

DÁIL ÉIREANN

Dé Céadaoin, 27 Bealtaine 2009.
Wednesday, 27 May 2009.

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

Paidir.
Prayer.

Leaders' Questions.

Deputy Enda Kenny: I welcome the fact that the Government made a formal announcement last night to the effect that consensus has been reached that a far greater contribution should be made by the religious orders and institutions in respect of the victims who were children in their care when they were abused. I also welcome the fact that two of the 18 religious institutions have made statements to the effect that it is their intention to increase substantially the contributions they can make in this regard. I hope that the other 16 institutions will follow suit very promptly.

It is imperative that the negotiations referred to by the Taoiseach involve not only the religious orders and the Government, but the victims in particular of what were a whole series of heinous crimes. In other words, when the negotiations are taking place, they should be represented. I also believe the contributions to be made should be agreed and should be neither voluntary nor discretionary. It may be that some orders will have far greater reserves than others. During the negotiations, does the Taoiseach intend on the basis of accountability and transparency to seek full recourse from the religious institutions based on the extent of their assets, capital resources etc., so that in formulating a plan there can be some understanding of what precise contribution can be made by the individual bodies?

The Taoiseach: On the first matter, it is my intention that the Government should meet with the victims' groups and talk to them about the issues that pertain to them and listen to what they have to say as regards their general view on those matters. Regarding the discussions with the congregations, I welcome what has been said thus far by those bodies that have spoken over the past 24 hours. I hope that other congregations will similarly reflect on their positions and come forward. It is important in these discussions that trust and confidence are built up which will engender public confidence that any contributions to be made will be substantial, and commensurate with the resources the congregations have at their disposal.

Deputy Enda Kenny: I asked the Taoiseach whether it was his position that the contributions to be made by the religious institutions would be agreed and neither be voluntary or discretionary, and that the victims and their representatives would be involved in the discussions.

The Taoiseach is aware that the Charities Act 2009 has been passed by the Oireachtas. Section 53 of that Act gives the power to direct in writing a charitable organisation to provide the authority with such information as it may reasonably require to enable it to perform its functions. It is important that in formulating the extent of the contributions to be made that

[Deputy Enda Kenny.]

the Government and therefore the public are aware of the extent to which each institution can actually contribute. Obviously, some will have more resources than others. Is it the Taoiseach's intention to seek a full audit either under the Charities Act or by some independent means, or does he propose to ensure that he is getting the full picture in respect of the agreed contributions to be arrived at?

Deputy Shatter has referred on numerous occasions to the contributions to be made by the religious institutions. Is it intended to use some element of that money to provide resources to deal with the inadequacies of the systems that operate at present? I know the Taoiseach has appointed the Minister of State, Deputy Barry Andrews, to formulate a plan by the end of July. There is, however, no priority within that plan. I do not understand why the Minister of State, who has not overly distinguished himself in his duties to date as regards Vietnam and so on, cannot debate the issues when the Dáil resumes in two weeks time and outline for the House the timescale and priorities he is according both for the victims and the current inadequacies. Will the Taoiseach also indicate how long he envisages it will take to implement those recommendations? Is it his intention to use some of the contributions from the religious institutions to provide funding in respect of areas in the system where inadequacies exist?

The Taoiseach: I disagree with Deputy Kenny regarding the performance of the Minister of State, Deputy Barry Andrews. The latter is distinguishing himself in his position and is extremely committed to the task he has undertaken on behalf of the Government. As already stated, he will take the opportunity afforded by the debate to be held in a couple of weeks' time to outline his general approach and that of the Government. Drawing up an implementation plan over the next six to eight weeks is a good approach to take in the context of developing a comprehensive response to the recommendations. I understand that the part of the Charities Act to which the Deputy refers is not operative.

As already stated, it is important that the congregations should come forward with proposals that are commensurate with the level of resources available to them. I intend to discuss with them how we might proceed in a way that will engender public confidence.

Deputy Enda Kenny: Will the victims be represented at the discussions?

The Taoiseach: As I indicated earlier, I will meet and liaise with the groups representing the victims and also the congregations.

