said that as far as he and his friends are concerned, they care for nobody.

Any interference with the jury system is very serious because we are proud of that system and most of the time it works very well. Once the people at whom this legislation is aimed cross the line in the sand we must do much more than is contained in this Bill. I agree entirely with the contents of the Bill but the minute we talk about bugging devices and so on we can rest assured that the people on whom they will be used will use the same system or a more sophisticated one to block those devices. The thugs have the money and are able to pay for the brains. They would not do it themselves. They are going through the legislation line by line, as we speak. They might not be able to defeat it legally, or at least I hope not. I hope the legislation will hold up. I am not a legal expert so I can only believe what I am told in that regard.

It is right that the Garda, the Defence Forces and the Revenue Commissioners should be able to do these things now because we have a serious problem. They will, for instance, be able to break into houses or other buildings and put in all sorts of state-of-the-art bugging devices. It is possible that the flower pot will have a bug in it and the bed post might have one.

An Ceann Comhairle: I hope that will be the only pot with one.

Deputy Paul Connaughton: The James Bond films will be nothing compared with what those guys get up to when they get going. We need to ensure that we can instill confidence in the public that the Government and the establishment of law and order will prevail. I know they will but many people are disconnected. One would want to be very naive to believe, for example, that a witness protection programme in any state could really protect one because all the people involved in a crime know where the witness is placed, no matter what name he or she is given.

This Bill will help but it will not change what is happening because the problem was allowed go too far. We know that there is a major disconnect among people in many housing estates. People do not like to say so publically but there are many areas outside the bad areas of Dublin, Limerick and other cities which the gardaí are not allowed to enter. That is a bad start. Whatever went wrong with the way the Garda management conducts its business, under Government direction, over the past ten or 12 years the concept of the community garda was forgotten. If we do not get information about what is happening on the ground in the best and worst areas we will not have it when we need it most.

[Deputy Paul Connaughton.]

Even the worst criminals start small and continue if they get away with anti-social behaviour and so on. I appreciate that many of them come from broken homes where their parents could not care less whether they are in jail or go to school. That is a serious problem for society. Even with the major cutbacks that we must endure over the next few years there should be no reduction in the local activity of the Garda and the intelligence they can gather at community level. As soon as the Garda payroll is cut the problems start. I have never seen a crime being solved or information gathered from a squad car, it is always done on a personal basis by the community garda. Vicious crimes are a different matter. I started my career as a youth officer and I fully appreciate, as most Members do, that the trouble starts at that level but we cannot wait for the evolution of today's youth. While we must work with them we have to take on the other guys now in every shape and form.

I thank the Oireachtas Library for the Bills Digest which provides an excellent resumé of many parts of this Bill that I do not have time to go through. It is an excellent document.

The Bill strikes the balance between the right of the individual and the right of the public to go about its daily business in the community.

I wish to refer to the problem of intimidation. The current backdrop to this country reminds me of Seán O'Casey's play "The Shadow of a Gunman". There are so many people, particularly those connected with the drugs trade, who genuinely believe that if they are ruthless in intimidating all around them and act as armchair generals, they can make people do the dirty work for them, and they will become immensely rich. There is no doubt the drug culture is at the centre of all this. The average age of those involved in the drugs trade has fallen significantly over the years. Many of them in so-called influential positions, who are pulling the strings, are in their early twenties. It is chilling to think of what they are capable of doing. A few years ago, it used to be said that at least those involved were 15 or 20 years older and that they tended not be as austere, harsh or ruthless as the people who are there now.

To take a typical case, a person may arrive in charge of a patch at a young age, from a poor background and with no social skills or education. Nonetheless, that person will have access to millions of euro, and one can imagine what such a person will do to keep control of his so-called kingdom. Against that background, the Bill seeks to allow the Garda Síochána to infiltrate those particular circles. We hope it will do so. It is important to be able to infiltrate these gangs, charge their members in court, obtain convictions and put them behind bars.

More importantly, it will send a signal to the community and to the public at large that if people engage in such activity, they will be caught. Given that only 12% of them were caught in the past 11 years, they can say it is worth their while because there is an almost 90% chance they will not do time in prison. Unless those figures are changed and we get better results, the problem will multiply. It will happen anywhere there is this sort of loot, which ordinary people cannot imagine. The Saturday night lottery win is nothing compared to what those guys are dealing with. Unless we can infiltrate that terrible circle we will be in for a woeful whirlwind over the next four or five years.

Deputy Jimmy Deenihan: I thank Deputy Connaughton for allowing me to use some of his time slot. Fine Gael has been calling for some time for such legislation. We think it is critical in the fight against crime and in recent years we have proposed a number of measures to aid conviction rates against criminals. A raft of legislation has been introduced in both Houses and there have been strong statements on how effective it will be, but I hope no loopholes will be found in this Bill. Deputy Connaughton referred to this but I hope the legislation has been well proofed so that criminals will not be able to avail of any loopholes.

Evidence garnered from the use of mobile phones will be critical when used in court. At present, gardaí can listen in to such conversations and gather information but it cannot be used to obtain a conviction. That is what it comes down to. According to available statistics, only 12% of the 171 shootings that have taken place in the past decade have resulted in convictions. That is a very poor result. Additional resources will have to be made available for the Office of the Director of Public Prosecutions and the Garda national surveillance unit to ensure the effectiveness of the Bill when enacted. Fine Gael has been calling for some time for the establishment of a DNA database, which has been discussed in committee. There should be a European database and the sooner one is introduced, the better.

I wish to refer to what is happening in Limerick in particular. The Bill is a response to gangland crime in Limerick and Dublin, but more so in Limerick, given what has happened recently, including murder and the intimidation of witnesses and other innocent people. Unfortunately, this is no longer a Limerick problem because the Limerick gangs and their associates have developed vast networks all over the region. I am particularly aware of this since I live in the neighbouring county of Kerry. These gangs are now developing their networks from Tralee northwards through Listowel, into west Limerick, Abbeyfeale, Glin and other places. It is only a matter of time before they are fighting for their own turf in those areas to defend the networks they have set up. If this is not curbed, we could have a regional problem, rather than a local one in Limerick. The situation is currently controlled by gangs and their associates in Limerick. Families have been mentioned in the city in this regard, but the problem is much bigger than those families because they do not have total control of the drugs trade there. People think it is all controlled by a few tightly-knit families, but it is even bigger than that. Obviously there are rich pickings and the movement of traffic in the Shannon Estuary provides an easily accessible point for the importation of drugs.

It is my duty as a politician to express my concern about what I see. In addition, I am receiving information from Garda sources on what is happening in towns such as Listowel and Tralee where there is a ready supply of drugs coming from Limerick city. There is major control by gangs in those areas, which is sophisticated and fairly well organised.

I welcome this Bill which we have been seeking for some time. I hope the necessary resources will be put in place to ensure its effectiveness. It is just another weapon in the fight against criminals who are really challenging democracy and the very stability of our country. This is one aspect upon which we can all unite in this House. We must take on these criminals, be they in Limerick, Dublin or elsewhere.

I welcome the Bill and urge its speedy enactment and implementation.

Deputy Joe Costello: I welcome the opportunity to contribute to the debate on this legislation. I acknowledge the fact that, in 2007, my colleague, Deputy Rabbitte, proposed a similar Private Members' Bill. To some extent, that is the context in which we are discussing this legislation.

As some of the advisers present will be aware, following the 2002 general election, Mr. Michael McDowell was appointed Minister for Justice, Equality and Law Reform and I served as Labour Party spokesperson on justice. During the former Minister's term in office, he introduced legislation on a serial basis and his Department resembled a factory producing legislation. The Minister was a flamboyant character who believed legislation, which he introduced almost weekly, would solve every problem. In 2004, following a gangland killing, he made the now famous remark that the murder was the sting of a dying wasp and he had gangland crime under control. That year marked a turning point in the sense that the character of drug addiction in Ireland changed from being largely heroin based to being largely cocaine based. Cocaine

[Deputy Joe Costello.]

has since bypassed heroin, the preferred drug in the capital city since 1970, as the drug of choice. After three decades of hard drug abuse, heroin distribution networks have spread throughout the country, especially to urban areas, and the problem is largely out of control.

Drugs and guns are widely available and form the backdrop to this legislation. The use and abuse of illicit substances and firearms causes gangland turf wars over profits with the result that gangland activity has become embedded in Irish criminal culture and previously *ad hoc* criminal activity has become organised. The largest seizure of gangland weaponry in the history of the State was made in September 2007 when 41 different weapons were seized in a single haul. The seizure followed a four month international investigation into the activities of leading Dublin and Limerick criminals. The firearms are believed to have been destined for crime gangs in both cities which had linked up. The operation involved police and customs services from the Republic of Ireland, Northern Ireland and the Netherlands. That is the position as regards guns.

Shortly before this seizure of firearms, the largest ever drugs haul in the history of the State, worth approximately €500 million, was made. Ireland has clearly become a marketplace for drug barons and, as an easy access point, has become a launching pad for the global distribution of drugs. The world market in drugs is large and lucrative. According to the United Nations, for example, the illegal drugs trade is a massive global industry with a highly sophisticated international supply chain. UN figures show that illegal drugs account for 8% of world trade and are worth more than the combined global market for textiles, clothing, iron and steel. The United Nations Office on Drugs and Crime estimates the global illicit drug market was worth \$400 billion in 2003. Of more than 200 million drug users worldwide, those using cannabis, marijuana, hashish — THC — accounted for the largest number, at 162 million users, while the numbers using amphetamines, methamphetamines and ecstasy is estimated at 35 million. The number of users of opiates — opium, morphine, heroin and synthetic opiates — is estimated to be 60 million, while some 30 million people use cocaine.

In 2007, the United Nations International Narcotics Control Board noted some emerging trends in its annual report, including the emergence of new drug smuggling routes into Europe, in particular, the practice of stockpiling and repackaging cocaine from South America in west Africa before it enters Europe. Ireland is one of the ports of call for the introduction of cocaine into the European market.

The report also noted the increased cultivation of coca bushes, from which cocaine is derived, in Peru and Bolivia as crop eradication programmes reduce production in Columbia. It noted a 17% increase in illicit opium poppy cultivation during 2007 in Afghanistan, the country which currently accounts for 93% of the global market in opiates. In light of the ongoing war in Afghanistan, it is incredible that the United States and other members of the international community involved in the war have not been able to curb the cultivation of opium. The sale of opium to the West is one of the reasons for the Taliban's success. It is ironic that profits generated from this activity are used to fund arms purchases for the Taliban.

The context in which the legislation has been introduced is, therefore, the growing drugs problem, both at an international level and domestically. I am well aware of how communities in my local area have been destroyed by drugs over the years. The Minister of State, Deputy John Curran, will be aware from his area that the use of drugs is a major contributory factor in anti-social behaviour and many other forms of serious criminality in our communities. The drugs problem has become embedded. For example, 75% of those who are sent to our overcrowded jails have drug problems. Moreover, the activities of the Garda are strongly focused on combating drugs because the profile of criminality has changed dramatically over the years.

It is essential that secret or covert surveillance becomes a major tool for law enforcement agencies in acquiring information which, under this legislation, they will be able to use as evidence in court to secure convictions. The purpose of the Bill is to facilitate this process by providing a statutory basis for the conduct of covert surveillance by law enforcement agencies not only in the area of justice, but also by the Defence Forces and Revenue Commissioners. It also provides a formal approval process with which the relevant agencies must comply if the subsequent surveillance is to be deemed legal. It introduces oversight and regulatory safeguards to try to preserve the confidentiality necessary for the successful use of surveillance and provides for the admissibility in criminal proceedings of covertly gathered information.

This legislation gives the authorities powers to plant bugging devices, enter premises and introduce tracking devices. Information gathered in this way may be used in court in the fight against crime. Law abiding citizens and the State must be protected from criminal and subversive threats. As I noted, the use of good policing and proper approaches in earlier years would have allowed us to address the issue sooner. The problem is now out of control and requires the introduction of new tools and mechanisms of this nature to protect citizens and the State. At the same time, the right of law abiding citizens to private enjoyment of their home without State interference and intrusion is paramount. Citizens' rights are strongly protected in the Constitution, which guarantees citizens' right to privacy and personal rights, and in domestic law since the incorporation in law of the European Convention of Human Rights in 2003.

Article 8 of the European Convention on Human Rights upholds very strongly the citizen's right to respect for private and family life, home and correspondence, without interference. The relevant section of Article 8 states everyone has the right to respect for his private and family life, home and correspondence, that there should be no interference by a public authority with the exercise of this right, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedoms of others. It is a comprehensive statement on the protection of the rights and privacy of the individual citizen.

12 o'clock

This Bill seeks to balance the intrusive nature of the activity envisaged in it and the trust in many of its provisions and provides safeguards to protect against abuse. For example, prior authorisation for surveillance by a District Court is required and this measure is welcome. Authorisation is provided for a three month basis and a longer period requires a fresh application, all of which is proper and correct. Secure storage of the data and authorised access is required to access that data, which is designed to protect privacy and the other rights of the person involved.

The complaints mechanism to be put in place for citizens and compensation of €5,000 and/or a referral to the Garda Ombudsman Commission where contravention of the surveillance powers occur are provided for and are appropriate. The appointment of a High Court judge is envisaged to oversee the operation of the Bill and make regular reports to the Minister which will be presented on the floor of this House. All such provisions are highly desirable.

However, there are two sections of the Bill which open the door to abuse regarding these new powers. Section 7 makes provision for a superior officer to give approval for surveillance for up to 72 hours without recourse to an application to the District Court. This provision is permitted where, for whatever reason, time is of the essence. It is fairly difficult to imagine a situation whereby an officer would not have access to the courts over a period of 72 hours, which is three full days. It is difficult to justify having a three day provision. A weekend, which is 48 hours, is one thing but 72 hours envisages not just a weekend but virtually half a week

[Deputy Joe Costello.]

where the courts would not be accessible. I would like the Minister to outline the justification for that period.

This proposal is something of a lazy officer's provision, and can be easily abused and used for what we often hear barristers in court call "fishing expeditions". Surveillance may not be required to the same degree or it may not be easy for the particular officer to stand up for evidence that would pass muster in the District Court before a judge to get such covert surveillance.

If one plans to interfere with a person's privacy and home, and trespass and use tracking or bugging devices it is very important the mechanisms in place are foolproof to ensure there is no abuse, because such evidence will subsequently be used in court. That is the intention. This is designed to provide flexibility, but the danger is this is the lazy officer's way out and will be abused.

Section 14, which is described in the explanatory memorandum as a core provision of the Bill, is very worrying. It provides for the admissibility of evidence which has been obtained by means of surveillance, even in circumstances where a law has been breached. We have seen how such issues come up in the courts and the amount of hassle and damage this can do to the process.

The explanatory memorandum, which puts the operation of this section in a stark fashion, states section 14 is a core provision of the Bill. That is a bad sign. It further states the section, "deals with the issue of admissibility of evidence in the narrow and very specific context of evidence obtained by means of surveillance", in other words, evidence obtained under the provisions of this Bill, and it goes on to state:

It provides that such evidence, notwithstanding any error or omission on the face of an authorisation or a written record of approval, or notwithstanding any failure by any member/officer to comply with a requirement of an authorisation or written record, is admissible in certain clearly defined circumstances as set out in the section.

It then drives the point home by stating, "In effect, this means that a breach of statute-based procedures or a failure to fulfil particular statutory requirements will not, of themselves, mean that the material in question must be excluded".

This is a dangerous provision to include in the Bill. It is too wide, general and open to question, and is also too open to abuse. If an officer knows, as a last resort, that he or she will be able to present evidence in court, even if they breach the law or authorisation they are given, or do not comply with what they are obliged to do by law, they can proceed as though they had not breached it.

I am concerned about the broad nature of section 14. It seems to be an open-ended invitation for the relevant authorities engaged in the investigation to take shortcuts and become lax in their procedures. If there is facility to do that it will happen and, as time goes by, the procedures will become looser and looser, there will be more breaches of them and the entirety of the legislation will be thrown into disrepute. There will be costly wrangles in the courts. These two areas require tightening up, otherwise I envision a situation whereby the Constitution will be breached, there will be constitutional cases, the European Convention on Human Rights will be infringed and people will go to European as well as domestic courts.

In recent times, we have become aware of the case of Mr. Ciaran Boylan, which I raised in this House and outside it. I understand the Leas-Cheann Comhairle raised it in 2006 and 2007. It is going on for as long as that. It demonstrates the manner in which a law enforcement

agency can go astray in its fight against crime and drag the component parts of the criminal justice system into a very unsavoury situation. The improper use of Mr. Boylan, a notorious drug dealer, by members of the Garda in their law enforcement capacity and activities, has embroiled the Director of Public Prosecutions, the courts, the Garda Síochána, the Garda Ombudsman Commission and even the Department of Transport.

If correct procedures were followed and the law was strictly observed, a convicted drug dealer would now not be in possession of an international haulage licence, which he is, and which facilitates the drug importation and possession of which he has already been convicted. Neither would he be free to walk the streets but would instead be serving a minimum sentence of ten years. It is very easy for the proper procedures to be breached, unless the regulations are very tight, even though the best intentions are laid down in law. The result is that the entire criminal justice system comes into disrepute.

Deputy Michael Kennedy: Tá áthas orm labhairt ar an Bhille tábhachtach seo. I welcome the opportunity to contribute on the topic of the new Criminal Justice (Surveillance) Bill.

As every Deputy in the House is aware, there is hardly a village in the country that has not been affected to some extent by drugs. I welcome the fact that all Deputies whose contributions I have heard, and, probably, all other Deputies, will support this Bill. It is one of the most important Bills that will have been passed for some time. I acknowledge the presence of the Minister of State, Deputy John Curran, and formally congratulate him on his re-election. While this Bill is sponsored by the Department of Justice, Equality and Law Reform, it deals with an issue that constitutes the biggest threat to our society at the moment, which is drugs. The Minister of State is playing an important role in introducing his new drugs and alcohol strategy, which we will all welcome.

Not since the 1970s and 1980s when we had the threat to the State from IRA activities have we had the need for special legislation to deal with a crisis such as this. There is nobody in Ireland who does not abhor the ruthless killing of criminals and also, unfortunately, innocent victims. As I go about my constituency canvassing with my local councillors and candidates, I can see that this Bill is very much in the public eye. People have commented on the necessity for it and they believe the detail of the Bill is needed to help gardaí in their important work. The Garda Síochána itself has been calling for it. Deputy Rabbitte mentioned yesterday that the Garda was not in favour of the provisions of this Bill. I do not think he really meant to say that because I know from speaking to the Garda Commissioner and from the gardaí in my own constituency that drugs are the biggest problem they face. The Garda Síochána wants to see this legislation enacted because it has not been able to get convictions due to lack of evidence and witness intimidation. If witnesses are intimidated they will feel less inclined to co-operate with gardaí because of the real threat to their lives and, unfortunately, to their families.

If we go back to the 1970s and 1980s, when the Special Criminal Court was brought in, we saw direct results whereby the courts were able to make convictions and take hardened terrorists off our streets. The peace process that followed was facilitated by our being able to deal with those people who, for a time, seemed to be able to go about with immunity, use arms and so on. The threat to our legal and courts system at the moment is of paramount importance. Deputy Connaughton referred to a young thug from Limerick who gave two fingers to gardaí, and to society, when leaving a court some years ago. The population at large is appalled to see such things. We do not expect that such people, whom I regard as scumbags, should be able to show disrespect for our court system. It is frustrating for the gardaí who have to deal with those individuals to see them walk out of court on some technicality or due to lack of evidence. Among the people I have spoken to, nobody wants to see such behaviour. Most genuine citizens

[Deputy Michael Kennedy.]

regard it as appalling that young pups can show such disregard for our gardaí and our legal systems.

Many speakers yesterday were from the two areas most affected by gangland crime, Limerick and Dublin. While my own constituency of Dublin North has not had the same number of killings, there have been some, and bodies have been dumped in the more rural parts. We must pay tribute to the efforts of the Garda up to now. Despite the problems of presenting concrete evidence in court and witnesses not being forthcoming, it has succeeded in achieving quite a number of successful prosecutions. We must commend it for that. Once this legislation is passed, the Garda will be able to bring criminals to court in a much faster and more efficient manner. The sooner we can take these evil monsters away from society, the better.

Surveillance equipment has been used abroad for quite some time. If one watches not only television programmes, but even foreign news programmes, one will frequently see how courts have dealt successfully with hardened criminals. It is regrettable that Ireland is at this stage, but it is the reality. We cannot live with the situation any longer; we must make hard decisions and give the Garda the necessary facilities to enable it to do its work. We expect our police to be one step ahead of criminals. It is ridiculous that people can avoid prosecution on technicalities and, in particular, that they can intimidate witnesses and question the evidence gardaí produce on frivolous grounds. Unfortunately, our court system must deal in hard facts. That is why this Bill is so necessary.

The sad fact one realises when reading court cases and so on is that often the evidence is not sufficient, in legal terms, to convict a person of a crime. Under the provisions of this Bill, where a crime has been committed and every knows it has been committed — such as a tiger kidnapping, robbery or shooting — and where we have good surveillance equipment, the Garda will be in a position to achieve a successful prosecution. To judge from the way surveillance was used in the 1970s and 1980s against subversives, this new law will be a success. The Garda Síochána wants the extra resources because it needs to deal with drug barons.

Another area in which I feel surveillance will help is among the known contacts of criminals. When speaking to gardaí in my own area of Dublin North, and when I attend neighbourhood watch meetings and meetings of the joint policing board, with which I am involved, the gardaí will often mention that they know certain people are attached to a recognised criminal. It is galling from their perspective that they cannot apprehend those individuals. This legislation will strengthen the role of the Garda by enabling it to put such contacts under surveillance. Regrettably, when the leader of a gang is killed, there is always a replacement to step into that person's shoes. If the Garda eliminates those contacts who are second in command and so on, this will help to remove the drug problem in our society. Surveillance is an effective means of achieving that.

There have been too many innocent victims of gangland violence. This society can no longer tolerate a situation where a law-abiding citizen such as Shane Geoghegan in Limerick, who happens to look like somebody else, is shot dead. We must do everything we can to reduce the number of such incidents. There is nothing that sickens people more than the murder of an innocent victim who happens to be in the wrong place at the wrong time.

The Garda must be given whatever support it requires to deal with tit-for-tat revenge killings. Members of the various rival gangs are known to the Garda but without hard evidence, no action can be taken against them. This legislation will enable gardaí to be more proactive in this regard. When a gangland member is killed, one can be almost certain that a member of the rival gang will be killed within days or weeks. I have no doubt the Bill will facilitate the Garda in pre-empting such retaliatory killings.

It was good to see so many young people in the Gallery earlier. Parents must be far more vigilant in monitoring where their teenagers are and what they are doing.

Deputy Jim O’Keeffe: They are safe enough in the Chamber.

Deputy Michael Kennedy: We would hope so. As I recall from my own experience, our society has always had a problem with underage drinking, although it may be worse now than ever before. What is different from the past is that drugs are now part of many young people’s lives. Much of this comes down to parental control and supervision. It is particularly regrettable that some young people who take drugs go on to become drug pushers and ultimately hoods who have no problem with carrying guns. Parents must bring their influence to bear on their children. The recent newspaper reports about the 14 year old in Limerick who was arrested wearing a bulletproof vest are indicative of the mindset of some young people. A 14 year old should be wearing his or her club colours or school uniform, not a bulletproof vest. It is reprehensible to discover there are teenagers wearing bulletproof vests and carrying firearms which they may be willing to use. Young people should be encouraged to become involved in sport and other youth activities within their communities. A teenager from Limerick should be thinking about the Munster rugby team or the Limerick hurling and football teams instead of who he or she intends to shoot or maim.

Communities must be proactive in terms of observing what is happening in their midst. For example, many drug barons live in apartments in urban areas from which they run their drugs empires. Local residents should be more observant of people who do not interact with them and whose activities are clearly suspicious. While neighbourhood watch schemes have always been used to counteract petty crime, they can also be useful in monitoring more serious issues such as drug dealing.

I read a newspaper report today which described how a well-known gang burgled several premises in Tipperary and Limerick yesterday. Following a high-speed chase, those involved were apprehended by gardaí in Limerick. Two vehicles were written off and there were three arrests. The gardaí were aware of the identity of these people but are constrained in the actions they can take against them. If the surveillance measures provided for in this legislation were in place, these individuals might already have been in prison instead of being free to ransack the countryside and put other motorists at risk. It is fortunate that they were apprehended and that neither of the gardaí involved in the car chase was injured, even though their car was written off. It is no longer acceptable that individuals who are known to the Garda are at liberty to go on a rampage of looting and shooting.

I read in recent days that the family of the late Roy Collins in Limerick are now receiving death threats, presumably from the same scumbag thugs who killed their loved one. This type of intimidation can no longer be tolerated. That is why tough legislation is required. I welcome the broad support for the Bill from most human rights groups. These little scumbag pups cannot be allowed to dictate to our society.

Earlier this week, a public meeting organised by residents of Dolphin House flats in Dolphin’s Barn to discuss drug dealing in the estate was disrupted when local gardaí received a telephone call stating that a bomb had been planted on the premises. Sure enough, a pipe bomb was found outside the building. The thugs operating in this estate are painting the names of community gardaí working in the area on walls and buildings. This Bill must be put in place as soon as possible so that such individuals can be brought to justice. The sooner these drug barons and all their accomplices are behind bars the better. Law-abiding people will welcome the introduction of this legislation.

Deputy Jim O’Keeffe: All law abiding citizens will support, in principle, legislation, as cited in the Long Title to the Bill, “to provide for surveillance in connection with the investigation of arrestable offences, the prevention of suspected arrestable offences and the safeguarding of the State against subversive and terrorist threats”. Everyone is in favour of the principle but my concern is that the devil may be in the detail. It is important, therefore, that the Bill navigate a passage among the restrictions and limitations in the fundamental rights articles of the Constitution, the European Convention on Human Rights — particularly Article 8 providing for the right to privacy — and the precedents laid down by Supreme Court decisions, particularly regarding the exclusionary rule. While I support the view that anything we can do to put drugs barons, crooks and criminals behind bars, it is important that it is done properly. My comments on the Bill are related to that concern because otherwise, convictions will be set aside and the criminals will not go to prison.

The Garda has always engaged in surveillance, and rightly so. Surveillance is a fundamental job of a police force. We constantly demand intelligence led policing and surveillance is a part of that. There is a national surveillance unit in the Garda Síochána. In analogy to the Hippocratic oath, in passing legislation we must first take care to do no harm. I hope the present surveillance operations will not be limited or reduced by the Bill.

Section 1 defines surveillance as the “monitoring, observing, listening to or making a recording of a particular person or group of persons or their movements, activities and communications“. That is probably what is taught to Garda recruits on their first day in Templemore. It is a basic part of the job of a garda and seems to make sense. However, section 3 states “a member of the Garda Síochána, a member of the Defence Forces or an officer of the Revenue Commissioners shall carry out surveillance only in accordance with a valid authorisation [that would be under section 4] or an approval granted in accordance with *section 7 or 8*”. That is clear and specific. Will normal surveillance will be stopped as a consequence of that very clear and specific section? I am worried about the framing of section 3 and I urge the experts in the Office of the Parliamentary Counsel and the Office of the Attorney General to have another look at it.

Other provisions in the Bill may get around what appears to be a blanket restriction on any surveillance, other than with an authorisation granted under sections 7 or 8, or a valid authorisation. Subsection 2(2) states: “Nothing in this Act shall render unlawful any activity that would otherwise be lawful“. This could be used as a general point. I do not know. There may be a saver in subsection 14(2), which states: “Nothing in this Act is to be construed as prejudicing the admissibility of information or material obtained otherwise than as a result of surveillance carried out under an authorisation or under an approval granted in accordance with *section 7 or 8*”.

One could argue that what seems clear and specific in section 3 could be got around. My main concern is that we may be creating a lawyers’ picnic here. We may find lawyers defending serious criminals and, while merely doing their job, using the provisions of the Bill to have certain evidence excluded from the court. I raise this matter not by way of criticism but in a genuine effort to point out a possible route around the provisions of the legislation which could cause severe havoc and damage to the normal Garda activities of surveillance and the giving of evidence. I suggest that this point be looked at carefully to see if a recasting or reframing of the Bill might be necessary.

Every law abiding citizen will be supportive of legislation which deals with the problem of serious crime. While the number of indictable offences — now referred to as headline offences — has not increased substantially, the violence component within the figures has increased. I had a major difference of opinion with a previous Minister for Justice, Equality and Law

Reform, the former Deputy Michael McDowell, on this point. A number of journalists also seem to think one should simply accept the figures as they are. When dealing with figures I operate on the basis that there are lies, damned lies and statistics. To get a picture of what is happening one must go behind the figures.

The serious violence component of the crime statistics has increased substantially.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Jim O’Keeffe: It is important that we accept this fact, in confronting the figures and in taking the necessary measures to deal with them. I recently tabled a parliamentary question requesting the number of murders recorded in the last ten years in which a firearm was used and the number which resulted in proceedings and convictions. The figures confirmed the point I am making. In the years 1998 to 2009, the number of murders recorded were four in 1998; 12 in 1999; 12 in 2000; nine in 2001; ten in 2002; 19 in 2003; eight in 2004; 22 in 2005; 26 in 2006; 18 in 2007; 21 in 2008; and 11 in 2009 to date. The conviction rate is very worrying. The conviction figures for the same period are: one in 1998; five in 1999; one in 2000; one in 2001; three in 2002; one in 2003; three in 2004; two in 2005; two in 2006; and none in 2007, 2008 or 2009. In those ten years, firearms were used in 172 murders resulting in 19 convictions.

There is something seriously wrong here.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Jim O’Keeffe: I know there are problems regarding evidence and so on. In any serious situation one will come up against problems. Our job is to try to find solutions. That means accepting there is a serious problem and being prepared to find a solution.

I would like a new examination of how we categorise crime. There should be some way to categorise violent crime and serious crime that is not just indictable crime carrying a penalty of more than five years. We need some way to make things clear so that the Members of this House, the Government of the day — I am not sure how long this one will last — and the public will be reminded of the extent of the problem and the need to confront it.

Another worrying development is the growth of regional enclaves. The Garda would object if I said these places were “no-go areas”, as it is an incorrect description. Where drug lords, crime barons and vicious criminals are the overlords in the area and hold sway to a considerable extent over the decent people in the community, we must sit up and take notice. Unfortunately, the town of Limerick, which is a capital as far as rugby is concerned, is also a byword for areas where these people have considerable sway. There are other parts of the country in a similar situation, including parts of this city. We must accept that these people are effectively outside the law. When I was young and I read stories about the wild west, such people were known as outlaws. These people today are outlaws as they do not respect the rule of law.

We are facing a huge threat to our society, and I do not think we have confronted it adequately. We must mobilise all our forces to do so. We did it when there was a threat from the IRA. That organisation was attempting to subvert the State and its institutions because it did not recognise its courts and so on. It was confronted and a common view was formed among most elected representatives at the time that it had to be confronted. A similar attitude must be taken to this problem, which means accepting that the threat is there and that there is no simple solution to it, but looking at the component parts of the solution. There is no simplistic way such as internment. I do not think it worked during the last period of subversion of the State and I do not think it will work this time. We must try to work within the rule of law, change the law as required and provide the resources as required. That is the only way.

[Deputy Jim O’Keeffe.]

We need to look at where we can improve the law, which includes serious consideration of this Bill, which I accept is an honest effort. However, there are many other areas to be examined. Why are we so dilatory and tardy in doing the things that everybody accepts should be done when it comes to law reform? DNA is a marvellous tool in the fight against crime, so why have we not got the database, the forensic laboratory or the legislation required? I do not want to hop political footballs, but we are constantly told that great work is being done and then we get the legislative programme every session, in which we are told that the legislation required is expected by Christmas. Is that Christmas 2009 or when? I have always taken an interest in this issue. I looked back over the legislative programme over the past few years and I found the criminal justice (DNA database) Bill, which was to provide for the establishment of a DNA database and was expected to be published in 2006. I know there are problems with recent legislation — there is also a case in the UK — but our job is to get over these problems and we must mobilise a much more urgent effort to overcome them.

The same issue arises regarding procedural reform. There are references to the Special Criminal Court. I do not know whether the use of the Special Criminal Court for gangland crime is the panacea that some people think it is. If it will provide an improvement, I am all for it. That court was mainly necessary due to the intimidation of jurors. The problem with gangland crime has not mainly been about intimidation of jurors, but rather intimidation of witnesses, although I am open to correction on this. If it will help, bring it on. If there are constitutional problems, as the Taoiseach hinted recently, then we should hear about them so we can find a solution to them. We have a committee dealing with the Constitution and if there are problems, this is a useful forum in which we can confront them and find a solution. Let us not just be broadly hinting at and talking about a solution. If the Special Criminal Court is part of the solution, then let us agree on it. If there are problems, let us overcome them.

I have also been in favour of electronic tagging. I can recall some interesting discussions about this, including discussions with the current Leas-Cheann Comhairle when he talked about the technical difficulties at the time. There are technical difficulties in dealing with electronic tagging, but they have been overcome in other countries. Ultimately, we succeeded in getting legislative provision for electronic tagging, but where are the electronic tags? We must have invisible electronic tags. Putting the legislation in place is only half the job. If there are technical problems, then we should overcome them as was done in other countries. Why have we not overcome them? Let us have the complete package and let us put it into operation.

I know that the country is half bankrupt from the activities of Fianna Fáil for the last ten years, but——

Deputy Bernard J. Durkan: That is criminal as well.

Deputy Jim O’Keeffe: I am not yet recommending electronic tags for them, although now that I have put the thought in my mind, I will have to reflect on it. I know there are limitations on resources, but if there are difficulties, then we should redirect resources from areas of lower priority. I understand that there are difficulties in the office of the DPP and that we are putting pressure on that office to get more of these people behind bars. We must go through the proper processes and court procedures, so the DPP must be given the appropriate resources, if necessary by redirection from some other less important area.

An Leas-Cheann Comhairle: Alas, the Deputy has but one minute left.

Deputy Jim O’Keeffe: I thank the Leas-Cheann Comhairle.

The same thing should apply to the database laboratory. Let us give this whole area the priority it deserves and needs from the Executive and the Department of Justice, Equality and Law Reform. This House should also give it priority in terms of resources and there should be a common view to mobilise these resources to ensure that the curse that has befallen parts of our major towns and cities in this country is lifted. We must ensure that those who have blighted those areas are deservedly put behind bars.

Deputy Seán Connick: I would like to start by offering my congratulations to Deputy Dara Calleary on his appointment as Minister of State. I wish him well in his new role and I am sure he will do us proud.

The surveillance of criminals is one of the cornerstones of good police work. The recent increase in gangland crime and the renewal of terrorist activity has tested the ability of the Garda Síochána to ensure a safe and secure society. I listened with interest to the contributions of my colleagues on the other side of the House. Deputy Durkan is not behind the door on the Order of Business every morning in reminding us of our shortcomings as regards the number of Bills being presented. I commend him on his ongoing efforts. We are bringing forward a number of Bills and I am sure he will be gracious enough to acknowledge this and that we are doing our best to move forward these Bills to create a fairer and better society.

The past few years have seen significant advances in the range of surveillance equipment available to the police forces and intelligence agencies internationally. Many of these advances are as a result of the reaction of the United States to the terrorist actions perpetrated on 11 September 2001, and since then billions of euro have been spent world-wide by governments in an effort to increase the capabilities of surveillance equipment.

The Joint Committee on Justice, Equality, Defence and Women's Rights heard a very interesting presentation this morning about European expenditure on security. The debate on security issues can be difficult as many people regard security as a dirty business, but it does not have to be like that. The biggest aspect of security is the protection of the citizen and the State. There are growing job opportunities in the continuing development of the security industry here in Ireland. I would prefer to see an informed rather than a reactionary debate on security. The European Union has a large budget and continues to invest heavily in the security of the Union. This may present an opportunity for Ireland to get its slice of the pie in terms of shared ideas and expertise both from the agricultural sector and as a result of our experience with the Troubles in the North and how the peace process was dealt with. There are many areas in which Ireland could contribute to the debate on global and European security.

I note the increased sharing of information in recent weeks and days with regard to the pandemic. It is accepted now that a swine flu pandemic is inevitable. I understand it is as a result of the high level of security both in the United States and in the EU that we are in a position to react quickly to the threat. Security is not always about the bad things but rather it is also about many good things. I acknowledge abuses can occur but it is hoped that security will be put in place to prevent such abuses occurring. We should seek out the opportunities for Ireland in this sector such as job creation and the development of the industry.

In Ireland, the range of surveillance equipment available to the Garda Síochána has also greatly improved over that time and the Garda national surveillance unit has proven particularly effective in the use of this equipment. Some of the most important victories against organised crime in Ireland in recent years, such as the arrest of leading criminals and large drug seizures, have come about because of the use of electronic surveillance, especially the monitoring of mobile phones. However, until now the Garda Síochána has been able to use evidence gathered in this manner only as intelligence and an aid to preventing or investigating

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crime and has not been able to present in court the evidence gathered through electronic surveillance. The previous speaker alluded to the fact that we have had many gangland killings. Almost 172 people have been killed but there have been only 19 convictions. We all know the Sunday newspaper that will tell us within days or hours the names and identities of the individuals who have perpetrated these crimes. We must ensure our courts are active and this Bill will give us the opportunity to pursue these individuals and ensure they do not get away nor have the freedom they have enjoyed in recent years. If they commit crime they should do the time.

The Criminal Justice (Surveillance) Bill is a significant advance in the fight against subversion and organised crime. For the first time it will give a legal basis for the administration of electronic surveillance by the Garda Síochána, the Revenue Commissioners and the Defence Forces and it will provide a legal standing to allow the Garda Síochána to present evidence in court gathered through electronic surveillance. This Bill will allow Ireland follow the example of many other western countries, including many other EU member countries, in using electronic surveillance to convict criminals in court. Similar legislation has been in operation in the United States for decades and has proven extremely effective in convicting major players in organised crime in that country. Many other countries such as Britain, Australia, Sweden and Norway, have similar legislation on their Statute Books.

The publication of this Bill has my strong support and I believe the widespread support it has received and the speed with which this House is debating it show a recognition that it is important to have this Bill enacted as soon as possible. As far back as 1998, the Law Reform Commission called for the introduction of a “flexible, workable system of authorisations” for the surveillance of criminals. The LRC said at the time that the enforcement of law would be prejudiced if the Garda Síochána did not have a strong legal basis for surveillance.

The Criminal Justice (Surveillance) Bill gives this legal basis to the Garda Síochána and strikes a fine balance between the rights of an individual to privacy and the needs of the Garda Síochána to use every legal means at its disposal to combat organised crime. In a court case in 1987, the then President of the High Court, Mr. Justice Liam Hamilton, said that the right to privacy “. . . is not an unqualified right. Its exercise may be restricted by the constitutional rights of others, or by the requirement of the common good, and is subject to the requirements of public order. This Bill is a recognition of both the right to privacy of individuals as well as the requirements of the common good. There is nothing contained in this Bill which would pose a threat to the right to privacy of any law-abiding citizen.

A number of years ago the European Commission on Human Rights found that the use of listening devices was not legally binding and could not be used as evidence if there was not a statutory basis for their use. When this Bill is enacted we will now have that statutory basis for their use in Ireland. This Bill provides the means to allow the Garda Síochána to secure evidence that is constitutional.

One aspect of the Bill I welcome is that it sets out a detailed process for the Garda Síochána, the Defence Forces and the Revenue Commissioners to gather electronic surveillance in a legal manner which can be used as evidence in court. Authorisation must be granted for surveillance and the person granting it must be satisfied that the surveillance is justified. The authorisation for surveillance will be normally granted by a District Court judge except in circumstances of extreme urgency. In cases of extreme urgency, a senior officer of the Garda Síochána, the Defence Forces or the Revenue Commissioners, can grant an authorisation where he or she is satisfied that all the requirements necessary for authorisation by a judge are fulfilled, that authorisation would be granted by a judge and that the circumstances are urgent, such as the danger that a suspect would abscond or commit a crime or that evidence would be lost. The

time factor is critical. In cases where an authorisation is granted because of extreme urgency, this authorisation will last for a maximum of 72 hours after which authorisation must be obtained from a judge if the surveillance is to continue. The extreme urgency mechanism is important and I am glad it has been included in the Bill. Many other jurisdictions, including Britain, have allowances made for extreme urgency in their legislation. In Britain, authorisation from a sitting judge is required unless it is not “reasonably practicable” and in Sweden, where surveillance requires a licence but an exemption is given in urgent cases.

I previously referred to the right to privacy of an individual citizen. This Bill contains a number of safeguards to protect individuals from undue investigations into their private affairs. The Bill allows for the appointment of a referee who will have the power to investigate the operation of the surveillance measures contained in the Bill if an individual believes he or she is the subject of surveillance. If the referee is of the view there has been a “relevant contravention” of the terms of the Bill, he has the power to rescind the authorisation for surveillance, have the evidence destroyed, award a compensatory payment of up to €5,000 or have the matter referred to the Garda Ombudsman or to the Ministers for Defence or Finance.

The Bill also gives a range of powers to the referee to ensure that his or her position cannot be used by an individual to discover whether he or she is actually the subject of a surveillance operation. When the referee investigates a complaint which he or she finds to be unfounded, he or she will inform the complainant that there has been no breach of the provisions of the Bill in his or her case. This simply informs the complainant that he or she is not the subject of surveillance which contravenes the Bill. It does not actually say whether he or she is the subject of surveillance. Even in cases where the referee finds that surveillance is in contravention of the Bill, the referee has an obligation not to inform the complainant if he or she is of the opinion it would not be in the public interest to do so.

The Bill effectively puts the public interest above the rights of the complainant. These safeguards are important, because without them a criminal could use the position of the referee to discover whether a surveillance operation is taking place and this would undermine the workings of the surveillance. A further protection afforded under this Bill is the appointment of a High Court judge who will monitor the implementation of this Bill and act in a supervisory capacity. This judge will report directly to the Taoiseach at least once a year on the operation of the Bill and his or her reports will help to guide Government policy in the future.

Another aspect of the Bill to be welcomed is that the admissibility of evidence in court is clearly legislated for. The result of this Bill will be that evidence gathered through electronic surveillance will be admissible in Irish courts for the first time and the procedures outlined in the Bill will ensure the legality of this evidence. Evidence obtained through electronic surveillance will be admissible if it has been obtained as the result of an authorisation for surveillance. The Bill also allows evidence to be admissible even in cases where there was an error in the documents relating to the surveillance if the error was inadvertent and the evidence would serve the interests of justice. Evidence can also be admissible even when the officer carrying out the surveillance failed to comply with all the requirements of the authorisation if the officer acted in good faith, the failure was inadvertent and the evidence would serve the interests of justice. These sections of the Bill close off some very important loopholes which could have jeopardised an important investigation and allowed a major criminal figure to walk free from court due to a small technicality.

The Criminal Justice (Surveillance) Bill also legislates for the use of tracking devices as opposed to more regular forms of surveillance equipment. Evidence obtained by tracking the location of mobile phones has been the key piece of evidence in a number of high profile

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criminal cases in recent years. Mobile phone records showing that the suspect was at the scene of the crime, or was in the same location as other suspects before the crime took place, have been the difference between guilty and not guilty verdicts. Expanding the technology used here and allowing gardaí to use tracking equipment will greatly help their ability to prevent and solve major crimes.

The most important function of this Bill is to clarify how electronic surveillance can be carried out in a legal manner and how the resultant evidence gathered can be introduced into the courts. There are many other forms of communication on which we do not have clarification and which should be examined with a view to putting their use and the evidence they produce on a statutory footing. Evidence gained from surveillance of live Internet activity, Internet telephone services such as Skype, webmail services and CCTV could provide useful evidence for criminal prosecutions.

I am particularly familiar with CCTV because I have been involved in efforts to secure funding through the RAPID process to place CCTV cameras in New Ross. The Leas-Cheann Comhairle was involved and is a member of the joint policing committee, JPC, in New Ross with me. We have worked on these cases and are very familiar with the importance of that to all our towns and to the protection of the citizens on our streets and in our public areas.

Many communities are facing serious problems with antisocial behaviour and the streets and graveyards of many towns are now no-go areas at certain times day and night. CCTV cameras would be a useful deterrent against anti-social behaviour and would help to reclaim our streets for law abiding citizens. They could also provide valuable information to help bring criminal charges or convictions. However, I would hate to see a situation arise where evidence gained through CCTV footage or some other form of surveillance such as monitoring a Skype telephone call could be ruled inadmissible in court because of a technicality or oversight. We should consider an overall reform of the law on surveillance, not just electronic surveillance, which would not only put current forms of surveillance on a clear statutory footing but would also give us the power to legally place surveillance on future forms of communications without having to return to the House for more legislation.

I will briefly return to the subject of CCTV. One of its great benefits would be to help prevent physical attacks on emergency services personnel. I was glad to hear the Minister for Justice, Equality and Law Reform outline a number of his proposals for future legislative changes in his speech to the House yesterday. I urge him, as part of a future legislative package, to introduce a specific offence of attacking a member of the emergency services. Emergency services personnel, be they firefighters, ambulance personnel or gardaí, carry out a vital role in all our communities. They are being subjected to serious physical attacks while they are carrying out their jobs and I would like to see this recognised as a stand-alone offence which carries a severe penalty. We must send a clear message that these attacks are attacks, not just on the emergency services, but on the whole of society and that we will not tolerate them under any circumstances.

I commend the Minister, Deputy Dermot Ahern, on introducing the Criminal Justice (Surveillance) Bill to the House and I believe its enactment will be of great assistance to gardaí in their day to day duty of protecting society. This Bill is an important move in the fight against terrorists, tackling gangland crime and taking on the major figures in organised crime. Combined with the measures contained in the recent Criminal Justice Acts, it will give gardaí significant powers to deal with people who, unfortunately, are a plague on our society.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas leis an Ceann Comhairle as ucht an deis seo a thabhairt dom labhairt ar an ábhar tábhachtach seo. Is é seo an chéad deis a bhí agam comhghairdeas a ghabháil leis an Aire Stáit nua atá i láthair.

This is a major piece of legislation. The bulk of surveillance conducted by law enforcement agencies to date in this State has been unlawful and hence has automatically fallen foul of the European Convention on Human Rights. Evidence gleaned from such surveillance has, therefore, not been able to assist prosecutions. We have had the worst of both worlds. I welcome the publication of this Bill because it will move us towards compliance with our human rights obligation and provide for the related evidence to be used in court, thereby increasing the likelihood of successful prosecutions in some cases.

Tacaíonn Sinn Féin leis an Bhille seo. Táimid sásta cuidiú chun an reachtaíocht seo a phlé chomh gasta agus is cóir. Dar ndóigh, caithfidh an iniúchadh cheart a bheith ann ar Chéim an Choiste agus ar an Tuarascáil. Molfaidh mé roinnt leasuithe forasacha chun iarracht a dhéanamh reachtaíocht níos foirfe le breis cosantaí a chothú, gan aon rud a bhaint ó bunphrionsabail an Bhille, dar ndóigh. Sula ndéanfaidh mé déileáil le sonraí an Bhille, ba mhaith liom roinnt ráitis ghinearálta a dhéanamh maidir le cur chuige an Rialtas i leith coireanna na gangs atá ag déanamh ionsaí ar an phobal atá an Stát, agus Baill na Tithe seo, ag iarraidh a chosaint. Creidim go bhfuil an cur chuige sin imithe ar strae. I roinnt cásanna, tá roinnt easnaimh móra ann.

I am concerned at the Minister's attempts to sell this Bill, via the media, as some sort of grand solution. There is a recognition since it was announced that this will not eliminate the need for eye-witness testimony and good old-fashioned Garda investigative work. We need to ensure that the Garda Síochána has the tools to carry out that work. We still do not have digital radio fully rolled out to the Garda. Digital radio, which cannot be intercepted by criminal gangs, is a simple tool which is in virtually every other country in Europe, including some of the poorest countries. Others have mentioned other tools that are unavailable.

There is a need for continuous community policing. If the Garda Síochána has the support of the community it will also get intelligence from those people because people want to protect themselves and be protected. We do not want the old-fashioned policing which came to prominence in the Morris tribunal and the Sallins and Dean Lyons cases. There is no role for that type of policing in Irish society.

In most cases witness testimony by members of the public will still be required. Therefore much more must be done in the area of witness protection. The repercussions of the recent murder of Roy Collins in Limerick are grave in the extreme. This murder is believed to have been in retribution for the fact that a member of his family testified successfully against a gangland hood some years back. Intimidation of the Collins family has continued. His father, Stephen Collins, was attacked again last week by a gang of nearly 25 criminals. These horrific crimes raise questions around the inadequacy of protections available to witnesses and their families.

Recent events in Dolphin House in my constituency have highlighted the links between State neglect, social exclusion and deprivation, drug dealing and crime. The failure of the Celtic tiger to visit the complex and of successive Governments to address the problems, social and housing in particular, in this and other working class estates has left them open to the type of activity that occurred in Dolphin House last weekend and early this week. The organised violence and intimidation aimed at the community and at the Garda Síochána was and is a direct challenge to the rule of law and the Garda. If that challenge is not met head on the community and its leaders will be left at the mercy of these thugs. Such violence will also have a knock-on effect, as has been seen in the past, for example, in Limerick where the same situation occurred. If

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the Limerick gangs had been tackled head on a number of years ago we would not have had the escalation, the lawlessness and the continuing feuding that has reached a scale never seen before in Limerick or in any part of this State.

The State must step in to tackle the gangs in Dolphin House but also must tackle the underlying problems and issues that led to that situation. Where are the regeneration plans for that estate? Where are the community games? The inhabitants have put up with years of neglect and the Celtic tiger never visited their estate. In this type of community, the people must feel confident that their estate has the backing to be able to stand up to the thugs. If not, there are people in the community who will not stand idly by and see their community brought into the abyss. I do not encourage this but the reality is that people will defend themselves. I have been made aware of this and have tried to discourage people from taking such action. The community must work with the Garda Síochána and the Garda must work with and for the people. That means protection. In the case of Dolphin House, Dublin City Council also has a role to play. It must deal with the anti-social tenants and the elements who are plying their evil trade in Dublin council estates. In return, the community will back both Dublin City Council and the Garda Síochána.

Witnesses must feel safe and confident that they and their families will be protected. No expense can be spared to this end. The legislation before us will not do that job on its own, if at all. Additional legislation and perhaps additional resources will be required for witness protection. As it currently operates, the witness protection programme will not do the job. That has been accepted by the Minister and by the Garda Síochána. The general consensus of those involved in the former witness protection programme is that it is of limited use in Ireland. The Garda Commissioner, Fachtna Murphy, recently emphasised how difficult it is to ask people to relocate abroad. The previous Commissioner, Noel Conroy, said that most people are simply too scared. The Director of Public Prosecutions, James Hamilton, said the programme is of limited use because the demands it places on those entering it are drastic.

A full range of protection for witnesses, short of secret relocation, must be explored and resourced. In the case of the recent Collins murder, if the the individual from the family who gave evidence had been relocated, his family would have remained at risk. It would have made no difference to the gangs who are willing to go out of their way to target and kill an innocent person, a State witness, and threaten his family. The challenge to the State is to stand up to those thugs.

In many ways, producing new legislation is the easy part. However, nine times out of ten the response we really need is practical and resource-based rather than legislative. The Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, claims that tackling crime is his number one priority. He has even used this as an excuse to annihilate the equality and human rights infrastructure through funding cuts, justifying this by his mission to fight crime. Laudable though that mission is, the evidence does not stack up. The Minister is in denial concerning the implications of his own Government's budgetary decisions for operational management and front line policing.

All the Garda associations, including the Garda Representative Association, the Association of Garda Sergeants and Inspectors and the Association of Garda Superintendents, have pointed out the brain drain and contraction of Garda numbers as consequences of the pension and income levies, the overtime ban and, in particular, the recent illogical recruitment and promotions embargo. Only last week, the president of the Association of Garda Superintendents clearly stated that early retirement requests are increasing. Coupled with the public sector recruitment and promotions moratorium, this means that management levels will be difficult

to maintain. Ultimately, front line policing will suffer. The force does not even have the equipment and now there is the threat it will not have the members. We are in dire straits and there is a need to address that aspect of the recent budgetary decisions.

Is léir ón stair go n-ardaíonn coireacht, go háirithe coireacht atá ceangailte le drugaí, in am an mheathlú. Ní chóir dúinn an tráth eacnamaíochta seo a úsáid mar leathscéal chun cosantaí finnítithe, teaghlaigh agus an phobal i gcoitinne a chur ar leataobh. Ag casadh ar an mBille, níl aon rogha againn seachas an reachtaíocht seo a ghlacadh. Tá orainn é a dhéanamh de thoradh an cinneadh a rinneadh san cúirteanna.

This Bill is not optional. It is mandated by the 1937 Constitution, the European Convention on Human Rights and the jurisprudence of the Strasbourg court. Privacy is enshrined and is well recognised under Article 40 of the Constitution. Privacy is more precisely protected by Article 8 of the European Convention on Human Rights which states:

Everyone has a right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime for the protection of health and morals or for the protection of the rights and freedoms of others.

The key case detailing the thinking of the European Court of Human Rights in this field, which still prevails, is *Klass v. Germany* in 1978. In this case, the Strasbourg court ruled that states do not enjoy an unlimited discretion to subject persons within their jurisdiction to secret surveillance.

The court, being aware of the dangers such a law poses of undermining or even destroying democracy on the ground of defending it, affirms that the contracting states may not, in the name of the struggle against espionage or terrorism, adopt whatever measure they deem appropriate.

It further ruled that the court must be satisfied that whatever system of surveillance is adopted, there exists an adequate and effective guarantee against abuse. Obviously, that is what we are trying to address in the Bill. As Paul Anthony McDermott stated at the annual national prosecutors conference in Dublin Castle last summer:

The constant emphasis the Strasbourg court placed on the detailed provisions and criteria laid out in the German law makes it all the clearer that it is necessary for Ireland to set out its police powers in relation to covert surveillance and undercover detection in an accessible statutory framework subject to checks and balances and tailored to the need to protect the interests of democratic states. Any blank cheque written for the Irish legislature for An Garda Síochána in this area will not be honoured in Strasbourg.

The absence of such a statutory framework and the type of abuse to which its absence gives rise was highlighted by the Morris tribunal when it investigated Garda corruption in County Donegal. The third volume of the tribunal's report published in 2008 investigated allegations of covert surveillance and taping and I shall put some of the conclusions of that report on the record.

The tribunal pointed out that apart from the unusual *Kane v. The Governor of Mountjoy Prison* case, the Garda Síochána have been left without statutory guidance and the citizen without adequate understanding of the extent to which overt or covert surveillance may be

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carried out on an individual. The tribunal stated that it was disturbed and dismayed at the extent to which covert taping was conducted by gardaí not only of conversations with civilians, but of conversations between gardaí supposedly working together. It noted that was entirely wrong that gardaí should be recording persons, including their colleagues and senior officers, at will or contemplating or carrying out covert surveillance using electronic devices without any statutory guidance or regulation and without internal guidelines.

Mr. Justice Morris concluded that the legislature had a job to do. We are thankful the Minister has started the work by presenting us with this Bill. Obviously, the Garda also has a job of work to do and recent progress has been made in setting down guidelines so that never again will we have the type of corruption and skulduggery that Mr. Justice Morris investigated within the Donegal division.

On the interesting issue of surveillance, wire tapping and so on, I asked a previous Minister for Justice, Equality and Law Reform to guarantee that no Member of this House was under electronic or other surveillance. The answer I received from him was to the effect that two Members of the House were under surveillance. I do not know who they are, perhaps one might be a Fianna Fáil backbencher who was up to no good. However, can the present Minister give a guarantee at this stage that there is no surveillance of Members of this House? I do believe wire tapping is done anymore, it is more a case of electronic taps.

The culture of secrecy and the special branch agenda, which predominated in this State for the last 30 years is said to be at an end. However, I do not believe it is because in my constituency at Easter, members of the special branch were still monitoring Sinn Féin Easter Week commemorations. There is still a level of harassment of Sinn Féin members and I had thought that at this stage the special branch would have copped on, or at least the Garda Commissioner. I intend to raise this issue with him, directly.

Another aspect is that it is not just a question of surveillance by An Garda Síochána or the Defence Forces that needs to be looked at because although I am not a conspiracy theorist, external espionage groups such as MI6, the CIA or even Mossad are operating in Ireland. It is strange that we have never seen, as in other countries, an exposure of the activities of foreign security services. Very little action appears to be taken in this regard and they seem to be allowed to work at will. Perhaps we can address this at another stage, namely, the dirty murky world of political and economic espionage, which is aimed against this State and the people living in it. Perhaps greater sentencing might be considered for those involved in such activities.

I want to highlight a number of areas where, without interfering with the purpose of the Bill or compromising its objectives, it can be improved. I am disappointed that the positive safeguards, principally judicial involvement in the authorisation process, are not being extended to a broader range of surveillance techniques. A host of surveillance and covert policing techniques with inherent privacy implications are still to remain without lawful basis. I believe the European Convention on Human Rights is wide open to legal challenge, even where the use of such techniques might be justified and allowable, were it to be underpinned by legislation. In addition, the many great shortcomings of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 and the data protection provisions contained in the Criminal Justice (Terrorist Offences) Act 2005 still remain unaddressed. Also the principle of judicial authorisation as a norm is to be welcomed, but we need to tighten up in that area.

Constitutional practices in the United States contrast massively and favourably against the approach taken by Britain, which is what we are emulating, although I accept the need for the Bill to contain provisions for emergency authorisation in the absence of a judge being available. However, I believe certain amendments should be made in section 7 which deals with this

eventuality. In urgent cases, section 7 allows a superintendent to authorise surveillance for a period of 72 hours. This needs to be tightened up. The onus should be on the superintendent to make an ongoing effort to obtain judicial authorisation and to document this effort. In addition, from my reading of the Bill, there is nothing to stop the Garda authorising 72-hour surveillance, breaking for 24 hours and then replicating such authorisation again and again — in effect, putting in place long-term surveillance without judicial authorisation.

There are a number of other issues I intend to address on Committee Stage. This legislation is required and that it will be useful in the ongoing fight against the criminal gangs in particular, which have become more and more adept at avoiding prosecution and are becoming more and more sophisticated. They seem to have all the resources they need and if the Garda Síochána is to tackle them it will need not just the legislation but the resources required by a modern police force.

Deputy Bernard J. Durkan: I take great pleasure in making a small contribution to this debate. I support the concept covered by the Bill because like other Members of the House I have tried over a number of years to focus on the growing levels of crime and the degree to which the public is being intimidated by the increased sophistication among criminal elements.

I am not certain whether this legislation should stand alone or be part of a more consolidated initiative to attack the criminals as they have been attacking society over several years. I am a greater believer in and supporter of people's civil liberties, which must always be observed, whether they are victims or criminals. However, balance must enter into the whole arena and should come firmly down on the side of the citizen. We have seen the development of criminal activity to such an extent in this country that the State has become a laughing stock.

The State is vulnerable and is itself a victim because its citizens are under intimidation and being threatened on a regular basis. Previous speakers have made reference to the intimidation of witnesses. That has been an enormous factor in terms of what has gone on in this country over a number of years. We have no evidence that jurors were intimidated but one can be certain that they would have been, as well as the witnesses, should this have been seen as fortuitous in the worldview of the criminals.

A pattern has been established in Ireland regarding crime levels, whereby young successful criminals start their activities by intimidating their next-door neighbours, kicking in their front doors, preying on senior citizens in the immediate area, "keying" parked cars, breaking windows and generally making a nuisance of themselves. Despite all the efforts of gardaí, public representatives and everybody else, they seem to go unchallenged because it is not worth the time, effort and energy needed to bring them through the system. In most cases it is not even possible to bring them through the system and in any event there is no place to put them. However, if we have not had a place to put them it is about time we got one. They should be given a clear indication by the courts and the institutions of this State that there is no time or place for them in this society. We have had enough and the time has come to take action.

The provisions in the Bill form only a part of what is required at the present time. I do not accept the view that we should stand by indefinitely while making varying attempts to address the issue. We have done that for the last ten or 15 years and it has not worked. How often do we hear of crimes, murders, intimidation carried out by people who have been described as "known to the Garda". That does not mean that there had been ongoing dialogue or the passing of correspondence between them and the Garda. It means that they had come under suspicion for some considerable time and that their activities had been noted. This legislation may be of assistance in grounding such activity and giving the Garda the necessary information that is required.

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However, members of the public has become cynical in this regard, especially when they read, perhaps six months or a year after someone has carried out an obnoxious crime against some individual, that he or she was known to the Garda. The time has come when it does not matter whether such individuals were known to the Garda. If they have embarked on activities that constitute a threat to the citizens or institutions of this State then it is time to deal with them. I have come to the conclusion after much consideration, as have many other Members of this House, that the time has come to take them off the streets completely. We should then look at the degree to which they have organised themselves and the degree to which they, or their associates, have carried out criminal activity, including murder. I cannot understand why that is not possible. It was done under the Offence Against the State Act, and I know people might suggest there were some excesses there.

The problem we now face is much more serious than any we have faced in the history of this State. I do not know if people know or fully recognise that. The one thing which is certain is that as long as criminals know they can act with impunity, they will continue their criminal activities as long as they are remunerative, and criminal activities are very remunerative. We often read about how they holiday only in the best places and how they are exiles. We talk about tax exiles but we have criminal exiles as well who live the high life which is much emulated by other young up and coming criminals. The up and coming criminals start off with petty crime but they build up a reputation and become serious heavy-hitters in every sense of the word after a while. Anybody who gets in their way is vulnerable and under threat of intimidation and extortion. In such a situation, the criminal with the most power rules the land.

I have great sympathy for gardaí in divisions in which serious heavy-hitters operate on a daily basis. The answer to this problem is to introduce consolidation legislation, put in place all the necessary backup, take these people off the streets once and for all and refuse to allow the people to be intimidated on a regular basis by thugs who should be behind bars from the start.

We should start with the most high profile people at the very top, the people with the most romantic and lucrative lifestyles. We believe zero tolerance worked in the United States of America but it did not. In the United States of America, they started at the top and worked their way down. Eventually they got to the guys at the bottom of the crime ladder and were able to deal with them. Former Mayor Koch in New York started at the top and put the really heavy-hitters behind bars where they belonged.

I refer to the civil liberties and civil rights of the people carrying out this criminal activity. Everybody would agree that they have rights. The Minister who comes from the legal profession would take me to task on that very quickly. I am not a lawyer but I have read bits of the law from time to time. What amazes me is how the criminal elements have managed to circumvent the law and are now legal experts. They quote the law. They study it in prison and they operate from there.

How can some of these people organise their criminal empires from within prisons? I visited a prisoner recently and if I was the number one hitman from Chicago in the 1930s, I would not have been subjected to a better assessment and examination. I have no problem with that. It is as it should be. How in God's name have people managed to smuggle in their mobile telephones and all the trappings that go with them and have regular visits from their organisers, their hitmen and hitwomen and so on? We must deal with all those ancillary activities which are part and parcel of what is a growing crime problem.

I agree with my colleague, Deputy Jim O'Keeffe, that, unfortunately, the problem now is that many people, with the exception of a few crime journalists, have become complacent. They

look at crime statistics and state that the level of crime in this country is not huge in comparison to other countries. I do not care about the comparison to other countries. We will look after our own country and we should deal with those who intimate the public in whatever way is necessary to put them behind bars as quickly as possible. We should do that by using the law and putting in place sufficient legislation to ensure that anybody involved in, or known to be involved in, crime is not on the street plotting and planning his or her next crime.

The bail laws are flouted on a regular basis. People charged with serious crimes are released on bail to commit more serious crimes, to intimidate more witnesses and to ensure that they can never be put behind bars. I cannot understand that. The law is being brought into disrepute and is being treated with contempt, as are the law-abiding citizens of this State who are also being intimidated on a regular basis. The Minister and the institutions of the State are being treated likewise.

The time has long since passed for playing around with these guys who are well organised thugs. All they have to do is to organise a hit on somebody and he or she is dead. I have been told that it only costs €500.

I mentioned the intimidation of witnesses. Some members of Judiciary have been very courageous in standing up to this kind of thing and some action is being taken. However, the Minister knows this is only skimming the surface of the problem.

If one needs proof of the seriousness of the situation, one should recount the number of occasions when people coming out of the courts have given the two fingers to photographers, news reporters, television cameramen, etc. That is how much respect they have for the law and the institutions of the State. What should be done in a case such as that is quite simple. The person should be brought back into the court and given an extra sentence. That would teach him or her a lesson. Unless that happens, such actions will continue. I do not know how the Minister finds it but I find it very offensive that some thug is able to have his or her photograph taken and put on the front page of a newspaper giving two fingers of contempt for the public. That is appalling as is the fact that our society has degenerated to that level. That we give rights to such people is a sad reflection on our society.

The time has come to ensure that the rights of the law-abiding citizen are not eroded by overly accommodating the rights of the criminals. The Minister has responsibility to deal with them in a serious and comprehensive way. This Bill is one element of that proposal. There is a need for emergency legislation to round up these individuals and to detain them indefinitely. When they come out of prison, perhaps the public will have forgotten they existed in the first place. That will have to happen and somebody will have to do that sooner or later.

There is always a catalyst. We have seen several catalysts in recent times where innocent people have been gunned down in drive-by shootings, in some cases, committed by people out on bail having been charged with serious crimes, including murder. Some people charged with murder have been released on bail and have carried out another one. Why do they not carry out a dozen of them while they are at it? They are free and cannot go wrong.

Where are we heading and how do we handle this? This Bill will not achieve everything but it will be part of the procedures which need to be put in place to at least tip the scales in favour of the law-abiding citizens.

Our society has become complacent. It is sad that each criminal act blots out of our recollection that one that preceded it. In the nature of things, each new event tends to push into the background those that came before it. I would have thought that the appalling murder of Veronica Guerin was a classic example of an event that brought our society to its senses. At that time, I had serious concerns about giving extra power to the authorities in case those

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powers might be abused. There is always a tendency to cut corners, if the situation demands it. The legislation establishing the Criminal Assets Bureau was initially very successful. I was pleasantly surprised when it achieved a great deal. I am not sure that it is achieving as much now as it did at the outset. I suggest that criminal elements in our society have wised up. They are able to combat much, if not all, of the work of the bureau. They are wiser than they were. They are beginning to compete with the Criminal Assets Bureau. We need to examine the matter again.

Some day, Deputies will come to this House once more to debate another horrendous crime that will seize the imagination of the people. It will be too late at that stage. We will have examined this issue and listened to various opinions on it, but we will have let it pass us by. We will have let the water run over us. We will have failed to confront the issue that has presented itself to us. The time for taking action in this area has come and gone. If we do not wake up to the threat that faces society at present, we will be negligent. The time has come for the Minister to take action. I am not criticising him personally. Everybody knows about this problem, which is a fact of life.

I would like to speak about the increased frequency of so-called “tiger” kidnappings. This insidious type of crime has been very successful for some criminals. In some cases, very little of the proceeds of such crimes has been recovered. While some retribution has been achieved, it has been limited. The lending institutions need to tighten up their security systems if they are to make it impossible for people to infiltrate them under any circumstances. One should not argue that it is impossible to prevent people from disabling alarm systems, for example, because it is possible. Having read about the operation of these security systems, I cannot understand how they can be disabled to the extent that has been done.

Many members of the Judiciary have been courageous in their attempts to frustrate organised crime. They have done that against the background of the possibility of convictions being appealed. However, they should not try to anticipate the outcome of any appeal. They should do their best in each case, given the circumstances and the evidence before them. It is entirely a matter for the next phase of the legal system — the Court of Criminal Appeal, for example — to take responsibility for determining whether the load that has been imposed on a criminal should be overturned or lightened. That is the important part of it. Judges should not anticipate what the higher court might decide, even if it is possible for them to do that on the basis of their understanding of case law. As crime gets worse and more serious and the threat to society increases, the need for us to react becomes more urgent, short and simple.

Like everybody else in this House, I could speak at great length about this issue. I compliment those crime reporters who continually try to bring the serious problem that is faced by society to the attention of the general public, the Members of this House and the Minister. I will not name any of them, because it would not be fair. Long may they continue, and be allowed to continue, to do their work. We should never allow the rights and entitlements of the law-abiding citizens of this country to be eroded by those who engage in crime, including organised crime, and those who benefit in any way from the proceeds of crime.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I thank Deputies for declaring their general support for this Bill and thank the House for taking the legislation relatively quickly. I am pleased that it has received a broad welcome from all sides of the House. I believe the Bill represents a proportionate and balanced response to this problem. It will enable us to give the Garda the tools to engage in electronic surveillance. If this legislation is accepted, it will be possible to ensure that its measures are not used in a way with which

most ordinary citizens would be unhappy. That is why certain checks and balances are included in the Bill.

I would like to refer to a number of specific issues that were raised by Members this morning. Deputy Costello expressed his reservations about the section of the Bill that will provide for a 72-hour period of surveillance in urgent cases. He was referring to circumstances in which judicial authorisation will not initially be needed for surveillance of 72 hours. A Bill that was previously proposed by the Labour Party provided for a seven-day period, which would have been much longer than the three-day period set out in the legislation before the House. In 1998, the Law Reform Commission recommended that in urgent cases, surveillance of 14 days should be allowed without authorisation. We have reduced the relevant period from 14 days, as recommended by the Law Reform Commission, to 72 hours in urgent cases. That is an illustration of the attempt we have made to draw up the provisions of this Bill in a proportionate manner.

I fully agree with Deputy Jim O’Keeffe’s argument that we should not restrain the type of surveillance that forms part of ordinary policing. That is why this Bill includes definitions of “surveillance” and “surveillance device” that are designed not to bring ordinary surveillance activities within the scope of this legislation. If no device under the ambit of this Bill is used during surveillance, the surveillance in question is not covered by the Bill. Interestingly, Deputy Ó Snodaigh expressed a view that was diametrically opposed to that of Deputy O’Keeffe. As I understand it, he called on the remit of the Bill to be extended so all surveillance — electronic or otherwise — will have to be authorised in line with the terms of this legislation. That would mean that a garda who wanted to follow a suspect down the street would have to get a judicial authorisation for that action, which would be ludicrous. Perhaps I am incorrect, as I did not hear all of Deputy Ó Snodaigh’s submission. If my interpretation of his remarks is accurate, they are interesting. I can inform Deputy Jim O’Keeffe, who asked about the forthcoming criminal justice (forensic sampling and evidence) Bill, that we hope to publish the Bill before the end of this session.

I would like to respond to the repeated criticism of my rejection of a previous Fine Gael Private Members’ Bill, which attempted to deal with the issue of evidence that is obtained illegally and unconstitutionally. The Bill sought to abolish the exclusionary rule that governs the admissibility of evidence, following on from the decisions of the Director of Public Prosecutions in the cases of Shaw and Kenny. The review group on the balance in the criminal law, which published its report in March 2007, warned against the dangers of adopting what it called a “full-frontal approach” to statutory intervention in the case of the exclusionary rule. Such an approach was advocated in the legislation proposed by Fine Gael, however. People are missing the point of the objectives of section 14 of this legislation. The press statement on this issue that was produced by Fine Gael’s justice spokesperson yesterday was totally incorrect. The proposals to which I refer are quite different from those contained in the Private Members’ Bill that was proposed by Fine Gael. Section 14 does not propose the abolition of the exclusionary rule, in any shape or form. Equally, it does not seek to address any unlawful conduct of any officer relating to a matter in which surveillance is carried out. We are providing for a narrow exception that relates solely to the procedures set out in this Bill. It is designed to address a specific difficulty. What we propose is not dissimilar to section 27(4) of the Criminal Justice Act 1984 dealing with tape recordings of suspects and the relevant 1987 regulations made thereunder. It is not the same issue and I ask Fine Gael to desist from trying to suggest that it is.

Deputy Rabbitte referred to his party’s Private Member’s Bill on this subject, published in 2007. We had significant reservations about that Bill because it did not contain specific safe-

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guards for privacy. The Labour Party Bill was based on the Law Reform Commission's proposals of nearly a decade previously but there has been a great deal of case law in the intervening period in the European Court of Human Rights on this issue. It is all very well to eulogise the Labour Party Bill but it was based on proposals dating back as far as 1998 and could not be accepted now, particularly in respect of safeguards.

Deputy Noonan had reservations about the inclusion of reserve members of the Garda Síochána and the Defence Forces in the definition of "relevant person" in section 13. They are excluded from surveillance and surveillance activities but the provision for confidentiality under section 13 covers them in case, in their work as reserves, they accidentally come across any information about these processes. There is no hidden agenda.

Section 5(4) refers to the only form of privilege understood in law, legal professional privilege. It does not extend to concepts of journalistic privilege or communications between spouses.

Deputy Charles Flanagan spoke at length about some aspects of Garda resources, such as Operation Anvil, bail and witness protection. I do not want to re-hash all that has been said but I have said that I have dedicated increased resources to Operation Anvil and the Criminal Assets Bureau, CAB, despite a contracting Exchequer position. Other areas in the Department of Justice, Equality and Law Reform Vote had to suffer but I make no apologies for that because I indicated when I took up office in the Department that I wished to concentrate on the number one priority which was crime.

Several Deputies asked about the other measures that I and the Government are considering. We are in intense discussions with the Attorney General in respect of each of these issues. In light of ongoing intimidation of witnesses and jurors the State must act. Significant evidence on this has come forward. Some Members have told me that they can give clear instances of intimidation which might not be available to the Garda Síochána, which I would welcome.

We propose that the powers available under existing legislation to combat subversive organisations be applied to criminal gangs as much as possible. One element of this is the decision to schedule the criminal organisation offences which would in effect require a declaration that the ordinary courts are inadequate to secure effective administration of justice and preserve public peace and order. This is a significant step and should not be taken lightly. In view of what has happened recently we must indicate clearly that the Oireachtas will act.

I am examining several issues. This is not an exhaustive list and is subject to final vetting and approval by the Attorney General. It includes the offence of participation under the 2006 Act. I think it is section 72. The language in that section makes it extremely difficult to prove participation in a criminal organisation. We are considering that to see whether we can make it easier to ground a prosecution. It is also proposed to create a new offence of directing or controlling a criminal organisation and we aim to put in a maximum sentence of life imprisonment for that. I have had intense discussions on membership with my officials and the Attorney General. We propose a new offence of involvement in criminal activity in association with a criminal organisation with a maximum penalty of 15 years. The third measure we are considering is a proposal to make that offence, the new proposed offence of directing a criminal organisation, and the existing organised crime offences, schedule offences for the purposes of the Offences Against the State Act, to be tried in the Special Criminal Court. I am also proposing that all those criminal organisation offences would be schedule offences under the Criminal Justice Act 2007. This would have the effect of applying sections 25 and 26 of that Act to those offences. Section 25 provides for higher sentences for repeat offences and section 26 provides for post-release supervision similar to that used for sex offenders. If somebody was convicted

of one of these serious criminal organisation offences he or she might be charged again if he or she broke the supervision orders made at the sentencing, for example, by associating with known former members of criminal gangs. A fifth proposal is to schedule these criminal gang offences as serious offences within the meaning of the Bail Act 1967, thereby providing for circumstances where the courts may refuse bail.

Members on both sides of the House have expressed their views on opinion evidence which has been fraught with some legal difficulty. The previous Attorney General gave very strong advice during the drafting of the 2006 and 2007 legislation about the difficulty it poses in court without substantial corroborative evidence. After the Shane Geoghegan murder I asked the Attorney General to again review this issue because Members on both sides, particularly Deputy Noonan, raised it. We received similar advice but are considering the possibility of allowing a court to take into account, among other things, expert evidence from a senior member of the Garda Síochána as to the existence of a criminal organisation in determining whether the accused was directing, or participated in, a criminal organisation. That goes some way to address the issue of opinion evidence. I must emphasise however that we need corroborative evidence all the time to back this up but the courts have said that they will not convict somebody on the opinion of one person. The surveillance legislation when passed will be an extremely important tool in the panoply of measures available to the gardaí to produce corroborative evidence.

We are also considering that in respect of all organised crime offences the courts would be able to draw inferences from the failure to answer questions, or to account for movements, actions, activities or associations. To some extent, these provisions are already contained in the Criminal Justice Act 2007, but we need to extend them to the new offences we are proposing.

The eighth issue we are looking at concerns the simplification of the process regarding the extension of time for questioning. There has been some suggestion that we would extend the period of seven days, which is the ultimate period. I am not in favour of that personally.

2 o'clock However, together with my officials and in conjunction with the Garda Síochána, I have examined the issue of how we can simplify the procedures in order to reduce the amount of Garda resources which are directed during a very important time of investigation. I have to accept that ultimately we are talking about people's liberty and it is important to ensure that if people are being detained for a further period, the proper proofs must be entered into as to why that is necessary. Obviously it is subject to judicial decision, but at the same time we must also be conscious that gardaí during that period are involved in a very intensive investigation. Therefore, we are looking at simplifying the procedure and also ensuring that the hearings themselves concerning the extension of time cannot be used to obtain information or to put information into a relatively public domain that might in fact prejudice the Garda investigation.

Given the fact that we are worried about the intimidation of witnesses and jurors, a ninth issue we are looking at is the possibility of increasing the present maximum sentence of ten years to 15. A tenth issue concerns the penalty for the existing participation offence, which we are examining with a view to increasing the penalty from five to 15 years. I think it is in section 72 of the 2006 Act.

Deputy Rabbitte and others asked me to indicate what issues we are examining. We are looking at a number of issues intensely in the context of the Criminal Justice (Amendment) Bill 2009. Substantial work has already been carried out on that legislation. I hope to bring proposals to Government within the next couple of weeks following which I will ask the Oireachtas to examine the legislation at an early opportunity.

[Deputy Dermot Ahern.]

I am amenable to some of the suggestions that Deputy Charles Flanagan has made, including his party's proposals on sentencing. I am examining that matter.

Coming back to the Bill before us, it is proportionate, balanced and subject to authorisation in all but urgent cases. All authorisation cases, whether judicial or non-judicial, are subject to oversight by a High Court judge. When available, the report on overall surveillance activity is sent to the Taoiseach as well as being laid before both Houses of the Oireachtas.

Deputy Pat Rabbitte: What are the Minister's legislative priorities for the rest of the session, given the number of Bills in committee?

Deputy Dermot Ahern: They would be my priorities. I also have another Bill, the criminal procedure Bill, which arises as a result of my initiative on victims. That Bill is in its final throes and will loosen up the rule against double jeopardy as well as dealing with various matters, including victim impact statements. The data retention Bill is close to publication within the next week or so. In addition, the criminal justice (miscellaneous provisions) Bill is all but ready. Therefore, there are a significant number of Bills and I will seek the forbearance of Opposition justice spokespersons to allow these measures to pass through the House. I accept that getting such legislation through Committee Stage poses a difficulty, but we will do our level best.

We wish to have the Bill before us passed as soon as possible, as well as the criminal justice (amendment) Bill to which I referred. I suggest that these measures are the priorities, and thereafter perhaps the criminal procedure Bill.

I thank Members of the House for accepting this Bill. I am not saying it is the panacea for all ills in the country, of course it is not. We cannot deal with the problems by legislation alone; it must also be done by ordinary policing. I have heard suggestions that some gardaí may be taken away from Limerick, but that is not the case. I have clarified that matter with the Garda Síochána. The full resources of the Garda Síochána will be concentrated on those areas where they are needed most, particularly the city of Limerick. That is not to say, however, that I am being in any way complacent as regards the rest of the country. Given the fact that the number of gardaí is at an all time high, and will remain so for some considerable time, despite any moratorium on recruitment, they have the resources to fight what is an insidious element. It is an element which, in my view, is similar to the paramilitary activity that brought this country to its knees. The Oireachtas must react when we clearly see instances where people are taking on the State's criminal justice system. They are also taking on ordinary decent people who would be more than willing to come forward and give evidence, yet because of the type of intimidation that has gone on, they are not coming forward.

I thank Members for their contributions to this debate and hopefully the Bill will have a speedy passage through the House.

Question put and agreed to.

Criminal Justice (Surveillance) Bill 2009: Referral to Select Committee.

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

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

Question put and agreed to.

Housing (Miscellaneous Provisions) Bill 2008 [Seanad]: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I would like to thank the many Deputies who made contributions to the debate on Second Stage, and Members generally for attending and for their broad welcome for the Bill.

The Housing (Miscellaneous Provisions) Bill 2008 contains a number of important milestones in the development of housing policy. For the first time in legislation, the Bill defines what we mean by housing services. It provides a more strategic approach to delivery and management of those services through service plans and action programmes, whatever the prevailing economic conditions. It presents a more objective and comprehensive basis for assessing need and allocating housing. It provides a more effective management and control regime covering rents and tenancy arrangements, and a more developed statutory basis for the rental accommodation scheme. It is innovative with the introduction of the incremental purchase scheme aimed at helping those seeking social housing support to become homeowners.

Overall, the Bill supports the creation of a flexible and graduated system of housing supports for those in need of housing. It sets out a framework to allow for the delivery of these services in a way that meets individual needs, but respects the concept of developing sustainable communities. In addition, it provides for a system where individuals and households are dealt with fairly and consistently across the country.

The contributions by Deputies dealt with a wide range of issues reflecting, in many ways, the complex character of housing. I will endeavour to deal with as many of these matters as time permits.

It is clear that Deputies from all sides of the House are concerned with the issue of homelessness. As the Minister of State with responsibility for housing, it is also a key concern of mine. That is why I launched the strategy *The Way Home* in August 2008 and more recently the national implementation plan for the strategy. *The Way Home* sets out a clear vision of a future where the occurrence of homelessness is minimised. Where homelessness does arise, our aim is that nobody will sleep rough or remain in emergency accommodation for more than six months. These are important and challenging objectives but substantial legislative change is not required to implement this vision.

Housing authorities already have the power to provide emergency services for homeless people by virtue of the Housing Act 1988 and this is one of a range of housing supports listed in section 10. More permanent solutions to the accommodation needs of homeless people are encompassed in the various forms of social housing support described in section 19. It is, therefore, simply untrue to suggest, as some Deputies have done, that the issue of homelessness is not dealt with in the Bill.

The issue of a new definition of homelessness was also raised. The Government has decided in the context of its strategy, *The Way Home*, that the statutory definition will not be changed. We will, however, review how the definition is applied operationally to ensure, for example, consistency in its application across local authorities. This has been made clear in the homeless strategy and implementation plan and also in the course of engagement with representatives of service providers in the *MakeRoom* alliance.

A number of Deputies raised the issue of the provision of a statutory basis for homeless action plans. This is an important matter which was also discussed in some detail during the Bill's passage through the Seanad. As I have indicated previously, *The Way Home* document

[Deputy Michael Finneran.]

was launched after the publication of the Bill and certain aspects, including those with statutory implications, were not sufficiently advanced to be comprehended by this Bill. My Department, in conjunction with Parliamentary Counsel, is working on bringing forward the necessary legislative provisions and I hope to bring these provisions before the House on Committee Stage.

A number of Deputies raised the issue of the tenant purchase of apartments. As the House is aware — Deputies made this point in their contributions — the drafting of workable proposals for the sale of local authority apartments is difficult. Our focus has been on establishing a sufficiently robust framework to allow sales to proceed, given that past endeavours had to be abandoned. While I am determined to make progress on this issue as quickly as possible, we must get it right. Our aim is to establish a robust legislative framework that will stand the test of time for all stakeholders, namely, apartment buyers, apartment tenants who choose not to buy and local authorities.

Deputies Bannon and Durkan referred to the issue of the sale of voluntary and co-operative houses under a tenant purchase scheme. As the Deputies are aware, there is no provision at present for the purchase of individual houses by tenants of approved housing bodies. The housing policy statement, *Delivering Homes, Sustaining Communities*, indicated that consideration would be given, in consultation with the voluntary and co-operative sector, to piloting a tenant purchase scheme for some new voluntary homes based on the incremental purchase model. The issues arising therefrom are being considered in consultation with the Irish Council for Social Housing. Part 3 provides for the sale by an approved body of a proportion of newly constructed dwellings under incremental purchase.

I share the concerns expressed by all Deputies that local authorities should have mechanisms available to them to deal with anti-social behaviour in their estates. Such behaviour can threaten the sustainability of communities and further disadvantage vulnerable households. The provisions of the Bill go some way towards improving the existing regime by updating the definition of anti-social behaviour and introducing anti-social behaviour strategies in section 35. In conjunction with the Office of the Attorney General, I am examining the scope for further changes to existing legislation that will enhance the role of housing authorities in addressing anti-social behaviour. I will incorporate any further measures in this area during the Bill's passage through the Oireachtas.

Deputy Flanagan raised issues concerning the rental accommodation scheme, RAS, and the leasing options from the perspective of both value for money and meeting social housing needs. The policy which underpins this Bill is clearly aimed at providing a framework to achieve best value for money and best outcome for those in need of housing. This takes account of a central tenet of the NESC report that we should have a flexible and graduated response to need. The rental accommodation scheme forms part of this flexible response, providing choice to those seeking housing and allowing housing authorities to utilise a range of options to meet need.

An additional option is also available to local authorities following my decision to divert some resources that would otherwise have been used to build and buy new social housing units to support a programme of acquiring dwellings for social housing purposes on long-term leases. An initial €20 million for this purpose has been earmarked in 2009, allowing local authorities an opportunity to take some 2,000 properties on long-term leases. This initiative will allow for a significantly greater level of need to be met in the short term. In addition, while not a basis for the proposal, its implementation will generate a degree of momentum in terms of bringing vacant properties into use and may have some positive influence on sentiment in the housing market.

Deputies Terence Flanagan, Ciarán Lynch and Catherine Byrne referred to the inspection regime in the private rented sector. Minimum standards for rental accommodation are prescribed by way of regulations made under section 18 of the Housing Act 1992. I signed new regulations on 10 December 2008 which came into effect on 1 February last, with certain elements coming into effect for existing rental properties four years hence. All landlords have a legal obligation to ensure that their rented properties comply with these regulations and responsibility for enforcement rests with the relevant local authority supported by a dedicated stream of funding provided from part of the proceeds of tenancy registration fees collected by the Private Residential Tenancies Board.

Further improvements to the regime are being addressed in the context of the Bill. An important amendment was made on Committee Stage in the Seanad to include measures to make available to local authorities a new, comprehensive sanctions regime. It will involve the issuing of improvement notices to landlords where rental properties are found to be in breach of the regulations and, where a landlord does not comply with an improvement notice, local authorities may issue prohibition notices which will prevent the further renting of a property until it complies with the standards. Fines for offences related to the standards regulations will also be increased.

In general, local authorities have significantly expanded their inspection activity in recent years. Inspection numbers have more than doubled from 6,815 to 17,138 in the period from 2005 to 2008. I am committed to building on the significant progress made in recent years with regard to inspection of private rented accommodation.

A number of Deputies raised the issue of property management companies. As Deputies are aware, apartment complexes are a relatively recent development in the Irish market and the policy and practice of managing such developments has had to play catch up to a certain extent. Since the publication of the Law Reform Commission's report on multi-unit developments in June 2008, work on the preparation of legislative and administrative proposals to respond to its recommendations has continued across relevant Departments. The Government recently approved the drafting of the general scheme of a multi-unit developments Bill and decided that, apart from a number of discrete provisions relating to regulatory and planning issues, matters relating to multi-unit developments would be dealt with in a single Bill. The Department of Justice, Equality and Law Reform has the lead role in progressing this Bill, with input from the Department of Enterprise, Trade and Employment and my Department, as required.

A number of Deputies opposite referred to what they termed a lack of progress on housing during the boom years. This is simply not true. Investment over the past ten years in social and affordable housing has been significant and considerable progress has been made. Some €17 billion has been spent across all social and affordable housing programmes, meeting the needs of almost 142,000 households. Of the €17 billion figure, almost €9 billion has been spent on the main housing construction programme, which met the needs of almost 53,000 household over the past decade. Total expenditure last year on social and affordable housing programmes came to some €2.4 billion compared to €500 million in 1998.

Notwithstanding this progress, the 2008 housing needs assessment showed an increase of some 30% in net housing need since 2005. In deploying the available resources for housing in 2009, priority will attach to meeting the needs of these and other vulnerable groups. In that regard, the Exchequer provision for 2009 of more than €1.4 billion demonstrates a significant level of investment to support activity under the range of housing programmes this year, albeit within a severely constrained financial environment.

[Deputy Michael Finneran.]

Given the difficult fiscal and economic climate in which we find ourselves and the significant transition that the housing sector is going through, we must also ensure that we invest the housing provision for 2009 with flexibility and creativity in order that we can continue to respond effectively to the diverse housing needs that exist.

This Bill provides additional legislative support to the efforts being made by the Government, local authorities, the voluntary and co-operative housing sector and other actors in the housing area. I am confident it will radically improve the capacity of housing authorities to plan and deliver their services in a coherent, flexible and responsive manner. I am greatly encouraged by the supportive and constructive contributions of Members during Second Stage and look forward to dealing with the detail of the Bill in committee.

Question put and agreed to.

Housing (Miscellaneous Provisions) Bill 2008 [Seanad]: Referral to Select Committee.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I move:

That the Bill be referred to the Select Committee on the Environment, Heritage and Local Government, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Health (Miscellaneous Provisions) Bill 2009: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Deputy Caoimhghín Ó Caoláin: Cuirim fáilte roimh an Aire Stáit. This is not the Health Bill we should have before us in the Dáil today. On 1 April the Minister for Health and Children, Deputy Mary Harney announced the establishment of an expert group on resource allocation and financing the health sector. It is not due to report until April 2010. I have no doubt the deliberations of the new group will be used to further delay the publication of the Eligibility for Health and Personal Social Services Bill, which has been promised for years. Why the delay? The answer is obvious. The last thing the and the Government want to discuss is the question of rights and entitlements to health services. They have presided over and reinforced a system where wealth can buy better health care and the private for-profit health business is allowed to act as a parasite on the public health system.

As the public health system reels under the cuts imposed since 2007 and braces itself for even worse to come, the Minister, Deputy Harney ploughs on with the building of private for-profit hospitals on public hospitals sites, subsidised by the hard-pressed taxpayer. The Minister, Deputy Harney and the Government imposed a so-called public service pension levy on nurses and have sanctioned the non-renewal of contracts for up to 14,000 workers in the public health service. At the same time the Minister, Deputy Harney gave a gold-plated guarantee to the hospital consultants that their €250,000 per annum contract will not be touched. This is for a 33-hour week in the public system, and they can still work up to 25% of the time in private practice. Even at that, the hours are not properly monitored, providing another lucrative let-off for whatever number — it is not everyone — is happy to abuse their privileged position.

This is what the Minister, Deputy Harney and the Department of Health and Children preside over in crumbling Hawkins House which, a view not unique to me, is the ugliest build-

ing in this city. At times it has struck me as a very appropriate symbol of this Government's health policy.

What is the role of the Legislature in all of this? We are excluded from any role, except for the rubber-stamp type of legislation we have before us today, the Health (Miscellaneous Provisions) Bill 2009. The Minister, Deputy Harney has made herself unaccountable through the establishment of the HSE, while major policy decisions with major implications for the health service are not put before the Oireachtas. For example, the Government never put one sentence of substantive legislation before us regarding its co-location proposals.

This Bill gives more functions to the HSE and the Department, something I would be reluctant to do. Earlier this month in my constituency, two prominent general practitioners resigned from the HSE GP unit, citing in an open letter to Professor Brendan Drumm the arrogance of HSE management and its complete disregard for the views of general practitioners. In February this year, 41 GPs in Cavan and Monaghan signed another open letter opposing, on patient safety grounds, the removal of acute medical services from Monaghan General Hospital.

We have no choice but to address this Bill within its limited scope and to accept in good faith the assurances we have been given that the functions of the various bodies now to be subsumed into the Department and the HSE will be properly fulfilled. However, we must also be assured, and this is the assurance I am seeking today, that the work will be properly monitored and that the Minister, Deputy Harney, and the HSE will be fully accountable for these functions.

The Bill dissolves the National Council on Ageing and Older People and transfers its employees, assets and liabilities to the Department of Health and Children. It establishes the office for older people to support the Minister of State at the Department of Health and Children with special responsibility for older people, Deputy Barry Andrews. The programme for Government has a commitment to frame and publish a national positive ageing strategy and the Department has informed me that this will now be its function.

A cross-departmental group has been set up to prepare the strategy and the former Minister of State, Deputy Hocht, has said it is intended to facilitate the participation of older people in the process of preparing the it. These include an invitation to make written submissions and the conduct of consultation meetings around the country. I urge that this work proceed without delay. I also urge that the Government reverse its recent decision and proceed with the publication of the national carers' strategy, a matter of vital concern to older people. The production and implementation of these strategies will be the real test as to whether the office of older people will work.

With regard to the dissolution of the National Council on Ageing and Older People, the Women's Health Council, the National Cancer Screening Service Board, the Drug Treatment Centre Board and the Crisis Pregnancy Agency, concern has been expressed about whether their functions will be safeguarded within the Department and the HSE. I wish to refer here to the relevant questions posed by the National Women's Council of Ireland and I ask the Minister of State, Deputy Andrews to respond in detail. As the Bill does not provide for any review mechanism to monitor or measure this change of policy direction against outcomes how will Government and the Oireachtas know if the functions of the agencies are being carried out by the Department of Health and Children? I ask the Minister of State, Deputy Andrews, to note the specific question, as well as a number of others I wish to pose, and to ensure they will be responded to fully in his closing contribution to this Second Stage debate. What is the estimated cost of dissolving these bodies and what are the projected savings, which we are told there will be? What is being done to safeguard the knowledge or institutional memory built up

[Deputy Caoimhghín Ó Caoláin.]

by these agencies since their inception? The staff in question have much knowledge and experience which should not be lost to the public service. What commitments have been made to ensure that the Department and the HSE will continue to work in partnership with civil society and other relevant sectors?

These questions are especially relevant to the Crisis Pregnancy Agency. Its establishment in 2001 was a recognition of the need to address crisis pregnancy in a comprehensive and effective way. It has made progress and helped to improve support for women facing crisis pregnancy. Since the inception of the agency, counselling services for women in this area have expanded significantly. The agency has also played a role in helping to prevent vulnerable women from ending up in the hands of rogue pregnancy agencies. However, the need for the work of the agency is as great as ever. Crisis pregnancy is still, and will always be, a major problem. What has changed to warrant dissolving the agency? This question goes to the kernel of the Bill. Is it really about enhancing efficiency and co-ordination or is it simply a money-saving exercise? We need clarity; we need the bare facts laid before us. Whatever answers we are given, time will tell, but we also need to know what mechanisms are in place to monitor the effectiveness of the work formerly carried out by these agencies and now to be carried out by the Department and the HSE. I have made this point already and I re-emphasise it.

I welcome the amendment of the Hepatitis C compensation scheme to remove age limits for travel insurance. The National Cancer Screening Service Board is also to be dissolved and its functions subsumed within the HSE, becoming part of the HSE's cancer control programme. The Bill provides for the National Cancer Registry Board to be appointed by the Minister, yet it is also to be subsumed into the cancer control programme in 2010. Will this be an interim board pending the change in 2010? If so, what will its functions be over that period? I hope the Minister of State will address the questions I have raised during the course of this contribution.

Acting Chairman (Deputy Charlie O'Connor): The Minister of State has not less than 15 minutes to reply.

Deputy Barry Andrews: Not less?

Acting Chairman: Actually, I am advised the Minister of State can speak for as long as he wishes.

Deputy Barry Andrews: I assume I am also permitted to speak as little as I wish.

Acting Chairman: I will protect the Minister of State as much as possible.

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I thank Deputy Ó Caoláin for his contribution and for the attention he has brought to the Bill. He was the only person to make a contribution, which is to his credit.

This Bill contains some of the efficiencies recommended in the public sector. The OECD, as the Deputy knows, made it clear that certain efficiencies could be secured through amalgamation and by subsuming certain agencies into parent Departments. In my own area, the Centre for Early Childhood Development and Education is to be subsumed into the Office of the Minister of State for Children and Youth Affairs.

Deputy James Reilly: I am sorry to interrupt. On a point of information, what did the Minister of State say about Deputy Ó Caoláin's contribution?

Deputy Caoimhghín Ó Caoláin: It was a fine compliment and I do not ask him to take it back.

Deputy James Reilly: Not at all, but did the Minister of State say it was the only contribution?

Deputy Barry Andrews: Yes.

Deputy James Reilly: This is the end of Second Stage. We have all made our contributions prior to this.

Deputy Barry Andrews: I am sorry; I did not understand that.

Deputy James Reilly: I wanted to put that on the record of the House.

Deputy Barry Andrews: I apologise and withdraw the slur on the Deputy's character.

Deputy James Reilly: I thank the Minister of State——

Deputy Barry Andrews: Deputy Reilly has never been lost for words.

Deputy James Reilly: ——magnanimously.

Deputy Caoimhghín Ó Caoláin: The spirit of what the Minister said is accepted graciously.

Deputy James Reilly: I do not want to detract from Deputy Ó Caoláin's contribution.

Deputy Barry Andrews: Neither Deputy has been lost for words in my experience.

Acting Chairman: I presume it will read well in the Cavan and Monaghan papers.

Deputy James Reilly: If not *The Echo* in Tallaght.

Deputy Caoimhghín Ó Caoláin: There you have it.

Deputy Barry Andrews: They will recover from the shock.

Acting Chairman: The Minister of State may proceed.

Deputy Barry Andrews: As I was saying, the Centre for Early Childhood Development and Education is to be subsumed into my office, but this will not require any statutory change. The OECD mentioned in particular the Office of the Minister for Children and Youth Affairs for the way in which it interacts with the main Government Departments and other agencies. This step is in keeping with the announcement in the budget that we will be rolling out an free early-years preschool system for all three and four year olds. The centre will bring to the Department a level of expertise that has hitherto been farmed out to other agencies, which is welcome. It has been suggested the Government is afraid to make tough decisions, but we have been making extremely tough decisions, and this has been recognised internationally. The Deputies do not have to take our word for it. Many commentators have noted that the tough measures in the emergency budget and last October's budget attracted much praise for the mettle shown by the Minister for Finance.

The health reform programme acknowledged that there was a need to streamline the number of health sector agencies with a view to achieving a more co-ordinated system. This objective was echoed in the Government's plans, announced last year, for the rationalisation of State agencies. The primary aim in rationalising these bodies is to streamline service delivery in the health service and promote service integration. The proposals are consistent with and build upon progress to date with agency rationalisation in the sector under the overall health reform programme. However, the Minister expects financial efficiencies to be gained over time due to

[Deputy Barry Andrews.]

economies of scale and the elimination of duplication in areas such as recruitment, procurement, payroll and ICT systems.

Deputies have raised concerns that the impact of the Women's Health Council and the National Council on Ageing and Older People will be diminished when they are integrated into the Department. The primary function of these two agencies is to give advice to the Minister. The repositioning of this advisory function with regard to women's health and older people in the Department will facilitate the Minister in formulating policy in these areas. It has often been a criticism that Departments do not have the expertise to formulate policy, and these steps will serve to address that perceived shortfall. Employees will be transferred under the Bill and their expertise, therefore, will be retained as they become civil servants in the Department.

Employees of the Crisis Pregnancy Agency, the Drug Treatment Centre Board and the National Cancer Screening Service Board will be transferred to the HSE and thus their skills will remain within the public health service. In the case of the Crisis Pregnancy Agency, the Bill expressly provides for the transfer of functions to the HSE in line with legal advice. The work of these bodies will be continued within the HSE and the integration of their functions and staff will be carefully managed to ensure the seamless continuation of services.

The National Cancer Registry will be integrated within the HSE in due course and the amendment to the board's structures is, as was outlined by the Minister, intended to forge closer links between the registry and the HSE's national cancer control programme. The board is currently composed of up to ten persons appointed by the Minister, seven of whom are appointed on the nomination of particular bodies such as the Irish Cancer Society and the Royal College of Surgeons in Ireland. The Bill provides for the appointment of a seven-person board with knowledge or experience of the collection, recording and analysis of information, the use of such information in research projects, or the management and planning of services.

Deputies have asked how they might ensure services are not impaired on the integration of the five agencies within the Department of Health and Children and the HSE. There are well-established accountability arrangements in place. The Minister is accountable to the Oireachtas and the chief executive of the HSE is required to appear before Oireachtas committees. Both the Department and the Health Service Executive publish annual reports which set out activities and service developments and which are, appropriately, subjected to the not inconsiderable glare of the media.

I thank Deputies for their contributions. The Minister looks forward to further constructive examination of the Bill on Committee Stage.

Question put and agreed to.

Health (Miscellaneous Provisions) Bill 2009: Referral to Select Committee.

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I move:

That the Bill be referred to the Select Committee on Health and Children, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Sitting suspended at 2.40 p.m. and resumed at 3.30 p.m.