Deputy Eamon Gilmore: I also welcome the statement made by the Government last night. This statement was made almost a week after the publication of the Ryan report and came in the aftermath of overwhelming public outrage with regard to the contents of that report. As I understand it, the Government is proposing that the religious orders should make further contributions, that some mechanism can be found to house those contributions — perhaps a trust along the lines I have been suggesting — and that a means by which the public might assess the significance of those contributions, in the context of the assets, financial circumstances, etc., of the religious orders, will be put in place.

It is important that this exercise should not become some kind of repeat of the sweetheart deal that was done in 2002. As a result, there is a need for clarity with regard to what is intended. In replying to Deputy Kenny's inquiries, the Taoiseach has now stated on two occasions that the approach he intends to take is to hear what the congregations have to say and, in a sense, discover what they are offering. Does he have an idea of the quantum of what would be acceptable in this instance? What amount of further contributions does he feel would be appropriate? The Taoiseach will recall that when the 2002 was being drawn up, the Depart-

ment of Finance recommended that the contributions of the State and the congregations should be on a 50-50 basis. Is he of the view that the congregations should make further contributions which would reflect this or is he going to accept whatever is offered?

The Government statement in respect of this matter indicates that the contributions might be dealt with by way of a trust, which would be a good way to proceed. However, some of the congregations seem to be suggesting that it might be done by way of provision of services, including counselling services. I suspect that the last source from which the victims of these awful crimes would want to seek counselling would be the orders whose members inflicted abuse on them in the first instance. In such circumstances, is the Taoiseach in a position to assure us that these further contributions will be made in material terms, namely, in the form of money, property or other assets?

By what means will the public be able to assess the level of further contributions made? How are we to assess both the appropriate level of contribution and the amount the congregations will be in a position to contribute? As Deputy Kenny asked — Deputy Burton posed the same question yesterday — will an independent audit be carried out in respect of the congregations and their assets? Could such an audit be carried out by the Revenue Commissioners or the Criminal Assets Bureau in order that we might assess the level of assets in existence? One of these agencies might also investigate whether congregations have been transferring out assets in anticipation of any request for a further contribution. Will the Taoiseach provide an assurance that any deal resulting from the discussions between the Government and the congregations will be brought before the House for its consideration and approval?

The Taoiseach: As I outlined in the statement I made on the Government's behalf yesterday, additional voluntary contributions must be made by the congregations. I also indicated that, quite apart from the moral responsibility the congregations have to the victims in light of the conclusions in the Ryan report — which outlines, in graphic detail, the systemic abuse that took place in the relevant institutions during the period investigated by the commission — the court of public opinion should be very persuasive in this regard. I further indicated that I wish to meet representatives of the congregations to discuss this matter and identify a way in which further contributions might be made in a way that would engender public confidence. People must be able to see that what might be offered will be additional, substantive and, in some respects, commensurate to the resources available to the congregations.

The process of engagement will begin when I meet the representatives of the congregations, which, I hope, will indicate their general disposition in the coming days. During the past 24 hours, two or three congregations began the process of indicating their views in that regard.

With regard to the level of further contributions that will be provided, the Government statement outlines the possibility of establishing a trust into which the congregations might deposit such contributions. I am of the view that such a trust could be used for educational and welfare purposes as well for as providing further assistance and support to the victims. I am also of the view that the best way to proceed is for the Government to provide services in this regard. The congregations may have an opinion regarding the services they currently provide and how these might be augmented. I would be prepared to listen to what they have to say in respect of this matter without prejudging the position.

The Deputy's third question related to identifying the resources that are available. As already stated, I am of the view that the process of engagement must be such that it would be clear to the public that an additional substantial contribution is being made. In the first instance, I would place the onus on the congregations to outline what they propose to do and the rationale relating thereto. I will then discuss further with them whether this meets our expectations. I am prepared to discuss all of these issues and to ensure that the public will be confident that

[The Taoiseach.]

any further contributions will be seen as being substantially additional to that which has already been made.