Ceisteanna — Questions.

Priority Questions.

Social Welfare Benefits.

1. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs her plans to alter eligibility for child benefit; if it is intended to tax or means test the payment; and if she will make a statement on the matter. [17300/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): As Deputies will be aware, the rates of child benefit have increased significantly since 2001, having trebled for the first two children and increased by over 185% for the third and subsequent children. Partly as a result of this and partly as a result of an increase in the number of eligible children, overall expenditure on child benefit grew from just under £760 million — the equivalent of €965 million — in 2001 to nearly €2.5 billion in 2008.

The Government is proud to have been able to direct such substantial increases in financial support to all Irish families in recent years. However, given the scale of the current economic crisis, it is necessary to address all aspects of the public finances in order to avoid excessive borrowing and ensure that fairness exists in the allocation of resources. It was in this context that the Minister for Finance announced in the supplementary budget the Government's intention to subject child benefit to income tax or to means test it from 2010.

The issues concerning which approach to adopt are considerable. I understand the Commission on Taxation is considering the issues underlying the possible taxation of child benefit. Its deliberations will inform the Government's final decision on how to proceed. The Department has advised the commission of the practical issues involved in taxation of child benefit.

The alternative approach of means testing the almost 600,000 families in receipt of child benefit would be administratively cumbersome and costly. Difficulties would have to be overcome with regard to the appropriate treatment of different types of income, establishing the composition of the household and considering how income is distributed within the household.

Careful consideration also needs to be given to the likely consequences of both approaches. For example, any option to tax or means test child benefit could result in disincentives to take up employment and lead to a reduction in participation levels because it would raise the amount of wages required to replace the level of welfare previously received. It could also lead to a depression of activity levels whereby people would attempt to stay below the different tax thresholds by reducing hours worked or job sharing. Any possible inconsistency of treatment as between cohabiting and married couples also needs to be considered. In addition, the implications for low-income households must be examined carefully, for example, in cases where income from child benefit would bring such households over the thresholds for liability to tax. The Department, together with the Department of Finance and the Revenue Commissioners, will be giving the matter careful consideration over the coming months in anticipation of the report by the Commission on Taxation.

Since 1944, child benefit has been a key instrument in child income support policy, its main objectives being to support families in the costs of rearing children and to alleviate poverty. I

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assure the House that a decision on how best to proceed will not be taken lightly by the Government.

Deputy Olwyn Enright: I thank the Minister for her reply. I suppose it summarises the thoughts of Government but not the consequences of what it intends to do.

I shall put to the Minister an example I received today from a constituent. Her family has lost €8,000 in real terms annually because of the public service levies. She has four children aged under five and has lost an additional €4,000 through the abolition of the early child care supplement. Her basic question concerns how we value children and how we consider the actual burden — a word I do not like to use — placed on families when they have children and the responsibilities that follow.

In her response the Minister briefly mentioned the issue of disincentives which would be my biggest concern if either a tax or means testing were to be introduced. There are already several poverty traps in the social welfare system which create disincentives for people to take up employment if such employment exists. First, how great is the Minister's concern that introducing means testing or a tax might create the greatest of all poverty traps for people with families? Second, has any thought been given to the idea of having tax credits for families with children if either of these schemes is to be introduced? A constituent said to me this week that in our taxation system her bins are valued more than her children. She can get a tax credit for her bin but not for her children. When one puts it that way one has to wonder how we value children.

Deputy Mary Hanafin: The real case the Deputy outlined is a particularly difficult one for that family. Notwithstanding that the mother will get one year's free preschooling for each of her children, there is a considerable income loss for her and I appreciate that. We would be very conscious of that in whatever decisions we take in the next budget, bearing in mind what has happened in this one. The two measures will have to be seen with regard to how they impact on families.

The disincentive effect is very real when one looks to try to improve social welfare in any way. We have had other examples and there have been letters to the paper that everybody has probably seen, concerning a family with four children. When they listed all they were entitled to on welfare they were doing better than they would be at work. That should never be the case.

The family income supplement is there to support people but there would not be much point in taking with the one hand to give back with the other, all coming from a social welfare payment designed to support people with children. This is one of the issues we shall consider because it would be very wrong that somebody on social welfare should have a greater incentive to stay that way compared to the person on low income who is actually working. These are all issues we must thrash out in respect of future policy in respect of child benefit.

Deputy Olwyn Enright: I asked the Minister to be cognisant of this but she gave the example herself so she is aware of the situation. That makes me wonder why this is being driven so hard. If everyone in the House were to add them up we would have thousands of examples of people who are better off remaining on social welfare. I have a real concern that if we go down the road proposed by the Government in respect of child benefit we will create even more examples and will force people, especially those with a number of children, to remain in unemployment rather than seek work. I ask the Minister to impress that fact on the Minister for Finance.

Deputy Mary Hanafin: I certainly will. There are many issues relating to child benefit. It has been a universal payment for a very long time. There were some years during which the tax credit given for children was reduced on account of benefit and so at one stage there was a link between tax and child benefit but it was eased out. There are people who depend on child benefit and even those who do not depend on it to provide basics for their children use it for them, perhaps for extra activities, or whatever. I am conscious that is the case. However, it is costing us €2.5 billion and that is why we have had to look at all the schemes and every element of the social welfare budget, particularly at a time when people are taking drops in their income in the private sector. I fully accept the point that we must ensure we do not create any further disincentives. However, let everybody be warned that as soon as we try to do anything with the current entitlements under social welfare opposition voices inside and outside the House will be the very ones to say not to touch it.

Deputy Olwyn Enright: I am not encouraging the Minister to do that.

Deputy Mary Hanafin: I know, but it makes life very difficult when one is trying to find a balance when people who are not dependent on social welfare are taking drops in their income. We must ensure we do not have a disincentive for them to go on social welfare and be better off there. That will be the overall principle but it is too early to say what will happen in its regard in the future. There are considerable complications attached to either taxing or means testing, regardless of the policy decision attached.

Pension Provisions.

2. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the way she will proceed in terms of pensions policy in order to address the outstanding issues; and when she will bring her full proposals to Cabinet. [17305/09]

Deputy Mary Hanafin: Since the Green Paper on pensions was published in October 2007, the economic landscape has changed significantly in Ireland and the rest of the world. This has resulted in significant difficulties for pension scheme members, trustees and employers, related to the collapse in equity values and significant losses in pension funds.

Given these changed circumstances, the Government has moved to assist defined benefit schemes and their members through measures announced in December 2008 and more recent announcements. These include the establishment of a pensions insolvency payment fund, a reordering of wind-up priorities, provision for restructuring of pension benefits and stronger regulation with regard to remittance of pension contributions. These measures have been introduced to assist workers who are facing real and immediate difficulties with their defined benefit entitlements.

The Government is fully aware that the challenges facing our pension system go beyond these immediate difficulties. Members of defined contribution schemes have also faced losses in the value of their funds. In addition to these immediate pressures we are also faced with challenges relating to pensions coverage, the sustainability of our pensions system, the adequacy of current provision and the issues raised in the Green Paper in relation to social welfare pensions.

It is the intention of the Government to deal with all of these issues. It is important that the decisions we make are the correct ones, given that these decisions will have a significant impact on this generation and the next. 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

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the State and those who sponsor and provide occupational pension schemes. It is also important that an appropriate balance is struck between all stakeholders.

This Government has responded to the immediate pressures facing pension scheme members in a way we deem to be fair and equitable. We will continue to discuss further long-term reform options for inclusion in the final framework and I expect that this will be published in the near future.

Deputy Róisín Shortall: The reality is that we have been waiting years for this Government to address the pensions crisis facing the country. It is 19 months since the Green Paper was published and we are still awaiting a White Paper on the way forward. The minor changes the Minister made in December and this week amount to nothing more than robbing Peter to pay Paul. She is not doing anything fundamental in terms of addressing the major problem of the deficit in so many pension schemes.

When will the Minister set out where the country is going in relation to pensions? Pension schemes are losing money by the week. There is a major problem as regards the over-emphasis and over-concentration on tax relief as a way of dealing with pensions. I have already asked the Minister to kindly come up with figures in that regard, and I now ask her again. The only figure we have for tax relief on pensions and its cost relates to 2006, and that is a global figure. Will the Minister produce figures for us before she announces the Green Paper that will provide data showing the different elements of the current pension provision costs? I am particularly concerned about the cost to the Exchequer of the self-administered schemes. Will she, therefore, be in a position to provide that data prior to the publication of the White Paper?

How does she intend to proceed in regard to pensions, given that millions of public and private money has been lost in the past year, in particular through gambling on the stock markets? Does she intend to take a new approach to pension provision and, if so, will it have the State pension at its core?

Deputy Mary Hanafin: The measures taken in recent months were obviously to deal with the current difficulties that have arisen and were not designed for the long term. The framework document will deal with the long-term issues. Other countries that have introduced long-term frameworks have set out a timescale for their commencement. For example, the UK measure will not start before 2012. The measures we will take, depending on the type of decisions we make, will obviously require legislation and a starting point that will not be this year or next. Given that it will have implications that will affect all workers for the next generation, it is important to get it right. The Green Paper was published at the end of 2007, but following on that there were some 380 submissions, various conferences and a number of meetings. I met with the unions, the women's council, the Senior Citizens' Parliament and various other groups that made submissions. We will shortly publish that long-term framework document.

As regards the Deputy's question about self-administered schemes, the Revenue does not collect specific data in that regard. The tax reliefs available amount to approximately €2.9 billion, as we know, but it does not have the specific data in relation to that because it claims the resources required would be disproportionate to the value of the work of Revenue. However, when Revenue carried out an audit of the schemes a very high compliance level was found.

Deputy Róisín Shortall: This has nothing to do with tax compliance, but rather with the cost to the Exchequer. I put it to the Minister that unless she is in a position to provide information on what the different types of pension relief are costing the taxpayer, her framework document

will have no credibility. She should kindly get the figures and let us know how much tax reliefs to certain categories of pension schemes are costing. Again, does she accept that on grounds of equity and value for money we must move away from the tax relief-based pension approach and put a basic decent State pension at the core of any future pension policy.

Deputy Mary Hanafin: The State pension is at the core of the Government's provision. The value of the State pension is €5.4 billion, and it is certainly at the core of what we do. The increases in the level of the State pension in recent years has certainly helped to support pensions. For the future, we must ensure individuals also take responsibility to supplement that and to ensure private personal provision is in place. We must also ensure the balance is right between the State, the individual and the employer.

Deputy Róisín Shortall: Does the Minister accept that is not the case at present?

Deputy Mary Hanafin: It is interesting in reading the submissions to find that the unions are all saying——

Deputy Róisín Shortall: I am just asking——

An Leas-Cheann Comhairle: Allow the Minister to reply, please.

Deputy Mary Hanafin: People have different perspectives on this and because there was no consensus it was not easy to come up with an approach. Nonetheless, we are trying to determine what the balance should be for the future, how we can support people and have a more balanced approach in terms of tax reliefs, the benefit to the individual of the State pension, and so on, while at the same time ensuring more people make provision. I expect, genuinely, to be in a position over the next few weeks to publish the document.

Social Welfare Benefits.

3. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the support, in the context of the 8% reduction in the payment of rent supplement, she will offer claimants in negotiating rent reductions; and if she will make a statement on the matter. [17301/09]

Deputy Mary Hanafin: The recent supplementary budget provided that payments currently being made to existing rent supplement tenants be reduced by 8% with effect from 1 June 2009 in the expectation that landlords will reduce their rents, given the reductions in rent levels in the private rental market as a whole. While tenants may be contractually obliged to pay the rent agreed to in their lease, it is expected that landlords will decrease the rent in recognition of the fact that rents have fallen generally and that there are now a large number of vacant rental properties nationally.

Data published by the CSO show that rents fell by almost 7% between November 2008 and February 2009. A leading property website reports that rents have fallen by around 12% in the past year. A similar trend is apparent in tenancies registered with the Private Residential Tenancies Board. There are currently almost 85,000 people in receipt of rent supplement, an increase of 42% since the end of December 2007. It is essential that State support for tenants does not give rise to inflated rental prices and overcharging by landlords.

Other changes in the supplementary budget provide for new maximum rent limits to be prescribed in regulations to take effect from 1 June 2009 to reflect the general reductions in private sector rent levels as well as an increase of €6 in the minimum contribution towards rent and mortgage interest supplement to €24 a week.

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Existing recipients of rent supplement will be advised by letter in advance of the change being made to their rent payment and this communication can be shown to landlords as evidence of the revised rent supplement in payment in individual cases. Landlords will be advised through advertising in the print media of the general reduction in rent supplement payments.

Community welfare officers have discretion to provide assistance where exceptional circumstances exist in any individual case, for example, where homelessness might result due to the inability of a person to meet his or her rent payment.

Deputy Olwyn Enright: I agree that significant savings can be made in the area of rent supplement and that there should be a reduction in what landlords receive. However, I have a difficulty with the manner in which the Minister is approaching this. She is, in effect, asking 85,000 households to negotiate directly with their landlords. Some will have the ability to do this, but others will not. The Minister referred twice in her statement to expectations as regards landlords' remuneration decreasing. She is operating from a position of hope, in believing this is something that will happen. Will the Minister or her Department take any action directly? Since the Department has the names and addresses of the landlords through the forms people fill out for rent supplement, will it make contact with them? As regards advertising in the media, a landlord can open a local paper and close it again, without concurring that he should decrease his rent charges by 8%.

The Minister has chosen a blanket figure of 8%, while the figures for rent up and down the country are very different. She admitted last week, for example, that there is a real problem with tenants in bed-sits, particularly in Dublin inner city and perhaps in other highly populated areas. It is an unfair way to do it. In some places, it has gone down by as much as 13% while in others, it has only gone down by 5%. It is a totally inequitable way to do it. The Minister could have made greater savings in some areas which she could have offset against areas in which she will make fewer savings.

In addition to the print media, I hope the Minister has another plan to get in touch with landlords to try to achieve this. I did not expect the Minister to double in the past six months what the tenant must pay which, coupled with this reduction, will leave some people homeless.

Deputy Mary Hanafin: There is no reason anybody should be homeless as a result of this. Landlords throughout the country are reducing rent where the tenant seeks a renegotiation because people have taken a drop in their income. I have yet to meet anybody whose rent has not been reduced because of a change in their personal circumstances. Landlords are the first to know that the market is such that they cannot command the type of rent levels they were getting.

The letter each tenant will get from the Department will be the official way of him or her telling the landlord he or she is not getting as much as he or she was. It will more than just the advertising by the Department in newspapers. That information will come from both sides.

The increase demanded of each tenant, bringing the weekly contribution a tenant must make to €24, is still less than one would pay on RAS or if offered social housing. We have evidence that people turned down the opportunity to move off rent supplement because they were in a better location or in better accommodation on rent supplement and paying less. It was a disincentive. That is the reason we felt it was reasonable, although difficult, to increase it.

Deputy Olwyn Enright: The difference is that people in receipt of RAS and people in local authority accommodation can work as much as they want. People on rent supplement cannot do that. The Minister is not making a fair argument because people do not have that opportunity if

on rent supplement. In the majority of cases, she is taking that money directly out of the social welfare payment.

Why did the Minister not examine the idea of insisting that the Revenue Commissioners, through her Department and the Private Residential Tenancies Board, ensure they get all taxation due on these properties rather than only penalise the tenant? If we ensured all landlords paid tax, it would be a definite way for the Minister to get greater funding into the Exchequer, although I appreciate not specifically into her Department. She could have gone down that road instead of penalising the tenant by increasing the amount he or she must pay.

Deputy Mary Hanafin: I did not answer the Deputy's first question on rent limits throughout the country. Accepting that rents in some areas have come down by a lot more, it is our intention when setting the new rent limits to ensure we take that into account. Some will come down further, in particular where there is much availability of accommodation. Where there is limited availability, we will probably reduce it by 6% or 7%. That will come up when rents are up for review.

The question of income is important. The PRTB and the registration of landlords are one way to ensure Revenue has that information, which it uses. We want to ensure that happens.

Deputy Olwyn Enright: It told us at a committee meeting a few weeks ago it does not do that.

Departmental Staff.

4. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the remit of the 60 facilitators employed by her; the social welfare recipients they are currently dealing with; the average caseload of each facilitator; and if she will make a statement on the matter. [17302/09]

Deputy Mary Hanafin: The Department's facilitators work with social welfare recipients of working age, including people in receipt of jobseeker's payments, people parenting alone, people in receipt of disability welfare payments and people providing care, to promote participation and social inclusion.

Facilitators work with customers to identify appropriate training or development programmes which will enhance the skills the individual has and, ultimately, improve his or her employment chances as well as help him or her to continue to develop personally. Facilitators develop individual progression plans with the customer, are located throughout the country and are assigned to cover a geographical area. Facilitators work closely with FÁS and other agencies at a local level to identify and target appropriate education, training and development opportunities.

The social and economic participation programme, under the national development plan, provides for the enhancement of the facilitator network of the Department of Social and Family Affairs. This commenced in September 2008 and to date, 20 additional facilitators have been appointed. A further ten facilitators will be appointed in the coming months bringing the total number in place to 70.

A facilitator deals with referrals from local offices, the Department's inspectorate and people in receipt of social welfare payments who may decide to seek the service of a facilitator. The facilitator service may also be sought by someone who has a business idea, who wishes to avail of the back-to-work enterprise allowance or by someone who intends to return to education under the back-to-education programme. In addition, one of the roles of the Department's facilitators is to engage with other agencies to enhance local working relationships and to ensure that agencies work together to provide services to customers in receipt of welfare pay-

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ments. Facilitators are also engaged in extensive information provision to individuals, organisations and communities about the services of the Department.

In addition to the local referral system, a formal targeted programme of activation was introduced under the NDP. Under this programme, the Department actively selects cases for referral to facilitators. The first cases issued to facilitators in September 2008. Currently, 40 such cases are referred to each facilitator each month. The current economic climate has determined that a large part of a facilitator's work is with people on the live register.

The work carried supports people to progress from welfare to work and complements the Department's control activity. If a person on the live register is offered an opportunity to engage with a facilitator but refuses to do so, he or she is referred to the Department's local office for control follow up.

The facilitator service was enhanced under the national development plan's social and economic participation programme. There will shortly be 70 facilitators. Clerical support is provided.

Facilitators work in co-operation with other relevant service providers such as FÁS, VECs, the adult education guidance initiative, the HSE and other local agencies. The number of facilitators in place, their workload and the effectiveness of the service will continue to be monitored under the national development plan.

Deputy Olwyn Enright: I am glad that every time I ask this question, the number of facilitators goes up by ten. There is some progress. If facilitators are to work, they must have time to spend with people. Sadly, they must deal with an ever-increasing group of people who have varied needs from lone parents to people with disabilities to people who are unemployed.

When the Minister launched something for one parent families a few months ago, she spoke about the pilot schemes in Coolock and Kilkenny. She said where participation was voluntary, take up was low which pointed to a need for a more active process to give lone parents encouragement and so on. To have a more active process, facilitators need to have more time to spend with people. I do not see how 70 facilitators can deal with this, given the scale of unemployment we face.

I make the comparison with career guidance teachers and the 60,000 or so leaving certificate students. I know career guidance teachers must deal with the entire school but the focus is on students in the final years in which choices must be made. There are a lot more career guidance teachers relative to the number of students compared with the number of facilitators relative to the number of unemployed, not to mention lone parents and people with disabilities.

While I accept other organisations are involved, I question the ability of facilitators to deal with their workload given there are so few of them. The Minister said she is monitoring this. Does she see more facilitators being employed or does she see more active involvement by other agencies working with her Department which can engage with people on a one-to-one basis?

Deputy Mary Hanafin: I would like to see both but I am not sure how many more facilitators we will be able to get in the immediate term given that we have so many other staff coming in for progressing, control, inspection etc. As I indicated, the facilitators mostly concentrate on people on the live register. We must remember that when the first facilitators were appointed, they dealt with people on the live register who were long-term unemployed and who probably needed a bit more intensive work and more personal attention than a number of people on the live register now who, in some cases, are very capable of finding things for themselves once they have the information and of working with other agencies.

There is much duplication of agencies which are all trying to service the same group. We aim to ensure greater co-operation between FÁS, the local employment service, the partnerships, the adult education guidance initiative, the HSE when it concerns people with disabilities and our facilitators in identifying those people whose needs can be met by working with those agencies. That is happening in some areas.

Deputy Olwyn Enright: Is the Minister convinced her facilitators are able to draw together all those groups? I am concerned that unemployment is continuing to increase rapidly, even in areas where there is what the Minister described last week as a “plethora” of groups. Are the facilitators able to cut through the layers of bureaucracy to assist people and get them onto courses? When the Minister spoke last July about people under the age of 25, she said her officials were spending the summer identifying young people in the regions who were eligible for appropriate educational training schemes. How many young people were brought onto such schemes as a result of the engagement of her officials over the summer months? I presume the officials in question were departmental facilitators, in some areas at least. How many people applied through those officials to get onto the schemes in question? I do not refer to people who submitted applications themselves, for example through other agencies.

Deputy Mary Hanafin: I do not have figures for July and August 2008, when the officials in question were very active. They have dealt with 10,000 new cases since September 2008. That was the real focus. The fact there has been an increase in the number of people availing of the back to education scheme is evidence of that. That was a successful project. It is an example of the success that can be achieved when certain people are targeted. This type of co-ordination is taking place at local level. The facilitators are at the centre of it. I met some facilitators in Dún Laoghaire recently. I also met some facilitators in Castleblayney two weeks ago. I was told that certain things are being dealt with by certain officials. They are co-ordinating it between them. We need this type of co-ordination of service. I accept that everybody on the live register needs some kind of support. The level of intensive support the facilitators originally set out to provide is probably not necessary for everybody. I am interested in trying to continue to support it, however.

Departmental Staff.

5. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the position regarding the proposed transfer of community welfare officers to her Department; and if she will make a statement on the matter. [17303/09]

Deputy Mary Hanafin: As part of its reform of the health sector, the Government has decided to transfer responsibility for the General Register Office, for certain disability-related income support schemes and for the administration of the supplementary welfare allowance scheme and associated staff, including community welfare officers, from the Health Service Executive to the Department of Social and Family Affairs. Responsibility for the General Register Office transferred to the Department on 1 January last. The transfer of responsibility for the domiciliary care allowance scheme has commenced. New claims are being accepted in the Department. The transfer of all existing cases will be completed by September of this year. Arrangements will then be made for the transfer of the blind welfare allowance scheme.

The transfer of responsibility for the supplementary welfare allowance scheme is the largest part of the transfer programme. A considerable amount of preparatory work has been completed. The necessary legislation has been passed, subject to a commencement order. The number and location of the posts to be transferred has been agreed. Agreement has been

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reached with the HSE about accommodation, finance and other support arrangements. Detailed discussions have taken place with the relevant trade unions. As it was not possible to reach agreement with the unions that represent community welfare officers about pay, superannuation and other matters, it has been decided that such issues should be referred to the national industrial relations institutions to find a resolution.

Community welfare officers and the local office staff of the Department are under a good deal of pressure as they deal with increased unemployment levels. As they provide a service to the same people, it makes perfect sense for them to operate within a unified management structure. The integration of the community welfare service into the Department of Social and Family Affairs will result in a more co-ordinated approach to the provision of services to the public and will remove duplication of work. The transfer will not lead to any changes in the exercise of discretion by community welfare officers. The flexibility and responsiveness which is inherent in the scheme will remain. I am anxious that every effort is made to complete the arrangements for the transfer as soon as possible. I recognise that the transfer represents a change for the community welfare staff. It also represents a major organisational challenge for the Department. While a number of human resources issues remain to be resolved, I am confident this can be done in the coming months.

Deputy Olwyn Enright: Will the Minister clarify her comment that responsibility for all schemes, with the exception of the blind welfare allowance, will be transferred to the Department of Social and Family Affairs by September of this year? Is that subject to agreement at the discussions with the national industrial relations institutions? Will it happen anyway? One cannot hand over all the schemes if those who administer them do not come with the handover. If this plan goes ahead as the Minister has outlined, the Department of Social and Family Affairs will assume responsibility for a system that is creaking at the seams. I think the officials have described it as being past breaking point. I discussed the matter with community welfare officers at yesterday's meeting of the Joint Committee on Social and Family Affairs. I suggest that additional staff should be deployed from elsewhere in the Department to administer the community welfare service. Does the Minister envisage that will happen? She will be aware that the number of requests for community welfare services has increased by 85% in recent times. The number of community welfare officers has not changed, however. I accept that all Departments are subject to the embargo on public service recruitment. The queues at social welfare offices are growing, rather than decreasing. The number of people who wish to avail of the community welfare service is also increasing. When these responsibilities are transferred to the Department of Social and Family Affairs, it will have to deal with both problems. Will the Department be able to put in place the necessary staff? If the main social welfare service is failing, at least the back-up community welfare service should be able to give people what they need.

Deputy Mary Hanafin: The Department of Social and Family Affairs has assumed responsibility for new applications under the domiciliary care allowance scheme. Responsibility for existing applications will transfer to the Department in September. That is separate from the supplementary welfare scheme.

Deputy Olwyn Enright: Sorry.

Deputy Mary Hanafin: The transfer of responsibility for the supplementary welfare scheme is conditional on the agreement of staff. Approximately 1,000 officials will transfer to the Department of Social and Family Affairs. It is a huge transfer for them. It is a huge logistical

operation for the Department. Its total number of staff will increase to approximately 5,300. I do not doubt it will lead to greater integration and better streamlining of the services provided to individuals. That is what it is all about. A number of issues have to be resolved. Agreement has been reached on some issues, but certain terms and conditions continue to present difficulties. Some of the officials in question are public servants, as opposed to civil servants. Issues such as career paths and pay structures also need to be resolved. We have clarified some matters, such as accommodation and discretion. I believe the outstanding issues can be resolved in the next few months. The community welfare officers are seeking clarity. Matters will become clearer when everyone is part of the same system. People seem to be in limbo at present.

Deputy Olwyn Enright: I would like to ask a brief supplementary question about an issue I have already raised. I refer to the demands being imposed on the social welfare service and the community welfare service by the lengthening queues. Will more staff be deployed from within the resources of the Department of Social and Family Affairs to deal with such problems? The community welfare service is at breaking point. The Minister's comments about the integration of services have tempted me to ask questions about the issue of independence. I will not go into that now. Community welfare officers make sure that applicants are likely to be eligible for the social welfare benefit for which they have applied, and are waiting for, before they agree to make supplementary payments to such people. When they sanction the making of a payment, it is made within a short space of time. By contrast, people in Boyle, for example, currently have to wait 19 weeks to receive jobseeker's allowance payments. I suggest that the Minister should examine whether the manner in which the community welfare service operates can be applied in her Department. Community welfare officers do not sanction payments if they are not sure that the Department of Social and Family Affairs will make a social welfare payment in the end.

Deputy Mary Hanafin: The main difference is that community welfare officers make discretionary payments for one or two weeks, albeit to a person who qualifies——

Deputy Olwyn Enright: Yes.

Deputy Mary Hanafin: ——whereas my Department has to introduce people to its full payment system. When a person is in the system, it is difficult to take him or her out.

Deputy Olwyn Enright: Not necessarily — not if the system is changed.

Deputy Mary Hanafin: I accept what the Deputy is saying about the situation in Boyle. I will come back to that. The manner in which the HSE is governed by the public sector recruitment embargo has affected community welfare offices that are in need of staff increases. My Department, however, has been able to increase its numbers and has sought a further increase. When it assumes responsibility for the community welfare system, it will have some scope to better support the work of the community welfare offices.

Other Questions.

Social Welfare Benefits.

6. **Deputy Pádraic McCormack** asked the Minister for Social and Family Affairs the process improvement initiatives introduced to reduce the processing times of jobseeker's applications;

[Deputy Pádraic McCormack.]

the location at which these initiatives have been rolled out; if these initiatives have been extended to all social welfare offices; and if she will make a statement on the matter. [17074/09]

Deputy Mary Hanafin: I accept that becoming unemployed and having to claim jobseeker's payment is extremely difficult for people. I am trying to ensure the process of making a claim is as easy as possible. In 2008, we commenced a review of the processes and procedures for accepting and making decisions on claims. Certain initiatives have been introduced at all local and branch offices. A streamlined process has been introduced for people who had made a claim in the previous two years. The application form has been simplified so that claimants have to provide only details of any circumstances that have changed since the previous claim. A simplified procedure has been introduced to assist those who have to move to jobseeker's allowance when their period of jobseeker's benefit expires. More straightforward procedures for providing evidence of identity and address have been introduced. Application forms for jobseeker's schemes are now available on the Department's website, which contains comprehensive information on claiming jobseeker's payment, including details of the supporting documents that are required. When a person makes a claim for jobseeker's benefit or jobseeker's allowance, he or she can download and complete a claim form and bring it to his or her nearest local office. In addition, we have introduced an appointment system for taking claims in offices with high volumes of claims. Under this initiative, when a person first attends at a local office to claim, he or she is given details of the supporting documents required together with an appointment to attend to have his or her claim taken. The appointment system has been introduced in 14 local offices to date, seven of which are in Dublin. It is being extended to three other offices over the coming weeks, two of which are in Dublin. This initiative has been particularly effective in reducing queuing in local offices and it has also helped improve processing times where the customer provides supporting documentation at the point of claim. This initiative will be extended to a number of other offices over the coming months having regard to the volume of new claims at particular offices.

We are reviewing the processes involved in administering claims for those who are working reduced hours, such as part-time, casual and systematic short time. The existing arrangements are very labour intensive and it is envisaged that more streamlined arrangements, which will benefit customers and the Department, will be introduced in the near future.

These improvements are part of a programme of initiatives being developed by the Department to streamline processes and procedures in local and branch offices and it is intended that further improvements will be introduced on an ongoing basis during 2009.

Deputy Olwyn Enright: Further improvement needs to be introduced immediately. What has happened so far is not working. I have already cited the example of Boyle. The five towns with the longest waiting periods, Edenderry, Navan and Tuam, at 15 weeks and the other two at 13 weeks, have been at the top of the list for at least the past six months. I know Edenderry particularly well. There has been no dramatic factory closure there since last summer although there have been small and steady closures and rising numbers. Printing out one's form on-line and so on is all very well but the Minister needs a sea change in the operation of this service when unemployment is rising so rapidly. The Minister said in response to an earlier question that supplementary welfare payment is paid for only a week or two. It must be paid out in these instances for much longer. In Boyle, it has obviously been paid out for 19 weeks because otherwise people are living on nothing.

The Minister will probably tell me that the average waiting time is six weeks and only two weeks in Ballymun but that is no comfort to the people in Boyle, Edenderry or Bandon. How will the Minister make changes now, particularly in these areas?

I met a social welfare officer the other day who has been out sick for nearly a fortnight. That person is responsible for means testing and all of those files are building up in her absence. Nobody is dealing with them while she is out sick. She will probably have to go out sick again a few weeks after her return to work to recover from the stress she will face. What kind of system has nobody to fill in the gaps when people get sick or go on maternity leave? We all accept that happens. Private sector employers must accommodate that. The social welfare system must accommodate it too.

Deputy Mary Hanafin: In fairness to the staff there has been an 80% increase in productivity because of the increased number of claims. Where the improvements have been introduced they are working very well. I invite the Deputy to see any of the offices where the appointment system is in place.

Deputy Olwyn Enright: What do I tell the people in Edenderry?

Deputy Mary Hanafin: They came up against IR difficulties in their branch offices, yet now it has been spread and is working successfully. There is a particular difficulty with 14 of the branch offices, including some of those the Deputy mentioned. The local office support units are working specifically with those to try to reduce their claims, with Boyle being a case in point. Deciding officers have moved into some branch offices for a short time to free up the decision-making process and to work with them. The particular issue seems to rest with the branch offices.

There has been a meeting with the branch officers and another is taking place today to address these issues because their claims are then sent to the local office. Different processing arrangements are being put in place to try to improve those particular offices.

Deputy Róisín Shortall: I welcome the fact that an appointments system has been put in place in some offices and I am glad that the Minister took on our suggestion. This should have happened earlier. I accept that there has been a dramatic increase in the number of people applying and that has put serious pressure on the system but the Minister has failed to gear up the Department to deal adequately with that. While we understand that this is a new situation and there are considerable pressures, that is no excuse for people who depend on the Department in order to survive. A total of 28 social welfare offices have waiting times of more than two months. By any standard, that is completely unacceptable.

Last month during Question Time I asked the Minister about the particular problem affecting the branch offices. The Minister seemed to deny it, telling us it was all in hand and that she was dealing with it. She is not dealing with it. There are serious problems and she has not given us any grounds to expect that the issue will be dealt with soon. To what extent has she attempted to quantify the problem? How many staff does she believe are required now? Are all of the 115 extra staff all in place? How many additional staff does she believe are required to bring the waiting times down to an acceptable limit?

Deputy Mary Hanafin: In fact, 230 additional staff have been in place in the past few months doing processing. In addition, 16 more inspectors are doing means testing. There has been a significant increase in the number of staff and there has also been an increase in productivity. New systems have been put in place and the appointments system is just one of them. The Dundalk office spearheaded that system. It ran into some difficulties, overcame them and it is now possible to spread them out. In order to counteract the delays in some of the offices, such as the branch offices, we have set up four central decision units which do nothing else. They do not meet the public but the forms are sent to them. They are in Dublin, Sligo, Finglas and

[Deputy Mary Hanafin.]

Carrick-on-Shannon. We have started on three new ones in Roscommon, Wexford and Tallaght.

The local office support units are helping the branch offices with claims in hand and in some cases deciding officers are spending a short time with them. When a branch office manager retires, we have considered whether it is appropriate to keep the office going in that manner. Changes have come about following retirements in Carrigaline, Loughrea and Tullamore where we replaced the branch offices with local offices because of the demand. Following a retirement in Tulla in Clare, the office was replaced with another branch. Each one is considered carefully.

Deputy Olwyn Enright: While I appreciate that some changes have been made, I do not hear a sense of urgency in the Minister's responses. I accept that there is a problem in the 14 branch offices that we have highlighted here but there is a problem in other areas too. What will the Minister do about the fact that when people are out sick or on maternity leave, the system seems to break down in those offices because there are not enough trained people? Will the Minister give me a commitment today on her aim? When will there be a system in which everybody is operating at best practice and nobody is waiting more than a few weeks for a claim to be processed?

Deputy Mary Hanafin: The central units are the way to go because they concentrate on the decision-making. Having the four already and three new ones to come will make serious inroads into any delays. The level of applications coming in is still extraordinarily high although it seems to have abated somewhat but a significant number come in every week. We have requested an additional 300 staff over and above those we have put in, if the pace of applications continues at its current rate.

Deputy Olwyn Enright: They will all have to be trained.

Deputy Mary Hanafin: The training does take time because the schemes are very complicated. It is not a case of automatically transferring someone to replace a person who is out sick. The person must be trained.

Deputy Olwyn Enright: Then the Department needs a backup system.

Deputy Mary Hanafin: It is not as if there is a backup system waiting on one side. Everybody is trying to work to capacity. The improvements the staff have made have helped.

Deputy Olwyn Enright: It is not working.

Social Welfare Payments.

7. **Deputy Tom Sheahan** asked the Minister for Social and Family Affairs her views on making social welfare payments available on different days in post offices in order to avoid the long queues currently being experienced in some areas and to ensure better security; and if she will make a statement on the matter. [17091/09]

Deputy Mary Hanafin: The current range of payment options offered by the Department to customers includes payment at a local post office, or to a bank or building society account, or certain credit unions that have been authorised by the banking and credit union regulators.

Other than jobseekers, customers can opt for a payment method having regard to their own personal circumstances. The Department administers a variety of schemes which have a weekly and monthly payment cycle. For operational reasons and to facilitate the distribution of pay-

ments through the post office network, each scheme is assigned a day of the week for payment. These measures ensure that payments to be distributed through post offices are evenly spread across the week. A person can collect their payment on the due date or within a number of days thereafter.

Of the 1.4 million customers paid each week, over 725,000 — some 51% of them — are paid at a post office on various days throughout the week. A further 81,000 collect their early child care supplement on the third Monday of each month, and 252,000 customers collect their child benefit payment on the first Tuesday of each month. When new schemes are introduced, such as early child care supplement or customers move from cheque to electronic payments, care is taken to ensure that the day assigned does not unduly impact on existing arrangements at post offices.

As the numbers claiming social welfare increase significantly, the Department must ensure that strict controls are in place in order to prevent fraud and abuse. Staff in post offices are required to satisfy themselves that they are making payment to the person entitled to receive that payment. This has generally been done through signature verification. The introduction of photo identification for those of working age, such as jobseekers and lone parents, is designed to strengthen security measures in order to prevent abuse of the social welfare system. Post office staff can ask for photo identification and if there are any difficulties with the identification being produced they can alert investigators in the Department.

The Department is aware that a small number of post offices are experiencing long queues at certain times of the day. This is under review by An Post which is responsible for the post office network and the operation of individual post offices, including security. I am satisfied with the measures being taken in post offices to ensure that the correct payment is being made to the right person, and that customers are not unduly inconvenienced while collecting payments in post offices.

Deputy Olwyn Enright: I tabled this question because I have been contacted by a number of people about queues they have experienced in post offices. I appreciate that part of this matter is the responsibility of the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan. The biggest concern is about unemployment payments on the first day they are delivered. I accept that people can collect them on different days but the problem is on the first day because they want to receive it. I wonder if that system could be divided in any way. Could the matter at least be examined to see if pressure can be eased? The Minister should discuss with An Post the facilities it is making available to people. In some instances there are adequate staff, but An Post only supplies one computer.

I have also raised this issue because recently I was in a very small village and I was shocked when I heard how much was delivered to the post office for social welfare payments.

Deputy Mary Hanafin: Do not mention it.

Deputy Olwyn Enright: I will not but I could not believe how much was going in compared to the population. That postmaster said there is a real risk for them. They are in a rural area and there is no full-time Garda station, yet this massive amount of money is being deposited there. If the payments could be ordered twice a week it would make it somewhat safer for small post offices.

It is not the Minister's fault and it is up to individuals to opt for the method of payment. It would be a help, however, if more people changed their options.

Deputy Mary Hanafin: Undoubtedly, the use of electronic payments is the way to go because it is very secure for everybody. From the end of September 2009 no books will be printed, so that will alleviate the problem for some. Looking at what customers are paid on different days, however, even if one was to move some jobseekers to a different day they would then impact on pensioners or some other group.

Friday seems to be the worst day, with 39%, because most pensioners get their money that day. The figures are 20% on Thursday and 21% on Wednesday. Tuesday is a light day with 6%, and it is 14% on Monday.

I appreciate the points the Deputy is making, particularly about security because of the large amounts of money involved. On the other hand, however, as a measure to control fraud we had to ensure that people physically collect the money for reasons of which we are all aware. Hopefully, with other payments being made by electronic transfer it should relieve some of the pressure.

Citizens' Information Board.

8. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs if the personal advocacy service for people with disabilities will be rolled out in 2009; and if she will make a statement on the matter. [17080/09]

Deputy Mary Hanafin: The statutory basis for the introduction of a personal advocacy service under the Citizens Information Board was provided for in the Citizens Information Act 2007. However, having regard to the current budgetary circumstances, it will not be possible to proceed with this in 2009.

The Citizens Information Board is monitoring the programme to ensure that the projects are operating in accordance with the board's advocacy guidelines. It is planned to undertake a full evaluation of the community and voluntary sector advocacy programme next year.

The Citizens Information Board also provides advocacy through the citizens information services, focusing on access to services, welfare entitlements and employment rights. This type of mainstream advocacy is also open to people with disabilities. The community and voluntary sector advocacy programme is creating close links with the citizens information services to ensure that people with disabilities are encouraged and supported to use the mainstream services where possible.

The advocacy capacity is being strengthened through the provision of advocacy resource officers who work to build the capacity of information providers within the citizens information services to advocate on behalf of clients. There are nine advocacy resource officers in operation across the citizens information services network.

I am satisfied with the developments undertaken to provide advocacy services for people with disabilities through the Citizens Information Board. Significant resources have been provided since 2005 and will continue to be made available under the auspices of the Citizens Information Board for the development and provision of advocacy services for people with disabilities. The Department will continue to work with the board to further enhance advocacy services for all citizens, including those with disabilities.

Deputy David Stanton: I thank the Minister for her reply. What is the situation regarding the post of director of personal advocacy services, which was advertised in December 2007? It was envisaged that the director could be up and running by 2008, but was that position ever filled? I understand from a previous reply by the Minister in June 2008 that a person had been identified but that the post remained to be sanctioned. Was the person appointed? How much

has the Minister's Department saved by not going ahead with the personal advocacy service? How many people were going to be appointed to the service initially? Is the Minister now telling us that the Citizens Information Act, which we passed in 2007, is more or less defunct? Is she going down a different route, using advocacy resources officers through the citizens information service instead?

Deputy Mary Hanafin: The position is that the director was not appointed. When it was decided that we were not in a position to go ahead with the personal advocacy service last year, there was not much point in appointing a director to that service. That is on hold for the moment.

The amount spent on personal advocacy from 2005 to 2008 was €6.1 million. The amount saved on that service last year, when the decision was made, was €1.2 million. Had it gone ahead this year it would have been a greater amount, but it was not provided for in the budget because a decision was made last summer not proceed with it.

It is important to say, however, that the advocacy on offer around the country is being availed of by people with disabilities everywhere. Some 4,153 people have availed of and benefited from an advocacy service. The citizens information bureaux continue to provide that service, but the personal advocacy service was not possible in light of budgetary constraints.

Deputy David Stanton: Is the Minister saying that there is no need to go ahead with the personal advocacy service, and that the resource officers she is putting in place are doing the job instead? Has she changed her policy in this area completely? When she says that this is being put on hold, does she envisage it happening sometime in the future and if so, how soon? Does she agree that there is a huge need for such a service for people with disabilities and other vulnerable people who cannot provide advocacy services for themselves?

Deputy Mary Hanafin: The potential for a personal advocacy service is huge, including one that is dedicated to people with disabilities that can focus on their needs. It is always the intention of the Government to introduce it. It is just that because of the budgetary situation, both last year and currently, it was not possible to go ahead with it. That is why we did not appoint the director. It is only on hold, however, until we get out of the current economic crisis. It was purely a budgetary decision not to go ahead at the moment, rather than a policy one.

Deputy David Stanton: The most vulnerable are being affected now.

Social Welfare Benefits.

9. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs her views on a full review of rent supplement rather than a cost saving review in view of the recent changes announced in the 7 April 2009 budget. [17033/09]

Deputy Mary Hanafin: Rent supplement is intended as a short-term income support for eligible tenants whose means are insufficient to meet their accommodation costs. There are currently almost 85,000 people in receipt of rent supplement, an increase of 42% since the end of December 2007. Rent supplements are subject to a limit on the amount of rent an applicant for rent supplement may incur. The objective is to ensure rent supplement is not paid in respect of excessively expensive accommodation, having regard to the size of the household and market conditions.

Rent limits have recently been reviewed. In testing the level at which basic accommodation can be secured, the Department was informed by analysis of a number of data sources. Data published by the Central Statistics Office show rents fell by almost 7% between November

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2008 and February 2009. A leading property website reports that rents have fallen by around 12% in the past year. A similar trend is apparent in tenancies registered with the Private Residential Tenancies Board.

The recent supplementary budget provided for reduced maximum rent limits to be prescribed in regulations to take effect from 1 June 2009. Rent limits will be kept under review in light of trends in the private rental market. Payments being made to existing rent supplement tenants are being reduced by 8%. Also, from 1 June 2009 the minimum contributions payable towards rent is being increased from €18 to €24 per week to reflect downward trends in the private rental market and align the minimum weekly contribution individuals make towards their rent under the rent supplement scheme more closely with the rents local authority tenants have to pay.

Rent supplement will also be restricted to individuals who have been an existing tenant for six months. Individuals forming new households must have been placed on a local authority housing list following a full housing needs assessment before they are eligible for rent supplement. Some exemptions will apply and rent supplement will continue to provide support where exceptional circumstances exist in any individual case, for example, where the person is at risk of experiencing homelessness and-or hardship.

One of the measures introduced in recent years to address the issue of long-term rent supplementation is the rental accommodation scheme, RAS, which gives local authorities specific responsibility for meeting the long-term housing needs of people receiving rent supplement for 18 months or more.

Additional information not given on the floor of the House.

Details of the 32,000 people in receipt of rent supplement for 18 months or more are notified regularly to the local authorities. Almost 19,500 tenants have been transferred from the rent supplement scheme to RAS and other social housing options since 2005 and it is expected that 9,000 further rent supplement recipients will be transferred in 2009.

One of the reported impediments to the fluid transfer of rent supplement claimants to RAS is what can be a significant difference between the contribution which is required of the tenant under the rent supplement scheme and the contribution which they are required to pay through the differential rent scheme. The increase in the contribution referred to earlier addresses this issue.

Overall, I am satisfied that the current rent supplement scheme provides an adequate short-term safety net within the overall social welfare system to ensure people do not suffer hardship due to loss of employment. Nonetheless, I intend to keep the scheme under review to ensure it meets the objective of catering for those who require assistance on a short-term basis while long-term housing needs are dealt with in a more appropriate manner. I intend to consult housing officers in local authorities and community welfare officers to determine how the scheme can best meet its intended aims.

Deputy Olwyn Enright: It is not correct that the rent limits have been reviewed. The Minister took a blanket decision to reduce them and require tenants to pay more rent. If she had reviewed the limits, she would have made a fair decision based on the rent payable in each area.

Take-up of the rental accommodation scheme is only half of what was envisaged when the scheme was announced. Despite the brouhaha surrounding the budget announcement of 1,000 additional places under the scheme, this will increase take-up to marginally above half the number originally envisaged. Clearly, RAS is not working and must be reviewed.

In response to a priority question I tabled on this issue, the Minister stated the Revenue Commissioners have a system in place to chase down landlords, the ultimate recipients of rent supplement. Has this system been established in recent weeks? Some six weeks ago Deputies had an opportunity to put questions about this issue to representatives of the Revenue Commissioners and officials of the Department of Finance appearing before the Joint Committee on Social and Family Affairs. They indicated that such a system was not in place. Has a system been established in the meantime?

If the Minister were to introduce a deposit payments scheme, as I have proposed on several occasions, it would provide a series of mechanisms to save money without immediately affecting tenants or reducing their purchasing power. Will she establish such a scheme under the Private Residential Tenancies Board as opposed to under a new agency, given the potential of such a scheme to secure significant savings? A deposit payments scheme would also increase the power of tenants because landlords would be unable to get their hands on deposits.

Deputy Mary Hanafin: A number of aspects of the rental accommodation scheme need to be reviewed. The significant expansion of the scheme in recent years, even prior to recent developments in the area of unemployment, raises questions, particularly as regards the formation of new households, young people etc. Issues also arise regarding the nature of the accommodation on offer, for instance, whether it is substandard. Another issue is the ability of people on rent supplement to obtain accommodation they would not be able to afford if they were in employment. In this context, the Department seeks to ensure we do not build into the system disincentives to work, an issue we discussed earlier.

A further issue, one which I have discussed with a number of housing officers, is the number of times individuals may be permitted to refuse an offer of social housing or to participate in the rental accommodation scheme before rent supplement is discontinued.

Deputy Olwyn Enright: People are dying to get an offer under the scheme.

Deputy Mary Hanafin: This is an issue. Thus far, 19,500 people have transferred to the rental accommodation scheme. I appreciate the importance of encouraging further transfers to the scheme. The Department is working closely with the Department of the Environment, Heritage and Local Government to ensure more places are made available.

While taxation is a matter for the Revenue Commissioners, it is crucial that landlords meet all their tax obligations. I will consult community welfare officers and housing officers on the operation of the scheme. My officials are also in constant contact with officials in the Department of the Environment, Heritage and Local Government about the scheme.

Deputy Róisín Shortall: State expenditure of approximately €500 million per annum on rent supplement highlights the complete failure of the Government's housing strategy. An additional 1,000 places in the rental accommodation scheme is a drop in the ocean because the vast majority of people at the lower end of the private rented sector should be in the scheme. The Minister has failed to move quickly to address this issue.

Will the Minister explain precisely how the arbitrary cut of 8% in rent payments will work? Rents at the lower end of the market have not reduced by 8%. I refer to the grotty bedsits located all over Dublin and in other cities. Demand for cheap accommodation is increasing and there is no evidence to show rents have declined at the lower end of the market. I ask the Minister to explain what will happen in the case of a person in receipt of rent supplement living in a bedsit who approaches his or her landlord — provided the landlord can be found — and asks for an 8% rent reduction on the basis that rent supplement is being reduced. Such persons

[Deputy Róisín Shortall.]

are in a contractual arrangement with their landlord and have signed a lease which could have ten months or more to run. If the landlord responds by telling the tenant to get lost, what should the tenant do?

Will the Minister confirm that no one will be made homeless as a result of this measure? Will she guarantee that a person whose landlord refuses to reduce the rent will continue to have rent supplement paid until alternative adequate accommodation is found? Will she also confirm that the measure will not increase costs on the State? Given that persons who manage to exit a contract will not have their deposit returned, will these moneys not be lost to the State?

Has the Minister taken legal advice on this issue because there is a legal view that the State, through the Department, is contractually obliged to honour leases already entered into with landlords? While I am aware the leases are agreed between tenants and landlords, the Department is involved in the contract through the operation of the rent supplement scheme, for instance, landlords must fill out a form and meet tax compliance requirements. It appears the Department is proposing to break contract law.

Deputy Mary Hanafin: The Department does not have any contractual arrangements with landlords. Our agreements are made with tenants.

Deputy Róisín Shortall: It is involved in the contract through the form and tax compliance requirements.

Deputy Mary Hanafin: Money is paid to tenants who forward it to the landlord with whom they have an agreement. As I indicated, letters will issue to all tenants indicating that rent supplement will be reduced by 8%. As a result, tenants will be required to negotiate with their landlords. People who are working and experiencing a drop in their income are seeking and securing a reduction in their rents. Tenants who are on the rent supplement scheme will be able to negotiate with their landlords in a similar manner. As I indicated, community welfare officers have discretion in cases where persons are made homeless or suffer severe hardship.

Deputy Róisín Shortall: What will be the position if landlords refuse to reduce rent? How will the tenant be fixed in such circumstances? Will the Department continue to pay rent supplement until he or she finds alternative accommodation? These are important questions because they relate to real people who will find themselves in very difficult circumstances.

Deputy Mary Hanafin: One of the reasons for the decision to reduce rent supplement was the substantial decline in rents throughout the country. Rented accommodation has also become much more widely available. Landlords are aware that existing tenants have a choice. Losing a tenant imposes costs on landlords because they must prepare accommodation for new tenants and then find them. They would prefer to hold on to current tenants rather than go through such a process.

Deputy Róisín Shortall: Landlords can keep deposits. The Minister did not answer my questions.

Deputy Olwyn Enright: The Minister should be trying to persuade landlords to enter the rental accommodation scheme. I thank her for clarifying the position on whether landlords are paying tax on income from the rent supplement scheme. I ask her to raise this matter with the Minister for Finance because it is not acceptable for her to inform Deputies repeatedly during Question Time that the issue of taxation is a matter for the Minister for Finance. The Ministers both have seats at the Cabinet table and the Exchequer is losing revenue.

I ask the Minister to withdraw her comment that people are refusing offers of council houses and remaining on rent supplement. Failing that, she should at least provide figures on the number of people who have refused offers because I have not met any of them. It is in very rare circumstances that somebody does that. There are tens of thousands of people on the housing list in this country who are very anxious to get a property.

Deputy David Stanton: Did the Minister say people have to be on the housing list before they qualify for rent supplement? Is she aware the delay in getting approval to be on the housing list can be quite long? What happens in the interim to people who might be waiting for months and months to get such approval?

Deputy Mary Hanafin: The indication of people turning down accommodation came from housing officers who said because one can buy time where perhaps three offers would be made to a person, pending on when such offers would be made, one could perhaps buy an extra year or whatever in rental accommodation.

Regarding the last question——

Deputy Olwyn Enright: Did the Minister speak to the Minister for Finance, Deputy Brian Lenihan about it?

Deputy Mary Hanafin: No.

Deputy David Stanton: People do not want to waste time getting approval to be on the housing list.

Deputy Mary Hanafin: One new measure being introduced is that one must have been an existing tenant for six months, but if one is forming a new household, one has to go through the full housing assessment to qualify for housing, unless one is homeless, which is one of the criteria. I will of course raise all aspects of tax, particularly in this scheme. It is costing the State half a billion euro.

Deputy Róisín Shortall: We know that.

Deputy Mary Hanafin: We need to ensure wherever there is clawback it should be availed of.

An Leas-Cheann Comhairle: As there are three minutes left, I do not propose to move on to another question. I will take another supplementary question from Deputy Shortall on this question.

Deputy Róisín Shortall: I again ask the Minister to clarify today what the position is for people who are on rent supplement, go to their landlord to try and negotiate and the landlord refuses to reduce the rent? Many people on rent supplement are in very vulnerable circumstances and do not have the kind of choices people in the private sector have. They may have children at a local school and cannot move to another part of the city. There may be other reasons why they cannot move easily. There may not be other accommodation available in the area.

I ask the Minister to advise what is the situation because this is very important and affects many people who are, generally, in very poor circumstances. If the landlord says he will not reduce the rent, what happens then? Can the Minister give a guarantee such rent supplement will continue to be paid at the full rate until such time as appropriate accommodation can be sourced for the person concerned?

Deputy Mary Hanafin: I am not willing to allow a situation where those on rent supplement are dictating the rents and guaranteeing landlords an income they would not get from a private tenant. If a tenant goes to their landlord and the rent is not reduce the tenant can do exactly what they would do in a private situation, namely, threaten to leave or leave. However, if they find themselves in a homeless situation, something we want to avoid, we would be very anxious to protect those in that most vulnerable situation and the community welfare officer has discretion to look after such people.

Deputy Róisín Shortall: People will end up homeless unless the Minister allows some time for them to find alternative accommodation. She needs to clarify what the reasonable period is with community welfare officers because otherwise people will be turfed out and will end up on the street as a result of this cost-cutting measure.

Deputy Olwyn Enright: What percentage of the rent supplements are paid to landlords who are registered with the PRTB? Will the Minister make any changes to ensure the payment of the supplement is linked to the standard of the accommodation? It would be one way of sorting out the situation, particularly the very poor standard of bedsits. I understand some 172 were found in the last report not to meet the minimum standards.

Deputy Mary Hanafin: I do not have the figure on the number of landlords registered with the PRTB to hand, but if I have it I will send it to Deputy Enright.

Deputy Olwyn Enright: What about standards?

Deputy Mary Hanafin: Standards are also linked to the PRTB.

Deputy Olwyn Enright: There is no link with rent supplement payments and standards. That is where the Minister has power to do something about it.

Deputy Mary Hanafin: If they were in the PRTB, one could follow it through that way. I will get the information and follow up.

Deputy Róisín Shortall: How long will the Minister give people to find alternative accommodation?

Deputy Mary Hanafin: I already indicated community welfare officers will deal with that.

Deputy Róisín Shortall: Community welfare officers do not know where they stand on this. This is an arbitrary decision made by the Minister.

Adjournment Debate Matters.

Acting Chairman (Deputy Brian O'Shea): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the names of the Members in each case: (1) Deputy Alan Shatter — the difficulties that occurred last week in discussions between an Irish delegation and the Vietnamese authorities to effect a new bilateral adoption agreement; the failure of the Government to enter into such new agreement with both Vietnam and Russia and the anxiety caused to prospective adopters due to the expiration of existing arrangements; (2) Deputy Thomas Byrne — the need to increase the level of fines in respect of illegal dumping; (3) Deputy Kieran O'Donnell — the availability of the European Globalisation Adjustment Fund to workers made redundant from Dell; (4) Deputy Thomas P. Broughan — the need to proceed with regeneration projects at Moatview, Belcamp and Darndale estates, Dublin 17; (5) Deputy Dan Neville — the provision of palliative care at St.

Ita's Community Hospital, Newcastle West, County Limerick; (6) Deputy James Bannon — the reason that application forms in respect of funding under the national lottery sports grants for 2009 are not yet available; and (7) Deputy Charles Flanagan — the allocation of a passport in Irish to a person (details supplied).

The matters raised by Deputies O'Donnell, Neville, Flanagan and Broughan have been selected for discussion.

Adjournment Debate.

Company Closures.

Deputy Kieran O'Donnell: I thank the Ceann Comhairle for allowing me to raise this urgent matter on the adjournment debate. As we speak, 450 workers in Dell will lose their jobs today. It is a very sad for the workers and their families. A commitment was given by the Government that the European Global Adjustment Fund, some €500 million, would be accessed at European level. The application was to be made by Government. The funds would be used to provide retraining, counselling, to enable people to access alternative employment and to enable people to set up their own small business. To date, that has not happened.

I wish the 450 Dell workers concerned all the best. They are just the first group. In excess of 500 people will lose their jobs in Dell in July, in October another 500 will be lost and by next January another 400 will be lost, a total of 1,900 manufacturing jobs and 100 in the non-manufacturing area. That figure does not include people in Banta Global Turnkey, where 477 jobs will be lost and Flextronics, where almost 268 are being lost, all directly related to Dell.

Dell has been a great employer and provided a lot of down-stream jobs, but the contraction of its operations in Ireland has had a major exponential knock-on effect in Limerick and the wider community. We want to see Dell remain in Limerick, where 1,000 higher-end jobs are expected to be retained. It is extremely important not only to retain those jobs, but to build on them. I put forward a model in terms of what Apple did in Cork. The Government and agencies such as the IDA and other need to work with Dell to ensure we can build on the jobs. Perhaps some of those losing their jobs today can be retrained and access some of the new jobs.

In terms of the using European globalisation fund to help the workers concerned, which is the issue I want to raise today, I made direct contact with the EU Commission. On 1 May, the new rules on the fund will apply, whereby the EU will provide 65% of the funding and the State 35%. The current situation is 50% EU and 50% for the State. It will apply to cases of 500 redundancies or more, whereas currently it is 1,000 redundancies. It will apply for a two year period rather than the current one year period. Most importantly, it relates to an economic crisis rather than displacement of jobs outside the EU.

Dell in Limerick, and other companies such as Banta Global Turnkey and Flextronics, meet that requirement. I strongly urge the Government to make a submission immediately and make the case to the EU Commission. It can make the application prior to the full 1,900 or more redundancies taking place. There is a worry that the number of people redundant at the time one applies will determine the amount of funding received. A case can be made, in terms of Dell in Limerick and Banta Global Turnkey where, because we know the number of jobs which will be lost over the coming months, the fund should be drawn on straight away.

It is critical to retrain people and get them back into the workforce. I understand the new rules have been agreed at Commission level, at the employment committee stage in the European Parliament and at senior official level at the Council of Ministers. They will be passed by

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the European Parliament this coming Tuesday and will be dealt with by the Council of Ministers thereafter. They will come in to formal effect from July. However, they will be backdated to any application submitted from 1 May.

I see no reason the Government should not be ready tomorrow to make a submission to the European Commission regarding the European globalisation fund. If the Government is not ready to make such a submission, it is because it has dragged its feet and has not been doing the work. This is about accessing these funds. If one looks at other countries which have accessed this funding, they have obtained approval prior to the loss of the jobs. I want a commitment from the Minister of State that this application will be made tomorrow and the funding drawn down, and that the Government will start looking after the Dell employees and others. We now need a positive statement from the Government that it will make this application tomorrow and access some of this €500 million in funding.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): With all redundancies there is an acute human cost and my thoughts are with those workers being made redundant today at the Dell plant in Raheen, County Limerick.

The Deputy has inquired about when any co-financing support available under the European globalisation adjustment fund, EGF, will be available to these workers, the first group of whom are being let go today. In total, up to 2,000 workers are to be made redundant at Dell. A number of other companies that are directly linked to Dell in County Limerick have also notified the Department of Enterprise, Trade and Employment of related job losses.

Irrespective of the timing or eventual outcome of any application to be made for EU co-funding under the EGF, the Government has already begun to put in place relevant training and employment supports to assist those workers facing redundancy in Dell to retrain, to improve their skills or to pursue educational opportunities to assist in their eventual reintegration into the workforce. FÁS has put in place a special dedicated team to assist Dell workers in terms of individual skills assessment, occupational guidance and advice, job search assistance and the provision of training. To date, 480 workers have been invited to group briefing sessions and one-to-one guidance interviews. I understand some 345 workers attended the former session and 325 the latter. In addition, 60 workers participated in an ECDL computer training course arranged by FÁS.

A dedicated website, *www.tusnua.ie*, to assist redundant workers in assessing their options for alternative employment or further education in the mid-west region has also been put in place through a collaborative initiative between the University of Limerick, Limerick Institute of Technology, FÁS, the county and city enterprise boards, Enterprise Ireland and several other regionally located bodies. The majority of such supports are being provided from the State's own resources in the interim. Any subsequent co-financing received under the EGF will therefore serve to defray some of the costs of supports already being provided or planned by the State and most likely will be received some time after these supports have been availed of by the redundant Dell workers.

The House will be aware that the Minister for Enterprise, Trade and Employment has established the mid-west task force, chaired by Mr. Denis Brosnan, which is assessing the impact on the wider regional economy of the decision to close most of the Dell plant in Limerick and the associated job losses in other companies. It is also carrying out an analysis of the potential impact of the current economic downturn on the region.

The Department, in conjunction with the relevant State agencies, is currently preparing an EGF application in respect of Dell redundancies. All relevant eligibility criteria must be met to allow us to make a successful application. This is a complex and time-consuming technical process requiring the inclusion of considerable supporting data and involving not just the Department but a number of other State agencies and external bodies. Department officials have been also engaged in ongoing discussions with the European Commission regarding the application. Last December the European Commission proposed, as part of the European economic recovery plan, the revision of the current EGF regulation to make it more accessible, effective and responsive. The new application conditions will make the fund more accessible, particularly to smaller countries such as Ireland. These include halving the applicable redundancies threshold to 500; doubling the implementation period to 24 months; increasing EU co-financing from 50% to 65%; and broadening eligibility criteria for applications made between 1 May 2009 and 31 December 2011. However, while agreement was reached earlier this month between the European Council, Parliament and Commission, the revised regulation remains to be formally adopted by the European Parliament in its forthcoming plenary session as early as next week and subsequently by the European Council, probably in early June.

The proposed changes to the EGF regulation will apply retrospectively to all applications submitted by member states from 1 May 2009. Due to the increased accessibility of the fund, it is probable there will be a greater number of applications and the fund is likely to be deployed to greater effect than has been the case to date. In this context it continues, therefore, to be the intention of the Minister, as stated previously in the House, to make an EGF application to cover Dell redundancies without delay.

Deputy Kieran O'Donnell: When?

Deputy Michael Finneran: The proposed new revisions to the EGF regulation, when adopted, should further facilitate Ireland in this regard and should ensure, if the application is ultimately successful, the attraction of a higher level of co-financing than heretofore.

Hospital Services.

Deputy Dan Neville: I welcome the opportunity to raise the issue of the palliative care and hospice support unit at St. Ita's Hospital, Newcastlewest, County Limerick. I recognise the work of the Friends of St. Ita's in promoting this necessary service in west Limerick. This group has been fund-raising for the provision of a palliative care and hospice unit for west Limerick for six years, since May 2003. As a result of that fund-raising, the group has contributed €1.225 million towards the capital cost of building, furnishing and equipping the unit, which has been put at around €3 million. In addition, Friends of St. Ita's has agreed to contribute a further €120,000 towards the final cost, which will bring the overall voluntary contribution to €1.345 million, or 44% — almost half — the capital cost of the unit. This could not have been done without the overwhelming support and generosity of the entire community of west Limerick and beyond. We also recognise that included in that is generous funding of €0.75 million from the McManus Pro-Am, which enabled the unit to be upgraded from a four-bed to an eight-bed unit.

This was a very much a community project from the outset, as the facility was seen as being much needed for the region and was expected to augment the service already being provided by Milford Care Centre, which is up to a 50 miles distance from the homes of some people in the catchment area. This, together with the cause itself, were factors that motivated the community considerably in the drive to have the unit built.

[Deputy Dan Neville.]

As one might expect, with that enormous commitment, good will and generosity on the part of the community, and the effort put in by Friends of St. Ita's over time, came an understanding and expectation that the hospice unit would be opened once ready for use. The unit has been completed, as has the final stage of furnishing and fitting, and a temporary nurse manager has been appointed internally, while the permanent post, which had been sanctioned by the Minister for Health and Children, Deputy Mary Harney, has not been filled, nor has it been advertised. The purpose of this appointment is to prepare policies and procedures for staffing and the running of the unit.

The purpose of my raising this is to impress on the Minister the requirement, because of the response of the community, that the unit be opened. There is great disappointment and annoyance that this has not been done. There is an unwillingness on the part of all concerned in this project to accept the delay in opening the unit beyond mid-2009. The contract for the unit went to tender in 2007, with a commitment that it would open in 2008. Now we are told it will not open in 2009.

As I said, Friends of St. Ita's has raised close to €2 million to date which, in addition to funding for the hospice unit, has also facilitated other projects in St. Ita's Hospital, including a day room and a patient minibuss service. There has been wonderful generosity and support from all sections of the community. The least that community can expect is that its hard work and generosity will be reciprocated by the Health Service Executive. It must honour its commitment to staff and patients by opening the hospice unit, which is ready for use, without further delay.

Deputy Michael Finneran: I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I thank Deputy Dan Neville for raising it as it provides me with an opportunity to update the House and to outline the background to the current situation and the action taken by the Health Service Executive.

The executive has operational responsibility for the delivery of health and social services, including the new palliative care facility at St. Ita's Hospital. The hospital was built in 1841 and has seen significant development in recent times. In 1974, a new unit of 110 beds was built, which transformed the scale of services provided. A new assessment and rehabilitation unit was opened in 1989 and a day hospital came on stream in 1990. In 2004, the Friends of St. Ita's received lottery funding of €100,000 to provide support bed and day room facilities, and a further €80,000 was provided last year to develop a therapy garden.

The new palliative care unit was delivered under the Health Service Executive's capital plan for 2006-2010. It is an eight-place facility, comprising four beds and four day places, with ancillary living, dining, activity and day care facilities. The equipping phase has commenced and the building will be in use by the end of the year as the community palliative care staff and the recently appointed clinical nurse manager will operate from it. The total capital cost of the facility is some €2.3 million, with Friends of St. Ita's contributing more than €1.2 million. The associated revenue costs are approximately €1.5 million. A new ambulant dementia unit is also scheduled to come on stream on the site. Representatives of Friends of St Ita's met with the Minister for Health and Children in early March to discuss a range of issues, including bringing the new facility on stream.

The overall spend on palliative care by the Health Service Executive in 2008 was in the region of €78 million. This included new funding of €3 million provided last year to undertake various service developments. The executive was asked to prioritise palliative care service developments in the context of a framework over the next five years. The resulting action

plan document, Palliative Care Services: Five-Year Development Framework 2009-2013, was recently submitted to the Department of Health and Children and is currently under consideration. This document details the actions and initiatives necessary to address the gaps in palliative care service provision, against the recommendations set out in the national advisory committee on palliative care 2001. The Health Service Executive's four administrative areas, with the full participation of voluntary and statutory palliative care providers, has developed a set of key priorities for addressing gaps in service provision in the next five years.

The Deputy will appreciate that all developments are now contingent on current economic and budgetary pressures. The Health Service Executive has been asked to undertake a rigorous examination of how existing funding might be reconfigured or reallocated to ensure maximum service provision is achieved. The Government is clearly committed to the development of comprehensive palliative care services. As I have outlined to the House, the Department of Health and Children will continue to work with the Health Service Executive and the voluntary sector to advance this objective.

Passport Applications.

Deputy Charles Flanagan: It is disturbing that the State, via the Department of Foreign Affairs, has facilitated a change of identity for a well-known drug trafficker. Who was involved in the cover-up in this case and how was it allowed to happen? I seek full and detailed particulars from the Passport Office and the Minister for Foreign Affairs as to the circumstances surrounding this issue.

I am reluctant to name persons outside the House but will do so in this case. Mr. Kieran Boylan has a string of convictions for drug trafficking and drug possession. Nevertheless, an international haulage licence was issued to him last September. Moreover, a passport has been issued to him in Irish by the Department of Foreign Affairs. Under the relevant legislation, there is a facility for the issuing of a passport in a name that is in a language other than the language in which it appears on the applicant's birth certificate. To my mind, however, the usage of Irish in this case has only one purpose — to avoid detection. After all, this is a wanted man, sought by Dutch police among others. Does he also happen to be a Gaelg oir of note? Is he an avid user of the Irish language or a native Irish speaker?

What checks were undertaken to affirm the love of the Irish language which inspired him to such a patriotic act? What references or recommendations were sought? Was the Garda or any appropriate person involved in the provision of information as to this man's proficiency in the Irish language? As I said, such changes are permitted under the Passports Act 2008, but evidence of use of name in Irish should have been sought. It is my understanding that a passport will issue in Irish only to those persons who can show they have been users of the language on a regular basis for a period of two years prior to their passport application.

Is it a regular occurrence that the Department of Foreign Affairs permits criminals to change their identity for the purposes of procuring documentation that would allow them to engage in international travel and perhaps international criminality? What checks were undertaken to ensure that this application was authentic? I understand the English version of the name can be maintained on the passport and, in this case, was entered as an observation. However, this was shown on a different page in the passport. If one flashes one's passport to a police officer, customs official or immigration official, there is nothing to show that one's name is also contained therein in English.

Did the Minister issue the passport under section 10(5) of the Passports Act 2008? Who processed the application and what is on file to show the appropriate checks took place? Did

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the passport officials know this man is a convicted criminal? What inquiries were made? If no inquiries were made, should they have been? Were any concerns raised by any party? What involvement had the Garda in this matter, whether local gardaí or otherwise? The Garda Síochána Ombudsman Commission is involved in an investigation of the individual in question. Will the Minister for Foreign Affairs hand over the passport file to the commission to facilitate this inquiry? This person has, under his Irish name, an international haulage licence, driving licence, insurance documentation and now a passport. He was never known for proficiency in the Irish language and there is no evidence that he was a lover of the language.

A genuine passport which passes all checks has been issued. However, it was issued by the State to facilitate a completely new identity. Jason Bourne, the fictional character of “The Bourne Supremacy” and “The Bourne Identity”, would be proud of what the Department of Foreign Affairs has done in this case. It supplied this person with a completely new identity.

How can criminals be facilitated by the State in a change of name? I have questions for the Ministers for Transport and Justice, Equality and Law Reform. I ask that this man’s driving licence be immediately revoked. However, I ask the Minister for Foreign Affairs to deal with the matter of the passport. The law needs to be reviewed if international criminals of Irish origin can be fitted out with completely new identities. In this case, the Department not only facilitated the fraud, but was instrumental in it. The law needs to be reviewed.

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): I am pleased Deputy Flanagan raised this issue. However, I am not very pleased at the manner in which he characterises Irish passports because it does damage to all of us.

The fact that he has raised the issue gives me the opportunity, on behalf of the Minister, Deputy Micheál Martin, to provide the House with a full briefing and to demonstrate that nothing untoward happened in this case and that the law of the land was observed.

The person in question applied for a passport in the Irish form of his name on 12 January 2009. He submitted his previous passport in the English form of his name along with the necessary application. The application was correctly completed and witnessed in a Garda station.

It has been established by the courts that a person has a constitutional right to travel from this country. Article 41.3 of the Constitution specifically infers that. A person, therefore, has the right to a passport. This is, of course, not an unfettered right and a passport can be refused in certain very limited circumstances.

Section 12(1)(d) of the Passports Act 2008 requires the Minister to refuse to issue a passport where he or she has been notified by the Courts Service that a person is subject to a bail order. However, there was no notification concerning a bail order in this case and no such order was applicable at the time of the 2009 application. The question of previous criminal convictions had arisen in respect of previous passport applications by the person in question and these issues were resolved at the time of those applications.

Accordingly, having verified the applicant’s identity and citizenship, having established that the application was correctly completed and appropriately witnessed and having verified that there was no record of a bail order in respect of the person in question, the Passport Office established that the gentleman was entitled to be issued with a passport.

I would like now to turn to the issue of a person’s request for a passport to be issued in the Irish language form of his name. Before dealing with the specific request, it might be helpful if I were to outline the legislative position in this regard. Incidentally, proficiency in the Irish

language is not a requirement, a fact which I suggest Deputy Flanagan is fully aware of, having read the Act.

Deputy Charles Flanagan: Use, not proficiency.

Deputy Dick Roche: Section 10 of the Passports Act provides, *inter alia*, that a passport “shall be in the name of the applicant as it appears on his or her certificate of birth (whether in the English language or the Irish language)”. There are some exceptions to the general rule, as the Deputy has pointed out. Under section 10(2) a passport may be issued in a new name following a marriage. That did not arise in this case. Section 10(4) permits the issuing of a passport in a new name where an applicant provides satisfactory evidence of the use of the name over a period of at least two years prior to the application. Where satisfactory evidence is not provided, section 10(5) permits the Minister to issue a passport in the new name. However, in such cases, the name on the certificate of birth is entered as an observation on the passport and must remain there for at least two years.

Deputy Flanagan is quite right. The international form of passport, which is used in this and other countries, has an observation page, which is directly across from the passport entry. Deputy Flanagan knows this and he is demonstrating this by lifting a piece of paper and showing it to the House. That observation must remain on the passport for at least two years. Including an observation helps to avoid difficulties which may arise, for example, where a person is applying for visas or work permits abroad. Although inclusion is optional for applicants who provide the required two years evidence of usage, it is a requirement in the case of applicants where such evidence is not provided. That is why the observation was entered on this man’s passport in the manner it was. This is in accordance with international passport arrangements throughout the European Union and in many other countries.

In this case, the applicant provided ten documents issued to him in the Irish form of his name as evidence of usage. He presented a driving licence which, as the Deputy has said, had been issued in December 2008.

Deputy Charles Flanagan: A month beforehand.

Deputy Dick Roche: That is quite correct. There is nothing wrong with Deputy Flanagan’s mathematics. Second, he presented six receipts for dental surgery, two of which dated from as far back as 2005. Third, he presented a letter dated 2009 from a firm of accountants and tax consultants which said he was known to them and that they had handled his business for the previous five years. He submitted a certificate of registration of business name dated from October 2008 and a bank statement dated January 2007.

Notwithstanding this, the Passport Office took the view that because much of the evidence of usage was of recent origin, in accordance with section 10(5), an observation would be entered on the passport. A member of staff spoke to the applicant and advised him of this. The passport was issued in the Irish form of his name but the observation showing his name at birth was entered on the page facing the data page of the passport. This entry would be clearly visible to any person inspecting the details of the new passport. In fact, it is regarded as a disadvantage to have such an observation on a passport because it raises questions about the passport holder.

Every passport applicant has a unique holder number on the Passport Office database. This enables the Passport Office, in examining passport applications, to track applicants’ previous history. In line with standard procedures, both Irish and English forms of this applicant’s name are entered on the database under his unique holder number.

[Deputy Dick Roche.]

I am, therefore, satisfied that the processing of this passport application complied fully with the requirements of the Passports Act 2008.

Urban Regeneration.

Deputy Thomas P. Broughan: In the constituency I represent, Dublin North East, recent cutbacks announced by Dublin City Manager, Mr. John Tierney, to the affordable housing and regeneration programmes will impact very seriously on people in the parishes of Darndale, Belcamp and Priorswood in Dublin 17.

For over 20 years, community leaders in both areas have campaigned for the regeneration and improved re-development of their estates. Bodies such as the Belcamp Estate Steering Committee, Moatview Fairfield Development Association, Darndale Tenants and Residents Association, Darndale Belcamp Village Centre and Northside Partnership have campaigned for the completion of the Darndale estate regeneration and for the elimination of troublesome open spaces in Belcamp and Moatview estates by the construction of affordable and senior citizen housing at those locations.

The regeneration of Darndale estate, which began in the late 1980s, has greatly improved the layout and housing quality of this attractive Northside parish. The Darndale Community Development Association themselves identified the EU URBAN programme and I was delighted to strongly represent them at Dublin City Council and in Dáil Eireann to secure the funding to build the Darndale Village Centre of which we are all very proud. The original old shops site in the centre of the estate and a small portion of the north east of Buttercup estate were promised further regeneration and development. Following many local consultations in Darndale and discussions with Dublin City Council and with the Minister of State, Deputy Michael Finneran, this final phase of Darndale's regeneration was to include new affordable housing on the old shops site and a complete redesign of the north east corner of Buttercup estate.

My constituents have asked me repeatedly for the start-up date for these projects. Recently, I was informed that these two projects will probably not proceed in 2009 and may not even start in 2010. Darndale housing manager, Mr. John Egan, informed me recently that "there is no sign of this progressing soon. The Department of the Environment, Heritage and Local Government has requested a full re-appraisal and cost plan of the proposal in view of the new economic climate." He went on to state that even if a positive decision were made by the Minister, Deputy John Gormley, and the Minister of State, work would not commence this year. This is appalling news for the people of Darndale and Belcamp and I am asking the Minister of State this evening to state that he is fully committed to this regeneration and that it will start in 2009.

In Moatview and Belcamp estates and Priorswood parish, lengthy consultation, planning and other preparations have been made for infill affordable and senior citizen housing at a number of large urban open spaces. This programme began around the turn of the century with the construction of about 30 new homes at a large and previously difficult open site between Moatview Drive, Moatview Avenue and Moatview Gardens. Major preparatory works were carried out over the past three years at further large sites, including those between Moatview Close, Moatview Gardens and Belcamp Avenue and at a very difficult site between Moatview Drive, Belcamp Crescent and Belcamp Green. The major preparatory engineering works at the two sites involved massive excavations and the moving of drainage pipes and large drainage channels. This involved great disruption at the two sites and for householders in the surround-

ing streets. For the past year or more, the sites have been left almost derelict and Dublin City Council has totally failed to restore them and protect adjoining householders.

It was thus very upsetting for Moatview and Belcamp residents to receive the following report about a month ago from area manager, Ms Celine Reilly. Ms Reilly stated that “the tenders received from the Belcamp Moatview development are currently being evaluated by the City Council and when completed, the scheme will be evaluated and a decision made to either commence or postpone the development”. I was recently informed that the Moatview and Belcamp redevelopments definitely will not proceed in 2009. This appalling news is a grave setback to Moatview and Belcamp and to the long and valiant campaign of wonderful community organisers such as the Belcamp steering committee.

I call this evening for the Minister to release urgently any necessary funding to Dublin City manager, Mr. John Tierney, and for the long needed regeneration works in Darndale, Belcamp and Priorswood parishes in Dublin 17 to go ahead immediately. Over 25 years, these valiant communities have worked hard to redesign and to improve their estates following profound planning and design failures by Dublin City Council and the Department of the Environment, Heritage and Local Government. It is intolerable that the completion of this long and arduous campaign should be postponed to 2010 or even later. I call on the Minister of State this evening to take urgent action on both these projects.

Deputy Michael Finneran: I thank the Deputy for raising this important housing issue.

The Government’s commitment to social housing takes a broad approach to supporting the development of sustainable communities. A crucial element of this approach is our commitment to supporting the development of sustainable communities in existing local authority estates through various improvement and regeneration initiatives. In particular, regeneration is focused on addressing the issues of social, educational and economic disadvantage experienced in some of the most challenging areas of the country.

This holistic approach looks beyond the physical infrastructure and considers all aspects of life in the areas concerned. In addition to improving the fabric of estates, each regeneration project should take a strategic approach to addressing the underlying causes of deprivation in the area, be they a lack of educational supports, or community facilities, or issues of anti-social behaviour, and where necessary they may involve a broad range of local and national statutory agencies, as well as community and business interests.

My Department supports an ambitious regeneration programme with projects ongoing in most of our cities and across a number of regional towns. The scope of the projects involved varies significantly, depending on the size of the estates involved and the particular challenges of the areas concerned. Regardless of scale, each project should address not just the physical improvements to the estate, but should also social inclusion. It is a matter for the housing authority concerned to decide on the type of regeneration proposal that is most appropriate for an area and to decide on the means by which the project should be delivered. It also falls to each individual housing authority to prioritise projects within its social housing investment programme and submit proposals in the usual way to my Department.

With regard to the issue of a regeneration programme for the Belcamp and Moatview area of Dublin, my Department has not yet received a proposal on this from Dublin City Council. From inquiries made to the council, I understand that work had been under way to develop a proposal, including the construction of affordable housing for a number of sites in this area. However, having regard to the current economic and budgetary climate, changes in the housing market and particularly the current availability of a large number of affordable units in the

[Deputy Michael Finneran.]

general area, the council has reviewed the proposal and now considers that the provision of additional affordable units would not be feasible at this time.

In so far as the regeneration of Buttercup Park in Darndale is concerned, Dublin City Council had submitted a proposal to my Department that included the construction of social housing, affordable homes and senior citizens' units. Officials from my Department wrote to the council last January about the proposed project, particularly about the need for affordable housing in the area. While a formal response is still awaited, I understand that the council will be submitting a revised proposal to my Department shortly.

As with all social housing investment programme projects, it will be a matter for the local authority to progress this proposal in accordance with the usual conditions and, subject to approval by my Department, to manage its delivery in the context of its overall social housing investment programme and in accordance with available allocations.

Finally, I would like to emphasise that my Department continues to work actively with Dublin City Council in connection with its broad range of housing programmes. In that context, I look forward to continued engagement with the council as it develops and implements its ambitious programme of regeneration.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Wednesday, 6 May 2009.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 9, inclusive, answered orally.

Pension Provisions.

10. **Deputy Tom Hayes** asked the Minister for Social and Family Affairs the date the long-term pension framework will be published; and if she will make a statement on the matter. [17066/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): As the House is aware, the Green Paper on Pensions was published in October 2007 and was followed by an extensive consultation process which concluded at the end of May 2008. Almost 400 submissions were received on the range of issues presented in the Green Paper, indicating a strong desire for pension reform but there was little consensus on the type of reforms required.

The Government is faced with very difficult decisions in this area and this has become even more challenging over the last number of months. The current financial difficulties mean that many defined benefit schemes are in a deficit position and many people have seen their savings eroded. In this context, and to follow on from measures taken in December last year, the Government has just announced plans for the introduction of a Pensions Insolvency Payment Scheme to assist workers in defined benefit schemes where the employer has become insolvent.

I am aware that this is only one aspect of the many challenges facing pension provision in this country. We are also faced with challenges in relation to pension coverage, the sustainability of our pension system generally, the adequacy of current provision and the issues raised in the Green Paper process relating to social welfare pensions.

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.

The House is aware that pension reform is an extremely complex issue and the Government must ensure that it has considered all of the issues involved before making decisions which have such a strong impact on people's livelihoods. A good, robust pensions system is costly no matter how it is organised. The challenge faced by Government is to strike the appropriate balance between those involved, including employers, people in employment and the State.

[Deputy Mary Hanafin.]

Discussions with my Government colleagues on the final framework are ongoing, and I expect that the framework will be published in the near future.

Social Welfare Benefits.

11. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs the proposals she has to tackle the situation whereby people receiving family income supplement who suffer reduced hours at work and go down to one week on one week off must cancel their family income supplement payment before they can qualify for jobseeker's benefit for the week that they are off. [16977/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Family income supplement (FIS) is designed to provide income for employees on low earnings with families. This preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were unemployed and claiming other social welfare payments.

To qualify for payment of FIS a person must be engaged in full time insurable employment which is expected to last for at least 3 months and be working for a minimum of 38 hours per fortnight or 19 hours per week. A couple may combine their hours of employment to meet the qualification criteria. The applicant must also have at least one qualified child who normally resides with them or is supported by them. Furthermore the average family income must be below a specified amount which varies according to the number of qualified children in the family.

FIS is then calculated on the basis of 60% of the difference between the income limit for the family size and the net income of the person(s) raising the children. Net income for FIS purposes comprises of total family income less tax, employee PRSI, health contribution, income levy, superannuation contribution and pension levy.

Once the level of FIS payment is determined, it continues to be payable at that level for a period of 52 weeks provided that the person remains in employment. The rate of payment can be increased if an additional child is born in the course of the 52 weeks.

Current Social Welfare legislation provides that both FIS and Jobseekers Benefit cannot be paid to a person in respect of the same period. However, a person in receipt of FIS whose work pattern changes can collect Jobseekers Benefit instead of their FIS for weeks where they are out of work, if this is financially more beneficial to them. In this situation payment of FIS is suspended for the weeks where the person is not working and chooses to collect a financially more beneficial Jobseekers Benefit payment. The FIS payment resumes again for the weeks that the person is working. The person must continue to satisfy the condition of working at least 19 hours per week or 38 hours per fortnight to avail of this arrangement.

A person who works one week on and one week off, can collect FIS for the week that they are working and either Jobseekers Benefit or FIS, for the week that they are not working, whichever is the most financially beneficial. The underlying entitlement to FIS is not cancelled. Payment is suspended for the weeks that a person chooses to collect the Jobseekers Benefit payment.

I do not propose to change this arrangement as it benefits the families concerned.

12. **Deputy Liz McManus** asked the Minister for Social and Family Affairs the discussions she has had with social welfare branch managers about their needs in order to speed up the processing of jobseeker claims. [16995/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department currently delivers a service from 62 branch offices which are operated by private individuals on a contract for service basis. Branch managers are responsible for recruiting their own staff. Each branch office reports to a parent local office of the Department. The main services provided from branch offices include jobseekers payment, one-parent family payment and an information service. However, branch office managers and their staff are not appointed as deciding officers, therefore all claims taken in branch offices are forwarded to the parent local office for decision by a deciding officer.

The additional number of people applying for jobseeker payments has placed increased pressure on all of the Department's offices and on branch offices. Staff in these offices are working extremely hard to process claims as quickly as possible.

Delays in processing branch office claims do not necessarily indicate difficulties in the branch office itself, as they may be attributable to difficulties being experienced in the parent local office.

Officials of the Department meet with the Branch Managers' Association on a periodic basis to discuss operational issues including staffing. At the most recent meeting held on 3 March, a number of process improvement initiatives that the Department has put in place in local and branch offices were discussed. Outline plans for further initiatives to ensure claims are processed as speedily as possible were also discussed. The branch managers were reminded that under the terms of their contract, they are required to ensure that staffing levels are adequate to allow for the efficient performance of the work of the office.

The branch manager's annual performance assessment, which is undertaken by the management from the parent local office, involves an evaluation of the staffing levels to ensure that service requirements are being met. Local office management were recently reminded of their obligations in this regard.

I fully appreciate that people claiming jobseekers benefit and allowance need to get access to financial and other supports as quickly as possible. Every effort is being made to ensure that applications made at Branch Offices are processed in a timely manner.

Departmental Staff.

13. **Deputy Seán Barrett** asked the Minister for Social and Family Affairs her views on increasing the number of facilitators in her Department in view of the growing numbers of unemployed; and if she will make a statement on the matter. [17019/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The department's facilitators work with social welfare recipients of working age in order to determine their needs and arrange through direct provision or jointly with other agencies, appropriate training and developmental programmes to equip them to progress to employment, training or further education. The current economic climate has determined that a large part of a facilitator's work at present is with people on the live register. Facilitators are located throughout the country and are assigned to cover a geographical area. For people on the live register the National Employment Action Plan (NEAP) is the main welfare to work measure. Under the National Employment Action Plan customers on the Live Register are referred to FÁS as they approach 3 months with a view to assisting them enter/re-enter the labour market.

The facilitator service was enhanced under the National Development Plan (NDP) Social and Economic Participation Programme. There are currently 60 facilitators in place, with a further 10 due for appointment, bringing the total in place to 70. The facilitators in each region

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are managed by a regional coordinator. Clerical support for facilitators is provided centrally by employment support services section.

Facilitators work in co-operation with other relevant service providers such as FÁS, VECs, the Adult Education Guidance Initiative, the HSE and other local agencies. The number of facilitators in place, their workload, and the effectiveness of the service will continue to be monitored under the National Development Plan (NDP).

Pension Provisions.

14. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the steps she will take to facilitate women, forced out of employment due to the marriage rule, to avail of contributory pensions; and if she will make a statement on the matter. [16929/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Government is anxious to ensure that as many people as possible can be accommodated within the social welfare pensions system, with due regard being paid to the contributory principle underlying entitlement to contributory payments and, in the case of non-contributory payments, the need to ensure that resources are directed to those who are most in need. Over the last 10 years, means tests have been improved and qualifying conditions for contributory payments made easier.

Many women in both the private and the public sectors left employment upon marriage because they were required to, or because that was the societal norm at the time.

Public servants who left the workforce through the operation of the marriage bar were not insured for social welfare pension purposes. Accordingly, the loss of pension rights in their case relates more to their occupational position rather than social welfare pension entitlements.

That said, the Green Paper on Pensions considered a number of issues related to the qualifying conditions for a social welfare contributory pension including the pension position of women who had to resign due to the marriage bar. The Government is actively considering these issues and will make final decisions in the context of the long-term framework on pensions.

Discussions with my Government colleagues on the final framework are ongoing, and I expect that it will be published in the near future.

Social Welfare Benefits.

15. **Deputy Kieran O'Donnell** asked the Minister for Social and Family Affairs the number of persons on a national basis and by local social welfare office waiting for their application for jobseeker's allowance to be processed; and if she will make a statement on the matter. [17087/09]

21. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will put in place immediate procedures to speed up the process of applications for unemployment assistance with particular reference to the need to alleviate hardship, anxiety and stress caused by delays; and if she will make a statement on the matter. [17001/09]

41. **Deputy Jim O'Keefe** asked the Minister for Social and Family Affairs the steps being taken to reduce the delays in dealing with applications for social welfare; and if she will make a statement on the matter. [16810/09]

47. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs if she has identified the reasons some social welfare offices have excessively high waiting periods; and if she will outline her findings. [16983/09]

54. **Deputy Dan Neville** asked the Minister for Social and Family Affairs the numbers of persons on a national basis and by local social welfare office waiting for their application of jobseeker's benefit to be processed; and if she will make a statement on the matter. [17084/09]

176. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the action she will take to address the waiting times at many social welfare offices. [17306/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 15, 21, 41, 47, 54 and 176 together.

The Live Register has increased to unprecedented levels as a result of the economic downturn that the country is currently experiencing. There are currently almost 72,000 claims awaiting decisions for jobseeker's benefit and jobseekers allowance. Approximately 10,000 claims are decided upon in a given week. (See the following Table 1 for claims pending at April 09).

The length of time it takes to process claims varies depending on the complexity of the claim, the availability of the necessary documentation from the applicant or his/her employer and the need to carry out additional enquires including assessment of means and whether the claimant satisfies the Habitual Residence Condition.

Furthermore, processing times can vary from office to office for a number of reasons including the extent of the increased number of claims, the number of staff vacancies, the duration of such vacancies and the turnover of staff in the office which impacts on the overall level of experience in the office.

During the past year an additional 190 staff have been assigned to local offices. In addition, as many local offices are very close to capacity as regards accommodating further staff, we have set up a number of central support units around the country. Four such units are currently set up in Dublin, Sligo, Finglas and Carrick-on-Shannon. Each unit has 10 staff. It is now planned to establish three further units with 10 staff each in Roscommon, Tallaght and Wexford and these units should be operational within the next few months.

A further 16 Social Welfare Inspectors have been assigned to various locations throughout the country to undertake means testing and other work associated with processing claims for the jobseekers allowance.

It is recognised that the provision of additional staff in itself will not deal with the rising claimload. Since early 2008 we have been examining all aspects of the work associated with the processing of claims and streamlining them wherever possible without, of course, compromising our scheme controls.

The following initiatives have been introduced at all local and branch offices. A new streamlined process has been introduced for people who had a claim in the previous 2 years. The application form has been simplified so that the claimant has only to provide details of circumstances that have changed since the previous claim. A simplified procedure has been introduced for people moving to jobseekers allowance when their jobseekers benefit expires. More straight-forward procedures have been introduced for providing evidence of identity and address.

Application forms for jobseeker schemes are now available on the Department's website with comprehensive information on claiming a jobseekers payment including details of the supporting documents required. This means that a person making a claim for jobseekers benefit or allowance can download and complete a claim form and bring it to their nearest local office.

An appointment system for taking claims is in operation in the following local offices:

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North Cumberland Street;

Ballymun;

Tallaght;

Thomas Street;

Nutgrove;

Apollo House;

Bishops Square Dundalk;

Waterford;

Cork;

Listowel;

Galway;

Letterkenny;

Navan.

There are plans to extend this system to Ballyfermot, Kilkenny and Blanchardstown over the next few weeks and it will be extended to other offices with high volumes of new claims over the coming months.

In addition, a review of the processes involved in administering claims for those who are working reduced hours i.e. part-time, casual and systematic short time is underway. The existing arrangements are very labour intensive and it is envisaged that more streamlined arrangements, which will benefit both customers and the Department, will be introduced in the near future.

These improvements are part of a programme of initiatives being developed by the Department to streamline processes and procedures in local and branch offices and it is intended that further improvements will be implemented on an ongoing basis during 2009.

The Deputy will be aware that anyone who is under financial pressure while awaiting a decision on their claim for a jobseekers payment can apply for Supplementary Welfare Allowance which is subject to a means test and other qualifying conditions.

Claim Pending Week Ending 24 April 2009

OFFICE	Parent Office	Jobseekers Allowance Claims Pending	Jobseekers Benefit and Credits Claims pending	Total Claims Pending
Achill SWLO	Achill	2	1	3
Apollo House SWLO	Apollo House	278	279	557
Ardee SWBO	Drogheda	199	121	320
Arklow SWLO	Arklow	277	194	471
Athlone SWLO	Athlone	285	348	633
Athy SWBO	Newbridge	226	97	323
Balbriggan SWLO	Balbriggan	385	285	670

OFFICE	Parent Office	Jobseekers Allowance Claims Pending	Jobseekers Benefit and Credits Claims pending	Total Claims Pending
Ballina SWLO	Ballina	287	129	416
Ballinasloe SWBO	Athlone	179	177	356
Ballinrobe SWBO	Loughrea	170	61	231
Ballybofey SWBO	Donegal CO	119	32	151
Ballyconnell SWBO	Cavan	176	112	288
Ballyfermot SWLO	Ballyfermot	382	357	739
Ballymun SWLO	Ballymun	197	152	349
Ballyshannon SWBO	Donegal CO	44	17	61
Baltinglass SWBO	Newbridge	142	32	174
Bandon SWBO	Carrigaline	241	247	488
Bantry CO SWLO	Bantry CO	36	23	59
Bantry SWBO	Bantry CO	88	59	147
Belmullet SWLO	Belmullet	37	22	59
Birr SWBO	Athlone	109	115	224
Bishop Square SWLO	Bishop Square	843	616	1,459
Blanchardstown SWLO	Blanchardstown	1,410	889	2,299
Boyle SWBO	Longford	151	83	234
Bray SWLO	Bray	358	330	688
Buncrana SWLO	Buncrana	508	234	742
Cahir SWBO	Clonmel	64	73	137
Cahirciveen SWLO	Cahirciveen	45	32	77
Carlow SWLO	Carlow	367	159	526
Carrickmacross SWBO	Dundalk	182	43	225
Carrick-on-Shannon SWLO	Carrick-on-Shannon	142	81	223
Carrick-on-Suir SWBO	Waterford	136	101	237
Carrigaline SWLO	Carrigaline	261	186	447
Cashel SWBO	Clonmel	70	66	136
Castlebar SWLO	Castlebar	128	71	199
Castleblaney SWBO	Dundalk	175	43	218
Castlepollard SWBO	Mullingar	243	119	362
Castlerea SWBO	Ballina	221	112	333
Cavan SWLO	Cavan	781	367	1,148
Claremorris SWBO	Ballina	222	78	300
Clifden SWLO	Clifden	38	9	47
Clonakilty SWBO	Carrigaline	172	147	319
Clondalkin SWLO	Clondalkin	924	1,474	2,398
Clones SWBO	Dundalk	57	21	78
Clonmel SWLO	Clonmel	99	118	217
Cobh SWLO	Cobh	37	32	69
Coolock SWLO	Coolock	419	353	772
Cork SWLO	Cork	2,781	2,801	5,582
Dingle SWBO	Tralee	65	82	147
Donegal SWBO	Donegal CO	26	38	64
Drogheda SWLO	Drogheda	1,212	423	1,635
Dun Laoghaire SWLO	Dun Laoghaire	992	559	1,551
Dundalk SWLO	Dundalk	520	133	653

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OFFICE	Parent Office	Jobseekers Allowance Claims Pending	Jobseekers Benefit and Credits Claims pending	Total Claims Pending
Dunfanaghy SWLO	Dunfanaghy	33	27	60
Dungarvan SWBO	Waterford	133	107	240
Dungloe SWLO	Dungloe	53	31	84
Edenderry SWBO	Mullingar	425	152	577
Ennis SWLO	Ennis	446	407	853
Enniscorthy SWBO	Wexford	383	209	592
Ennistymon SWBO	Ennis	98	41	139
Fermoy SWBO	Mallow CO	203	248	451
Finglas SWLO	Finglas	313	239	552
Galway SWLO	Galway	1,766	1,595	3,361
Gorey SWBO	Wexford	397	187	584
Gort SWBO	Ennis	205	78	283
Kells SWBO	Navan	281	71	352
Kenmare SWLO	Kenmare	36	39	75
Kilbarrack SWLO	Kilbarrack	311	669	980
Kilkenny SWLO	Kilkenny	684	186	870
Killarney SWLO	Killarney	252	268	520
Killorglin SWBO	Tralee	120	103	223
Killybegs SWBO	Donegal CO	26	17	43
Kilmallock SWBO	Newcastlewest	136	182	318
Kilrush SWBO	Ennis	72	76	148
Kinsale SWBO	Carrigaline	127	138	265
Letterkenny SWLO	Letterkenny	184	47	231
Limerick SWLO	Limerick	1,492	1,734	3,226
Listowel SWLO	Listowel	188	272	460
Longford SWLO	Longford	675	568	1,243
Loughrea SWLO	Loughrea	491	171	662
Macroom SWBO	Mallow CO	123	283	406
Mallow SWBO	Mallow CO	216	330	546
Manorhamilton SWLO	Manorhamilton	30	20	50
Maynooth SWBO	Ballyfermot	1,055	1,323	2,378
Midleton SWBO	Carrigaline	338	496	834
Monaghan SWBO	Dundalk	216	88	304
Muine Bheag SWBO	Carlow	175	47	222
Mullingar SWLO	Mullingar	589	494	1,083
Navan Road SWLO	Navan Road	661	517	1,178
Navan SWLO	Navan	970	590	1,560
Nenagh SWBO	Thurles	85	81	166
New Ross SWBO	Wexford	219	114	333
Newbridge SWLO	Newbridge	874	508	1,382
Newcastle West SWLO	Newcastlewest	119	181	300

SWLO = Social Welfare Local Office. SWBO = Social Welfare Branch Office. Branch Office claims are decided in the Parent Office.

Social Insurance.

16. **Deputy Joan Burton** asked the Minister for Social and Family Affairs her views on introducing a temporary holiday, either full or partial, on the payment of employers' PRSI as a means to create, sustain and protect jobs; and if she will make a statement on the matter. [12299/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The vast majority of workers pay social insurance contributions at the PRSI Class A rate. These general employees, together with their employers, pay a total social insurance contribution of 14.05%, excluding levies, under the full-rate PRSI Class A. These contributions provide entitlement to a range of contingency-based payments under various social insurance schemes.

Traditionally, social insurance spending has been funded on a tripartite basis — with contributions coming from the Exchequer, employers and employees. Employer contributions make up some 75% of income to the social insurance fund, with most such contributions arising from full-rate PRSI Class A. Reducing PRSI in order to support vulnerable employment would be an inefficient measure, as employments that did not require such support would also benefit, given the difficulties in targeting any reduction.

The Exchequer is the residual financier of the social insurance fund and any consideration of a reduction, even on a temporary basis, in employer PRSI would have to occur in a budgetary context. Such consideration would include the effect of any such change on the financial position of the social insurance fund. The fund, having recorded a surplus of income over expenditure since 1995, recorded a deficit in 2008. A further shortfall is expected this year and although these current deficits can be met from the accumulated surplus, it is likely that the Exchequer may again have to subsidise expenditure from the Social Insurance Fund within a few years. Given that context, a more targeted approach is required.

Social Welfare Benefits.

17. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will improve expenditure control measures by requiring nursing homes to notify her Department once a patient has been in their full-time care for a month or more. [16978/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Entitlement to state pension contributory and non-contributory is not affected by a person's residency in a nursing home. However entitlement to household benefits, which comprise allowances for electricity or gas, telephone and free television licence, generally ceases when a person is a resident of a nursing home. There are a number of control measures in place to ensure the discontinuance of household benefits where entitlement ceases.