Deputy Eamon Gilmore: The Taoiseach describes the means by which this will be done as being in the form of additional voluntary contributions from the congregations. What will happen if some of the congregations do not make such contributions? Two or three of the 18 congregations have indicated their intentions. If some of the other congregations do not play ball in the context of what the Taoiseach refers to as the “process of engagement”, what will be the position? Does the Government have at its disposal a mechanism it can use to cause contributions to be made by those congregations that do not step up to the plate?

In advance of talking to the congregations, the Taoiseach may not want to divulge his hand but if the additional voluntary contributions are not substantial, does the Government know what it would consider a satisfactory level of further contribution? Will the Taoiseach hear what the congregations say and the offer they make and accept it if the offer sounds good enough? Is this entirely in the hands of the congregations or does the Government have an idea of what should be the level of contribution?

Is it the intention of the Taoiseach that, unlike what happened in 2002, whatever is concluded with the congregations should be considered by the House? It is the view of the Labour Party that this should happen. As the Taoiseach said, there must be a basis by which the public can assess whether the level of contribution is appropriate having regard to the assets of the institutions. Will an audit be carried out by somebody on the assets and the ability of the congregations to make a contribution and the level of contribution they can make?

The Taoiseach: There is no means by which the Government can legally impose a solution in this respect. The Government has indicated that, as a result of the conclusions of this report, there is a clear moral responsibility on the congregations to make additional substantial contributions towards the victims and the provision of assistance and help and towards welfare and education services generally arising from this report, given the clear systemic issue in these institutions. Congregations have varying roles in terms of the number of institutions and the contribution they were making in respect of these schools and institutions.

I do not have a preconceived notion of what is adequate. I must see the full resources available to these congregations in order to make that judgment.

Deputy Eamon Gilmore: How will the Taoiseach do that?

The Taoiseach: I intend to do that by discussing with them and placing an onus on them to outline, in a transparent way, what resources they have available and the contribution they intend to make.

Deputy Eamon Gilmore: And take their word for it.

The Taoiseach: Then I will discuss the adequacy of the offer made and ensure the court of public opinion is of persuasive effect in that respect. Regarding the ultimate arrangement that will be agreed to and finalised, the previous agreement reached was conducted by Government in respect of the Civil Liability Act and was a totally legitimate exercise in making sure people got access to speedy compensation and redress, without people having to go through the court system on an individual basis where they would have to provide higher levels of proof than what was required in the redress scheme, which I regard as a compassionate and good scheme that enabled people to get access to redress far more quickly than would have been the case were traditional legal routes followed. That exercise was valid.

In this respect, we refer to additional contributions that cannot be legally imposed. In the aftermath of those discussions and agreement being reached, I have no problem with it being discussed in this House.

Ceisteanna — Questions.

Office of the Chief State Solicitor.

1. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the Nally report on the re-organisation of the Chief State Solicitor's Office; and if he will make a statement on the matter. [15543/09]

The Taoiseach: As my predecessor indicated to the House on 3 October 2007 and on 8 April 2008 and as I indicated on 12 November 2008 in response to similar questions, the implementation of the relevant recommendations of the Nally report on the re-organisation of the Office of the Chief State Solicitor was completed in 2007.

Deputy Enda Kenny: I welcome the comments of the Director of Public Prosecutions, Mr. James Hamilton, regarding jury reform. He believed this was an issue of the greatest importance and that there is a need to ensure juries are properly representative of society. Everyone agrees with that. Given the cuts in funding to the Director of Public Prosecutions, the 5% increase in caseloads and initiatives such as giving reasons why prosecutions do not proceed, is the Taoiseach satisfied the DPP has sufficient resources to proceed with jury reform?

The DPP stated last weekend it is likely that for some time to come the office will have to attempt to maintain high standards on limited resources. This is a clear warning of the difficulties the DPP is having. Does this give the Taoiseach cause for concern that the DPP does not have the resources to do the job properly?

An Ceann Comhairle: These questions are on the Office of the Chief State Solicitor, not the DPP.

Deputy Enda Kenny: It deals with the Nally report.

An Ceann Comhairle: That is to do with the reorganisation of the Office of the Chief State Solicitor. I do not know if the Taoiseach can help Deputy Kenny on the issue of the DPP.

Deputy Enda Kenny: Perhaps the Taoiseach wants to answer the question. Is he happy the DPP has the resources he should have?