Data matching exercises between the Department and the various utilities identify cases for follow-up action where a change has occurred on a customer's bill, such as change of address.

Reports from the General Register Office notify the Department of deceased customers.

The household benefits computer system has recently been upgraded and now provides enhanced controls of claim management and processing with built-in validation and supports.

For example the system does not allow duplicate awards to utility numbers (such as meter point registration numbers) for overlapping periods; following the notification of an address change to the Department, the household benefit claim is automatically stopped and an advice notification is issued to the customer's new address.

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Reviews are regularly undertaken in order to determine customers' continuing eligibility for household benefits. Letters issue to household benefit customers for completion and return within a specified time. Reviews include the re-assessment of household composition, income and re-confirming customers' primary residences. Follow-up action is taken where no reply is received from the customer or where the letter is returned undelivered. During 2008, 11,400 household benefit claims were terminated as a direct result of this ongoing review process.

The Department is currently reviewing the entitlement of up to 5,000 customers whose electricity usage is low. To date, some 700 household benefit claims have been stopped as part of this control review.

Control savings totalling €14.2 million was achieved under the Household Benefit scheme during 2008. It is intended to review 17,000 cases during 2009.

The Department is committed to ensuring that social welfare payments are available to those who are entitled to them and to ensuring that abuse of the system is prevented and dealt with effectively when detected.

Pension Provisions.

18. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs her plans to introduce a pensions protection fund to provide protection for defined benefit scheme members in the event that a scheme is wound up with insufficient resources; and if she will make a statement on the matter. [17068/09]

27. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs the percentage of pension schemes failing the minimum funding standard; the number of schemes this includes; and if she will make a statement on the matter. [17077/09]

34. **Deputy Pat Rabbitte** asked the Minister for Social and Family Affairs the number of defined benefit pension schemes that fail the minimum funding standard; and the number of these that are below 25% of the standard, 50% of the standard and 75% of the standard respectively. [16988/09]

55. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that workers in a company (details supplied) who are to lose their jobs in 2009 will also lose their pension entitlements despite the fact that some of them have made the full 40 years worth of contributions; the action she is taking to protect the pension entitlement of such workers; and if she will make a statement on the matter. [16990/09]

56. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs the action she is taking to protect the pension entitlements of workers at a company (details supplied). [16999/09]

62. **Deputy Pat Rabbitte** asked the Minister for Social and Family Affairs if she is satisfied that Ireland is in full compliance with Directive 80/987/EEC; and her intentions to amend legislation arising from Court of Justice judgment in case C-278/05. [16989/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 18, 27, 34, 55, 56 and 62 together.

Under the Pensions Act, defined benefit pension schemes must meet a minimum funding standard which requires that schemes maintain sufficient assets to enable them discharge accrued liabilities in the event of the scheme winding up.

Where schemes do not satisfy the Funding Standard, the sponsors/trustees must submit a funding proposal to the Pensions Board to restore full funding within three years, although as part of recent temporary measures announced by the Government, the Pensions Board can now allow a scheme ten years or more to meet the standard in certain circumstances.

There are currently 1,355 defined benefit schemes subject to the funding standard. It is estimated that in excess of 90% of defined benefits pension scheme are in deficit. However, the full extent of the level of under-funding will not be fully apparent until all schemes carry out their next actuarial assessment and report the results to the Pensions Board.

As the Deputies are aware, the regulation of pension schemes in Ireland is provided for by the Pensions Act. In an EU context, Article 8 of Directive 80/987/EEC provides that Member States shall ensure that the necessary measures are taken to protect the interests of employees and of persons having already left the employer's undertaking or business at the date of the onset of the employer's insolvency. In its review of the transposition of that Directive, the EU Commission, at the time gave an assurance that Ireland had adequately transposed the provision in that Directive. Accordingly, the implications of the more recent ECJ judgement are being assessed to see to what impact, if any, it might have on Ireland.

The Government is very conscious of the pressures on both sponsoring employers and pension scheme trustees, arising from the very significant losses incurred by pension funds over the last 18 months. We are anxious to ensure, in so far as we can, that those involved have sufficient time and space to fully assess the implications of the current difficulties for their schemes and the remedial action they can take.

Indeed, this was the thinking behind the recent implementation of a number of measures to ease the pressures being felt by many pension funds. Those measures included the granting of extra time for schemes to formulate funding proposals and allowing longer periods for recovery plans.

Furthermore, just this week I have introduced changes to the 1990 Pensions Act to allow for the restructuring of underfunded schemes; to ensure a more equitable distribution of assets in the event of the wind-up of a defined benefit scheme and to strengthen the powers of the Pensions Board in ensuring that pension contributions deducted from wages and salaries are remitted by employers to scheme trustees.

I also introduced on behalf of the Minister for Finance, the Pensions Insolvency Payments Scheme to reduce the cost of purchasing pension payments for trustees of pension schemes where the employer has become insolvent.

The Government is continuing to consider a number of options in relation to the ongoing security of pensions. Any decisions in this regard will be made in the context of the National Pensions Framework which will be finalised shortly.

Social Insurance.

19. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs if she will amend legislation to allow a person who takes a career break during the recession to be credited with a full credit history as this is currently one of the disincentives for not taking up this option. [16982/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The primary purpose of credited contributions is to preserve the continuity of a person's insurance record during periods when they are unable to work and pay PRSI in the normal way. In order to qualify for credited contributions, absences from work would generally have to be for reasons outside of the person's control, such as periods of proven illness or registered unemployment, or periods during which they may be entitled to certain other social welfare payments.

Credited contributions are not generally available in circumstances where a person voluntarily ceases insurable employment on a temporary or permanent basis. This reflects the contributory principle that underpins the qualifying conditions for all social insurance payments. However, a person taking time off work to care for children up to 12 years of age, or an incapacitated adult, may be entitled to avail of the homemaker's scheme whereby such periods can be taken into account for state contributory pension purposes at age 66.

One of the qualifying conditions for contributory pensions requires that the applicant must have a minimum yearly average number of paid or credited contributions throughout their working lives. Therefore, any prolonged gaps in insurance cover are likely to have significant consequences with regard to pension entitlement.

In the case of short-term benefits such as job-seekers allowance, illness and treatment benefits a person may retain entitlement to such payments for a limited period after their last PRSI contribution but entitlement would then lapse unless further reckonable contributions are recorded on their behalf.

There are no immediate plans to amend the legislation governing credited contributions for persons on a career break. However, it may be possible for a person on a career break to pay voluntary contributions, subject certain statutory conditions. In this regard it should be noted that voluntary contributions are reckonable only with regard to state contributory pension, transition pension and widows/widowers contributory pension. Obviously, depending on the nature of the career break, a person may be eligible to engage in employment or self-employment during the period of the break, thereby making social insurance contributions in the normal way.

Social Welfare Benefits.

20. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if the changes in the jobseeker's allowance are discriminatory against younger people; and if she will make a statement on the matter. [16963/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In order to incentivise 18 and 19 year old jobseekers to avail of education and training opportunities and try to prevent their becoming welfare dependent from a young age, changes are being made to the Jobseekers Allowance. The rate of Jobseekers Allowance that will be paid to new claimants under the age of 20 is being reduced from €204.30 per week to €100 per week, with effect from the first week of May 2009. This decision was made on foot of ongoing consideration of unemployment and incentives policy by Government. It is not discriminatory but rather a targeted measure aimed at protecting young people from welfare dependency.

Receiving the full adult rate of a jobseekers payment at 18 years of age, without a strong financial incentive to engage in education or training, can lead to welfare dependency from an early age. If they do not improve their skills, such young persons are at risk of becoming long-term unemployed from a young age. Therefore, it is considered necessary to provide 18 and 19 year old jobseekers with a strong financial incentive to engage in education or training or to take up employment that pays more than €100 per week.

The fact that 18 and 19 year olds who participate in a FÁS or similar training/education course will get the full rate of the relevant payment (e.g. FÁS training allowance, Community Employment rate or Back to Education Allowance) instead of €100 on Jobseekers' Allowance, should also be a major incentive for such participation. Individuals will be required to access such courses if they are to receive a full rate payment. However young people with dependent children will not have their rates reduced.

Primarily delivered through FÁS, there is a wide range of courses being made available to person aged 18 or 19 years and additional Post-Leaving Cert courses are being made available through Vocational Education Committees. Also, this Department has a range of education and employment supports available to people in receipt of welfare payments. The overall aim is to assist persons to return to the active labour market by enhancing their employability. This is done through the operation of programmes including the back to education and back to work allowance enterprise schemes. In addition the Activation and Family Support Programme and the Second Chance Education Opportunities Scheme offer supports to social welfare customers and other disadvantaged persons including young people aged 18 to 19 to assist them to improve their employability and personal and family situations. Schemes will continue to be monitored in light of the changing economic circumstances to ensure that they continue to meet their objectives.

Question No. 21 answered with Question No. 15.

Departmental Offices.

22. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs the action she is taking to prevent the extensive queuing outside social welfare offices; and the way she proposes to tackle this problem which is degrading to clients of her Department. [16991/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Live Register has increased to unprecedented levels as a result of the economic downturn that the country is currently experiencing. In many instances people begin queuing outside offices before they open in the mornings.

These queues include people making a claim for the first time and people signing the Live Register to show that they continue to be unemployed.

In order to deal with extensive queuing, we have introduced an appointment system for taking claims in offices with high volumes of claims. Under this initiative, when a person first attends at a local office to claim, they are given details of the supporting documents required together with an appointment to attend to have the claim taken. The appointment system has been introduced in 14 local offices to date and is being extended to three other offices over the coming weeks. This initiative has been particularly effective in reducing queuing in local offices and it has also helped improve processing times where the customer provides supporting documentation at point of claim. This initiative will be extended to a number of other offices over the coming months having regard to the volume of new claims at particular offices.

The signing arrangements for people who are already on the live register have been reviewed at a number of offices and additional signing days have been introduced where necessary. In addition, at some offices specific signing times have been allocated to claimants to reduce queuing times.

My Department has instituted a number of process improvement measures in order to improve the claim taking process.

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In addition, we are reviewing the processes involved in administering claims for those who are working reduced hours i.e. part-time, casual and systematic short time. The existing arrangements are very labour intensive and it is envisaged that more streamlined arrangements which will benefit both customers and the Department will be introduced in the near future.

These improvements are part of a programme of streamlining initiatives being developed by the Department and it is intended that further improvements will be introduced on an on-going basis during 2009.

Social Welfare Benefits.

23. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that the community welfare service are in some cases requiring fathers who are paying maintenance to go back to the courts to have their maintenance payments reduced before they assess their need under supplementary welfare allowance provisions.

[16980/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The purpose of the supplementary welfare allowance scheme is to provide assistance to an eligible person whose means are insufficient to meet his/her basic needs and those of his/her dependants. Support available under the supplementary welfare allowance scheme includes a basic weekly allowance, supplements in respect of rent, mortgage interest, diet or heating and exceptional/urgent needs payments.

An individual making an application for supplementary welfare allowance 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 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 under the supplementary welfare allowance scheme 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 Welfare Code.

24. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs the proposals she has to change the definition of casual and short-term working. [16975/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The jobseekers schemes provide income support for people who are seeking their first job or have lost work and are seeking alternative employment. A fundamental qualifying condition for both the Jobseekers Benefit and Jobseekers Allowance is that a person must be available for full-time work.

When determining the classification of casual and short time workers each case must be examined on its own merits and, because of the variables necessarily involved in making a determination as to entitlement, payment rates and extent of entitlement are very much individual-specific.

Employment on a casual basis implies that the number of days worked will vary each week with the amount of work available. There will be no established pattern of days. This variety will also be reflected in the wages paid. Variations in hours or days worked must be due to the employer's requirements, as opposed to a work pattern chosen by the employee. In addition, there must be no guaranteed minimum hours or wages each week.

Short-time employment means employment in which, for the time being, a number of days is systematically worked in a working week which is less than the number of days which is normal in a working week in the employment concerned. Short-time work must be systematic, i.e., there must be a clear repetitive pattern of employment each week. The person must also work at least one day in each week that s/he would normally be working.

In the context of changing economic circumstances there are an increased number of people claiming Jobseekers Benefit and Assistance categorised as both systematic short-time and casual employees.

The application of the jobseekers payment scheme conditions to workers who are not employed on a full-time basis is being kept under review.

Employment Support Services.

25. **Deputy Joe Carey** asked the Minister for Social and Family Affairs the way she envisages profiling first time jobseeker claimants that incentivise people back to education or training; and if she will make a statement on the matter. [17030/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department collects information from jobseekers to establish entitlement to payments, to ensure that conditions for receipt of payment continue to be satisfied and to assist in the activation of those who are not progressing into employment or accessing training opportunities.

Claims for jobseeker payments are processed in the department's local offices. Each claimant is advised of the range of employment support services operated by the department and of relevant services provided by other agencies. Claimants are also advised that there are facilitators available who can help them to explore the range of work and educational options available from the department and other agencies.

The department's facilitator network works with social welfare recipients to identify appropriate training or development programmes which will enhance the skills that individuals have and ultimately improve their employment chances as well as help them continue to develop personally. Facilitators are working closely with FÁS and other agencies at national and local level to identify appropriate education, training and development opportunities.

The National Employment Action Plan (NEAP) operated jointly with FÁS is the main activation measure for jobseekers. Under the Plan, all persons between the ages of 18 and 65 years who are approaching 3 months on the Live Register are identified by the Department of Social and Family Affairs and referred to FÁS for interview with a view to assisting them enter/re-

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enter the labour market. FÁS will also provide a range of certified, short, flexible, modular programmes designed to upskill redundant workers so that they can enhance their prospect of securing employment. The frequency and range of programmes in place will be expanded over the coming months.

The department has been engaged in customer profiling with the ESRI, the objective of which is to identify metrics other than duration of unemployment to target additional supports for people at risk of becoming long-term unemployed and to do so much earlier than is possible at the moment.

Social Welfare Code.

26. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs the proposals she has to tackle the significant disadvantages built into the welfare system if someone is put on short-time working hours and ultimately is made redundant in terms of the potential reduced rate of jobseeker's benefit if later made redundant. [16976/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Full social insurance cover was extended to part-time workers from April 1991. At that time a range of measures were introduced to ensure that the rate of Jobseekers Benefit payable would be proportionate to the person's income and PRSI contributions. They were also intended to ensure that disincentives to employment were not created. In the absence of these measures, a situation would exist whereby many workers on low incomes would have access to weekly social welfare payments in excess of their income from employment.

These measures are regularly updated to keep pace with rises in benefit levels. Budget 2003 sought to bring the income threshold and banding structure back into line with the level of benefits payable. However, with the increases in benefits that have been provided since then, these thresholds and related bands had again gone seriously out of line with the associated rates of benefit. For example, an employee who earned €150.00 per week in 2004 qualified for a personal rate of payment of €134.80. In 2008, this payment had increased to €197.80 for the same level of earnings. At these levels, the weekly income threshold and graduated Jobseeker's Benefit rates represented a serious disincentive to employment.

The new thresholds that were introduced in January will address these disincentive effects by completing the process of bringing the income thresholds and banding structure back into line with the benefits payable. A reduced rate of Jobseeker's Benefit is now payable if average weekly earnings in the Relevant Tax Year (RTY) before unemployment were under €300.

Average weekly earning is total earnings from employment divided by the number qualifying contributions in the RTY. The RTY is 2 years before the year of claim, so if a claim for Jobseeker's Benefit is made in 2009 the Relevant Tax Year is 2007.

A person in receipt of a reduced rate Jobseeker's Benefit payment which is insufficient to meet their needs, may be eligible for a top-up under the Supplementary Welfare Allowance scheme, subject to a means test. Recipients of Jobseeker's Benefit may also opt to transfer to means tested Jobseeker's Allowance.

Question No. 27 answered with Question No. 18.

Departmental Staff.

28. **Deputy Seymour Crawford** asked the Minister for Social and Family Affairs the additional supports which will be given to community welfare officers in view of the increasing

demands on the supplementary welfare allowance supports; and if she will make a statement on the matter. [17039/09]

30. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs the action she is taking to ensure that there is adequate coordination between community welfare officers across their respective boundaries and to ensure that a seamless service is offered to clients. [16970/09]

42. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs if she is satisfied that the number of community welfare officers is sufficient to meet the growing demand for supplementary welfare allowance, mortgage interest supplement, rent supplement and other basic allowances. [16987/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 28, 30 and 42 together.

The supplementary welfare allowance scheme, which includes rent and mortgage interest supplement and the back to school clothing and footwear allowance scheme, is administered by the community welfare division of the Health Service Executive (HSE) on behalf of the department. The operational arrangements for processing of applications and payment to qualifying individuals, is a matter for the respective community welfare division areas.

The issue of increased demand on existing resources is a matter for the HSE in the first instance to prioritise workloads and re-deploy resources where necessary so that frontline services are maintained. The HSE is reviewing the allocation of staff currently engaged in the delivery of the supplementary welfare allowance scheme and associated income support payments and looking at current work practices with a view to developing proposals that would reconfigure the current service delivery model. The community welfare service has one agreed national training programme for staff to ensure uniformity and co-ordination in the administration of the supplementary welfare allowance scheme and associated income support payments across divisional areas.

The question of any increase in expenditure for staffing within the community welfare service above that currently provided would have to be considered in the context of overall Government policy on public service manpower levels.

Extra staff have been assigned to the department's social welfare local offices and process improvement initiatives are being implemented with a view to reducing processing times for jobseekers claims. These measures are helping to relieve some of the pressure on the Community Welfare Service.

Social Welfare Benefits.

29. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the action she is taking to retrieve the €7 million that is lost each year by the non-retrieval of rent supplement deposits from landlords. [16984/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Under the supplementary welfare allowance scheme, which is administered on behalf of the department by the community welfare division of the Health Service Executive, an exceptional needs payment (ENP) may be made to help meet an essential once-off cost, such as a payment of a rent deposit, which the applicant is unable to meet out of his/her own resources.

There is no automatic entitlement to this payment and each application is determined by the Executive based on the particular circumstances of the case, taking account of the nature and

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extent of the need. Such payments are confined to occurrences which the Executive considers to be unexpected, unforeseen or exceptional.

Over €7m was paid in rent deposits in 2008. In general, such payments are made to the tenant and only paid occasionally to the landlord where the tenant requests that the payment be made direct to the landlord.

If the landlord or tenant terminates the tenancy the tenant can use the returned deposit to secure a new tenancy. If a tenant has a legitimate grievance in relation to the refund of a rent deposit which they have paid to their landlord, they may apply to the Private Residential Tenancies Board to have the dispute resolved through the board's dispute resolution process.

Every effort is made to ensure that payment of rent deposit is only made once in an individual case by checking computer systems to identify if any previous deposit had been paid. In general multiple rent deposits are not paid to the same person. In these circumstances, there is no evidence to indicate that €7m was lost in rent deposits in 2008.

Community welfare officers have discretion to make a repeat payment of rent deposit in instances of potential homelessness.

Question No. 30 answered with Question No. 28.

Employment Support Services.

31. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if she is considering alternatives or proposals for young people, who are unemployed, to avail of opportunities, in tandem with other Departments, in view of her recent changes to the payment of unemployment assistance to this group; and if she will make a statement on the matter.

[17024/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The budget changes made to the rate of payment of jobseekers allowance to young people was undertaken in order to incentivise 18 and 19 year old jobseekers to avail of education and training opportunities and try to avoid them becoming welfare dependant from a young age. The full adult rate of the relevant payment will be paid to 18 and 19 year olds who participate in full time approved education or training programmes. This measure will provide this group with a strong financial incentive to engage in education or training or to take up employment.

The Government is now providing, through FÁS a total of 128,000 training and activation places for the unemployed this year. This is a substantial increase on the approximate 66,000 places taken up last year. Also Job Search/National Employment Action Plan referral capacity has nearly doubled for 2009 from 6,500 cases per month to 12,250. This represents an unprecedented increase in capacity for this programme, which is being undertaken by FÁS in co-operation with the Department of Social and Family Affairs. In addition there are 146,700 places available in further education programmes in 2009. This demonstrates the scale of activity being supported by this Government to ensure that people are best positioned to get back into employment.

The recent supplementary budget outlined a joint approach to activation agreed between the departments of Social and Family Affairs, Enterprise Trade & Employment and Education & Science. A range of additional measures were outlined aimed at maintaining people in employment, re-skilling and facilitating better access to allowances while avoiding undue negative impacts on vulnerable individuals.

As part of the budget I introduced a package of measures relating to the back to work enterprise allowance and back to education allowance schemes to facilitate better access to supports. The package put together by the Departments of Enterprise, Trade & Employment and Education & Science has some 11 proposals to provide 23,435 extra employment and training scheme places.

The impact of the change to the jobseekers allowance payment to 18 and 19 year olds and the uptake by this age group of the available education and training opportunities will be kept under review by my department and the other departments involved.

32. **Deputy David Stanton** asked the Minister for Social and Family Affairs her views on the lack of entitlement of self-employed persons who are no longer working to State jobseeker supports; her further views on making changes to the system to allow for improved supports for jobseekers who were formerly self-employed; and if she will make a statement on the matter. [16969/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The range of benefits and pensions to which different groups of workers may establish entitlement reflects the rate of contribution payable. Self-employed people are liable for PRSI at the Class S rate of 3% and are consequently eligible for a narrower range of benefits than general employees who, together with their employers, pay a total social insurance contribution of 14.05%, excluding levies, under the full-rate PRSI Class A.

Self-employed workers are not insured against short-term benefits such as illness and job-seeker's payments — these are only available to persons covered by PRSI Classes A, E, H and P. This reflects the need for coverage for various contingencies, the rate of contributions that self-employed persons pay, the practicalities of administering and controlling access to short-term payments and the annualised system of contributions that these same persons enjoy. A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems.

There are no immediate plans to extend cover for short-term benefits to this group of insured workers. Any such measure would have significant financial implications and would have to be considered within a budgetary context. Consideration would also have to be given to an appropriate increase in the rate of the PRSI Class S contribution. Self-employed workers who do not qualify for an insurance-based benefit may establish entitlement to assistance-based payments such as Jobseekers Allowance by satisfying certain conditions including a means test.

Self-employed people can apply for the means-tested Jobseeker's Allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. Their means would be taken as any net profit that they will earn in the coming 12 months. While their income from the previous 12 months is used as an indication in estimating their likely future earnings, it is not simply assumed that the previous year's earnings will be received in the coming year. Instead, account is taken of the potential for significant upward or downward variations in income from one year to the next.

Child Support.

33. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs the action she has taken in the context of the EU Council of Ministers meetings to put the case that Ireland is disadvantaged under EU rules in relation to child payments for non-resident children; and if she will make a statement on the matter. [16972/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The social security rights of people living and working in the EU are governed by EU Regulations 1408/71 and 574/72. The regulations coordinated social security systems and are designed to ensure that people are not disadvantaged by moving within the EU to take up work.

The regulations are also intended to guarantee, within the Community, equality of treatment under various national legislation to workers living in the Member States and their dependants and survivors. Accordingly, persons residing in the territory of a Member State to whom the regulation applies are subject to the same obligations and enjoy the same benefits under the legislation of a Member State as the nationals of that State.

Generally speaking, the country of employment is the competent State for the payment of family benefits. Accordingly, the growth in the number of migrant workers in Ireland has meant a very significant increase in the amount of child benefit payments being exported to other EU countries — though the numbers involved are relatively very small. Indeed, less than 1% of overall child benefit payments made by my Department are in respect of children living abroad. All Member States of the EU are obliged to implement these arrangements and Ireland is therefore not alone in making child benefit payments for non-resident children.

Freedom of movement for workers and equality of treatment with nationals of the host country, are fundamental principles of the EU. The social security regulations are designed to support these principles. I am also conscious of the very significant contribution migrant workers have made to the growth and development of our economy over the last decade. The Government believes that, on balance, the Irish people have benefited from the EU principles of freedom of movement and equality of treatment with nationals of the host country.

Question No. 34 answered with Question No. 18.

Departmental Staff.

35. **Deputy John Perry** asked the Minister for Social and Family Affairs the number of staff and the grades of same, who have been transferred either on a full time or part time basis from dealing with fraud to tackling delays in processing social welfare applications; and if she will make a statement on the matter. [17096/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Over the past two months a total of five executive officers who normally deal with fraud investigation have been assigned to claims decisions work. A further two executive officers involved in fraud investigation have been assigned to means assessment.

While these were full-time reassignments, they were only for short periods. Most of these officers involved have reverted to their normal roles. A further four staff (2 executive officers, 1 staff officer and 1 clerical officer) have been partially redeployed from Control work to claims processing. Approximately two thirds of their time is now devoted to claims processing with one-third for Control activity.

The management of resources, including the assignment of staff is a matter for each Regional Manager at any given time, having regard to the volumes of claims to be processed in their region. These reassignments were required to deal with backlogs arising on the jobseekers allowance scheme.

Social Welfare Benefits.

36. **Deputy Simon Coveney** asked the Minister for Social and Family Affairs if her attention

has been drawn to the hardship increasing the minimum contribution to the rent supplement by a recipient by a further €6 will cause; and if she will make a statement on the matter. [17037/09]

43. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the way she proposes to ensure that no existing tenant on rent supplement will be made homeless as a result of her decision to reduce rents on existing tenancies by 8%. [16997/09]

53. **Deputy Lucinda Creighton** asked the Minister for Social and Family Affairs the assistance put in place to facilitate planned changes in the rent supplement supports; and if she will make a statement on the matter. [17043/09]

58. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the evidence presented to her to illustrate that rents have fallen in the lower end of the market in each county; and if she will make a statement on the matter. [16961/09]

64. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she will set out the rent supplement caps that will apply following her recent decision to reduce the maximum amount of rent available to rent supplement tenants. [16996/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 36, 43, 53, 58 and 64 together.

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. There are currently almost 85,000 people in receipt of rent supplement, an increase of 42% since the end of December 2007. It is essential that state support for tenants does not give rise to inflated rental prices and overcharging by landlords.

The recent supplementary budget provided that payments currently being made to existing rent supplement tenants be reduced by 8% with effect from 1 June 2009 in the expectation that landlords will reduce their rents, given the reductions in rent levels in the private rental market as a whole. While tenants may be contractually obliged to pay the rent agreed to in their lease, it is expected that landlords will decrease the rent in recognition of the fact that rents have fallen generally and that there are now a large number of vacant rental properties nationally.

Other changes in the supplementary budget provide for new maximum rent limits to be prescribed in regulations to take effect from 1 June 2009 to reflect the general reductions in private sector rent levels as well as an increase of €6 in the minimum contribution towards rent and mortgage interest supplement to €24 a week. This increased contribution aligns the contribution made under this scheme more closely with the rents paid by local authority tenants and should facilitate a smoother transition to the RAS. The new maximum rent limits regulations will be laid before the Houses of the Oireachtas.

Data published by the CSO shows that rents fell by almost 7% between November 2008 and February 2009. A leading property website reports that rents have fallen by around 12% in the last year. A similar trend is apparent in tenancies registered with the Private Residential Tenancies Board. Existing recipients of rent supplement will be advised by letter in advance of the change being made to their rent payment and this communication can be shown to landlords as evidence of the revised rent supplement in payment in individual cases. Landlords will be advised through advertising in the print media of the general reduction in rent supplement payments.

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Community Welfare Officers have discretion to provide assistance where exceptional circumstances exist in any individual case e.g. where homelessness might result due to the inability of a person to meet their rent payment.

Social Welfare Payments.

37. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs the welfare payments currently under review with the objective of imposing reductions in Budget 2010; and if she will make a statement on the matter. [16967/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): No schemes are specifically under review by my Department at present with the objective of imposing reductions in budget 2010. However, the Special Group on Public Service Numbers and Expenditure Programmes is expected to examine the full range of social welfare services schemes and services. The group's recommendations will be considered by the Government in the context of budget 2010.

Departmental Staff.

38. **Deputy Liz McManus** asked the Minister for Social and Family Affairs if she is satisfied that there are sufficient resources with the habitual residence condition unit in her Department to allow for the speedy processing of jobseeker claims. [16994/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004. It was introduced in the context of the Government's decision to open the Irish labour market to workers from the ten new EU Member States, without the transitional limitations which were imposed at that time by most of the other Member States. The effect of the condition is that a person whose habitual residence is elsewhere would not normally be entitled to social assistance or child benefit payments on arrival in Ireland.

At present, the habitual residence condition central unit is staffed by nine staff. The unit deals with habitual residence condition decisions in respect of certain Jobseekers Allowance and One-Parent Family claims. Habitual residence condition decisions for child benefit, disability allowance, carers allowance and pensions are now made in their respective headquarter offices. To further expedite the decision-making process, the responsibility for deciding the habitual residence component of those social assistance claims processed by local offices is being devolved to the recently established Local Office Support Unit.

Formal training for the staff involved is due to commence in May 2009 and this will cover the Support Units in Sligo, Carrick-on-Shannon, Finglas and Townsend Street. In Dublin. The training of the remaining support units will be scheduled as these units become fully operational in processing claims for job seeker payments. The localisations of the decision making functions when completed will result in speedier processing of claims involving decisions on habitual residence.

Social Welfare Code.

39. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs her plans to amend the benefit and privilege rule for under 25 year olds. [16981/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There are no plans to amend the benefit and privilege rules for under 25 year olds at this time. Any further improvements

to the means testing arrangements for social welfare schemes generally, including the benefit and privilege assessment arrangements for the jobseeker's allowance and supplementary welfare allowance schemes, would have to be considered in a budgetary context and having regard to available resources.

40. **Deputy David Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 103 of 11 November 2008, the involvement she has in the development of the study on inappropriate care roles of young carers being carried out by NUI Galway; if her attention has been drawn to a completion date for the study; if she will reconsider her decision not to publish the National Carer's Strategy; and if she will make a statement on the matter. [16968/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Social Partnership Agreement "Towards 2016" included a commitment to study the extent and degree to which children undertake inappropriate care roles and the impact this has on their lives. The Office of the Minister for Children and Youth Affairs (OMCYA) has the lead role in relation to this study. Officials from my Department participated with the OMCYA and the Department of Health and Children in developing the structure of the study and in the tendering process. The study commenced in October 2008 and it is expected that it will be completed by the end of this year. The Department received a copy of the interim report on the study, Research on Young Carers in the Irish Population, in February 2009 for information. There are no plans to reconsider the decision not to publish a National Carer's Strategy at this time.

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 National Carers' 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.

The Government is acutely aware of the sacrifices made by carers and has sought to make many improvements in services and supports for carers. Over the past decade, 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 that 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

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care for the purposes of carer's allowance, carer's benefit and the respite care grant was increased from ten to 15 hours per week.

In budget 2009, I increased the rate of carer's allowance for those aged 66 or over by €7 to €239 per week and for those aged under 66 by €6.50 to €220.50 per week. These increases took effect from January 2009. Recipients of carer's allowance are also eligible for household benefits and free travel and the respite care grant. It is estimated that 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. The Department of Social and Family Affairs is committed to continuing to work with the carer representative groups to deliver services in the most effective way and to support the carer groups in the valuable work they do in helping carers.

Question No. 41 answered with Question No. 15.

Question No. 42 answered with Question No. 28.

Question No. 43 answered with Question No. 36.

Social Welfare Benefits.

44. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the progress in reviewing mortgage interest supplement; and her plans to amend this scheme and allow more people to qualify. [16986/09]

60. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs the steps she is taking to ensure that the qualifying criteria for mortgage interest supplement are altered to ensure that they do not discourage people from moving from welfare to work. [16985/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 44 and 60 together.

The mortgage interest supplement scheme is designed to help those who have difficulty meeting their mortgage repayment schedule where their means are insufficient to meet their needs. The scheme provides a short-term "safety net" within the overall social welfare scheme to ensure that people do not suffer hardship due to loss of employment. A supplement may be paid in respect of mortgage interest only to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. There are currently over 11,300 people in receipt of mortgage interest supplement, an increase of almost 7,000 (175%) over the number in payment at end 2007.

The assessment for the existing mortgage interest supplement scheme provides for a gradual withdrawal of payment as hours of employment or earnings increase. Those availing of part-time employment and/or training opportunities can continue to receive mortgage interest supplement subject to their satisfying the standard means assessment rules.

In view of the current economic environment, the Department is conducting a review of the administration of the mortgage interest supplement scheme. The main purpose of the review is to consider how the mortgage interest supplement scheme can best meet its objective of catering for those who require assistance on a short-term basis, where they are unable to meet mortgage interest repayments on their sole place of residence. Legislative and operational issues arising in the existing mortgage interest scheme, including the cap on hours of employment, are also being examined.

The views of the community welfare service and other interested parties are currently being canvassed as part of the review. In the interim, updated guidelines on the operation of the existing mortgage interest supplement scheme will issue shortly to community welfare service staff.

Social Insurance.

45. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs her estimate of the impact of the changes in the Social Welfare Bill 2009, on the likelihood of the Social Insurance Fund requiring support from the Exchequer in 2009. [16973/09]

65. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs the rationale behind limiting the PRSI ceiling to €75,036; and if she will make a statement on the matter. [16965/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 45 and 65 together.

Under the PRSI system social insurance contributions are compulsorily payable by employers and employed and self-employed workers. Approximately 76% of workers pay PRSI Class A and Class H at the rate of 4% and accrue entitlement to a range of benefits and pensions under various social insurance schemes.

The PRSI ceiling for ordinary employees is one of a range of balancing measures between the two fundamental principles on which the PRSI system is based: the contributory principle whereby there is a direct link between contribution paid and entitlement to a varying range of benefits and pensions which are payable as a right, if and when particular contingencies arise; the solidarity principle whereby contributions paid by insured persons are not actuarially linked to benefits but redistributed to support contributors who are more vulnerable. It is an expression of solidarity between both earning groups and generations.

The retention of the PRSI ceiling ensures that those on higher incomes will support contributors who are more vulnerable but also provides that high income earners will achieve good value for their contributions in line with the contributory principle. The PRSI system is strongly redistributive and the increase in the ceiling in the supplementary budget 2009 further strengthens this whilst still ensuring that higher income earners continue to gain value for their contributions.

It may be noted that the “Actuarial Review of the Social Insurance Fund, 2005” report, published in 2007, found that paying social insurance contributions represents very good value for money in almost all circumstances. In particular, the report found that those on lower incomes fare considerably better than those on higher incomes, with persons earning less than the gross average industrial wage paying 35% of the contributions but receiving 66% of the benefits. Additionally, it is not expected that the Social Insurance Fund will require Exchequer funding in 2009. It is also estimated that the raising of the ceiling will yield an additional €69 million in contribution income in 2009.

Social Welfare Benefits.

46. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the position regarding core social welfare payments following the supplementary budget of 7 April 2009; and if she will make a statement on the matter. [12309/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The rates of core social welfare payments were not reduced in the supplementary budget, other than in the case of 18 and 19 year old recipients of jobseekers allowance and basic supplementary welfare allowance.

In order to incentivise 18 and 19 year old jobseekers to avail of education and training opportunities, and try to avoid them become welfare dependent from a young age, the personal rate of payment for jobseekers allowance and basic supplementary welfare allowance will be reduced to €100 per week with effect from May 2009. This change will not apply to 18 and 19 year old recipients of jobseekers benefit. Nor will it apply to those receiving an increase in their payment for dependent adults or children.

As savings had to be achieved to keep the welfare budget at a level the State could afford, the Christmas Bonus will not be paid this year. The alternative to this measure was to reduce social welfare rates across the board. A number of changes are also being made to rent supplement as follows: entry to rent supplement will be restricted to applicants who have been existing tenants for six months or who have been placed on a local authority housing list following a full assessment of their housing needs; the minimum contribution for rent and mortgage interest supplement will be increased by €6 per week to €24, and maximum rent limits will be reduced as appropriate by up to 10% for all new tenancies or renewals while all existing rent supplements will be reduced by 8%.

Question No. 47 answered with Question No. 15.

Employment Support Services.

48. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs the measures put in place by her to incentivise people in employment action plan areas, who received redundancy to take up the back to education allowance in view of the increasing unemployment figures; and if she will make a statement on the matter. [17015/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Under the National Employment Action Plan (NEAP) all persons between the ages of 18 and 65 years who are approaching three months on the live register are identified by the Department of Social and Family Affairs and referred to FÁS for interview with a view to availing of a range of employment, training and educational options. The NEAP is not confined to particular geographic areas.

The back to education allowance is designed to facilitate people of working age on welfare payments to return to education in order to gain qualifications which will help to enhance their employment prospects. The main incentives for jobseekers to avail of the scheme are that it exempts them from the requirement to be available for work while participating in an approved course and, in addition, an annual €500 cost of education allowance is payable. Participants may continue to receive any secondary benefits to which they have been entitled.

In general, an applicant must be in receipt of a relevant social welfare payment for six months if pursuing a second level course or 12 months if pursuing a third level course. Provision was made in the recent supplementary budget to allow access to the allowance at three months to pursue courses at second level. However, a person who is entitled to statutory redundancy may access the scheme immediately provided an entitlement to a relevant social welfare payment is established prior to commencing the first year of an approved course of study. Each claimant for a jobseeker's payment is given an information sheet when they make their claim that, among other things, lists the range of employment support services operated by the department, this includes the back to education allowance scheme. The relevant information and booklets are also available in each of the department's local offices.

Jobseekers claimants are also advised about the department's facilitator service which is available to help a claimant to explore the range of work and educational options available. Where a person avails of this service and participation in the back to education scheme is recommended by the facilitator, the qualifying period for the third level option is reduced from 12 to nine months. In addition where a FÁS Employment Officer recommends participation in the back to education allowance Jobseekers claimants are also advised about the department's facilitator service which is available to help a claimant to explore the range of work and educational options available. Where a person avails of this service and participation in the back to education scheme is recommended by the facilitator, the qualifying period for the third level option is reduced from 12 to nine months. In addition where a FÁS Employment Officer recommends participation in the back to education allowance scheme under the NEAP the qualifying period for access to the third level option is also reduced from 12 months to nine months.

Over the summer the Department intends contacting all persons under 25 who are more than three months on the live register to advise them of the back to education options and sources of information available. The Government has devoted significant resources to the back to education allowance over the years. In view of its important role in enhancing the employability skills of jobseekers, the department continues to promote the scheme through all the channels at its disposal.

Tax and Social Welfare Codes.

49. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs the steps she proposes to take in conjunction with the Minister for Finance, to ensure that cohabitating couples are treated equitably by both the tax and welfare systems recognising their couple status. [16992/09]

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 social welfare code recognises the couple status of cohabiting couples and treats married and cohabiting couples in a similar manner. 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. The income tax arrangements for cohabiting couples are a matter for the Minister for Finance.

Social Welfare Fraud.

50. **Deputy Mary Upton** asked the Minister for Social and Family Affairs the fraud rate among jobseekers who are claiming from abroad. [16974/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There is no provision in Social Welfare legislation for a person who is living abroad to claim a jobseeker's payment in this country. In order to qualify for a jobseeker's payment a person must be: resident in the State, under age 66, capable of work, available for work, and genuinely seeking work.

To qualify for jobseekers benefit a person must also satisfy certain contribution conditions. To qualify for jobseekers allowance a person must satisfy a means test, and the habitual residence condition.

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Under EU regulations, a person who has been receiving jobseeker's benefit in Ireland for more than four weeks may transfer their benefit to another EU country for up to three months while looking for work in that country. When a claim is transferred to another EU country, the competent authority in that country takes over responsibility for the payment which is subsequently reimbursed to that country by the Department. While claiming under EU regulations the person becomes subject to the normal controls that pertain in the other EU country. Jobseeker's allowance is not transferable to another EU country.

There are no statistics maintained in the Department of fraud perpetrated in other EU member states by persons who have transferred jobseekers benefit abroad under EU Regulations.

Departmental Investigations.

51. **Deputy Jim O'Keeffe** asked the Minister for Social and Family Affairs if, in the course of investigations into social welfare applications it is considered appropriate that copies of bank statements are obtained directly from the applicant's bank without their knowledge or consent in a situation in which the applicant is then charged by the bank for issuing such copies; and if she will make a statement on the matter. [16809/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Applications for means tested payments are investigated by staff in the Department. In the ordinary course of events, a means assessment involves an interview of a claimant by a Social Welfare Inspector, in which they will be asked, *inter alia*, for details of any bank accounts they hold.

Where an applicant states he or she has one or more bank accounts, there are two possible courses of action open to the inspector; one is to request the applicant to provide copies of the relevant bank statements, the other is to ask the applicant to sign an authorisation permitting the bank concerned to provide the information required directly to the investigating officer. The first option, while it will provide accurate details of any accounts disclosed, will not provide any guarantee that the account(s) disclosed represent all of an applicants' accounts. Nonetheless, in many instances this option is used by an inspector.

There are, however times when an inspector will require further information or may need to establish from the bank that they have details of all accounts held in the person's name. In these circumstances, the inspector will ask the customer to sign a form of authorisation as described above. An inspector will always get the authority of the customer before making any inquiry of a bank.

Social Welfare Fraud.

52. **Deputy Mary Upton** asked the Minister for Social and Family Affairs the savings on social welfare fraud that would have to be made in order to restore in full the Christmas bonus for welfare recipients. [16998/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): It is estimated that the payment of a full Christmas Bonus of 100% would cost over €220 million this year. The Department has already set an ambitious target for control savings this year of over €580 million and it would not be possible to secure further savings of the magnitude required to meet the cost of a Christmas bonus.

Question No. 53 answered with Question No. 36.

Question No. 54 answered with Question No. 15.

Questions Nos. 55 and 56 answered with Question No. 18.

Departmental Estimates.

57. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she has reviewed the budgetary requirements of her Department for 2009 in view of increased levels of unemployment; if the level of unemployment emerging was fully anticipated during the preparation of the Estimates for 2009; if she will give an assurance regarding the adequacy of her Department's budget to meet requirements for the full year and that savings are not likely to be made by an application of guidelines resulting in hardship in an effort to meet budgetary targets; and if she will make a statement on the matter. [17002/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Estimates for the Department of Social and Family Affairs which were published on 23 April last were based on an up to date analysis of trends as regards likely numbers of recipients and average value of payments in 2009. The estimates for jobseekers benefit, jobseekers allowance and supplementary welfare allowance were significantly increased from the Estimates published at the time of the October budget. These estimates were increased in line with the Department of Finance's projections of an average live register of 440,000 for the year. The amounts provided were not derived from a budgetary target.

There is no question of any overzealous application of qualification guidelines to achieve target expenditure outcomes. Expenditure on Social Welfare schemes is driven by a range of economic, social and demographic factors and it has long been accepted that expenditure on these schemes is demand lead. A person's entitlement to any given social welfare payment is assessed in accordance with predetermined qualifying conditions and rates of payment which are laid down in legislation or published guidelines. There are also well established appeal procedures for those who are unhappy with the decisions made on their claims for a social welfare payment.

Question No. 58 answered with Question No. 36.

Money Advice and Budgeting Service.

59. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs if she will instruct the Money Advice and Budgeting Service to collect statistics on waiting times in order that resources will be provided to the centres with the highest demand. [16979/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Money Advice and Budgeting Service (MABS) provides assistance to people who are over-indebted and need help and advice in coping with debt problems. There are 53 independent MABS companies with voluntary boards of management operating the local services throughout the country. In addition, the MABS National Telephone Helpline is available from 9 a.m. to 8 p.m., Monday to Friday, at lo-call number 1890 283 438 and budgeting and money management information can be accessed 24 hours a day at www.mabs.ie. The MABS advises that people coping with debt difficulties should make an approach to the MABS, via any of the channels. This can be the first positive step in addressing debt difficulties.

In 2009, almost €18 million has been provided to fund the service. The additional investment in the MABS in recent years has strengthened the capacity of the service to deal with increased demand for service. There are now 252 money advice staff employed throughout the country and the Telephone Helpline has been strengthened to provide an immediate response to clients

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seeking information and advice. Applications for extra resources from individual MABS companies are subject to funding being made available and are kept under review.

All MABS companies operate an appointments system for meeting clients. Clients with urgent difficulties are prioritised for attention and dealt with promptly. Less urgent cases are referred to the Telephone Helpline and to the website for immediate assistance with budgeting and money management issues. Information is not collected centrally on the waiting times for appointments at different offices. However, I have been advised that the waiting period for less urgent cases ranges from a maximum of approximate eight weeks to as short a period as one week depending on the local service. Local services monitor their waiting times for appointments and, where required, seek guidance in managing their caseload from MABS NDL, the national support company.

The Telephone Helpline assists local services manage their appointment lists by providing an initial preliminary MABS service to clients and ongoing support while they await their appointment with their local money adviser. The Telephone Helpline can handle less complex straight forward single debt cases such as threatened utility disconnections and deals directly with the ESB and An Bord Gáis in relation to these cases. Over 90% of callers to the Helpline find that their money management and budgeting issues can be resolved with the assistance of the helpline advisor.

MABS NDL has introduced a number of community education and other initiatives to further assist the local services with their increased caseloads. These include a money management education programme for people facing redundancy to inform them about managing on a reduced income and how to avoid getting into debt.

Question No. 60 answered with Question No. 44.

Social Welfare Benefits.

61. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the number of people in each county availing of the rent income supplement; and if she will make a statement on the matter. [16960/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The following tabular statement shows the number of recipients of rent supplement by county.

Rent Supplement Recipients by County

County	Recipients
Carlow	1,410
Cavan	1,033
Clare	1,596
Cork	9,664
Donegal	3,586
Dublin	27,464
Galway	4,346
Kerry	2,456
Kildare	3,687
Kilkenny	1,369
Laois	836
Leitrim	501

County	Recipients
Limerick	3,206
Longford	869
Louth	2,211
Mayo	2,969
Meath	1,905
Monaghan	606
Offaly	984
Roscommon	1,259
Sligo	811
Tipperary	2,356
Waterford	2,372
Westmeath	1,466
Wexford	3,447
Wicklow	2,358
Total	84,767

Question No. 62 answered with Question No. 18.

63. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the action she is taking to speed up processing times for payments for unemployed people who were formerly self-employed. [17000/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Self-employed people or those who were formerly self-employed are treated the same as any other applicant for a jobseekers payment. Those who do not qualify for jobseekers benefit which is based on PRSI contributions may qualify for jobseekers allowance provided they satisfy the normal conditions which include a means test.

Generally, self-employed persons are assessed on the basis of their income in the past 12 months to determine their expected income in the following year. If a self-employed person lost a contract and was unlikely to find a substitute contract in the coming year, this is factored into the assessment of future income. It is recognised that the present downturn in the economy is having a significant impact on many self-employed persons and the consequent reduction in their income and activity levels would be reflected in any assessment of their means from self-employment for jobseeker's allowance purposes. The Social Welfare Inspectors take account of this fact in projecting future earnings.

While additional staff have been allocated to Local Offices to deal with the increasing live register, other initiatives have also been put in place to speed up the taking and processing of claims. This includes the setting up of regional support units in Sligo, Carrick-on-Shannon, Finglas, and Townsend St. in Dublin. These improvements are part of a programme of initiatives being developed by the Department to streamline processes and procedures in Local and Branch Offices and it is intended that further improvements will be introduced on an on-going basis during 2009.

Question No. 64 answered with Question No. 36.

Question No. 65 answered with Question No. 45.

Audit Exemption.

66. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on removing the statutory audit requirement from all companies limited by guarantee with an annual income of less than €50,000; and if she will make a statement on the matter. [17176/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The extension of the audit exemption regime to small companies limited by guarantee is currently being examined by the Company Law Review Group as part of its 2008-2009 Work Programme and I will consider their recommendation(s) in the matter.

Departmental Reports.

67. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has received reports from bodies under the aegis of her Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [17187/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The information requested by the Deputy in respect of reports I have received from bodies under the aegis of my Department in relation to their operation since I took up office on 7 May 2008 is set out in the following table.

Reports Received from DETE Agencies on their Operation	Laid before Oireachtas (Y/N)	Intended to Lay before Oireachtas (Y/N)
Annual Report of the Personal Injuries Assessment Board 2007	Y	N/A
Science Foundation Ireland Annual Report and Accounts 2007	Y	N/A
Business Process Review and Gap Analysis of the Operations and Activities of the National Employment Rights Authority (NERA) [September, 2008]	N	N
National Employment Rights Authority (NERA) — Review of 2008 [February, 2009]	Y	N/A
Health and Safety Authority Annual Report 2007	Y	N/A
Health and Safety Authority Accounts for 2007 and the Report of the Comptroller and Auditor General on the Accounts	Y	N/A
The Employment Appeals Tribunal 40th Annual Report 2007	Y	N/A
The Employment Appeals Tribunal 41st Annual Report 2008	N	Y
Health and Safety Authority Programme of Work 2009	N*	N
FÁS Annual Report and Accounts 2007	Y	N/A
Skillnets Annual Report 2007	N	N
Competition Authority 2008 Annual Report	Y	N/A
National Consumer Agency — Annual Report for 2007	Y	N/A
National Consumer Agency — Financial Statements & Accounts for 2007, including the Report of the Comptroller & Auditor General.	Y	N/A
National Consumer Agency — Annual Report for 2008	N	Y
National Consumer Agency — Annual Work Programme for 2009	N	N
Companies Registration Office Business Process Engineering Review	N	N
Companies Registration Office XBRL Feasibility Study	N	N
IAASA draft Financial Statements 2008	N	N
IAASA draft work programme 2009-2011	N	Y
ODCE Annual Report 2007	Y	N/A

Reports Received from DETE Agencies on their Operation	Laid before Oireachtas (Y/N)	Intended to Lay before Oireachtas (Y/N)
ODCE Annual Report 2008	N	Y
Take Over Panel Annual Report 2007/2008	Y	N/A
Companies Registration Office Annual Report 2007	Y	N/A
Companies Registration Office Annual Report 2008	N	Y
**Annual Report for 2008 of the Irish Financial Services Regulatory Authority Report in respect of its activities under the Investment Limited Partnerships Act 1994	Y	N/A

*Not required to be laid before the Oireachtas, but is published on HSA website.

**The Irish Financial Services Regulatory Authority is an agency within the remit of the Department of Finance. This refers to aspects of the report relating to activities that fall within the remit of this Department.

68. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has commissioned internal or external reports in relation to her Department or bodies under the aegis of her Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [17201/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The detailed information being sought by the Deputy, going back to 2004, is currently being compiled across my Department. However, in the short time available to me since the Deputy tabled this Question, I am not in a position to provide those details at present. A full response will be forwarded to the Deputy as soon as possible.

County Enterprise Boards.

69. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the help available for a person (details supplied); and if she will make a statement on the matter. [17252/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department does not provide direct funding or grants to businesses but provides funding to a number of State Agencies including the County and City Enterprise Boards (CEBs) and Enterprise Ireland through whom assistance is delivered directly to businesses.

The County and City Enterprise Boards provide support to 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. 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. 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 have the capacity to achieve commercial viability and which over time may develop into strong exporting entities.

However, I would stress that priority is given to projects in the manufacturing and internationally traded services sectors. It is considered inappropriate to support other areas such as retail enterprises, personal services (e.g. hairdressers, gardeners, etc), professional services (accountants, solicitors, etc), construction, as it is considered that these enterprises generally give rise to unacceptable deadweight (where projects would have proceeded anyway) and/or displacement (where the projects simply displace business from other players in the market) concerns.

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Enterprise Ireland provides funding and expertise to companies with ten or more employees in the indigenous manufacturing and internationally traded services sectors who wish to expand through increased export activity.

Anyone with a business idea would be best advised to contact their local CEB in the first instance to discuss the matter further. Contact details for individual CEBs can be found by accessing the following website; www.enterpriseboards.ie.

Company Closures.

70. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will announce the representative of her Department on the Waterford Crystal Task Force; and if she will make a statement on the matter. [17288/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I have not established any Task Force on Waterford Crystal so the question of a representative from my Department does not arise. However, Waterford City Council has established the Waterford Crystal Forum to deal with the situation following job losses at Waterford Crystal. The Industrial Development agencies under the aegis of my Department are actively involved with the Forum.

Registered Moneylenders.

71. **Deputy Ciarán Lynch** asked the Minister for Finance the number of registered moneylenders operating in each local authority area; and if he will make a statement on the matter. [17289/09]

Minister for Finance (Deputy Brian Lenihan): Particulars regarding registered moneylenders are provided by the Financial Regulator in its register of moneylenders.

The Register may be accessed via the link:

<http://registers.financialregulator.ie/DownloadsPage.aspx>. The Financial Regulator is not required to maintain details on the local authority area in which the registered moneylender operates.

Ministerial Remuneration.

72. **Deputy Martin Ferris** asked the Minister for Finance the severance the sacked Junior Ministers are to be awarded. [17146/09]

73. **Deputy Martin Ferris** asked the Minister for Finance the legal basis for the severance to Junior Ministers. [17147/09]

74. **Deputy Martin Ferris** asked the Minister for Finance the reason sacked Junior Ministers who still have a job receive this severance when ordinary workers will only receive one week's pay per year worked when they are made redundant. [17148/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 72 to 74, inclusive, together.

Section 10 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 provides for the payment of severance to Officeholders (Ministers, Minister of State etc.) who are members of the "new" Officeholders pension scheme from the day following that on which they cease to hold office. A person who ceases to hold

office in order to take up a position to which he or she is appointed by the Government or for which he or she is nominated by the Government is not entitled to severance.

Severance is paid for a maximum of two years or for a period equivalent to that for which the person held office, if this is a lesser period. The severance is paid at a rate of 75% of the Officeholder's salary during the first six months, 50% of the salary during the next twelve months and 25% of salary during the last six months. A person who is entitled to receive an Officeholder's pension may switch to that pension at any time, but pension and severance are not payable during the same period.

Financial Institutions Support Scheme.

75. **Deputy Martin Ferris** asked the Minister for Finance the reason NAMA is to be given €90 billion in view of the fact that the banks claim that their impaired loans are no more than 5% of their loan books which is approximately €25 billion. [17154/09]

Minister for Finance (Deputy Brian Lenihan): It is not true that €90 billion of taxpayers' money will be given to any organisation.

While the potential book value of loans that will be transferred to NAMA is estimated to be in the region of €80 to €90 billion, NAMA will not be paying book value for them. Significant further detailed work and extensive due diligence on the loan books of each of the banks will be needed to ensure that the appropriate categories or portfolio of loans are transferred and that the banks are cleared of the identified riskiest loans.

Departmental Programmes.

76. **Deputy Richard Bruton** asked the Minister for Finance the details in tabular form of the programme changes compared to a no policy change estimate in the 2009 Estimates and the increases or savings involved in each programme in order that there can be an informed debate on the policy changes and their impact. [17161/09]

Minister for Finance (Deputy Brian Lenihan): In line with the position outlined in previous replies on this subject, 'existing level of service' or 'no policy change' estimates have not been prepared for 2008 or 2009. Instead the focus has been on identifying priority areas for expenditure within the financial resources that are available.

However, the 2009 Revised Estimates for Public Services presented to this House and published on 23 April 2009, contain full details of the year-on-year expenditure changes for all areas of voted expenditure. Associated programme changes are set out in the Annual Output Statements for each Department which will be debated and scrutinised alongside the 2009 Estimate allocations before the relevant Dáil Select Committees.

Departmental Reports.

77. **Deputy Fergus O'Dowd** asked the Minister for Finance if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17189/09]

Minister for Finance (Deputy Brian Lenihan): The information requested by the Deputy is contained in the following table.

The following table lists the latest reports received from bodies under the aegis of the Department of Finance, in relation to their operation.

[Deputy Brian Lenihan.]

Name of the Report	Has the report been laid before the Houses of the Oireachtas
Standards in Public Office Commission Annual Report 2007	Yes
The Special EU Programmes Body Annual Report and Accounts 2007	Yes
An Post National Lottery Company Annual Report for 2008	Yes
National Treasury Management Agency Annual Report 2007	Yes
National Pensions Reserve Fund Annual Report 2007	Yes
Report and Financial Statements of Sealuchais Arachais Teoranta for year ended 31 December 2007	To be laid shortly
Financial Services Ombudsman Annual Report 2008	To be laid shortly
Financial Services Appeals Tribunal Annual Report 2008	To be laid shortly
Central Bank and Financial Services Authority of Ireland Annual Report 2007	Yes
2007 Annual Report Office of Public Works	Not Applicable
Valuation Office Annual Report 2007	Yes
National Development Finance Agency annual report 2007	Not applicable
2008 Annual Report of the Office of the Revenue Commissioners	Yes
Irish Financial Services Regulator Statement of Estimated Income and Expenditure Report 2009	To be laid shortly
Irish Financial Services Regulator Annual Report 2007	Yes

78. **Deputy Fergus O'Dowd** asked the Minister for Finance if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17203/09]

Minister for Finance (Deputy Brian Lenihan): The following tables set out the reports commissioned in the period 2004-2008.

2004

Name of report commissioned	Cost/ Estimated cost of report	Reason for report
	€	
The Cohesion Fund in Ireland	43,545	Report on the Cohesion Fund in Ireland
Electricity Purchasing Strategies for the Public Sector	66,500	Electricity de-regulation 2006
Report to the Directors General Responsible for Public Administration in the European Union — Assessing the Implications of Demographic Changes on Public Sector Pensions.	59,840	The Report sets out the findings of an academic study on the Implications of Demographic Changes on Public Sector Pensions and was presented to the DGs in Dublin in 2004.
Report to the Directors General Responsible for Public Administration in the European Union — Ethics in the Public Services of the Member States of the European Union	66,975	The Report to the Directors General Responsible for Public Administration in the European Union was part of Ireland's contribution to the European Public Administration Network in 2004.

Name of report commissioned	Cost/ Estimated cost of report	Reason for report
A Financial Assessment of Decentralisation Costs and Savings	€ 48,400	To identify the types of costs and savings associated with the decentralisation programme.
Evaluation of the Expenditure Review on the Charitable Lotteries Fund	1,200	Required under the Value for Money Process

2005

Name of report commissioned	Cost/ Estimated cost of report	Reason for report
Evaluation of the Expenditure Review of Change Management fund	€ 1,452	Required under the Value for Money Process
Review of delegation of responsibility within the department and related work	5,755	To strengthen accountability
Securing Maximum Positive Benefits for Local Communities from the Public Service Decentralisation Programme	49,489	Advice on securing the maximum benefit for local communities from Decentralisation.
External evaluation of the Expenditure Review of the Grant in Aid to the IPA by the Department of Finance.	1,452	Required under the Value for Money Process
Evaluation of Water service investment in NDP/CSF 2000-2006	163,201	This report was commissioned under the Evaluation arrangements in the 2000-2006 Development Plan
Update Evaluation of Community Support Framework	91,889	This report was commissioned under the Evaluation arrangements in the 2000-2006 Development Plan

2006

Name of report commissioned	Cost/ Estimated cost of report	Reason for report
External Evaluation Report — on the Expenditure Review of the Grant-in-aid to the Economic and Social Research Institute	€ 2,420	Necessary as part of the value for Money Review process
Evaluation of Value for Money and Policy Review of the Grant-in-Aid to Ordnance Survey Ireland	2,420	Required under the Value for Money Process.
Evaluation of the Expenditure Review of the Information Society Fund	1,000	Necessary as part of the value for Money Review process
Ex-Ante Evaluation of the Investment Priorities for the National Development Plan 2007-2013	356,942	Provided an evaluation of priorities for public investment as an input into the preparation of the National Development Plan 2007-2013

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2007

Name of report commissioned	Cost/ Estimated cost of report	Reason for report
	€	
Value for Money and Policy Review of the Grant-in-Aid to Ordnance Survey Ireland	57,475	* To assess the objectives of the grant-in aid to Ordnance Survey Ireland (OSi); to identify improved output definitions and monitoring arrangements for future editions of the Service Level Agreement with OSi; and to advise on the placement of oversight of the agency.
Risk Review for Accountant's Branch/ Paymaster General's Office	49,624.06	To review risk management in Account's Branch/ Paymaster General's Office
Review of remuneration of CEOs of Commercial State Bodies	191,180	Review pay of CEOs of Commercial State Bodies

2008

Name of report commissioned	Cost/ Estimated cost of report	Reason for report
	€	
Evaluation of the Value for Money Review of the Civil Service Childcare Initiative	2,178	To Review and assess the objectives of the Civil Service Childcare Initiative
Review of the National Pensions Reserve Fund National Development Plan annual report 2007	No fee paid 23,724.34	Review of the National Pensions Reserve Fund *Progress report on National Development Plan
Tax Forecasting Methodology Review Group	N/A	To examine the tax revenue methodology employed by the Department of Finance in light of the actual experience over the period 1999-2006 following the previous review in 1998

*These reports were laid before the Houses of the Oireachtas.

Tax Code.

79. **Deputy Emmet Stagg** asked the Minister for Finance the reason for the delay in issuing a refund of tax for the years 2006 and 2007 to a person (details supplied). [17216/09]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that in December 2008, Returns of Income for 2006 and 2007, with supporting documentation, were requested from the person concerned. This information is necessary to deal with reviews but has not yet been submitted by the person concerned.

Drainage Schemes.

80. **Deputy Edward O'Keefe** asked the Minister for Finance the position regarding the commencement of a project (details supplied) in County Cork. [17228/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The closing date for receipt of tenders for the main contract for the construction phase of the Munster Blackwater (Fermoy) Drainage Scheme was yesterday, Wednesday 29th April 2009. A Contractor

chosen from these tenders will be formally appointed, subject to sanction from the Minister for Finance. It is anticipated that this process will take approximately four weeks. Construction of the Scheme is expected to commence four weeks following the Contractor appointment.

Pension Provisions.

81. **Deputy Michael Creed** asked the Minister for Finance if final details are available regarding the operation of the early retirement scheme in the public service for persons over 50 years of age; if he will clarify the pension benefit which will accrue to applicants for remaining years available to them in the public service; the rate of pension on offer for persons who retire early; the number of years service required for full pension benefits; and if he will make a statement on the matter. [17235/09]

Minister for Finance (Deputy Brian Lenihan): Details on the terms of the scheme and instructions regarding its operation are being circulated to Departments and will also be available on my Department's website. The benefits available under the scheme are based on service up to the date of departure, there is no addition of years of notional service in respect of the service forgone. The pension entitlement is calculated in the normal way i.e. on reckonable service and the pensionable remuneration. Forty years of reckonable service, or the equivalent, is normally required for maximum pension benefits.

Consultancy Contracts.

82. **Deputy Joan Burton** asked the Minister for Finance the arrangements relating to the employment of an economist (details supplied) in the context of the bank rescue plan; if they are kept on retainer; if they are paid on a *per diem*, hourly or other rate; the rate of their fee or remuneration; if they are retained by the National Treasury Management Agency or his Department; the cost to date of their employment; the duration of their contract; when it is due to conclude; and if he will make a statement on the matter. [17249/09]

Minister for Finance (Deputy Brian Lenihan): The Economist referred to is retained by the NTMA. I am advised by the NTMA that the terms of his contract with the NTMA were agreed on a confidential basis. In the circumstances I am unable to comment further on the issue.

83. **Deputy Joan Burton** asked the Minister for Finance the purpose of the retention of a company (details supplied) by his Department; when they were first retained for this purpose; the arrangements set out in the relevant contract; when this contract is due to expire; the rate of remuneration or fees contained in the contract; the amount of remuneration paid in this regard to date; the amount of remuneration currently outstanding; the procurement process that led to the retention of this company; the number of such companies short listed during this procurement process; and if he will make a statement on the matter. [17251/09]

Minister for Finance (Deputy Brian Lenihan): The company the Deputy refers to is retained by the National Treasury Management Agency (NTMA) and was contracted at my request by the NTMA under the powers set out in the National Treasury Management Agency Act 1990, to assist the Government by providing general, strategic and specific technical advice on the Irish banking sector.

The company was first retained in the final week of September 2008 and the contract is due to expire at the end of June 2009.

As the Deputy is aware, in September 2008 there was severe market dislocation after the collapse of Lehmans and AIG difficulties. Given the strategic importance of retaining an

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advisor urgently, which was not conflicted, the NTMA procured such an advisor. The NTMA made contact with a number of Investment Banks who declared conflicts and thereby could not be retained.

The fees paid to the company are a flat retainer fee of €2 million with an overall limit of €6 million on any transactions undertaken. These fees do not include VAT and expenses.

The NTMA has advised me that the specific arrangements set out in the company's contract and the amount of remuneration currently outstanding are confidential contractual matters.

84. **Deputy Joan Burton** asked the Minister for Finance the purpose of the retention of a company (details supplied) by his Department; when they were first retained for this purpose; the arrangements set out in the relevant contract; when this contract is due to expire; the rate of remuneration or fees contained in the contract; the amount of remuneration paid in this regard to date; the amount of remuneration currently outstanding; the procurement process that led to the retention of this company; the number of such companies short listed during this procurement process; and if he will make a statement on the matter. [17250/09]

Minister for Finance (Deputy Brian Lenihan): The company the Deputy refers to was retained by the Financial Regulator in late 2008 to assist the Financial Regulator with a review of the financial and capital positions of Irish banks and to enable the Financial Regulator to advise the Government on what action needed to be taken. Due to the extreme urgency of this work, and in accordance with Public Procurement Guidelines, the contractual terms were negotiated with the company without advertising the contract.

The work undertaken involved an initial high level assessment of the capital and liquidity levels of the institutions, stress testing of the institutions' loan portfolios over a three year period, and reviewing the valuation of properties held as collateral against the main property loans.

The total fees paid by the Financial Regulator to the company in respect of the work was €3.8 million, which has been completed. These costs will ultimately be charged by the Financial Regulator directly to the relevant institutions.

Further to a request of the Department of Finance under the Credit Institutions (Financial Support) Scheme 2008, the Financial Regulator has asked the company referred to, building on its previous work, to carry out further analysis of certain specified covered institutions. This work is ongoing and the same contractual arrangements will apply.

I understand that the company concerned has also carried out work to assist the National Pension Reserve Fund Commission's due diligence examination of AIB and Bank of Ireland. The NPRFC is an independent body and I cannot comment on the terms of this contract.

Tax Yield.

85. **Deputy Joe McHugh** asked the Minister for Finance the amount of revenue generated on VRT for each of the years from 2002 to 2008 and for the first three months of 2009 on a county basis; and if he will make a statement on the matter. [17263/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the information in relation to Vehicle Registration Tax is not captured in such a manner as to identify the receipts generated on a county basis. However, details of the total Vehicle Registration Tax receipts by category of vehicle for the years 2002 to 2008 and the first three months of 2009 are provided in the following table.

Vehicle Registration Tax — Net Receipts

Year	Category A (Motor Cars)	Category B (Car Derived Vans)	Category C (Commercial Vehicles)	Category M (Motor Cycles)	Total Net Receipts
	€	€	€	€	€
2002	777,126,144	9,023,500	2,545,976	3,875,042	792,570,662
2003	806,712,804	6,881,875	2,511,034	3,344,032	819,449,745
2004	930,024,490	10,165,352	2,632,821	3,150,738	945,973,401
2005	1,128,605,603	13,553,352	3,291,750	3,332,447	1,148,783,152
2006	1,257,506,548	22,661,283	3,702,805	3,537,219	1,287,407,855
2007	1,376,409,029	21,694,431	3,755,350	4,196,824	1,406,055,634
2008 (Prov)	1,096,977,660	16,859,363	2,892,950	4,047,411	1,120,777,384
2009 (Est)	194,807,000	2,426,000	554,000	872,000	198,659,000

The estimated receipts for 2009 represents the VRT generated for sales of vehicles from January-March 2009. The net receipts received to the end of March amount to €163 million.

Financial Services Regulation.

86. **Deputy Joe McHugh** asked the Minister for Finance the measures he will introduce in order to help fixed rate mortgage holders to switch to variable rates in order to avoid a significant breakage fee; and if he will make a statement on the matter. [17265/09]

Minister for Finance (Deputy Brian Lenihan): 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. Overtime, 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.

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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.

Banking Sector.

87. **Deputy Brian Hayes** asked the Minister for Finance the number of employees working for Anglo Irish Bank at the time of nationalisation; the number at present; and if he will make a statement on the matter. [17273/09]

Minister for Finance (Deputy Brian Lenihan): Anglo Irish Bank is being run on an arms length commercial basis. Accordingly, the normal ongoing business of the bank, which includes the number of staff, is a matter for the Board of Anglo.

Notwithstanding this I am informed that the number of staff working in Anglo has decreased since the Nationalisation of Anglo from 1,723 at the end of January to 1695 at the end of March 2009.

88. **Deputy Brian Hayes** asked the Minister for Finance the wage bill, including bonuses, for Anglo Irish Bank at the time of nationalisation; the wage bill, including bonuses, at present; and if he will make a statement on the matter. [17275/09]

Minister for Finance (Deputy Brian Lenihan): Anglo Irish Bank is being run on an arms length commercial basis. Accordingly, the normal ongoing business of the bank, which includes the pay and conditions of staff, is a matter for the Board of Anglo.

The cost of wages and salaries for Anglo for 2008 was €143m as per their 2008 annual accounts. As the number of staff working in Anglo has decreased and no bonuses have been awarded I would expect that this wage bill will decrease.

89. **Deputy Brian Hayes** asked the Minister for Finance if bonuses have been awarded to any employees in Anglo Irish Bank since nationalisation; the value of these bonuses; the number of people who received them; and if he will make a statement on the matter. [17274/09]

Minister for Finance (Deputy Brian Lenihan): Anglo Irish Bank is being run on an arms length commercial basis. Accordingly, the normal ongoing business of the bank, which includes the pay and conditions of staff, is a matter for the Board of Anglo.

Notwithstanding this I am informed that no bonuses have been awarded since the Nationalisation of Anglo.

Tax Code.

90. **Deputy Brian O'Shea** asked the Minister for Finance his proposals to end the practice whereby the income levy is deducted from the income of couples who are under the €40,000 income threshold but will be refunded at the end of the year; and if he will make a statement on the matter. [17287/09]

Minister for Finance (Deputy Brian Lenihan): The position is that section 531K(3) of the Taxes Consolidation Act 1997 provides for any income levy deducted from the income of a married person, jointly assessed for tax, where one or both persons are aged 65 years or over, to be repaid after the end of the tax year where the aggregate income of both spouses for the year does not exceed €40,000.

The legislation provides for a refund after the end of the year because it would not be possible for the Revenue Commissioners, an employer or pension provider to know during the course of the year whether or not all of the requirements necessary for the exemption to apply have been met. This would include knowing, for example, if the person or their spouse had turned 65 in the tax year, if they had other income sources and the aggregate income from these sources, if there had been a change in employment circumstances or if there had been a change in marital status during the year.

Revenue would not be in a position to establish many of these matters until after the end of a tax year and hence the need for the legislation to provide for the exemption to apply on the basis of a person making a repayment claim after the end of the tax year. I understand that in the case of the personal exemption of €20,000, the Revenue Commissioners have, on an administrative basis, advised employers and pension providers that they may apply the personal exemption of €20,000 during the course of the year for those persons aged 65 years and over, irrespective of marital status, where it is clear that the person's income for the year from that employment or pension will not exceed €20,000. Where it emerges after the end of the year that this arrangement results in an underpayment of the levy Revenue will pursue recovery of the levy underpaid.

Hospital Waiting Lists.

91. **Deputy Olwyn Enright** asked the Minister for Health and Children the average waiting time from the first appointment with the orthopaedic surgeon or a specialist at the Midlands Regional Hospital, Tullamore, County Offaly, to the patient's operation; and if she will make a statement on the matter. [17117/09]

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.

92. **Deputy Pat Breen** asked the Minister for Health and Children when an appeal will be finalised for persons (details supplied) in County Clare; and if she will make a statement on the matter. [17118/09]

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.

Medical Aids and Appliances.

93. **Deputy Paul Connaughton** asked the Minister for Health and Children if the new digital hearing aids will be made available to persons with hearing problems; if her attention has been drawn to the fact that the new digital hearing aids are more effective and are more practical than the existing ones; and if she will make a statement on the matter. [17122/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

94. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason a person (details supplied) in County Galway has not been allocated a place at a nursing home near their home; and if she will make a statement on the matter. [17123/09]

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 Care Payments.

95. **Deputy Mary Upton** asked the Minister for Health and Children the situation regarding the overpayment to her Department by the UK Government, as reported recently; and if she will make a statement on the matter. [17127/09]

Minister for Health and Children (Deputy Mary Harney): Regulation (EC) 1408/71 coordinates health and social security arrangements among EU member states (it also applies in the remaining EEA member states and Switzerland). Under these provisions, people who are insured with (covered by) the health care system of one EU member state are entitled to receive health care in the public system of another member state in certain circumstances, at the cost of the member state in which they are insured.

Ireland operates a bilateral health care reimbursement agreement with the United Kingdom, arising from the application of Regulation (EC) 1408/71. The agreement comprehends such persons as temporary visitors between the two countries; pensioners of one country residing in the other country and their dependants; and the dependants residing in one country of people who are employed in the other country. The amount due is the net difference between the costs to the Irish health services of providing care to those with UK entitlements and the cost to the UK health services of providing services to those with Irish entitlements. Allowance is also made for those with dual entitlements in both jurisdictions. Under the terms of the agreement net liability between the two countries is calculated on a lump sum basis rather than an individual basis.

The payment made in any one year is based upon an estimate of the number of persons falling within categories eligible for reimbursement and for whom each country is liable and an estimate of the average cost of providing health care treatment. Payments are made in advance with final settlements made once all necessary information is complete. Total payments in any one year can relate to both final settlements in respect of previous years' liabilities and advance payments in respect of the current year. The net payment received from the UK over the last three years was: 2006 — €397m; 2007 — €450m; 2008 — €100m. These amounts represent the actual payments made in cash in these years and do not correspond to the full liability for that particular year. In line with established practice, advances are subject to final settlement once all necessary information is complete, including the approval of average costs figures for both countries at EU level.

Due to the nature of the claims process and the fact that bilateral discussions are continuing, it is not possible to establish whether any previous payments the UK has made represent overpayments in advance of the finalisation of accounts for these years. By far the largest part of the payment received from the UK authorities on an annual basis relates to the provision of health care to UK pensioners and their dependants residing in Ireland. The estimated number of pensioners for whom each country is liable is based on a survey by both administrations undertaken every three years. Such a survey was completed in 2008 and, in line with the agreement, will be applied to determine the liabilities for that year and retrospectively 2007. Discussions between my Department and the UK on the application of the survey and other aspects of the implementation of the agreement are continuing. The 2008 survey does

indicate a reduction over previous surveys in the number of pensioners for which the UK is liable. This is in line with trends in demography and patterns of migration between the two countries.

While discussion of the detailed application of the survey is continuing, the reduction indicated in the survey will lead to an offsetting reduction in respect of the UK's estimated liability for 2007. The likelihood of such a reduced liability in respect of 2007 and subsequent years was considered in agreeing the 2008 payment of €100m set out above. The emerging reduction in ongoing liability of the UK also informed the estimation of the potential income from the UK authorities this year of €250m which is incorporated in the Revised Estimates Volume. As indicated, in line with established practice, the UK's final liability for 2007 will be determined once all necessary information is complete, including the approval of average costs figures for both countries at EU level.

Medical Cards.

96. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5. [17133/09]

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.

97. **Deputy Richard Bruton** asked the Minister for Health and Children if she will issue guidelines clarifying the obligations of patients in nursing homes whose resources have been exhausted and who face mounting deficits in their payments to the nursing home; the obligation of the patient's next of kin, the provider and the State in respect of the financial shortfall involved; and the protection there is in the case of persons who have given up their home and exhausted all their savings that liability can not be pursued in respect of their next of kin who are not in a position to pay the cost. [17162/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The cost of private nursing homes is set by the nursing home and is not determined by the Department. The Health Service Executive can pay an approved subvention to the nursing home of the applicants' choice and the payment of the balance of the nursing home fee is a matter between the patient and the nursing home under the contract of care agreed between these parties. 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 existing subvention 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 an 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,

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- 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.

Medical card holders are entitled to retain their medical card when they move into a private nursing home. In such circumstances, the HSE must continue to make a General Practitioner (GP) service available to the patient free of charge and they retain the right to choose their own GP in the same way as if they were living in the community.

Finally, the Minister has acknowledged that the current system of Nursing Home Subvention does not provide adequate supports for some people. It was with this in mind that work commenced on the Nursing Homes Support Scheme, A Fair Deal. You will be aware that the legislation completed Committee Stage in the Dáil on 12 March 2009. It is the Minister's intention to progress the legislation through the Houses of the Oireachtas with a view to implementing the scheme later this year. Unfortunately it is not possible to give a more specific timeframe at present.

The Fair Deal is designed to remove real financial hardship from many individuals and their families who, under the current system of Nursing Home Subvention, have to sell or re-mortgage homes to pay for the cost of nursing home care. It aims to render private long-term care affordable and anxiety-free, and ensure that no-one has to sell their home during their lifetime to pay for their care. The Fair Deal will equalise State support for public and private long-term care recipients. There will be one, transparent system of support towards the cost of care that will be fair to all, irrespective of whether they are in public, private or voluntary nursing homes. This will meet one of the objectives of Towards 2016, namely that State support should be indifferent as to whether a person is in public or private care.

Child Care Services.

98. **Deputy Richard Bruton** asked the Minister for Health and Children the way the free preschool and early childhood scheme will operate; the children who will be eligible; the number of children who will be eligible in January 2010; the criteria which will be used to determine eligibility; if the scheme is universal or if a higher contribution will be imposed on higher income families; and if she will make a statement on the matter. [17167/09]

99. **Deputy Richard Bruton** asked the Minister for Health and Children the way the free preschool and early childhood scheme will operate; the service providers who will be eligible to provide the scheme; the criteria which will be used to determine eligibility; if existing service providers will be allowed to provide the public service while continuing to provide a private service simultaneously; if such a service provider who continues to provide a private service will be eligible for the capitation grant for their private practice; and if she will make a statement on the matter. [17168/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 98 and 99 together.

As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Preschool 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 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 part-time 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. It is hoped that the majority of parents, regardless of their income levels, will avail of the scheme for a free preschool year.

Participating children must, normally be aged between 3 years 3 months and 4 years 6 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. A participating service may also operate a preschool service which is not within the scheme.

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 preschool 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 to facilitate parents in aligning their children's preschool year with the year they commence school.

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. 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.

Hospital Services.

100. **Deputy Michael McGrath** asked the Minister for Health and Children if she will intervene with the Health Service Executive and ensure sufficient resources are made available to a hospital for a particular drug to be administered to a person (details supplied) in County Cork, or to ensure that another hospital can provide the treatment to them; and if she will make a statement on the matter. [17170/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Inter-Country Adoptions.

101. **Deputy Michael D. Higgins** asked the Minister for Health and Children the position regarding inter-country adoption, in particular, such adoptions between Ireland and Russia and Ireland and Ethiopia; the status of any adoption agreement between Ireland and those countries; and if her Department has plans to further facilitate adoptions from those countries. [17177/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Bill, 2009, which will give force of law to the Hague Convention on the Protection

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of Children and Co-operation in Respect of Inter-country Adoption, was published on 23 January, 2009.

A core principle of the Hague Convention is that inter-country adoption should be child-centred — that is, in all stages of the process, the child's interests must be paramount. Legislating for inter-country adoption is essential to give protection to children during the process of adoption. The Hague Convention has put in place the equivalent of a contract between States to regulate the standards that will apply in each jurisdiction. This is an additional safeguard for a receiving country like Ireland with regards to the standards that are being applied in the sending country — over which we have no jurisdiction. As a receiving country, it is especially important for Ireland to have some confidence in the process of consent to the adoption, in the status of the child as adoptable and in a guarantee of no improper financial gain from the process.

I firmly believe that legislation and, specifically, the regime of the Hague Convention provide an assurance for individual children, their families and the State that appropriate procedures have been followed and that the adoption was affected in the best interests of the child. As such, it is our intention that inter-country adoptions will now meet the standards of the Hague Convention. Under the proposed new legislative regime, prospective adoptive parents will be able to adopt from countries that have ratified the Hague Convention as well as from those countries with which Ireland has a bilateral agreement based on Hague standards. As part of the preparations for the likely passage and entry into force of these new legislative arrangements, my Office has been liaising with the Department of Foreign Affairs to identify and negotiate with countries that continue to seek homes abroad for children in need of alternative care that cannot be provided domestically. We are working actively to assess the possibilities of entering into bilateral agreements with a small number of countries, including the Federal Democratic Republic of Ethiopia and the Russian Federation.

As regards the Russian Federation, my Office is undertaking preparatory work to consider the contents of such an agreement, including anticipating the likely requirements of the Russian Federation. While every effort will be made to conclude a bilateral agreement with countries from which children have traditionally been adopted by Irish applicants in advance of any of the proposed changes in Irish law taking effect, it must be acknowledged that these matters will be determined to a considerable degree by the Governments of these sovereign States. However, at this point in time, it is my priority to endeavour to ensure that an international bilateral agreement with the Socialist Republic of Vietnam is put in place as soon as possible to maintain the continuity of arrangements between Ireland and the Socialist Republic of Vietnam in relation to inter-country adoption.

102. **Deputy Michael D. Higgins** asked the Minister for Health and Children the reason the time it takes to carry out inter-country adoption procedures vary from just a few months to a year in some parts of the country to four or five years in other parts; if she will provide figures detailing the number of social workers involved in processing these procedures by county or relevant administrative area; and if her Department has plans to reduce the waiting times for carrying out these procedures in those parts of the country where it is currently high.

[17178/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

103. **Deputy Michael D. Higgins** asked the Minister for Health and Children if the Health Information and Quality Authority has a statutory role to assess inter-country adoption pro-

cedures here from the standpoint of international best practice; if such an assessment or inspection of the relevant social services will take place at some point in the future. [17179/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Acts, 1952 -1998 provide the statutory framework for adoption, including inter-country adoption, in Ireland. The Adoption Act, 1952 provides for the establishment of the Adoption Board. The Adoption Board has a range of powers and functions which include:

- (i) powers to make adoption orders and in doing so, to determine the eligibility and suitability of applicants for adoption;
- (ii) to determine of the requisite consent to adoption and the validity of such consents; and
- (iii) to determine that the requisite administrative and procedural requirements under the Act have been met.

In determining the issue of eligibility and suitability, either in relation to the making of an adoption order or the issuing of a Declaration of Eligibility or Suitability to adopt abroad, the Board has regard to assessment reports prepared by the Health Service Executive or a registered adoption society. Under section 8 of the Adoption Act, 1991 the Health Service Executive carries out assessments of eligibility and suitability for intercountry adoption or makes arrangements for such assessments to be carried out by a registered adoption society. The Adoption Act, 1952 also provides for the establishment of an Register of Adoption Societies. The Adoption Board keeps this register and grants registration to those bodies competent to undertake the obligations of a registered adoption society set out in the Acts for the making of arrangements for adoption.

At a practical level, the development of standards for the assessment of applicants for inter-country adoption has been advanced through the conjoint working of the Adoption Board, the Office of the Minister for Children and Youth Affairs and the Health Services Executive. This work was based on a Report commissioned by the Department of Health and Children and submitted to Government in June 1999 “Towards a Standardised Framework for Intercountry Adoption Assessment Procedures”. The standardised framework which emerged from that process in 2000 was founded on evidence-based practice and developed with the assistance of international agencies in the field. The implementation of this framework is continually under review by all parties as intercountry adoption practice and experience continues to evolve and with particular regard to the new statutory framework likely to emerge from the recently published Adoption Bill, 2009.

The Bill is aimed at copperfastening the role of a new Adoption Authority as the Central Authority under the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. This will include the strengthening of the system of accreditation for a range of agencies working in the adoption field, either assessing or assisting applicants in advancing their adoption application once they have been approved as eligible and suitable to adopt by the Adoption Authority. This will also provide for a comprehensive framework for the oversight of intercountry adoption practices across jurisdictional boundaries in conjunction with other Contracting States. The Health Information and Quality Authority has no role in setting standards for assessments under the Adoption Acts, 1952-1998.

Departmental Reports.

104. **Deputy Fergus O’Dowd** asked the Minister for Health and Children if she has received reports from bodies under the aegis of her Department in regard to their operation; if such will be laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [17191/09]

Minister for Health and Children (Deputy Mary Harney): The information requested by the Deputy is currently being collated by my Department and will be forwarded as soon as it becomes available.

105. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if her Department has commissioned internal or external reports relating to her Department or bodies under the aegis of her Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [17205/09]

Minister for Health and Children (Deputy Mary Harney): The information requested by the Deputy in respect of the period January 2004 to July 2008 is set out below. Information in respect of the period August 2008 to the present date is currently being collated by my Department and will be forwarded to the Deputy as soon as it becomes available. While there are statutory requirements to lay particular documents before the Houses of the Oireachtas, for example the Health Service Executive's Corporate and Service plans when approved, many of the following documents do not fall into that category. Details of documents laid by my Department are available from the Oireachtas Library and Research Service.

Reports commissioned in 2004

Name of Report	Cost
	€
A critical appraisal of and commentary on "50 Reasons to oppose fluoridation"	15,529.00
A Feasibility Study of the Inclusion of Blood and Tissue Data as a Component of the National Longitudinal Study of Children in Ireland	75,504.00
Cultural Male Circumcision Report	1,983.00
Evaluation of Coronary Heart Attack Ireland Register (CHAIR)	64,100.00
Evaluation of Heartwatch	81,700.00
Giving Children a Voice: Investigation of children's experiences of participation in consultation and decision making in Irish hospitals	27,294.00
Health Service Reform Programme Composite Report	No cost to the Department
Investigating the Impact on Children of Witnessing Domestic Violence: Nature and Adequacy of Child-Centred Services	46,518.00
Kidscreen National Survey 2005	49,911.82
Lourdes Hospital Inquiry — An Inquiry into Peripartum Hysterectomy at Our Lady of Lourdes Hospital, Drogheda	2,955,000.00
National Primary Care Steering Group Progress Report	6,493.00
National Children's Advisory Committee — End of Term Report 2001-2004	12,783.00
Obesity the Policy Challenges — The Report of the National Taskforce on Obesity 2005	42,000.00
Play and Technology	49,368.00
Public Perceptions of Biomedical Research	120,000.00
Report by the Care and Management Sub-Committee of the National AIDS Strategy Committee on HIV/STI Services in Ireland	5,053.00
Report from the Evaluation of the National Health Promotion Information Project	13,600.00
Report of the Expert Group on Midwifery and Children's Nursing Education	3,407.00
Report of the Working Group to examine the development of appropriate systems to determine nursing and midwifery staffing levels	4,712.00

Name of Report	Cost
	€
Report on certain issues of management and administration in the Department of Health and Children associated with the practice of charges for long-stay patients in Health Board institutions (Travers Report)	93,150.00
Research on Children's Understanding of Wellbeing	16,625.00
Review of the National Health Promotion Strategy	19,713.00
Review of the Structures and Support Needs of Comhairle na nÓg and Dáil na nÓg	26,611.00
The Child's Right to be heard in the Health Setting	52,591.00
The Development and Implementation of Child Impact Statements	25,410.00
The Process of Youth Homelessness: A Qualitative Longitudinal Cohort Study	44,506.00
'What we Heard' and 'Speaking Your Mind' — Reports on the Service User Consultation Process and the Public Consultation Process for the Expert Group on Mental Health Policy	169,714.00
Young People's Views about Opportunities, Barriers and Supports to Recreation and Leisure	45,325.00
Young Voices: Guidelines on how to involve children and young people in your work	64,485.00

Reports commissioned in 2005

Name of Report	Cost
	€
Comhairle Implementation Group Report	Produced internally — no cost
Dáil na nÓg Delegate Report 2005	16,379.00
Evaluation of the Work of the Children and Young People's Forum	17,740.00
Joint Ministerial and Coiste na dTeachtaí Report 2005	Part of NYCI Dáil na nÓg 2006-2008 contract
NCAC — Mid-Term Review of the National Children's Strategy	57,500.00
Prospectus (co-located Private Hospitals)	29,403.00
Reducing the Risk: A Strategic Approach (Sudden Cardiac Death Taskforce Report)	23,900.00
Report from the Evaluation of the National Health Promotion Information Project	13,600.00
Report of Consultation on the Health Act (2004) Part 9 — Complaints	16,750.00
Report of Dr. Deirdre Madden on Post Mortem Practice and Procedures (Working Group).	436,000.00
Report of the Long-Term Care Working Group	Nil
Report of the National Committee on Folic Acid Food Fortification	25,000.00
Report on Public Consultation on the Development of a Recreation Policy for Young People in Ireland	72,631.00
Sustaining Progress — Working Together to Reduce the Harms Caused by Alcohol Misuse	9,100.00
The Irish Health Behaviour in School-aged Children (HBSC) Study 2006 (Research Project)	505,385.00

[Deputy Mary Harney.]

Reports commissioned in 2006

Name of Report	Cost
	€
Dáil na nÓg Delegate's Report 2006	Part of NYCI Dáil na nÓg 2006-2008 contract
European Schools Project on Alcohol and Other Drugs (ESPAD) Research Project	48,400.00
Evaluation of the Irish Haemovigilance System	9,432.00
First Annual Report of the Independent Monitoring Group on 'A Vision for Change' the Report to the Expert Group on Mental Health Policy	3,324.00
HIV and AIDS Education and Prevention Plan 2008-2012	27,118.00
National Children's Advisory Council (NCAC) — Report on Youth Volunteering in Ireland	47,389.00
Report of the Working Group on Haemochromatosis	2,537.00
Report on the Outcome of Consultations with Teenagers on the Issues to be Considered by the Minister for Children when Examining the Age of Consent for Sexual Activity	78,098.00
Research commissioned on: Children's Perspectives on Parenting Styles and Discipline	17,000.00
Research Commissioned on: National Longitudinal Study of Children in Ireland (NLSCI)	The NLSCI contract covers the period 2006 to 2012. It is a fixed price contract amounting to €29,005,987.00 including VAT in 2005 prices. This is currently under review.
Research commissioned on: A follow up study on the educational and Social Support experiences of Young People in Long Term Foster Care	47,500.00
Research commissioned on: A Study of Parent-Child Agreements and Arrangements based on Court Records	30,894.00
Research commissioned on: Child Protection Services in Ireland: An Evaluation	64,493.00
Research commissioned on: Ethics Committees and Ethics Approval for Children's Research in Ireland	35,973.00
Research commissioned on: Public Library Services for Children and Young People in Ireland	56,864.00
Research commissioned on: Services and Supports for Children on Remand in Ireland	59,573.00
Review of Administration and Processes, Department of Health and Children	No cost to the Department
Second Annual Report of the Independent Monitoring Group on 'A Vision for Change' the Report to the Expert Group on Mental Health Policy	9,361.00
Slán 2007 — Survey of Lifestyle, Attitudes and Nutrition in Ireland (Research Project)	1,807,641.00
Study of Efficiency and Effectiveness of Vocational Training Services and Rehabilitative Training Services for People with Disabilities Provided by Specialist Training Providers	50,866.00
Value for Money Review of the Equal Opportunities Childcare Programme 2000-2006	76,109.00
Working Group on Alcohol and Drugs Synergies	Nil

Reports commissioned in 2007

Name of Report	Cost
	€
Dáil na nÓg Delegate Report 2007	10,576.00
Doherty Report on Breast Radiology Services at Midland Regional Hospital, Portlaoise	Nil
Fitzgerald Report on Breast Radiology Services at Midland Regional Hospital, Portlaoise	Nil
Independent Inquiry into the tragic deaths of the Dunne Family in Monageer, Co. Wexford	Costs ascertained when report completed
National Children's Advisory Council (NCAC) — Report on Youth Café Provision	63,023.00
National Oral Health Policy	Costs ascertained when report completed
Quality Assessment of the Value for Money Review of the Equal Opportunities Childcare Programme 2000-2006	2,995.00
Report of the Commission on Patient Safety and Quality Assurance	42,086
Research commissioned on : The Physical Chastisement of Children by Parents	126,723.00
Review of the Operation of the Mental Health Act 2001 — Findings and Conclusions	Nil
Round Table discussion on the financial abuse of older people	3,000.00
Teenagers' Views on Solutions to Alcohol Misuse	55,257.00
Vaccine Damage Steering Group	11,048.00

Reports commissioned up to July 2008

Name of Report	Cost
	€
National Children's Advisory Council (NCAC) — End of Term Report 2005-2008	Nil
Report of the Independent Pharmacy Pricing Body	41,497.00 (to date)
Strategic Plan for the St. Ultan's Children's Project	14,702.00
Study of certain Accounting Issues within the Health Service Executive	54,450.00

Nursing Homes Repayment Scheme.

106. **Deputy Eamon Scanlon** asked the Minister for Health and Children when an application under the health repayment scheme will be awarded to a person (details supplied) in County Sligo; and if she will make a statement on the matter. [17227/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Health Service Staff.

107. **Deputy Mary Upton** asked the Minister for Health and Children if she will investigate the case of a person (details supplied); and if she will make a statement on the matter. [17240/09]

Minister for Health and Children (Deputy Mary Harney): There has been a growing demand for, and investment in, physiotherapy services over the last number of years. A particular priority for my Department and the Department of Education and Science in recent years has

[Deputy Mary Harney.]

been the expansion of the supply of therapy graduates. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future. In this regard, since 1997, the number of training places for physiotherapists has been increased from 64 to 145 which represents an increase of 127%. The numbers employed in physiotherapy has also grown significantly, with 593 whole time equivalents employed in December 1997 compared to 1,449 whole time equivalents employed in December 2008, which represents an increase of 144%.

The Government is committed to ensuring continued adequate recruitment of professional staff across a range of community settings to ensure the continued development of community services. Additional funding of €20 million has been provided in 2009 for health and education services for children with special educational needs. This funding will provide a total of 125 additional therapy posts in the HSE targeted at children of school-going age. 90 of these will be in the disability services, including physiotherapists, speech and language therapists and occupational therapists.

My Department recently wrote to the Health Service Executive setting out the overall approved employment control ceiling for 2009. As part of this approval, written confirmation has been provided to the HSE that the general moratorium on recruitment, promotion and the payment of acting up allowances does not apply to specific designated grades. Delegated sanction has been given to the HSE for the creation and filling of frontline posts including physiotherapy, speech and language therapy and occupational therapy posts. The approval indicated that vacancies in existing posts in these grades may continue to be filled. New posts may also be created in these grades, up to a specified limit, provided that the HSE is satisfied in each case that there is no scope to redeploy an equivalent post from the hospital sector to the primary and community care sector. This moratorium exemption provides for an increase in the number of therapy posts, in line with Government policy, in order to meet the requirements of integrated care delivery and primary care needs particularly in respect of children at risk, the elderly and those with disabilities. The recruitment and retention of these key front line therapy posts, including physiotherapy, is vital to ensure continued progress in the development of community settings.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. 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.

Nursing Homes Repayment Scheme.

108. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 174 of 10 July 2008, the number of applications received under the nursing home repayment scheme from applicants with an intellectual disability or their representatives; the number of such applications which were submitted by Health Service Executive staff; the number of these applications approved to date; the number on hand; the number who have appealed the offer made to them; the success rate of same; the number who have appealed the rejection of their application; the success rate; the procedure employed to have an offer accepted or reviewed when HSE staff made the original application; and if she will make a statement on the matter. [17242/09]

109. **Deputy Denis Naughten** asked the Minister for Health and Children the number of applications received under the nursing home repayment scheme from elderly applicants with no next of kin; the number of such applications which were submitted by Health Service Executive staff; the number of these applications approved to date; the number on hand; the number who have appealed the offer made to them; the success rate of same; the number who have appealed the rejection of their application; the success rate; the procedure employed to have an offer accepted or reviewed when HSE staff made the original application; and if she will make a statement on the matter. [17243/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 108 and 109 together.

The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG-McCann Fitzgerald. The Health (Repayment Scheme) Act 2006 provides a clear legal framework to repay recoverable health charges for publicly funded long term residential care. Recoverable health charges are charges which were imposed on persons with full eligibility under the Health (Charges for In-patient Services) Regulations 1976 as amended in 1987 or charges for in-patient services only, raised under the Institutional Assistance Regulations 1954 as amended in 1965. All applications received under the scheme are processed within this legal framework and specific details on certain cohorts of applicants, such as those outlined by the Deputy are not currently available. However, in terms of the overall scheme over 39,500 applications have been received, 7,600 of which were submitted by the HSE on behalf of patients. Approximately 7,100 HSE claims have been concluded, 500 HSE claims remain to be concluded and approximately 1,100 HSE claims have been appealed.

The procedure employed to have an offer accepted or reviewed when HSE staff make an application is in accordance with the legislative provisions of the Act. If the applicant disagrees with the repayment amount offered an appeal is lodged under section 16 of the Act which provides for the process for those who wish to appeal the decision of the Scheme Administrator. When HSE staff accept an offer of repayment on behalf of a patient, the repayment is made directly to the relevant patient private property account. The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006.

Up to the 24 April 2009, the Health Repayment Scheme Appeals Office has received 1,552 completed appeal forms from all claimants who had received an offer from the Scheme Administrator. Decisions have been made in 764 of these appeals and 331 of these decisions have disagreed with the amounts offered by the Scheme Administrator. Up to the 24 April 2009, the Health Repayment Scheme Appeals Office has received 3,997 completed appeal forms from all claimants whose claim had been rejected by the Scheme Administrator. Decisions have been made in 2,449 of these appeals and 276 of these decisions have disagreed with the decision of the Scheme Administrator. The HSE has informed my Department that up to the 17 April 17,076 payments totalling over €376m have issued while over 20,000 offers of repayment totalling over €396m have been made. Approximately 700 claims are currently outstanding and these claims are being concluded on a daily basis.

Health Services.

110. **Deputy Joe McHugh** asked the Minister for Health and Children the code of practice for parents accompanying their children to orthodontic clinics; and if she will make a statement on the matter. [17257/09]

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.

111. **Deputy Frank Feighan** asked the Minister for Health and Children the reason new GMS cards issued to persons (details supplied) in County Roscommon are only issued for two years despite the fact that have held a GMS card for many years; and if all new GMS cards issued to persons from the client registration unit in Finglas, Dublin are only for two years. [17272/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive reports that in general, medical cards currently issued under the Health Act 2008 to persons aged 70 years of age and over are issued for a period of two years. In respect of the particular case raised by the Deputy, which is a service matter, my Department has asked 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.

112. **Deputy Michael McGrath** asked the Minister for Health and Children the position in regard to an application for permanency by a person (details supplied) in County Cork. [17276/09]

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 Services.

113. **Deputy Michael McGrath** asked the Minister for Health and Children if a medical appointment for a person (details supplied) in County Cork will be rescheduled. [17279/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to a service matter it has been referred to the Health Service Executive for direct reply.

Medicinal Products.

114. **Deputy Michael McGrath** asked the Minister for Health and Children if she will provide details of the Health Service Executive's dispose of unused medicines properly campaign, including details of the volume and value of medicines disposed of as part of the campaign to date; and the measures being taken by the HSE to minimise the volume of wasted medicines in the system. [17280/09]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of Health services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Health Service Executive to consider the information requested by the Deputy and to have a reply issued directly to the Deputy on the matter.

Medical Cards.

115. **Deputy Brian O'Shea** asked the Minister for Health and Children if there has been a change in entitlement to medical card for a person with a social security pension and an occupational pension from another EU Member State; and if she will make a statement on the matter. [17286/09]

Minister for Health and Children (Deputy Mary Harney): Regulation (EC) 1408/71 deals with the coordination of social security schemes, including healthcare, for those moving within the European Union. Under its provisions persons who are insured with (covered by) the healthcare system of one EU member state are entitled to receive healthcare services in the public system of another member state, in certain circumstances, at the cost of the member state in which they are insured. Such persons may include people who are employed in one member state and resident in another and their dependants, pensioners of one member state who reside in another and their dependants and visitors to one member state from another.

The provisions of Regulation (EC) 1408/71 supersede national eligibility provisions. Persons residing or staying in Ireland who are covered by these provisions are entitled free of charge to all medical treatment provided by Irish legislation, where the cost of this treatment is payable by a member state other than Ireland; those residing here receive a medical card as evidence of their entitlement, although this is not based on national legislation. Persons in receipt of a qualifying pension from another EU member state and who are not in receipt of a qualifying Irish pension will receive a medical card under these arrangements. There have been no changes in the entitlement of this category of insured persons.

Infectious Diseases.

116. **Deputy Ciarán Cuffe** asked the Minister for Health and Children the type, brand and number of units of anti-viral medicines available to deal with a possible pandemic in view of the outbreak of swine flu in Mexico and elsewhere; and if she will make a statement on the matter. [17292/09]

Minister for Health and Children (Deputy Mary Harney): Stocks of antivirals sufficient to treat 47% of the population are currently stockpiled.

We have one million courses of adult dosage Tamiflu; 177,958 of 30mg paediatric capsules; 51,549 of 45mgs paediatric capsules and 706,000 courses of Relenza in stock for an Influenza Pandemic.

Recommendations for the stockpiling of antivirals are kept under constant review by the Pandemic Influenza Expert Group. The quantity of antivirals in stock or on order is enough to treat almost 2 million people. This compares very favourably with other countries across Europe and beyond.

Accident and Emergency Services.

117. **Deputy Michael McGrath** asked the Minister for Health and Children the Health Service Executive's plans for changes to the delivery of accident and emergency services in Cork city; and the impact on the delivery of services at the current accident and emergency unit at each of the three acute hospitals in the city. [17299/09]

Minister for Health and Children (Deputy Mary Harney): The HSE is about to commence a review in respect of emergency services in acute hospitals in Cork and Kerry. The review will focus on achieving safe services for patients. It will benchmark Emergency Department services against international best practice and adopt an integrated approach to academic medicine, education, teaching, training and research across the region. The review will seek to identify a model of care that delivers services as near to home as possible for the vast majority of patients.

The review will include full engagement and discussion with relevant healthcare providers, staff and patient representative groups and public representatives.

[Deputy Mary Harney.]

I have asked the HSE to give the Deputy further information in relation to accident and emergency services in Cork City.

Health Service Staff.

118. **Deputy Frank Feighan** asked the Minister for Health and Children the number of employees in the Health Service Executive west who received a bonus in 2008. [17310/09]

Minister for Health and Children (Deputy Mary Harney): Payment of Performance Related Awards is a matter for the HSE and has been forwarded to the Executive for Direct reply.

Departmental Reports.

119. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17194/09]

120. **Deputy Fergus O'Dowd** asked the Minister for Transport if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17208/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 119 and 120 together.

The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

Rail Network.

121. **Deputy Joe McHugh** asked the Minister for Transport the number of level crossings on national primary and secondary roads on a county basis; the approximate waiting time for road vehicles at these level crossings; and if he will make a statement on the matter. [17254/09]

Minister for Transport (Deputy Noel Dempsey): Iarnród Éireann informs me that it now has very few level crossings remaining on the national primary road network. There are 15 remaining in six different counties in the midlands and the West of Ireland. These crossings are mostly fully automated, full barrier crossings controlled by CCTV surveillance.

The table below shows the distribution by county of these primary road level crossings and the typical waiting time for road users for the passage of a train.

County	No. of Level Crossings	Current Estimated Waiting Time
Galway	4	1 minute
Kerry	2	3 minutes
Kilkenny	1	5 minutes
Limerick	3	5 minutes
Mayo	1	4 minutes
Roscommon	4	4 minutes
Total	15	3.3 minutes Average

On other public roads across the state there are a further 254 level crossings, ranging from fully automated & CCTV crossings on secondary roads in urban areas through to a few remaining user-worked crossings on very minor public roads in rural areas. The waiting times at these crossings varies from crossing to crossing depending on the method of operation of the crossing and the road and rail traffic densities.

Asylum Applications.

122. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform if he will review a decision for refugee status in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [17126/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum in the State on 1 September 2005. Following investigation by the Office of the Refugee Applications Commissioner, it was established that the person concerned had previously made an asylum application in the United Kingdom and, as such, a determination was made that the person concerned should be transferred to the United Kingdom for the purposes of having her asylum application examined there. This determination was upheld following an appeal to the Refugee Appeals Tribunal. Consequently, a Transfer Order was signed in respect of the person concerned on 3 November 2005. This Order was subsequently served on the person concerned which placed a legal obligation on her to present herself at the Offices of the Garda National Immigration Bureau (GNIB), on Monday 21 November 2005, to make arrangements for her formal transfer to the United Kingdom. The person concerned failed to 'present' on this occasion and was therefore classified as having 'evaded' her transfer. The person concerned became illegally resident in this State at that time.

The person concerned continued to evade her transfer with the consequence that the Transfer Order expired leaving Ireland responsible for processing the asylum application of the person concerned. At this point the case of the person concerned was referred back to the Office of the Refugee Applications Commissioner for the purposes of having her asylum claims investigated. As part of this process, the person concerned was invited to attend for interview at that Office, on a designated date and time, but she failed to attend. Neither did she offer any explanation for her non-attendance. As a result, the Office of the Refugee Applications Commissioner made a recommendation that the person concerned be refused a declaration of refugee status. This recommendation was conveyed in writing to the person concerned by letter dated 13 June 2007. This communication also notified the person concerned that, in accordance with the provisions of Section 13(2)(c) of the Refugee Act 1996 (as amended), there was no appeal against this recommendation.

Arising from the recommendation of the Refugee Applications Commissioner, and in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 9 April 2009, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned has not yet responded to my Department's letter of 9 April 2009. However, the 15 working day period referred to does not expire until 5 May 2009.

The Deputy can be assured that the case of the person concerned will not be processed further pending the expiration of the 15 working day period referred to.

Prison Staff.

123. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if, in respect of the State fund to compensate prison officers in the line of duty and payable under the Criminal Injuries Compensation Tribunal, he will confirm that such fund has sufficient moneys to discharge cases currently pending; and if he will make a statement on the matter. [17129/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that the position remains the same as set out in my Reply to Parliamentary Question Number 121 of 1st April last.

EU Directives.

124. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform the effects the new EU Equal Treatment Directive, if passed by the Council of Ministers, will have on religious schools in terms of enrolment policy; and if he will make a statement on the matter. [17151/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): On 7 July 2008, the European Commission published a proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation in the supply of and access to goods and services, social benefits including social security and healthcare, social advantages and education. The text of the legislative proposal and an information note were provided to the Oireachtas on 5 August 2008.

Discussions at Council Working Group level commenced under the French Presidency on 18 July 2008 and a brief orientation debate on the proposal was held by Council on 2 October 2008. These ongoing discussions are at a very early stage and it is not yet possible to determine what a final draft will contain. Therefore, any comments made at this stage must of necessity be of a preliminary nature. The Deputy will note that Ireland has already legislated extensively in this area. The initial view of my Department is that the proposal will not require any change to the provisions of the Equal Status Acts governing access to education.

Departmental Expenditure.

125. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if, under the Revised Estimates under equality, E.7 gender mainstreaming and positive action, he will provide the breakdown of the €4.982 million under the gender mainstreaming and positive action Estimate; the allocation for the implementation of the national women's strategy; the budget for the equality for women measure; the amount that will be spent on each of the four strands of the measure; when this funding will be allocated to each of access to employment, development of female entrepreneurship, career development for women in employment and fostering women as decision makers in view of the fact that the applications under the first strand of access to employment have been with him since July 2008 and no announcement has been made on projects nor information given to organisations to date; and when there will be an public announcement on the funding to all those who have applied. [17160/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have already indicated in response to Question No 144 of 12 February 2009 that the first Strand of the Equality for Women Measure (Access to Employment) was launched in Summer 2008 and it attracted a high level of interest, with over 150 applications being received, that all the project proposals had been appraised, but that the extremely difficult Exchequer position made it difficult to commit funding, and that the matter continued to be kept under review.

The position now is that my Department is in the process of completing its review and the decisions taken on the outcome will be made known in the near future.

Departmental Reports.

126. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17192/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that it has not been possible to compile the information requested in the time available. A response is being prepared and will be forwarded to the Deputy as soon as possible.

127. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17206/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that it has not been possible to compile the information requested in the time available. A response is being prepared and will be forwarded to the Deputy as soon as possible.

Departmental Correspondence.

128. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform Further to his reply to Parliamentary Question No. 145 of 12 March 2009 when he will respond to correspondence dated 29 January 2009 from a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [17247/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A reply issued from my office to the person concerned, in relation to the correspondence referred to, on 29 April, 2009.

Garda Recruitment.

129. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the intake of applicants for An Garda Síochána in each of the quarters during 2008 and for the first quarter of 2009; the number of new recruits he envisages being taken in for the remaining three quarters of 2009; and if he will make a statement on the matter. [17246/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the intake and attestations of students in the Garda College, in each quarter of 2008 and to date in 2009 and the projected numbers for the remainder of 2009 and 2010, are as set out in the following table. Student Gardai are attested as members of an Garda Síochána after successful completion of Phase 3 of their training which is normally 58 weeks after they commence their training. The second intake of students this year will occur in early May, after which the moratorium on recruitment in the Public Service, which includes An Garda Síochána, will apply.

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Year	Q.1 Intake	Q.1 Attestation	Q.2 Intake	Q.2 Attestation	Q.3 Intake	Q.3 Attestation	Q.4 Intake	Q.4 Attestation
2008	270	223	286	269	270	275	100	224
2009	100	267	100	*270	—	*286	—	*270
2010	—	*100	—	*100	—	*100	—	—

Garda Deployment.

130. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the minimum number of gardaí needed to maintain front-line policing services in each garda division. [17283/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Commissioner, with his senior managers and Divisional Officers, arranges for the allocation of Garda personnel throughout the State. Garda Management are aided in this by a distribution model known as the Garda Establishment Redistribution Model (G.E.R.M.).

The Commissioner advises me that the GERM model indicates the most effective means to distribute Garda personnel and acts as a guide to Garda management decision making. It takes into account many different policing variables including socio-economic factors, census information, crime trends and the minimum establishment required for each district. The allocation of Garda personnel is determined by these factors and also takes account of the policing requirements of each individual Division.

Drug Addiction.

131. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the number of registered heroin addicts in the Cork City and Cork County areas in each year since 2000 to date in 2009; the number of such registered addicts who have been incarcerated at any time since 2004 to date in 2009; the prisons in which they were incarcerated; and if he will make a statement on the matter. [17285/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that the data in the table below has been supplied by the Department of Health and Children and sets out the number of individuals in the Cork area who are registered with the Health Service Executive (HSE) to receive methadone therapy. For personal data protection reasons the identities of these individuals cannot be released. Accordingly, the Irish Prison Service is not in a position to determine how many of these individuals, if any, have spent time in prison.

Total Cork Residents in treatment as of 31st of December for each year 2000-2008 and as of 31st of March '09 per HSE Local Health Office Area (Based on information compiled by the Central Treatment List 29th of April '09)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Cork South Lee	0	0	0	0	0	0	0	0	0	0
Cork North Lee	<10*	<10	<10	<10	<10	<10	<10	13	27	46
West Cork	0	0	0	0	0	0	0	0	0	0
North Cork	<10	<10	<10	<10	<10	<10	<10	25	40	48
Total	<10	14	12	12	14	12	12	38	67	94

*< = less than 10.

Total Cork Residents in treatment during the period 1st/1 to 31st/12 for each year 2000-2008 and 1st/1/ to 31st/3/ 2009 per HSE Local Health Office Area (Based on information compiled by the Central Treatment List 29th of April '09)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Cork South Lee	0	0	0	0	0	0	0	0	0	0
Cork North Lee	<10*	<10	<10	<10	<10	11	<10	15	37	49
West Cork	0	0	0	0	0	0	0	0	0	0
North Cork	<10	<10	<10	<10	<10	<10	<10	27	49	54
Total	<10	14	16	16	17	18	15	42	86	103

*< = less than 10.

Probation and Welfare Service.

132. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position regarding Harristown House, Castlerea, County Roscommon; when it will reopen; and the number of staff who will be employed. [17309/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can advise the Deputy that my Department has received a proposal from the Probation Service relating to Harristown House. That proposal is currently being examined by my officials. It is too early to say whether this facility will reopen and in that event how many people might be employed there.

Asylum Applications.

133. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17311/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions Nos. 836 and 948 of Wednesday, 24 September 2008, and the written Reply to those Questions.

The person concerned arrived in the State on 6 October 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 12 January 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 submitting written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned 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.

Residency Permits.

134. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

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the position regarding the application for residency or citizenship in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17312/09]

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 six month period to 24 August 2009. This decision was conveyed in writing to the person concerned by letter dated 24 February 2009.

Asylum Applications.

135. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17313/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 20 May 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 28 February 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were submitted on behalf of the person concerned at that time.

By letter dated 6 February 2008, the person concerned was notified of his entitlement to submit an application for Subsidiary Protection in the State. He was also invited to update his earlier representations to the Minister. He was advised to respond within 15 working days. Updated representations were submitted on behalf of the person concerned as was an application for Subsidiary Protection in the State.

The application for Subsidiary Protection is under consideration at present. When this consideration has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the file is passed to me for decision.

Residency Permits.

136. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17314/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is currently no application pending in my Department for residency in the case of the person whose details were supplied.

If an application for asylum has been made by the person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

137. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17315/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that no application for residence in the State has been received from the person referred to by the Deputy.

Asylum Applications.

138. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [17316/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 194 of Thursday, 25 September 2008, and the written Reply to that Question.

The person concerned applied for asylum on 18 August 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 20 February 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

139. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [17317/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 195 of Thursday, 25 September 2008, and the written Reply to that Question.

The person concerned applied for asylum on 18 August 2004. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 20 February 2008, that the Minister proposed

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to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

140. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17318/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 948 of Wednesday, 24 September 2008, and the written Reply to that Question.

The person concerned applied for asylum on 29 July 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 24 April 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.

141. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17319/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 20 December 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 14 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 this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

In relation to his accommodation needs, the Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The person referred to in the details supplied is currently availing of direct provision accommodation at An Poc Fada, Cobh, Co. Cork. If this person wishes to transfer to another accommodation centre, they can make an application directly to the RIA, setting out the grounds for the request and providing any appropriate documentation in support of that transfer.

Residency Permits.

142. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17320/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that the person concerned has permission to remain in the State on the basis of parentage of an Irish citizen child. This permission to remain is currently valid until 24 November 2013.

I am informed by the Immigration Services Section of my Department that the person in question is not a recognised refugee and is not entitled to be issued with Irish Travel documents. The person in question was advised in January and again in February 2009 to contact their own embassy in Ethiopia to arrange for their own national passport.

Asylum Applications.

143. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17321/09]

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

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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.

144. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17322/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 11 July 2005 and applied for asylum on 11 October 2005. She gave birth to a child in the State in late 2005 and this child was included in her mother's asylum application. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 31 August 2006, that the Minister proposed to make Deportation Orders in respect of her and her child. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why she and her child should be allowed to remain temporarily in the State.

Representations 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.

145. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17323/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 11 September 2007. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 9 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a

Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

146. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17324/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 20 December 2004. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

The person concerned has initiated Judicial Review proceedings, challenging the decision of the Refugee Appeals Tribunal in her case. As these proceedings are ongoing, it would not be appropriate for me to comment further at this time.

147. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17325/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 847 of Thursday, 10 July 2008 and the written Reply to that Question.

The person concerned arrived in the State on 20 May 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 16 May 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 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.

148. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for subsidiary protection in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17326/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 11 November 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 12 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

149. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17327/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 26 November 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 25 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 were submitted on behalf of the person concerned at that time.

The person concerned initiated Judicial Review 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.

By letter dated 21 January 2009, the person concerned was notified that he could submit an application for Subsidiary Protection in the State. He was also invited to update his earlier representations to the Minister. He was advised to respond within 15 working days. Updated representations were submitted on behalf of the person concerned as was an application for Subsidiary Protection in the State.

The application for Subsidiary Protection is under consideration at present. When this consideration has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the file is passed to me for decision.

150. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17328/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 4 January 2006. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

The person concerned has initiated Judicial Review proceedings, challenging the decision of the Refugee Appeals Tribunal in her case. As these proceedings are ongoing, it would not be appropriate for me to comment further at this time.

151. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17329/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions No. 953 of Wednesday, 24 September 2008, and No. 855 of Thursday, 10 July 2008, and the written Replies to those Questions. The person concerned applied for asylum on 30 January 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 9 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 this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

152. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17330/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 3 February 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 13 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

Residency Permits.

153. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17331/09]

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 received on 10/01/2007. Her application is currently in the latter stages of processing. As soon as a decision is reached in her case, she will be notified directly.

Citizenship Applications.

154. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency or citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17332/09]

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 October 2008.

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.

An application for long-term residency by the person referred to by the Deputy was received on 10 January, 2007. His application is currently in the latter stages of processing. As soon as a decision is reached in his case, he will be notified directly.

Asylum Applications.

155. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [17333/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 132 of Thursday, 20 November 2008, and the written Reply to that Question.

The person concerned applied for asylum on 21 September 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 26 August 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the file is passed to me for decision.

156. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [17334/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned and her three children arrived in the State on 18 May 2007. The person concerned and two of her children made separate applications for asylum on 20 December 2007 while the third child was born in the State in 2002, during the course of his mother's previous stay in the State, and, as such, he is an Irish Citizen. The three asylum applications were refused following the individual consideration of their cases 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 persons concerned were informed, by separate letters dated 18 March 2009, that the Minister proposed to make Deportation Orders in respect of them. They were given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State. In addition, they were notified

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of their 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 persons concerned submitted applications for Subsidiary Protection in the State in accordance with these Regulations and these applications are under consideration at present. When consideration of these applications has been completed, the persons concerned will be notified in writing of the outcomes.

In the event that the Subsidiary Protection applications are refused, the case files of the persons concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When these latter considerations have been completed, the case files of the persons concerned are passed to me for decision.

Deportation Orders.

157. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [17335/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 13 July 2003 and applied for asylum on 14 July 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner, and, on appeal, by 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 April 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State i.e. why he should not be deported. He was also notified of his entitlement to apply for Subsidiary Protection pursuant to the European Communities (Eligibility for Protection) Regulations, 2006.

An application for Subsidiary Protection was made on behalf of the person concerned by his legal representative. Following consideration of this application, a decision was made to refuse the application. The person concerned and his legal representative were notified of this decision by letter dated 4 March 2009.

His case was then examined under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended, on the Prohibition of Refoulement. Consideration was given to representations submitted on his behalf by his legal representative for permission to remain in the State. On 5 March 2009, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this order was served by registered post which obliges the person concerned to leave the State. To this end, the person concerned was required to present himself at the Garda National Immigration Bureau (GNIB) 13-14 Burgh Quay, Dublin 2 on Thursday 16 April 2009 in order to make travel arrangements for his removal from the State. The person concerned presented as required and is due to present again on Thursday 21 May 2009.

I am satisfied that the applications made by the person concerned for asylum, for Subsidiary Protection and for temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport him is justified.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the GNIB.

Travel Documentation.

158. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if temporary travel documentation will issue in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [17336/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Naturalisation and Immigration Service (INIS) informs me that the person in question was refused refugee status following appeal in 2005 and is therefore not entitled to be issued with an Irish travel document.

In all cases, INIS must be satisfied that there is no alternative open to an Irish temporary travel document applicant preventing them from procuring their own national passport or travel document before an Irish temporary travel document will issue.

As the person in question is a Cameroonian national it is advised that they should seek consular assistance from their own national authorities and contact the Embassy of Cameroon, 84 Holland Park, London W11 3SB, England with a view to obtaining their national passport or travel document.

Asylum Applications.

159. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [17338/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 10 April 2006. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 25 September 2008, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

160. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding family reunification in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [17339/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my answer to his previous Parliamentary Question No. 727 of the 27th January 2009.

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I am informed by the Immigration Division of my Department that the person in question made an application for Family Reunification in April 2007.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation was completed and the Commissioner forwarded a report to my Department.

The report has been considered by my Department and a decision on the application was issued to the person in question on the 7th April 2009.

Residency Permits.

161. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the application for residency in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [17340/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 150 of Thursday, 5 February 2009. The position in the State of the person concerned is as set out in that Reply.

Citizenship Applications.

162. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the application for citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17341/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question 176 on 12 March, 2009. The position remains as stated.

Deportation Orders.

163. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the decision to deport in the case of a person (details supplied) in Dublin 15; the extent to which their case was previously investigated and by whom before the decision was taken to deport; and if he will make a statement on the matter. [17342/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his Parliamentary Question, No. 229 of Thursday 15 May 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

Asylum Applications.

164. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17343/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 7 November 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 17 May 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 have been submitted on behalf of the person concerned and these representations will be fully con-

sidered, 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.

Travel Documentation.

165. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a temporary travel document will be issued to facilitate the application for a national passport in the case of a person (details supplied) in Dublin 3; and if he will make a statement on the matter. [17344/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Naturalisation and Immigration Service (INIS) informs me that the person in question was refused refugee status following appeal in 2005 and is therefore not entitled to be issued with an Irish travel document. The person concerned was granted temporary permission to remain in the State on 08/07/2008 for 3 years until 8 July 2011.

In all cases, INIS must be satisfied that there is no alternative open to an Irish temporary travel document applicant preventing them from procuring their own national passport or travel document before an Irish temporary travel document will issue.

As the person in question is a Rwandan national it is advised that they should seek consular assistance from their own national authorities and contact the Embassy of Rwanda, 120-122 Seymour Place, London W1H 1NR, England with a view to obtaining their national passport or travel document.

Deportation Orders.

166. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review his decision to deport persons (details supplied) in County Meath; and if he will make a statement on the matter. [17345/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The persons to whom the Deputy refers sought asylum in the State on 12 July 2005 along with three other family members. Their applications for asylum were refused and deportation orders were signed in respect of them on 11 August 2006. The deportation orders were revoked on 15 October 2008 following settlement of judicial review proceedings.

The persons in question applied for subsidiary protection and this application was refused on 27 March 2009. Deportation orders were signed in respect of them on 2 April 2009. The applicants issued judicial review proceedings on 23 April 2009 challenging the decision to make the deportation orders. As the matter is sub judice, I do not propose to comment further.

Departmental Reports.

167. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17190/09]

Minister for Foreign Affairs (Deputy Micheál Martin): There are four bodies operating under the responsibility of my Department: three Advisory Committees and one Educational Commission.

The Development Education Advisory Committee was established in 2003 following the recommendations of the Ireland Aid Review Committee. Its purpose is to advise the Minister, Minister of State and Irish Aid on development education policy. The members serve in a voluntary capacity. While I have not received reports relating to the operation of the Commit-

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tee, the Chairman regularly provides advice to Ministers, including on implementation of the development education strategy of the Department.

The Government Emigrant Services Advisory Committee (previously known as Díon) was set up in 1984 to advise the Government on the welfare of the Irish community in Britain. The Committee's primary role is to advise on the distribution of Government support to voluntary agencies providing front line services and community care to Irish people in Britain. The Committee is chaired by an official from our Embassy in London and its members serve in a voluntary capacity. The Committee provides ongoing advice to my Department and the Embassy reports to me on the operation of the Committee on a regular basis. In 2007, an independent Value for Money Review reported on my Department's Emigrant Services Programme, including such services provided in Britain. Copies of the Report were lodged with the Houses of the Oireachtas in August 2007.

The Fulbright Commission (The Board of the Ireland — United States Commission for Educational Exchange) finances study, research, teaching and other educational activities between Ireland and the United States of America. In regard to the Fulbright Commission, I, as Minister for Foreign Affairs under section 5(10) of the Educational Exchange (Ireland and the United States of America), Act, 1991, am responsible for laying before both Houses of the Oireachtas a copy of the Annual Report of the Comptroller and Auditor General on the Fulbright Commission. The most recent Annual Report was forwarded to the Oireachtas Library & Research Service on April 23rd.

The Advisory Board for Irish Aid (ABIA) was established in August 2002 to provide general oversight and advice to the Minister for Foreign Affairs and the Minister of State for Overseas Development on the strategic direction of the Government's programme of assistance to developing countries. The term of the last Board ended on October 31st 2008. During its lifetime, the Advisory Board for Irish Aid (ABIA) published Annual reports which were made available to the Minister for Foreign Affairs, the Minister of State for Overseas Development, and the Oireachtas Joint Committee on Foreign Affairs. In addition, a number of detailed analytical studies on themes relevant to development cooperation policy and the Irish Aid programme were commissioned by ABIA in the context of its research mandate.

168. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17204/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The Department of Foreign Affairs is responsible for two Votes: Vote 28 (Foreign Affairs) and Vote 29 (International Development). Details of reports commissioned by my Department in the past five years are set out as follows. It should be noted that in addition to the reports detailed as follows, my Department produces an Annual Report. It is no longer published in hard copy but, instead, is placed on the Department's website after it has been laid before the Houses of the Oireachtas. Irish Aid also produces an Annual Report, which in 2008, was produced at a cost of €14,064. While this is not formally laid before the Houses of the Oireachtas, a copy is sent directly to all members of the Oireachtas and a number of copies are placed in the library of the Houses of the Oireachtas. My Department also publishes a Strategy Statement, most recently the Statement of Strategy 2008-2010. This report is produced internally with the most recent version incurring printing costs of €7,703. It is also available on the Department's website.

*Vote 28 (Foreign Affairs) Reports**Support for Irish Emigrants (Value for Money Review)*

The Value for Money and Policy Review of the Support for Irish Emigrant Groups Programme was undertaken by Goodbody Economic Consultants, and completed in July, 2007. The purpose of the Review was to examine the objectives of the Support for Irish Emigrant Groups Programme, the economic effectiveness and efficiency with which services were being delivered, and the quality and quantity of the outputs and benefits delivered to our communities abroad. The total cost of the report, including VAT, was €45,254. Copies of the Report were lodged with the Houses of the Oireachtas on 1 August 2007.

In June 2007, the Department contracted Annesley Consulting to complete an independent Quality Assessment of The Value for Money and Policy Review of the Support for Irish Emigrant Groups Programme, in line with best practice. The total cost of the Assessment was €3,751, including VAT. Annesley Consulting's Quality Assessment was completed in mid July 2007 and provided to the Sectoral Policy Division in the Department of Finance. The report was not laid before the Houses of the Oireachtas.

Assessment of EU accession training programmes, 2001-2003

In 2004, A&L Goodbody was commissioned to assess the Department's EU accession training programmes. The cost incurred was €4,878. It took one week to complete and was delivered in May 2004. The report was not laid before the Houses of the Oireachtas.

Assessment of Assistance programmes in Bulgaria and Romania by the IPA

In 2007, BCT Communications Ltd was commissioned to conduct an assessment of the Department-funded capacity building programmes provided by the Institute of Public Administration in 2005/6 to the Bulgarian Institute of Public Administration and European Integration and the Romanian National Institute of Administration. The cost of preparing the report was €20,469. It took one month approximately to complete and was delivered in April 2007. The report was not laid before the Houses of the Oireachtas.

Report on the reasons underlying the result of the Lisbon Treaty Referendum and public attitudes to Ireland's role in the European Union — Millward Brown IMS

A report was commissioned by my Department to analyse the result of the Lisbon Treaty Referendum and public attitudes to Ireland's future role in the European Union. The key objective of this national survey of public attitudes was to understand the reasons underlying voting decisions in the referendum on the Treaty of Lisbon on 12 June 2008. The report cost €138,061 including VAT. The report was not laid before the Houses of the Oireachtas. The Minister sent a copy of the report directly to each member of the Oireachtas and directed that a number of copies be placed in the library of the Houses of the Oireachtas. This report was published on the 10th September 2008 and is available on the Department's website.

Attitudes and Behaviour in the Referendum on the Treaty of Lisbon— UCD/GEARY Institute Report

A report carried out by UCD and the Geary Institute was commissioned to undertake detailed statistical analysis of the quantitative data gathered by Millward Brown IMS, and also draw on other sources, including Euro-barometer surveys, opinion polls, and General Election and other referendum results, in order to analyse why people voted yes or no, or abstained in the referendum on the Treaty of Lisbon. The cost of this report was €11,800. The report was

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not laid before the Houses of the Oireachtas. The Minister sent a copy of the report directly to each Member of the Oireachtas. This report was published on the 8 March 2009 and is available on the Department's website.

Annual Report on Developments in the European Union

Under the terms of the EU (Scrutiny) Act 2002, the Department of Foreign Affairs compiles an Annual Report on Developments in the European Union on the basis of submissions received from all Government Departments. This report is laid before the Houses of Oireachtas. The First such Report was produced internally. Production of the Second, Third and Fourth reports was outsourced. Printing, design and translation costs were approximately €7,300 for the Second, Third and Fourth Report respectively. However in 2008, the Department produced the report internally and so the cost incurred is for translation only, which was €3,219 for the Fifth Report .

In addition, under the terms of the EU (Scrutiny) Act 2002, the Minister lays a report twice yearly before the Houses of Oireachtas in relation to measures, proposed measures and other developments in relation to the European Union for which the Minister has lead responsibility. There are no costs incurred in producing these reports.

Conflict Prevention

As part of preparations for Ireland's Presidency of the EU in 2004, the NGO International Alert/Saferworld was commissioned to produce a paper on conflict prevention. It received €10,000 for its work in preparing the paper, a copy of which can be found on International Alert's website, www.international-alert.org.

Human Rights

In April 2008, the Department funded the publication of the report "Bullets in the Alms Bowl", by the Human Rights Documentation Unit of the National Coalition Government of the Union of Burma. The funding provided was €4,000. This report documented the brutal suppression of Burma's September 2007 monk-led protests through 50 detailed eyewitness interviews. It was launched on 17 June 2008. The report was not laid before the Houses of the Oireachtas.

Irish Prisoners Abroad

A report on Irish Prisoners Abroad was launched by the Minister on 13 August 2007. It was prepared by Mr. Chris Flood at a cost of €6,066 (publication costs only). This report was commissioned to further enhance the services we provide to citizens incarcerated abroad. The key recommendations of the report are in the process of being implemented. The report was not laid before the Houses of the Oireachtas.

Irish Passport Service (Value for Money Review)

This value for money review was undertaken by KPMG to evaluate the efficiency and effectiveness of the passport service and to provide recommendations to the Department that will underpin the provision of a cost effective, quality passport service in the coming years. Work on the review was completed in June 2008. The total cost of the review, including VAT, was €71,384. Copies of the report were lodged with the Houses of the Oireachtas in November 2008 and the report is also published on the Department's website.

Vote 29 (International Co-operation) Reports

The Department of Foreign Affairs, through Irish Aid, commissions reports as part of its ongoing evaluation process designed to ensure value for money in its development activities and in relation to strategic development policy.

The major reports commissioned by Irish Aid between 2004 and 2009 include an evaluation of the Multi-annual Programme Scheme with its larger NGO partners in 2005; a Public Expenditure Review of Ireland's Support for Education in Uganda and Zambia in 2005; and the Management Review of Irish Aid which is expected to be submitted to the Government shortly. In addition, the Hunger Task Force, which was appointed to identify the contribution that Ireland can make to international efforts to reduce hunger, submitted its report to the Government in 2008. Reports and reviews commissioned by Irish Aid on aspects of the Irish Aid programme, including those highlighted above are detailed in the following table.

Year	Name of Report	Cost	Laid before Oireachtas
2004	Public Expenditure Review of Support to Afghanistan 2000-2003	€ 2,250	No
2005	Civil Protection Audit (report on options and recommendations for the development of the Rapid Response Corps)	20,855	No
2005	Evaluation of Development Cooperation Ireland's Multi-Annual Programme Scheme 2003-2005	309,113	No
2005	A Public Expenditure Review of Development Cooperation Ireland's Support for Education in Uganda and Zambia	23,398	Yes
2005	Report on Tsunami — Ireland and the Recovery Effort prepared by Chris Flood	27,000 (Approx.)	No
2006	Evaluation of Irish Aid/Tigray Regional Support Programme — Ethiopia	83,249	No
2006	Evaluation of South Africa Country Strategy Paper 2006	106,525	No
2006	Communications Strategy for Irish Aid	49,131	No
2006	Rapid Response Initiative — Final Report (on stockpiling)	24,828	No
2007	2007 — Irish Aid's Support to Tsunami Affected Countries — A Value for Money Review	31,181	Yes
2008	Evaluation of the Mozambique Country Programmes 2001-2006, A Value for Money Review	93,200	Yes
2008	HIV and AIDS Value for Money Review (work in progress, to be published mid 2009)	151,085	No
2008	Evaluation of Ireland Aid's Timor Leste Country Programme (2003-2008)	121,790	No
2008	Management Review of Irish Aid (expected to be published in 2009)	230,000	No
2008	Hunger Task Force: Report to Government of Ireland	285,206	No
2009	Evaluation of the Irish Aid (Uganda) Country Strategy Paper (2007-2009) (work in progress, to be published mid 2009)	104,877*	No
2009	Evaluation of Irish Aid Supported Activities of Dóchas, 2006 to 2008 (work in progress, to be published mid 2009)	15,127*	No

Notes

1. *Estimated cost; assignment not yet complete.
2. In the case of assignments that are work-in-progress, budgeted costs are given.

[Deputy Micheál Martin.]

All of the reports mentioned and the operational reviews have informed the design and implementation of the Irish Aid programme. All Irish Aid publications may be found on the Irish Aid website at <http://www.irishaid.gov.ie>.

The Advisory Board for Irish Aid was established in August 2002 to provide general oversight and advice to the Minister for Foreign Affairs and the Minister of State for Overseas Development on the strategic direction of the Government's programme of assistance to developing countries. The term of the Board ended on October 31st 2008. During its lifetime, the Advisory Board for Irish Aid (ABIA) published Annual Reports which were made available to the Minister for Foreign Affairs, the Minister of State for Overseas Development, and the Oireachtas Joint Committee on Foreign Affairs. In addition, a number of detailed analytical studies on themes relevant to development cooperation policy and the Irish Aid programme were commissioned by ABIA in the context of its research mandate. A list of these studies is set out as follows.

Year	Report Title	Cost	Laid before Oireachtas
		€	
2006	“Oversight structures in the Irish Public service”	16,940	No
2007	“Best Practice In the Governance of Aid Programmes”	6,050	No
2008	“Selectivity in Action; Choosing Irish Aid’s Tenth Programme Country”	7,000	No
2008	“Measuring Impact: the Global and Irish Aid Programme context”	153,505	No
2008	“Good Governance, Aid Modalities and Poverty reduction”	486,038	No
2008	Study on Private Sector Development	17,250	No
2008	Study on Biofuels	6,713	No

169. **Deputy Fergus O’Dowd** asked the Minister for Arts, Sport and Tourism if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17182/09]

170. **Deputy Fergus O’Dowd** asked the Minister for Arts, Sport and Tourism if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17196/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 169 and 170 together.

The bodies under the aegis of the Department submit their annual reports to me as required under the relevant legislation or other governing arrangements establishing the bodies, and these reports are laid before the Houses of the Oireachtas. In addition, reports on various aspects of the operations of these bodies are received by the Department in the context of its normal ongoing governance relationship with the bodies. Such reports would not be laid before the Houses.

In respect of reports commissioned in the past five years into the operation of the Department and/or bodies under its aegis, details are as set out in tabular form as follows.

Title of Report	Objectives	Cost	Laid before Houses of Oireachtas
		€	
Review of the Role and Function of the Irish Manuscripts Commission	To review the role of the Irish Manuscripts Commission (IMC), founded in 1928.	44,165	No
Report on Certain Matters Affecting Bord na gCon	Independent examination of Bord na gCon following allegations regarding corporate governance irregularities, the drug testing regime operated and the dismissal of the CEO.	37,667	Yes
Evaluation of Local Sports Partnership Programme	To establish the level of progress achieved by the existing Local Sports Partnerships against the outcomes defined by the Irish Sports Council.	54,450	No
Culture Ireland Strategy Report	To develop a Strategy for Culture Ireland.	10,890	No
Report on Future Opportunities to Promote Contemporary Art from Ireland through International Engagements	To advise on future opportunities to promote contemporary art from Ireland through international engagements.	8,500	No
Planning and Provision of Sports Facilities in Ireland	To provide consultancy in the development of a strategy for sports facilities and advice in relation to an analysis of sports facility provision.	113,740	No
National Concert Hall — DKM Report	To review the economic benefits of the proposed redevelopment of the National Concert Hall.	19,273	No
Close-Up — The International Promotion of Irish Film and Irish Filmmakers	To advise on the international promotion of Irish film and filmmakers.	15,000	No

These are in addition to routine internal audit reports and expenditure review reports conducted in relation to the Department and the bodies under its aegis.

Security of the Elderly.

171. **Deputy Olwyn Enright** asked the Minister for Community, Rural and Gaeltacht Affairs if formal communications have been sent to all community alert groups outlining the reason he is not taking more applications under the supports for older people scheme; if so, the groups which have been contacted and when; and if he will make a statement on the matter. [17130/09]

172. **Deputy Olwyn Enright** asked the Minister for Community, Rural and Gaeltacht Affairs the provisions put in place for people involved with the community alert groups, who may lose their positions as a result of the recent announcement that no more applications will be accepted under the supports for older people scheme; and if he will make a statement on the matter. [17131/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I propose to take Questions Nos. 171 and 172 together.

My Department wrote to over 1,300 community and voluntary groups, including community alert groups, that have received funds from the Scheme of Community Support for Older People in recent years to advise them of the suspension of funding. The letter was issued on

[Deputy John Curran.]

7th April 2009. The letter contained contact details for members of staff in my Department to enable direct enquiries to be made.

The Deputy may wish to note that the Scheme is delivered by volunteers working with older people in their communities and does not provide funds for the engagement of staff. I am aware that the suspension of the Scheme may reduce the volume of work for some operations in the installation of alarms and security devices. However, the suspension does not affect arrangements already in place for the monitoring of alarms systems funded by the Scheme.

Last week, I met with representatives of Age Action Ireland, the Society of St. Vincent de Paul, Muintir na Tíre, Irish Rural Link and the Senior Citizen Parliament to discuss the suspension of the scheme and the concerns about how it currently operates. Arising from these discussions, I have agreed with these organisations a process that will set the broad parameters for a review of the scheme to be undertaken by my Department and for the necessary consultation to be undertaken as part of the review process. I am hopeful that the review process can begin in May and be completed by mid-September.

Departmental Reports.

173. **Deputy Fergus O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17184/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department has received the following from bodies under its aegis: Oifig Choimisinéir na dTeangacha Oifigiúla: annual report for 2008; The Dormant Accounts Board: annual report for 2008; The Western Development Commission: annual reports for 2007 and 2008.

It is my intention that these reports will be laid before both Houses of the Oireachtas shortly. I am aware that a number of other bodies have produced draft annual reports that are awaiting finalisation.

174. **Deputy Fergus O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17198/09]

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.

175. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the reason she does not collect information and statistics on the number of people who apply for mortgage interest supplement or the number of people who have been refused mortgage interest supplement; and if she will make a statement on the matter. [17304/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of mort-

gage interest. The purpose of the supplement is to provide short term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

There are currently over 11,300 people in receipt of mortgage interest supplement, an increase of over 7,000 (175%) over those in payment at end 2007.

The scheme is administered by the community welfare service of the Health Service Executive (HSE) on behalf of the department and delivered locally by community welfare officers. A community welfare officer interviews applicants for mortgage interest supplement when they first present in order to determine if they satisfy the statutory qualifying conditions for entitlement. They also ensure that all the documentation required to make a decision has been provided.

Claim details are recorded electronically in cases where it is established that mortgage interest supplement is payable. However, claim details are not always recorded electronically where no entitlement has been established to mortgage interest supplement, unless an appeal has been lodged with an appeals officer of the HSE, in which case claim details would be recorded electronically.

For this reason, reliable statistics are not available on the total number of people who applied for and were refused mortgage interest supplement.

In view of the current economic environment, the Department has commenced a review of the administration of the mortgage interest supplement scheme. The main purpose of the review is to consider how the mortgage interest supplement scheme can best meet its objective of catering for those who require assistance on a short-term basis, where they are unable to meet mortgage interest repayments on their sole place of residence. Legislative and operational issues arising in the existing mortgage interest scheme, including the cap on hours of employment, are also being examined. The review will examine operational aspects of the scheme including best practice in the recording, collating and maintenance of statistical data.

Question No. 176 answered with Question No. 15.

Departmental Reports.

177. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if she has received reports from bodies under the aegis of her Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [17193/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The information requested is currently being compiled within the Department and will be made available to the Deputy as soon as possible.

178. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if her Department has commissioned internal or external reports in relation to her Department or bodies under the aegis of her Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if she will make a statement on the matter. [17207/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The information requested is currently being compiled within the Department and will be made available to the Deputy as soon as possible.

Social Welfare Benefits.

179. **Deputy Tom Sheahan** asked the Minister for Social and Family Affairs the number of social welfare recipients in the Kerry South constituency who will be affected by the withdrawal of the Christmas bonus; and the average payment per social welfare recipient. [17226/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Statistics are not compiled on this basis by the Department. Accordingly, the information requested by the Deputy is not available.

Employment Support Services.

180. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs if she will incorporate the idea of find a worker into all literature and signage at social welfare offices; and if she will make a statement on the matter. [17258/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department produces a comprehensive range of information leaflets on its schemes and services. These are available in a wide range of outlets across the country, including all Social Welfare Local Offices and Branch Offices, Citizens Information Centres, Post Offices and in other organisations such as local community centres. Where appropriate the leaflets also contain information directing members of the public to services provided by other Government Departments and agencies such as FÁS.

Information on the range of schemes and services administered by the Department is also provided on the Department's website www.welfare.ie. This site links to other Government Departments and agencies. The Department's Employment Action Plan (EAP) is a systematic process whereby people in receipt of Jobseeker's Benefit or Jobseeker's Allowance are referred to FÁS. The purpose is to facilitate access to the range of employment and training services available. The Department will continue to work with FÁS to ensure that these services are availed of to their fullest extent.

The Department's information leaflets and signage or website do not refer to recruitment agencies or any other private sector organisations and there are no plans to do so. Any initiative involving the contracting of a private sector organisation would be advertised in accordance with EU procurement guidelines.

Social Welfare Benefits.

181. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when unemployment assistance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17346/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for jobseeker's allowance with effect from 21 April 2009. This application is being examined and he will be notified of the outcome in due course. The person concerned has also claimed illness benefit but has insufficient contributions paid/credited to qualify for payment.

The address quoted is the only one known to the Department for this person.

182. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position in regard to qualification for the back to education allowance; if these requirements are expected to be eased in the current climate; and if she will make a statement on the matter. [17347/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Since its introduction, the underlying objective of the back to education allowance scheme has been to equip people on social welfare payments with qualifications that will enable them to obtain employment in the labour market. It is a second chance educational opportunities scheme for people on welfare payments who wish to participate in full time education and who would not otherwise be able to do so.

Improvements to the scheme were announced in the recent supplementary budget. The qualifying period has been reduced to three months for access to the second level option. Also jobseekers who engage with the department's facilitator programme can access the third level option at nine months on the recommendation of a facilitator.

In general, to qualify, an applicant must be at least 21 years of age prior to commencing an approved course of study. However, lone parents and persons in receipt of jobseekers payments can qualify at 18 years of age provided they are out of formal education for at least 2 years. In addition an applicant must be in receipt of a relevant social welfare payment for 3 months if pursuing a second level course or 12 months if pursuing a third level course.

In response to the current economic circumstances people who are awarded statutory redundancy may access the scheme immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study. Also as indicated earlier the qualifying period for the third level option is reduced to 9 months for persons who are participating in the National Employment Action Plan process or engaging with a department facilitator.

The Government recognises that education has an important role to play in enhancing the employability skills of those on the Live Register and the qualifying conditions of the back to education scheme will continue to be monitored.

183. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs her proposals to alleviate hardship and speed up the processing of applications for various social welfare payments in view of the ongoing downturn in the economy; and if she will make a statement on the matter. [17348/09]

191. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs her plans to expedite applications for unemployment assistance and unemployment benefit thereby eliminating hardship; and if she will make a statement on the matter. [17356/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 183 and 191 together.

This Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as expeditiously as possible. The staff and other resources available to the Department are regularly reviewed having regard to the workload arising and other competing demands. The available resources are then used to discharge the Department's obligations towards our claimants and in implementing cost effective controls to prevent and detect fraud and abuse. With the increase in the number of people applying for jobseekers payments staff in local offices have been working extremely hard to process claims as quickly as possible, however there are delays in some areas.

184. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the average length of time currently taken to process an application for disability benefit and invalidity pension; and if she will make a statement on the matter. [17349/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The average length of time taken to process applications for Disability Allowance, Illness Benefit and Invalidity Pension for the first three months of 2009 is as follows:

(In Weeks)

	January '09	February '09	March '09
Disability Allowance	18	15	15
Illness Benefit	2	1	1
Invalidity Pension	11	13	9

The Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlements are made as expeditiously as possible. The staff and other resources available to the Department are regularly reviewed having regard to the workload arising and other competing demands.

Pension Provisions.

185. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the average length of time currently taken to process an application for an old age pension; and if she will make a statement on the matter. [17350/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department is committed to providing a quality service to all its customers. This includes ensuring that pension claims are processed and that decisions on entitlement are made as quickly as possible.

Claims for State Pension (Contributory) are now fully processed within four weeks of receipt of application where all information is available. Average processing times for all State Pension (Contributory) claims now stand at less than 9 weeks. At present, 78% of State Pension Non-Contributory claims are processed and decided within 10 weeks.

The Department has a process in place whereby people are proactively invited to claim State Pension Contributory in advance of reaching pension age in order to ensure their entitlement to pension is decided by the due date. Similarly, people who are in receipt of long term means tested payments, such as Disability Allowance, Jobseekers Allowance, etc. are also proactively notified to claim State Pension Non-Contributory in advance of reaching pension age.

In order to facilitate a good customer service all customers are advised to apply for a pension at least three months before reaching pension age.

Departmental Staff.

186. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she proposes to deploy adequate staff throughout her Department in order to deal with the increased workload arising from the downturn in the economy; and if she will make a statement on the matter. [17351/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The increasing Live Register has meant that Local Offices, being a frontline service, have borne the brunt of the additional workload as a result of the downturn in the economy.

During the past year an additional 190 staff have been assigned to local offices throughout the country. In addition, as many local offices are very close to capacity as regards accommodating further staff, the Department has set up a number of central decision units around the country. Four such units are currently set up in Dublin, Sligo, Finglas and Carrick-on-Shannon.

Each unit has 10 staff. It is now planned to establish three further units with 10 staff each in Roscommon, Tallaght and Wexford and these units should be operational within the next few months.

A further 16 Social Welfare Inspectors have been assigned to various locations throughout the country to undertake means testing and other work associated with processing claims for the jobseekers allowance. Staffing levels are being monitored on an on-going basis.

Social Welfare Benefits.

187. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if adequate provision has been made to meet rent and mortgage support requirements for the duration of 2009; and if she will make a statement on the matter. [17352/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of rent or mortgage interest to any person in the State whose means are insufficient to meet their needs.

There are currently almost 85,000 recipients of rent supplement, a 42% increase since the end of 2007 and 11,300 recipients of mortgage interest supplement, a 175% increase since the end of 2007.

The published estimate of expenditure for 2009 for rent supplement is €490.4m and €40.1m for mortgage interest supplement, an increase of €50.7million and €12.5 on the outturn of expenditure in 2008.

In the current economic climate, it is difficult to estimate expenditure into the future. Expenditure on rent and mortgage interest supplement is closely monitored on a monthly basis taking into account trends in recipient numbers, average monthly payments and savings arising from the supplementary budget measures.

Overall, it is expected that adequate provision has been made for both the rent supplement and mortgage interest schemes in 2009. Developments in relation to current year expenditure will continue to be closely monitored in the context of the Government's framework for reporting on public expenditure.

Live Register.

188. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of persons currently signing on the live register; the degree to which this represents an increase over the past two years; and if she will make a statement on the matter. [17353/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The live register is published by the Central Statistics Office on a monthly basis. The figures show that the number of persons signing on the Live Register at the 24th April 2009 is 384,448. This represents an increase of 188,850 on the number for the last week in April 2008 and an increase of 230,129 on the number for the last week of April 2007.

While the monthly rate of increase has been coming down in recent months, from 36,498 in January to 13,177 in April, I am acutely conscious of how job losses on this scale impact on the individuals and families affected. Income support continues to be the department's first priority in relation to people who are unemployed. Despite the economic downturn, the rates of payment have been maintained above the level of inflation.

The increase in the volume of claims for unemployment payments has imposed a severe strain on resources but the department has taken steps to ensure that waiting times are minimised.

[Deputy Mary Hanafin.]

It is recognised that while income support is a crucial support, we must also do all we can to help get people back to work. The department through its Employment Support Services and in conjunction with other agencies continues to assist people on the live register to make the transition to work, education or training. Changes were made in the recent supplementary budget to the rate of payment in jobseeker's allowance to people under 20 in order to incentivise them to avail of training and education opportunities. Under the National Employment Plan, people who are approaching 3 months on the live register are identified by the department and referred to FÁS for interview with a view to job placement or an offer of training.

The Government is now providing, through FÁS, a total of 128,000 training and activation places for the unemployed this year. This is a substantial increase on the approximate 66,000 places taken up last year. Also, Job Search/National Employment Action Plan referral capacity has nearly doubled for 2009 from 6,500 cases per month to 12,250. This represents an unprecedented increase in capacity for this programme, which is being undertaken by FÁS in co-operation with the Department of Social and Family Affairs. In addition there are 146,700 places in further education programmes in 2009.

The recent supplementary budget outlined a joint approach to activation agreed between the departments of Social and Family Affairs, Enterprise Trade & Employment and Education & Science. A range of additional measures were outlined aimed at maintaining people in employment, re-skilling and facilitating better access to allowances while avoiding undue negative impacts on vulnerable individuals.

As part of the budget I introduced a package of measures relating to the back to work enterprise allowance and back to education allowance schemes to facilitate better access to supports. The package put together by the Departments of Enterprise, Trade & Employment and Education & Science has some 11 proposals to provide 23,435 extra employment and training scheme places.

This demonstrates the scale of activity being supported by this Government to ensure that people are best positioned to get back into employment.

Social Welfare Benefits.

189. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will put in place measures to address the needs of persons who have suddenly become unemployed, in many cases for the first time, with particular reference to rent and mortgage support and emergency supplementary payments; and if she will make a statement on the matter.

[17354/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of rent or mortgage interest to any person in the State whose means are insufficient to meet their needs.

The scheme also provides for an exceptional needs payment which may be made to help meet an essential once-off cost, such as a payment of a rent deposit, which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment and each application is determined by a community welfare officer based on the particular circumstances of the case, taking account of the nature and extent of the need.

Rent supplement is payable to people who are unable to meet the cost of renting private accommodation. The supplement is intended as a short-term income support to eligible tenants whose means are insufficient to meet their accommodation costs. There are currently nearly

85,000 people in receipt of rent supplement, an increase of 42% since the end of December 2007.

The mortgage interest supplement scheme is designed to help those who have difficulty meeting their mortgage repayment schedule where their means are insufficient to meet their needs. The scheme provides a short-term “safety net” within the overall social welfare scheme to ensure that people do not suffer hardship due to loss of employment.

A supplement may be paid in respect of mortgage interest only to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence.

There are currently over 11,300 people in receipt of mortgage interest supplement, an increase of 175% over the number in payment at end 2007.

The assessment for the existing rent and mortgage interest supplement provides for a gradual withdrawal of payment as hours of employment or earnings increase. Those availing of part-time employment and/or training opportunities can continue to receive rent and mortgage interest supplement subject to their satisfying the standard means assessment rules.

In the case of rent supplement, a person accepted as having a long term housing need who has been accepted as being eligible under the rental accommodation scheme (RAS) may engage in full time employment and still qualify for rent supplement, subject to standard means assessment rules.

In view of the current economic environment, the Department is conducting a review of the administration of the mortgage interest supplement scheme. The main purpose of the review is to consider how the mortgage interest supplement scheme can best meet its objective of catering for those who require assistance on a short-term basis, where they are unable to meet mortgage interest repayments on their sole place of residence. Legislative and operational issues arising in the existing mortgage interest scheme, including the cap on hours of employment, are also being examined.

The views of the community welfare service and other interested parties are currently being canvassed as part of the review. In the interim, updated guidelines on the operation of the existing mortgage interest supplement scheme will issue shortly to community welfare service staff.

The mortgage interest supplement scheme is administered by the community welfare service of the Health Service Executive on behalf of the department. The operational arrangements for the processing of applications and the payment to qualifying individuals, is a matter for the respective community welfare division areas.

The HSE is reviewing the allocation of staff currently engaged on the delivery of the supplementary welfare allowance scheme, including rent and mortgage interest supplement.

The question of any increase in expenditure for staffing within the community welfare service above that currently provided would have to be considered in the context of overall Government policy on public service manpower levels.

Departmental Estimates.

190. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she is satisfied that the budget originally provided by her Department is adequate to meet the emerging needs with particular reference to unemployment benefit and unemployment assistance; and if she will make a statement on the matter. [17355/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Estimates for the Department of Social and Family Affairs which were published on 23 April last were based, in the main, on an analysis of trends as regards likely numbers of recipients and average value of payments in 2009. The estimates for Jobseeker's Benefit, Jobseeker's Allowance and Supplementary Welfare Allowance were significantly increased from the Estimates published at the time of the October Budget. These estimates were increased in line with the Department of Finance's projections of an average Live Register of 440,000 for the year.

Question No. 191 answered with Question No. 183.

Reserve Defence Forces.

192. **Deputy Brian O'Shea** asked the Minister for Defence his proposals to disband the Reserve Defence Forces; and if he will make a statement on the matter. [17172/09]

Minister for Defence (Deputy Willie O'Dea): There are no plans to disband the Reserve Defence Force. The Government introduced a moratorium on recruitment to the Public Service with effect from 27th March 2009 and, as with the public service generally. The Defence Organisation is required to operate with reduced funding. In this context, all recruitment to the Reserve Defence Force has been suspended for the present. 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 during 2009.

Departmental Reports.

193. **Deputy Fergus O'Dowd** asked the Minister for Defence if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17185/09]

Minister for Defence (Deputy Willie O'Dea): My Department produces an Annual Report on the performance of the Department and the Defence Forces in accordance with the Public Service Management Act, 1997. In addition, I receive Annual Reports from the Civil Defence Board and from the Board of Coiste an Asgard. These reports are laid before the Houses of the Oireachtas.

194. **Deputy Fergus O'Dowd** asked the Minister for Defence if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17199/09]

Minister for Defence (Deputy Willie O'Dea): The information requested by the Deputy in relation to reports commissioned by my Department in the past five years is as follows:

In 2004, my Department commissioned a report from an Independent Monitoring Group which was set up to give effect to the recommendations of the Doyle Report (2002) concerning Harassment, Bullying and Discrimination and Sexual Harassment in the Defence Forces. The cost of the report was €161,259. This report was published. It was not laid before the Houses of the Oireachtas.

In 2006, my Department carried out an Expenditure Review of Maintenance of Aircraft in the Air Corps. The objective of the review was to ensure value for money. The cost included internal staff costs plus €3,220 for Report Quality Assurance by Epsilon Consulting. The report was laid before the Houses of the Oireachtas.

In 2007, my Department carried out a Value for Money Review of Clothing Procurement in the Defence Forces. The objective of the review was to ensure value for money. The cost included internal staff costs plus €2,904 for Report Quality Assurance by Petrus Consulting. The report was laid before the Houses of the Oireachtas. TNS MRBI, an independent market research company, was awarded the contract to undertake research into the issue of Recruitment and Retention of Women in the Defence Forces. The research tested women's attitudes to military life and a career in the Defence Forces. The cost incurred was €48,000. The results of this market research will assist in the formulation of policy and practice in this area for the future. This report was published. It was not laid before the Houses of the Oireachtas.

The Independent Monitoring Group that was set up to give effect to the recommendations of the 2002 Doyle Report on Harassment, Bullying and Discrimination and Sexual Harassment in the Defence Forces, was reconstituted in February 2008. The objective was to review progress and report on the implementation of the recommendations of the 2004 and 2002 reports. The cost of this report was €37,109. This report was published. It was not laid before the Houses of the Oireachtas. Also in 2008, PA Consultant Group was commissioned by my Department to make recommendations on the best means of meeting the medical requirements of the Defence Forces. The consultancy focused on the sustainable provision of the relevant medical expertise and services to the Defence Forces. The contract was awarded in June 2008 and the cost of this review is €95,000, excluding VAT. I am awaiting this report. The report will be published when it has been completed. Also in 2008, Entograph was commissioned by my Department to carry out a study to review and evaluate options for bracken control in the Glen of Imaal and identify a plan for its control. The cost of this review was €30,129. The report was not laid before the Houses of the Oireachtas. Also in 2008, Mott Mac Donald Limited was commissioned by my Department to carry out a review of Safety Policy at Casement Aerodrome, Baldonnel. The cost of this review was €50,000. I am awaiting this report. It is not expected that the report will be laid before the Houses of the Oireachtas.

In March 2009 my Department commissioned Deloitte to undertake a review of its Finance Branch. The review is expected to be completed in mid-June. The objective of the review is to examine the business processes, procedures and organisational structures in operation in the Finance Branch of my Department and to provide a report making recommendations for improvements in order to maximise efficiency and effectiveness. The cost is €80,550 excluding VAT. It is not expected that the report will be laid before the Houses of the Oireachtas. Also in 2009, my Department carried out a Value for Money Review of the Naval Service Vessel Maintenance. The objective of the review was to ensure value for money. The cost included internal staff costs plus €2,800 for Report Quality Assurance by Raymond Burke Consulting. The report was laid before the Houses of the Oireachtas. A Value for Money Review of Military Training Lands commissioned from FGS Consulting is in progress. The objective of the review is to ensure value for money. The value of the contract is €90,000 including VAT. A final report is due later in the year and on completion it will be laid before the Houses of the Oireachtas.

Defence Forces Reserve.

195. **Deputy Finian McGrath** asked the Minister for Defence if he will support a matter (details supplied). [17209/09]

Minister for Defence (Deputy Willie O'Dea): The Government introduced a moratorium on recruitment to the Public Service with effect from 27 March 2009. As with the public service generally, the defence organisation is required to operate with reduced funding for 2009. In this context, all recruitment to the Reserve Defence Force has been suspended for the present.

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I accept that this will disappoint many individuals who have applied for enlistment in the Reserve. Membership of the Reserve already requires a significant voluntary commitment of unpaid training. In addition members of the Reserve undertake paid training. While the budgetary provision for training of members of the Reserve has been reduced, it will be sufficient to provide for paid training for the existing members of the Reserve this year. I appreciate that certain individuals wishing to join the Reserve are willing to forego paid training. However, the recruitment of new personnel to the Reserve under differing terms and conditions to existing members of the Reserve would not be in the best interests of the Reserve Defence Force in general.

Army Barracks.

196. **Deputy Joe McHugh** asked the Minister for Defence his plans for the upkeep and maintenance of Rockhill Barracks, County Donegal; the maintenance and security costs which will be incurred annually; if he envisages an alternative use for Rockhill; and if he will make a statement on the matter. [17253/09]

Minister for Defence (Deputy Willie O’Dea): The closure of Rockhill Barracks was completed on 29 January 2009. A private security firm has been employed to provide security at the barracks in the short term with effect from 30 January 2009. As the appointment of this contractor is temporary, for commercial reasons it would be inappropriate to state the cost at this stage. It is not anticipated that a Private Security firm will need to be employed in the long term. However, my Department will continue to monitor the situation. It is anticipated that Rockhill Barracks will be disposed of, taking account of the market conditions, to maximise the return to the Defence Forces and generate funding for reinvestment in Defence Forces equipment and infrastructure in accordance with Government policy. Significant progress has been achieved over the past decade in re-equipping and developing Defence Forces capabilities, using the proceeds from the sales of surplus properties. We need to ensure this progress is continued. Having regard to the investment needs of the Defence Forces and given the current economic circumstances, it is important that my Department realises the full commercial value of the current properties. As such, it will not be possible to make the property available for other use.

Building Regulations.

197. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government if he will ensure the Private Residential Tenancy Board amend their registration forms to include the building energy rating certificate number; and if he will make a statement on the matter. [17157/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Questions Nos. 568 and 591 of 22 April 2009. The position is unchanged. The Building Energy Rating requirement in the case of dwellings offered for letting came into effect from 1 January 2009. My Department will keep the potential role of the Private Residential Tenancies Board in this matter under review.

Wildlife Conservation.

198. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will introduce a ban on the indiscriminate use of poisoned bait that does not differentiate between vermin and other carnivorous species; and if he will make a statement on the matter. [17255/09]

214. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the measures he is establishing to protect endangered species and to reintroduce extinct species of bird, with reference to obligations under EU legislation; and if she will make a statement on the matter. [17267/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 198 and 214 together.

The Wildlife Acts of 1976 and 2000 and the EU (Natural Habitats) Regulations 1997, which transposed the EU Birds and Habitats Directives, provide the statutory basis for the protection of endangered species in Ireland. The designation of Special Areas of Conservation and Special Protection Areas under the directives helps to conserve and protect rare and threatened species such as the hen harrier, the chough and the Killarney fern. My Department is involved in a wide range of specific projects to protect rare or endangered species, including, for example, the corncrake, the grey partridge and the freshwater pearl mussel. In addition, my Department has been working with the Golden Eagle Trust on the reintroduction of extinct birds of prey into Ireland, such as the Golden Eagle in Donegal, the White Tailed Eagle in Kerry and the Red Kite in Wicklow. I am aware that some of these reintroduced birds have died as a result of eating poisoned meat-based bait. I am concerned about these incidents as not only do they endanger the fulfilment of our commitment to maintain and enhance Ireland's native wildlife, but they also harm our environmental and agricultural reputation at home and abroad. I propose, therefore, to introduce new regulations to prohibit the use of poisoned meat-based bait. My Department is in consultation with the Department of Agriculture, Fisheries and Food on this matter to ensure that maximum protection is afforded to Ireland's wildlife while at the same time supporting good farming practice.

Local Authority Housing.

199. **Deputy Bernard Allen** asked the Minister for the Environment, Heritage and Local Government when a decision will be made on the application by Cork City Council for funding for the regeneration of Spriggs Road, Gurrabraher, Cork. [17110/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): A Remedial Works Scheme application in respect of the estate in question was received late last year. Following an evaluation process, my Department has informed Cork City Council that it is favourably disposed towards the proposed project and would, subject to available funding, like to have it progress under the Remedial Works Programme 2009-2011. In a letter, which issued on 9 February 2009, the Council was advised that the progression of the project will, however, be contingent on certain details of design, costing and phasing being reviewed and agreed with my Department. The information in this regard sought by my Department is awaited.

Electronic Voting Machines.

200. **Deputy Mattie McGrath** asked the Minister for the Environment, Heritage and Local Government the cost of storing electronic voting machines nationally, and in south Tipperary; the location at which the machines are stored; and if he will make a statement on the matter. [17120/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Based on information provided to my Department by Returning Officers, the total annual costs for storage of the electronic voting equipment (including the cost of insurance, service charges, rates, heating, etc.) for the various locations are set out in the following table. In 2007, over

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60% of the machines (4,762 in total) were moved to a central storage facility located at Gormanston Army Camp. Costs incurred to date in respect of the movement and storage of this equipment are some €328,000. A total of 2,729 voting machines are stored locally by Returning Officers at locations throughout the country. A further 13 machines are stored in the Custom House.

Electronic Voting Annual Storage Costs 2004-2008, and Current Storage Locations

County/City	Storage Location of Machines	Annual Storage Costs (incl. VAT)	Annual Storage Costs (incl. VAT)	Annual Storage Costs (incl. VAT)	Annual Storage Costs (incl. VAT)	Annual Storage Costs (incl. VAT)
		2004	2005	2006	2007	2008
		€	€	€	€	€
Carlow-Kilkenny	Gormanston	28,506.00	29,595.00	30,166.00	24,653.65	—
Cavan-Monaghan	Monaghan Town	25,828.00	25,828.00	27,075.32	21,608.32	21,685.79
Clare	Ennis	10,800.00	3,600.00	3,600.00	3,600.00	3,600.00
Cork City	Gormanston	27,207.50	42,499.50	53,942.33	48,561.85	—
Cork County	Gormanston	37,609.30	37,609.30	35,124.00	35,913.29	—
Donegal	Letterkenny	9,293.00	15,714.00	16,685.80	13,987.80	14,026.20
Dublin City	Gormanston	65,000.00	72,350.00	71,265.00	6,954.00	—
Dublin County	Gormanston	62,938.66	62,938.66	49,034.86	Nil	—
Galway	Castlebar	5,253.00	5,253.00	Nil	5,000	Nil
Kerry	Tralee	26,125.00	26,125.00	22,624.96	28,003.00	31,875.32
Kildare	Gormanston	27,125.86	27,125.86	31,984.21	29,364.82	20,748.97
Laois-Offaly	Portlaoise	28,178.00	28,178.00	27,647.60	27,647.60	27,682.60
Limerick	Gormanston	57,675.86	57,675.86	64,465.30	28,423.10	—
Longford	Longford Town	2,995.16	15,095.16	18,439.88	20,003.28	16,859.98
Roscommon	Roscommon Town	10,374.98	10,374.98	9,816.00	10,664.82	10,026.82
Louth	Dundalk	298.00	298.00	593.47	595.06	566.11
Mayo	Gormanston	34,930.00	34,930.00	37,426.00	38,608.00	—
Meath	Navan	20,366	20,366.00	21,976.51	26,354.72	26,395.72
Sligo	Sligo Town	Nil	Nil	Nil	Nil	2,500
Leitrim	Carrick-on-Shannon	Nil	3,000.00	3,150.00	3,200.00	3,200
Tipperary (N&S)	Gormanston	42,700.00	42,700.00	31,200.00	39,196.00	—
Waterford	Gormanston	52,888.48	52,888.48	57,699.17	35,989.67	—
Westmeath	Gormanston	22,805.34	22,805.34	21,772.62	21,440.30	—
Wexford	Drinagh	16,875.00	16,876.00	19,064.76	18,934.46	25,057.70
Wicklow	Gormanston	42,455.80	42,455.80	54,241.29	Nil	—
Total		658,228.94	696,281.94	705,995.08	488,703.74	204,225.21

Water and Sewerage Schemes.

201. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government when he will sign the documents in respect of the treatment plant for a sewerage scheme (details supplied) in County Mayo; and if he will make a statement on the matter.

[17128/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 55 of 8 April 2009. The position is unchanged.

202. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding a sewerage scheme (details supplied) in County Limerick; and if he will make a statement on the matter. [17137/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Kilmallock Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007-09.

My Department is awaiting submission of Limerick County Council's revised contract documents for the Wastewater Treatment Plant Design/ Build/Operate contract along with the other information outlined in the Department's letter of 22 December 2008 to the Council. I understand that the Council is examining draft contract documents it has received for the civil works element of the scheme.

Electronic Voting Machines.

203. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the person who is accountable for the loss of €51million on the electronic voting machines. [17141/09]

204. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the person who advised the Government in relation to the purchase of the electronic voting machines. [17142/09]

205. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the reason he failed to take legal action against persons involved in advising the purchase of the electronic voting machines. [17143/09]

206. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government if he will confirm that the tendering process for the electronic voting machines was in accordance with the EU and Irish procurement regulations. [17144/09]

207. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the way the electronic voting machines are to be disposed of. [17145/09]

215. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the new information which prompted him to make his recent decision to scrap electronic voting machines; if he received a report on the Electoral Commission which examined the e-voting issue as stated in the Houses of the Oireachtas on 28 October 2008; if he will make that report available to the House; and if he will make a statement on the matter. [17282/09]

220. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the position with regard to individuals or businesses interested in putting the electronic voting machines to use in an alternative project; and if he will make a statement on the matter. [17298/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 203 to 207, inclusive, 215 and 220 together.

[Deputy John Gormley.]

I indicated on a number of occasions that I was considering the position in relation to the electronic voting and counting project. On 23 April 2009, I announced that the Government have decided not to proceed with the implementation of electronic voting in Ireland.

In announcing the decision, I stated that significant additional costs would arise to advance electronic voting in Ireland and that the decision had been taken to avoid such costs, especially at a time of more challenging economic conditions. The financial and other resources that would be involved in modifying the machines in advance of implementation could not be justified in present circumstances. I also stated that the public in broad terms appear to be satisfied with the present paper-based system and this must be recognised in decisions on the future steps to be taken with the electronic voting system.

A process will now be put in place, including discussions with the supplier, to address the disposal of the electronic voting and counting equipment and termination of storage arrangements. Proposals made to my Department in this regard will be considered as part of the process.

In February 2000, the Government approved the introduction of electronic voting and counting at elections in Ireland. This was followed by an invitation to tender for an electronic voting and counting system through notices in the EU Official Journal and the national press leading to a decision on the chosen system.

The Programme for Government contains a commitment to the establishment of an independent Electoral Commission. To assist in consideration of the issues involved, I commissioned a report by an expert group from UCD. I published the report for consultation on 10 February 2009, with a closing date for submissions of 26 June 2009.

The report is available on my Department's website and I have forwarded a copy to the Oireachtas Joint Committee on the Environment, Heritage and Local Government inviting its input into the consultation process that is currently underway.

Water and Sewerage Projects.

208. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the position regarding the Gort water scheme, Gort, County Galway; and if he will make a statement on the matter. [17152/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Gort Regional Water Supply Scheme is included for funding in my Department's Water Services Investment Programme 2007 — 2009.

My Department is finalising its examination of Galway County Council's updated Preliminary Report for the scheme and of the Council's proposals for some advance works. The Council will be notified of the outcome of these examinations as soon as possible.

Housing Grants.

209. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government when funding will be released to Waterford City Council in regard to the various housing grants operated by the City Council; and if he will make a statement on the matter. [17165/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Local Authorities will be notified of their allocations under the schemes in early May.

Special Protection Orders.

210. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the steps necessary to implement a special protection order on Dublin Bay; the progress he has made in implementing the order; if any of Dublin Port's lands will be exempted from the order; and if he will make a statement on the matter. [17166/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The South Dublin Bay and River Tolka Estuary Special Protection Area (SPA), North Bull Island SPA and the Howth Head Coast SPA were proposed for designation and advertised on 28 May 2008. These sites had previously been designated as SPAs but it was considered necessary to amend the boundaries of all three sites with the effect of increasing the proportion of Dublin Bay that is protected.

Under the provisions of the European Communities (Habitats) Regulations 1997, public notification affords these sites the full protection of the Regulations from the date of notification, including any part of the proposed SPA that may be under appeal.

Local landowners, businesses, marine users and residents were notified directly of these changes and the proposal to designate was also advertised in national newspapers and on three radio stations.

A three month period was given to all land and marine users and persons with a legal interest in the area in which to object to the designation. There were no appeals on the North Bull Island and Howth Head Coast SPAs .

The South Dublin Bay and River Tolka Estuary SPA is the subject of one appeal — the Dublin Port Authority has objected to the inclusion within the SPA of 31 hectares of inshore area adjacent to its lands. The appeals process is currently underway and will result in a recommendation to me, based solely on the criteria as stipulated in the EU Birds Directive, as to whether this area should be included in the designed area or not. I expect this appeals process to be completed in a matter of weeks.

Departmental Reports.

211. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17188/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): State bodies, including the subsidiaries of such bodies, are required in the conduct of their operations to adopt the Code of Practice for the Governance of State Bodies, produced by the Department of Finance and endorsed by the Government in October 2001. Section 10 of the Code of Practice details the specific reporting requirements placed on such bodies, particularly in relation to the production of annual reports and accounts. In general, the legislation relating to the establishment of these bodies also details the requirements to produce such reports and present these to the Minister.

Annual reports and/or the audited accounts of the bodies under the aegis of my Department are furnished to me as Minister and laid before the Houses of the Oireachtas, in line with the requirements set out above.

212. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government if his Department has commissioned internal or external reports in relation to his

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Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17202/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in respect of my Department is being compiled and will be forwarded to the Deputy as soon as possible.

Local Authority Rates.

213. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will suspend or reduce water rates and other local authority rates on school buildings, community buildings, and buildings associated with benevolent voluntary groups; and if he will make a statement on the matter. [17264/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Water Framework Directive requires that Member States take account of the principle of recovery of the costs of water services. Accordingly, the Government's Water Pricing Policy requires local authorities to recover the cost of providing water services from the users of these services, with the exception of households using the services for domestic purposes. The policy provides for full cost recovery without profit, with charges based on actual metered consumption.

In January 2008, the Government introduced transitional arrangements for charging schools for water services. The transitional arrangements provide for a flat rate amounting to €4.00 per pupil in the current year (the fee for 2007 was €3.00 and for 2008 was €3.50). To ensure compliance with the Water Framework Directive, the transitional arrangements will cease at the end of this year and all schools will be charged for water services on a full cost recovery and volumetric basis with effect from 1 January 2010.

In relation to other rates, local authorities have a statutory obligation to levy commercial rates on properties that are included in the valuation lists prepared by the Commissioner of Valuation under the Valuation Act 2001. The amount of rates is calculated having regard to the valuation of the property as determined by the Valuation Office and the annual rate on valuation as determined by local authority members in their annual budget.

It is entirely a matter for each local authority to determine the annual rate on valuation when their annual budgets are being adopted. This decision is at the absolute discretion of the elected members of each local authority having regard to the needs of their area, the level and range of services to be provided and all the sources of revenue, including commercial rates, charges and central government grants available to finance those services. I, as Minister for the Environment, Heritage and Local Government, have no function in the determination of the annual rate on valuation.

School buildings used exclusively for the provision of educational services on a not-for-profit basis and property occupied by a charitable body where the facilities are not used for making a private profit are not rateable under schedule 4 of the Valuation Act 2001. In addition, community halls which are not licensed for the sale of alcohol are not rateable under schedule 4 of the Valuation Act 2001.

Question No. 214 answered with Question No. 198.

Question No. 215 answered with Question No. 203.

Fire Stations.

216. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the position in relation to his moratorium for recruitment to fire services; if his attention has been drawn to the fact that a station (details supplied) in County Offaly is operating below capacity, putting both public and personal at risk; if he will authorise recruitment in this area; and if he will make a statement on the matter. [17294/09]

217. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the position in relation to his moratorium for recruitment to fire services; if his attention has been drawn to the fact that a station (details supplied) in County Offaly is operating below capacity, putting both public and personal at risk; if he will authorise recruitment in this area; and if he will make a statement on the matter. [17295/09]

218. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the position in relation to his moratorium for recruitment to fire services; if his attention has been drawn to the fact that a station (details supplied) in County Offaly is operating below capacity, putting both public and personal at risk; if he will authorise recruitment in this area; and if he will make a statement on the matter. [17296/09]

219. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the position in relation to his moratorium for recruitment to fire services; if his attention has been drawn to the fact that a station (details supplied) in County Offaly is operating below capacity, putting both public and personal at risk; if he will authorise recruitment in this area; and if he will make a statement on the matter. [17297/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 216 to 219, inclusive, together.

Under the terms of the Government's decision on implementation of savings in public service numbers no public service post, however arising, may be filled by recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade. This decision is effective from 31 March 2009 and stands until the end of 2010. My Department has, accordingly, written to all local authorities requesting their compliance.

However, in recognition of the priority attaching to the maintenance of key frontline services, my Department is consulting with the Department of Finance in regard to the management of relevant staffing needs. The needs of local authority fire services will be considered in this context.

In regard to the staffing requirements in each local authority, it is the responsibility of each county and city manager, under the Local Government Act 2001, to employ such staff and to make such staffing and organisational arrangements as may be deemed necessary for the purposes of carrying out the functions of the local authorities for which he or she is the manager. The specific matters relating to individual fire stations raised in the question are, accordingly, appropriately determined at local level.

Question No. 220 answered with Question No. 203.

Departmental Schemes.

221. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if a company which produces fireplace inserts that burn cut and seasoned wood but provide an energy efficient heating system qualifies for existing grants. [17169/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Sustainable Energy Ireland administers a number of schemes, which stimulate the wider deployment of sustainable energy technologies including:

- Greener Homes Scheme — stimulating installation of renewable heating systems in homes, including solar panels, biomass and gasification boilers, biomass stoves and geothermal heat pumps.
- ReHEAT Scheme — supporting technologies for the commercial, public and community sectors.
- Home Energy Savings Scheme — promoting the uptake of energy efficiency measures in homes including improved attic and wall insulation and upgraded heating system controls.

The objective of these programmes is to enhance the energy performance of systems/buildings, thereby reducing emissions, reducing Ireland's reliance on imported fossil fuels and improving the cost competitiveness of energy. The specification for products supported under the Greener Homes Scheme or the Home Energy Saving Scheme would not cover the product in question, particularly as open fires by their nature are inherently inefficient with typically less than 30% efficiency.

222. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he will change the home energy saving scheme so that a building energy rating is mandatory; the reason a BER is not currently required; his views on ensuring local authority building control officers enforce the legislation covering BERs; and if he will make a statement on the matter. [17156/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Home Energy Saving (HES) Scheme is administered by Sustainable Energy Ireland (SEI). SEI recommends that people participating in the HES who are uncertain about their best options for energy saving avail of the before/after BER grant. Initial indications are that as many as one third of applicants plan to avail of this option. There will also be homeowners who are already familiar with the measures in place or needed in their house and they will doubtless select on the basis of that knowledge. In developing the HES scheme, it was concluded by SEI that it would be unreasonable to oblige homeowners to incur the BER cost as a mandatory requirement to grant eligibility. The arrangements for the enforcement of BER by local authorities/building control authorities has been set out in the reply given by the Minister for the Environment, Heritage and Local Government to Question Nos. 372 and 377 on 28 April 2009. The position is unchanged.

Departmental Reports.

223. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources if he has received reports from bodies under the aegis of his Department on their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17183/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Annual reports are received from bodies under the aegis of my Department. Annual reports are laid before the house and are available in the library of the houses of the Oireachtas. Other reports published by bodies under the aegis of my Department are available from those bodies.

224. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources if his Department has commissioned internal or external reports on his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17197/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available it has not been possible to identify and assemble the information requested. My Department is in the process of identifying and assembling the information and I will revert to the Deputy as soon as possible.

Alternative Energy Projects.

225. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the reason grants are not available for the installation of domestic wind turbines in view of the fact grants are available for the installation of domestic solar panels; his views on addressing this contradiction; his further views on whether Donegal is more suited to domestic wind turbines than to domestic solar panels; and if he will make a statement on the matter. [17256/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Solar and wind-powered technologies contribute to different energy requirements in domestic settings. Solar panels harness heat for hot water and space heating. Wind-turbines, on the other hand, are installed primarily to generate electricity. Solar panels qualify for support under the Greener Homes Scheme operated by Sustainable Energy Ireland (SEI). It is a qualifying condition that equipment approved under this scheme meets internationally accepted certification standards. Only a very small minority of domestic-scale wind turbine products have been independently verified in accordance with the internationally recognised standard (IEC/EN 61400-12-1). Domestic wind turbine technology is therefore included in the Small- and Micro-Scale Generation Field Trials programme operated by SEI which, among other things, will assess appropriate products and quality standards for the domestic-scale turbines and appropriate installation requirements.

Harbours and Piers.

226. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food his views on the funding difficulties Greencastle Breakwater and Pier is currently facing; and if he will reinstate the funding in order to complete the pier. [17111/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Greencastle harbour is under the control of Donegal County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. The development at Greencastle has however, received funding under my Department's Fishery Harbours and Coastal Infrastructure Development Programme in recent years. Up to the end of 2008, my Department has spent approximately €5 million on the project. Approval has recently been granted for expenditure of up to €1.6 million in 2009. This investment will build on the work already carried out on Phase 1 of the development which involves the construction of a 290 metre long breakwater.

Grant Payments.

227. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the reason forestry payments which were due for payment on 1 March 2009 have not been awarded; and if he will make a statement on the matter. [17113/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The forestry premiums are paid annually in late March or early April. Following the April 7 Budget forestry premiums are being reduced by 8%. Issues relating to the implementation of the reduction had to be addressed before payment is made. It is intended that the annual forestry premium payment will issue shortly.

228. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the reason forestry payment were not awarded to eligible applicants on 1 March 2009 in view of the fact that they have written confirmation of same; and if he will make a statement on the matter. [17114/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The forestry premiums are paid annually in late March or early April. Following the April 7 Budget forestry premiums are being reduced by 8%. Issues relating to the implementation of the reduction had to be addressed before payment is made. It is intended that the annual forestry premium payment will issue shortly.

229. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the reason farmers who were due to be awarded their forestry payments on 1 March 2009 but were not are being penalised 8% of their forestry payments following the 7 April 2009 Budget; and if he will make a statement on the matter. [17115/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The forestry premiums are paid annually in late March or early April. Following the April 7 budget, forestry premiums are being reduced by 8%. Issues relating to the implementation of the reduction had to be addressed before payment is made. It is intended that the annual forestry premium payment will issue shortly.

230. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food when payment will be made to a person (details supplied) in County Tipperary in respect of their application under the farm improvement scheme. [17140/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named is an applicant under the Farm Improvement Scheme. Applications under this Scheme are being processed by my Department up to the level of funding provided for the Scheme in the 2006 Partnership agreement, Towards 2016.

231. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment of a grant will issue to a person (details supplied) in County Cork. [17149/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is intended that the annual forestry premium payment will issue to this applicant shortly.

Departmental Reports.

232. **Deputy Fergus O’Dowd** asked the Minister for Agriculture, Fisheries and Food if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17181/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following are the reports I have received since January 2008 from bodies which come under the aegis of my Department and which have been laid before the Houses of the Oireachtas.

 Report

Teagasc Annual Report and Accounts for 2007
 National Milk Agency Annual Report and Accounts 2007
 Veterinary Council of Ireland Annual Report and Accounts 2007
 Irish National Stud Company Ltd Annual Report and Accounts 2007
 An Bord Bia Annual Report and Accounts 2007
 Aquaculture Licensing Appeals Board Annual Report and Accounts 2006
 Marine Institute Annual Report and Accounts 2007
 Bord Iascaigh Mhara Annual Report and Accounts 2007
 Coillte Teoranta Annual Report and Accounts 2007 and 2008
 COFORD (National Council for Forest Research) 2007 Annual Report

The Annual Report and Accounts of the Sea Fisheries Protection Authority for 2007 has been received but not yet laid before the Houses of the Oireachtas.

233. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17195/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following are the details sought by the Deputy of reports in relation to this Department or the bodies under its aegis undertaken in the past five years.

Internal Reports undertaken in respect of the Department

Name of Report	Purpose of Report	Cost	Laid before the Houses
Beef Classification Scheme Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	Not applicable (N/A)	Yes
Purchase for Destruction Scheme Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Potato Sector Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Aid Donations — World Food Programme/FAO Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Early Retirement Scheme expenditure review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Dairy Laboratories Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Compensatory Allowance Scheme Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
A review of public expenditure on BSE eradication in Ireland from 1996-2004.	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes

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Name of Report	Purpose of Report	Cost	Laid before the Houses
School Milk Scheme Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Farm Waste Management Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Laboratory Facilities (Plant health, crops, Research & Development grants) Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Public (Exchequer and EU) Supports for Aquaculture Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Dairy Hygiene Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
FIRM (Food Research & Development Grants) Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Bovine TB Scheme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Marketing and Processing Scheme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Installation Aid Expenditure Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Meat Hygiene — Temporary Veterinary Inspectors Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Bovine Animal Identification and Traceability System Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Fallen Animals Scheme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
BIM Marine Support Programme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Forest Roads Scheme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Suckler Cow Welfare Scheme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Afforestation Programme Value for Money Review	To assess the extent to which the scheme expenditure comprised value for money	N/A	Yes
Review of DVO Administrative Operations Division	To assess the appropriate staffing levels for the division.	N/A	No
Review of Forest Service (Administrative Division)	To assess the appropriate staffing levels for the division.	N/A	No
Review of Export Refunds Division	To assess the appropriate staffing levels for the division.	N/A	No
Review of Agriculture Structures Division	To assess the appropriate staffing levels for the division.	N/A	No

Name of Report	Purpose of Report	Cost	Laid before the Houses
Review of On Farm Investments, Subsidies and Storage Division	To assess the appropriate staffing levels for the division.	N/A	No
Review of Veterinary Border Inspection Posts	To assess the appropriate staffing levels for the division.	N/A	No
Review of Technical Staffing in Integrated Controls Division	To assess the appropriate staffing levels for the division.	N/A	No
Review of Agricultural Environment and Structures Division — Technical Officers	To assess the appropriate staffing levels for the division.	N/A	No
Review of District Veterinary Offices — Technical Staffing	To assess the appropriate staffing levels for the division.	N/A	No
Review of Technical Staffing in VPHIS (Veterinary Public Health Inspection Service)	To assess the appropriate staffing levels for the division.	N/A	No
Review of Corporate Governance of Bodies under the aegis of the Department	To assess Department's functions in meeting conditions set down in the Code of Practice for the Governance of State Bodies	N/A	No

External Reports Commissioned in respect of the Department

Name of Report	Purpose of Report	Cost	Laid before the Houses
		€	
Human Resource Management System Technical Audit Report: Peoplesoft UK Ltd	To conduct an a technical audit of the Human Resources Management System	9,519	No
Quarterly Independent Assessment of the Department's IT Security Measures — 2004: RITS	Independent assessment of Department's IT Security Measures	34,866	No
Quarterly Independent Assessment of the Department's IT Security Measures — 2005: RITS	Independent assessment of Department's IT Security Measures	30,469	No
Quarterly Independent Assessment of the Department's IT Security Measures — 2006: RITS	Independent assessment of Department's IT Security Measures	14,568	No
Quarterly Independent Assessment of the Department's IT Security Measures — Q1 — 2007: RITS	Independent assessment of Department's IT Security Measures	2,916	No
Quarterly Independent Assessment of the Department's IT Security Measures Q2 — Q4 2007: Espion	Independent assessment of Department's IT Security Measures	19,360	No
Quarterly Independent Assessment of the Department's IT Security Measures Q1 — Q4 2008: Espion	Independent assessment of Department's IT Security Measures	13,915	No
Independent assessments of Internet facing business systems — Espion	To provide independent assessments of internet facing business systems	3,408	No
Review of the implementation of the 2000 IT Strategy: Morehampton Consultancy Services	To conduct a review of the Department's implementation of the 2000 IT Strategy	8,400	No
Study for the upgrade of the Department's SAP Accounting System: Enterprise Process Consulting	To carry out a project scoping exercise on the upgrade of the Department's SAP Accounting System	51,425	No

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Name of Report	Purpose of Report	Cost	Laid before the Houses
		€	
High Level feasibility Study on the development of an electronic record and management system: PriceWaterhouseCoopers	To examine the feasibility of developing an Electronic Records Management system	19,965	No
Accessibility and usability report on the Department's Website and online services site: Open Interface Ltd	To evaluate the accessibility and usability report on the Department's Website and online services site	8,470	No
Analysis of the required developments for the provision on forestry online services: Vantage Resources	To scope and estimate the cost of the IT work necessary for the provision of facilities for the submission of forestry applications	20,241	No
IFORIS Computer System (Forestry online) post implementation review: Resources Global Consultancy	To provide a post-implementation evaluation of the Forestry online computer system	11,480	No
Specialist ICT procurement: Achilles Procurement Services	To provide specialist advice regarding new EU Framework tender format and the compilation of the Department's first tender using the system	2,240	No
Review of the Organisational Structure and Management of all of the Laboratories under the Control of the Department of Agriculture & Food: Bearing Point	To facilitate a review of the organisational structure and management framework of the laboratories under the control of the Department.	117,460	No
Organisation Review of the Department of Agriculture and Food: Farrell, Grant, Sparks	To facilitate a review of the structures, organisation and staffing arrangements of the Department of Agriculture & Food.	108,900	No

External Reports Commissioned by the Department in respect of its Bodies

Name of Report	Purpose of Report	Cost	Laid before the Houses
		€	
Potential acquisition by Coillte Teoranta of Weyerhaeuser Europe Ltd: McStay Luby Chartered Accounts	To advise on the financial, business and related issues regarding the potential acquisition by Coillte Teoranta of Weyerhaeuser Europe Ltd	78,984	No

Grant Payments.

234. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food, further to a previous parliamentary question (details supplied), if it was his Department's eREPS software which was responsible for the breaches; and the number of farmers penalised in error. [17212/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The technical breaches referred to were minor in nature and in some cases were the result of automatic rounding of values within the eREPS system. My Department is reviewing the small number of cases in question and has put in place a system to ensure that the automatic rounding of values in the system does not in itself result in a reduction in payment.

235. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in issuing a REP scheme four payment to a person (details supplied) in County Cork who applied in February 2008; if he will confirm that same will be issued without further delay. [17213/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment will issue within the next 15 days.

236. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the number of farmers in the Kerry South constituency who will receive payment under the REP scheme; and the average payment per head for REP scheme payment. [17223/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is not possible to supply figures for the Kerry South constituency, but in County Kerry as a whole there are 2,752 participants in REPS 3 who are eligible for payment in 2009. There are also 831 applications for REPS 4 which are currently being processed for payment. The average REPS 4 payment for 2008 is €4,400 and the average annual payment for REPS 3 is €6,200.

Animal Identification Scheme.

237. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the position regarding electronic tagging of sheep. [17224/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The introduction of electronic identification (EID) for sheep was agreed at EU level in late 2003. At that time, the implementation date was deferred until January 2008 and subsequently set in EU legislation for 31 December 2009.

I have consistently opposed the mandatory introduction of EID and have made my position on this very clear in Brussels. I will continue to seek the introduction of EID on a voluntary basis and some other Member States support this position. The Commission and most Member States are, however firmly attached to the introduction of EID by the end of this year. My Department is in contact with the Commission, other Member States and Stakeholders in relation to detailed aspects of EID. These discussions are without prejudice to the continuing political discussion on the overall policy in relation to EID. I am anxious that all Irish concerns are taken into account in whatever system is finally implemented.

I should also point out that under the EU legislation, EID will not apply to sheep born before January 2010 nor generally will there be a need to retag existing sheep. Furthermore provision is made whereby lambs intended for slaughter and less than 12 months old can be permanently excluded from the EID requirement. If this provision is applied by Ireland, it will reduce the number of animals affected by EID substantively.

Grant Payments.

238. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the number of farmers in the Kerry South constituency who will receive a forestry payment; and the average payment per head for forestry payment. [17225/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is not possible to provide the Deputy with the number of farmers in Kerry South constituency who will receive

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a forestry payment. However, the number of applicants in County Kerry who will receive forestry premium payments in the annual payment run is 1,514. The average premium payment per head is approximately €3,497.

Milk Quota.

239. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the volume of milk permitted to be sold directly by farmers to the consumer; the relevant criteria which must be met to avail of this entitlement; the way his interpretation of this EU directive permitting direct farmer to consumer sales of liquid milk compares with the interpretation and implementation of this directive in other EU countries, specifically regarding the volume of milk permitted to be sold on a daily basis; and if he will make a statement on the matter.

[17234/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland's Direct Sales Quota for 2008/2009 was 2,146,481 kgs, which equates to 0.04% of Ireland's total national quota. For the EU as a whole, 2.28% of total quota is allocated to direct sales. All Member states with the exception of one (Romania) have a quota allocation that is greater in Deliveries than Direct Sales. Malta has no quota allocated to Direct Sales. In order to sell milk directly to the consumer, a milk producer would need to allocate part or all of his/her quota to Direct Sales and satisfy dairy hygiene requirements.

In Ireland, the volume of milk sold directly to the consumer has reduced substantially in recent years. During the 2002/2003 quota year, milk sales accounted for 38.63% of dairy products sold directly to the consumer. The corresponding figure for the 2007/2008 quota year was 8.78%. The volume of quota allocated to Direct Sales reduced by 76.86% between 2002/03 and 2007/08.

Rural Environment Protection Scheme.

240. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will provide an assurance that all current REP scheme 4 applicants whose applications have yet to be validated and awarded and whose applications may be determined as invalid will not have the opportunity of reapplying for REP scheme 4 denied to them for any reason; and if he will make a statement on the matter. [17238/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for REPS 4 are derived from Commission Regulations that reflect the Commission's objective of integrating and harmonising the operation of the various farm payment schemes — including the Single Payment Scheme, REPS and the Disadvantaged Areas Scheme. For REPS 4, this means that applications to join the Scheme must be submitted by 15 May each year. Any application to join REPS 4, including resubmitted applications which may have been previously rejected, which are submitted after May 15 cannot be considered for payment in the same calendar year.

Aquaculture Development.

241. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in finalising the Operational Programme for Fisheries 2007-2013; if his attention has been drawn to the consequent delay in processing grant applications for the sector

and the employment opportunities lost in the interim; and if he will make a statement on the matter. [17239/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The draft Seafood Development Operational Programme was advertised for public consultation in October 2008. Issues were raised by the Department of Environment, Heritage and Local Government and the Department of Communications, Energy and Natural Resources on behalf of CFB (Central Fisheries Board) regarding the grant-aiding of projects where environmental issues arise relating to compliance with the EU Birds and Habitats Directives and sea lice control on salmon farms.

My Department with its agencies working with the Department of Environment, Heritage and Local Government has developed a plan to deliver compliance with the EU Birds and Habitat Directives for wild fisheries and aquaculture over a determined timeframe. This plan has been submitted to DG Environment for consideration. I have also met with EU Environment Commissioner Dimas to promote a resolution of these difficulties.

A meeting between my Department, the Department of Environment, Heritage and Local Government and Agencies and DG Environment is to take place in Brussels on 13 May to discuss the plan with a view to securing DG Environment's support for the approach set down in the plan. My Department is also in discussion with the Department of Communications, Energy and Natural Resources to inform them on the significant progress made in relation to managing sea lice levels on salmon farms. I am hopeful that the concerns raised have been satisfactorily addressed and that we will be in a position to adopt the Operational Programme for Fisheries in the near future.

A provision of €5m has been made for aquaculture development in the Vote for 2009 and to date I have approved the spending of €3.8m of this for aquaculture projects in both the BMW and S&E regions under the 2000-06 OP which will assist the continued operation of aquaculture projects in these areas and the employment that they support.

Aquaculture Licences.

242. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will expedite the licence application of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [17259/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department does not have an application for an aquaculture licence from the person referred to by the Deputy. The site in question is currently licensed to another person for 10 years with effect from 9th May 2005. This person applied for an aquaculture licence in respect of a further area adjacent to his existing licensed site. In October 2006 my Department advised the applicant that it was not in a position to recommend the application.

I should also add that the area for which this licence was sought is a designated Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 site). As such any applications will require to be considered in the context of ongoing discussions between my Department, the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government and the EU Commission on the issue of aquaculture activities in Natura 2000 sites generally.

Farm Waste Management.

243. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the banks that have been instructed by him to place a moratorium on interest rate payments for the farm waste management scheme; and if he will make a statement on the matter. [17260/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The financial arrangements in respect of any loans taken out by farmers for the purposes of carrying out investments under the Farm Waste Management Scheme are entirely a matter between the individual farmers and financial institutions concerned.

Fishing Vessel Licences.

244. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food his views on introducing a temporary licensing system for the fishing of non-quota species only (details supplied); and if he will make a statement on the matter. [17266/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Fisheries Council acting on a proposal from the EU Commission decides which fish stocks are subject to a Total Allowable Catch (TAC) and quota regime. The allocation of quotas (per-cent shares) between Member States is based to a large extent on recent track record of fishing by Member States fishing fleets.

The stocks in western waters specified by the Deputy are not at this time subject to a TAC and quota regime. Consequently, it is open to any registered fishing vessel to target such species. If industry representatives wish to introduce national management arrangements in respect of these species I will certainly consider any proposals that they may have.

Grant Payments.

245. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in having forestry premium awarded to a person (details supplied) in County Tipperary. [17291/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following the April 7 Budget issues relating to the implementation of the announced reduction in forestry premiums had to be addressed before payment is made. It is intended that the annual forestry premium payment will issue to this applicant shortly.

246. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded their forestry grant payment in view of the fact that payment is two months overdue. [17293/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is intended that the annual forestry premium payment will issue to this applicant shortly.

Higher Education Grants.

247. **Deputy Enda Kenny** asked the Minister for Education and Science when the final higher education grant will be awarded by a local authority (details supplied); the reason the final payment has not been authorised to date; and if he will make a statement on the matter. [17171/09]

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 issued payment to students on 27th April 2009. All claims submitted to date to the Department in respect of the Higher Education Maintenance Grant have been paid.

Ministerial Meetings.

248. **Deputy John O’Mahony** asked the Minister for Education and Science the names of the delegations which he met while on a visit to County Mayo; the outcome of these meetings; and if he will make a statement on the matter. [17124/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, while in Co. Mayo recently I visited a number of schools and met with a number of delegations. The names of the delegations are listed below.

As the Deputy knows, such meetings provide the representatives of various groups and organisations to discuss their particular issues and concerns with me. They also provide me with the opportunity to outline the context for particular programmes etc.

All of the meetings were constructive and led to a shared understanding of the issues discussed.

Lankill N.S, Liscarney Westport, Co Mayo

Brackloon N.S. Westport, Co Mayo

Scoil Phadraig, Westport, Co Mayo

Sacred Heart Sec Sch, Westport, Co Mayo

St. Muredach’s Secondary School, Ballina, Co Mayo

St. Mary’s Secondary School, Ballina, Mayo

Mayo Autism Action

Bonninconlon National School, (St Joseph’s), Ballina, Co Mayo

Craggagh N.S., Kiltimagh, Co Mayo

Killawalla N.S., Westport, Co Mayo

Inver N.S., Barr na Tra, Ballina, Co Mayo

Gaelscoil De Burca, Claremorris, Co Mayo

Our Lady’s Secondary School Belmullet, Co Mayo

Midfield National School, Swinford, Co Mayo

Culleen National School, Ballina, Co Mayo

Crossmolina National School, Crossmolina, Co Mayo

Scoil Iosa, Ballyhaunis, Co Mayo.

Schools Building Projects.

249. **Deputy Michael D. Higgins** asked the Minister for Education and Science the plan his Department has for meeting the educational needs of children in a community (details supplied) in County Galway; and if he will make a statement on the matter. [17155/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school to which the Deputy refers is currently at an early 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 further 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.

Departmental Reports.

250. **Deputy Fergus O’Dowd** asked the Minister for Education and Science if he has received reports from bodies under the aegis of his Department in relation to their operation; if such will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17186/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested by the Deputy is being compiled and will be forwarded to him when available.

251. **Deputy Fergus O’Dowd** asked the Minister for Education and Science if his Department has commissioned internal or external reports in relation to his Department or bodies under the aegis of his Department in the past five years; if so, the objectives of such reports; the cost of same; if such reports have been laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [17200/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested by the Deputy in relation to reports commissioned by my Department is being compiled and will be forwarded to him when available.

Schools Recognition.

252. **Deputy Joe McHugh** asked the Minister for Education and Science if he will grant full recognition to a school (details supplied) in County Donegal; and if he will make a statement on the matter. [17262/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has received an application for permanent recognition from the school to which the Deputy refers. The application is currently being considered and a decision will be conveyed to the school authority in due course.

Site Acquisitions.

253. **Deputy Brian Hayes** asked the Minister for Education and Science his plans to provide

alternative permanent school premises for a school (details supplied) in Dublin 7 during the short to medium term; if he will confirm that this school will move into the Grangegorman Dublin Institute of Technology site in the first wave of new buildings; and if he will make a statement on the matter. [17277/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is progressing with the relocation of the school in question to an alternative site for the academic year beginning September 2009. Officials in my Department are liaising with the school authorities and other interested parties in this regard.

On the broader development of the Grangegorman campus, the Grangegorman Development Agency has submitted a revised draft strategic plan and budget to my Department. These documents are currently being examined by officials in my Department. When this examination is complete I intend to bring proposals to Government for a decision on the way forward.

Schools Building Projects.

254. **Deputy Brian Hayes** asked the Minister for Education and Science the progress he is making in the provision of a new school building for a school (details supplied) in Dublin 7; and if he will make a statement on the matter. [17278/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department recently wrote to Dublin City Council advising them of the design option favoured by the GAA club following a meeting with my Department and requested the Local Authority to consider a technical assessment of the site incorporating the views of the GAA. A response is awaited.

Higher Education Grants.

255. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support the case of a person (details supplied). [17281/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Currently my Department funds four maintenance grant schemes for third level and further education students. These are the Higher Education Grants Scheme, the Vocational Education Committees’ Scholarships Scheme, the Third Level Maintenance Grants Scheme for Trainees and the Maintenance Grants Scheme for Students attending Post Leaving Certificate (PLC) Courses. The Higher Education Grant Scheme is administered by the Local Authorities on behalf of my Department; the other three maintenance grant schemes are administered on a similar basis by the VECs.

Students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the local authority or VEC.

Special Educational Needs.

256. **Deputy Willie Penrose** asked the Minister for Education and Science when a person (details supplied) in County Westmeath, for whom it has been recommended that they receive remedial support and a special needs assistant, will receive same; if he will take steps to ensure that this person receives the support as set out; and if he will make a statement on the matter. [17284/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special needs. Applications for SNAs may be considered by the NCSE where a pupil has a significant medical need for such assistance and where there are identified care needs arising from a diagnosed disability. The NCSE operates within my Department’s criteria in allocating such support.

I understand that the SENO has notified the relevant parties in relation to the decision taken on the application for additional resources made on behalf of the pupil in question.

The NCSE will undertake to review a decision taken by a SENO on foot of a request from a school or parents/guardians, when accompanied by relevant additional information, which may not have been to hand at the time of the decision. The NCSE has outlined this process in its Circular 01/05.