An Ceann Comhairle: I do not know if he can answer because he does not have notice of that.

The Taoiseach: I will be of as much assistance as I can. When last I dealt with this parliamentary question, there was considerable debate on whether the office of the DPP could deliver the 3% payroll expenditure cut announced last year for 2009 while maintaining services. I can confirm that the DPP has reduced the operating cost of the office through a series of measures without having an adverse impact on frontline prosecution services. Current economic conditions dictate that all public sector organisations must make every effort to reduce operating costs. I am confident the DPP will continue to achieve the best level of service possible from the resources available.

Deputy Eamon Gilmore: Are there staff in the office of the DPP employed on fixed term contracts? Do the terms of the embargo on renewal of fixed term contracts apply to them?

The Taoiseach: Some 16 additional staff were approved for the Office of the Chief State Solicitor. Is Deputy Gilmore asking about the DPP?

Deputy Eamon Gilmore: I refer to both. Are there people on contracts?

The Taoiseach: The reply refers to the Office of the Chief State Solicitor. Some 16 additional staff were approved for the Office of the Chief State Solicitor in January 2007. The office has an authorised staff level of 249 full-time equivalents. There was a suggestion that some 18 contract staff at the Office of the Chief State Solicitor were to lose their jobs because of the moratorium. However, the Office of the Chief State Solicitor has been in contact with the Department of Finance about extending these contracts. The Department agreed that 16 of them can be extended for varying periods to allow the office to achieve staff reductions and manage its workload on a phased basis. Consideration of any further requests for an extension of contracts will be based on the situation that exists at that time.

With regard to the Office of the Director of Public Prosecution, a review of staffing took place in 2006. Arising from that review, 28 extra posts were approved for the office, bringing its staffing complement to 106. The office currently has a serving staff complement of 197, which will rise to 198 shortly when a person already appointed to a vacant post takes up duty.

Regulatory Reform.

2. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the recommendation of the OECD report on regulatory reform in Ireland; and if he will make a statement on the matter. [15544/09]

3. **Deputy Eamon Gilmore** asked the Taoiseach the progress made with regard to the recommendations contained in the OECD report on regulatory reform in Ireland; and if he will make a statement on the matter. [16606/09]

4. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the OECD report on regulatory reform; and if he will make a statement on the matter. [18630/09]

5. **Deputy Enda Kenny** asked the Taoiseach the achievements to date of the better regulation project; if he will keep control of the project within his Department; and if he will make a statement on the matter. [18628/09]

6. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the progress of regulatory reform; and if he will make a statement on the matter. [20708/09]

The Taoiseach: I propose to take Questions Nos. 2 to 6, inclusive, together.

The OECD report, Regulatory Reform in Ireland, was published in 2001. In response, the Government published the White Paper, Regulating Better, in 2004 which provides the framework for advancing the better regulation agenda in Ireland. Some of the recommendations and actions outlined in the OECD report and the White Paper relate to individual sectors and relevant Ministers are responsible for reporting directly to the House on them.

The Better Regulation unit in my Department is tasked with the overall promotion of the better regulation agenda across the Government. There are no plans to alter these arrange-

ments. I would like to briefly outline for the House progress made in the areas of regulatory impact analysis and modernisation of the Statute Book.

Since 2005, regulatory impact analysis must be applied to all proposals for primary legislation, significant statutory instruments, draft EU directives and significant regulations. The report of the independent review of the operation of regulatory impact analysis was published in July 2008 and is available on the Better Regulation website. The Government has agreed to implement the recommendations set out in the report. While many of these recommendations are for individual Departments to implement, the Better Regulation unit of my Department, in partnership with the network dealing with regulatory impact analysis across Departments, which it chairs, is steering work on a number of overarching recommendations.

Revised guidelines for regulatory impact analysis are expected to be presented to the Government shortly. These guidelines take account of the recommendations set out in the review and address, in particular, the need for improved methodological guidance and for further information on the use of regulatory impact analysis within the context of the EU decision-making process. An updated training course for officials involved in producing such analysis is now available. These training materials reflect the content of the revised guidelines and emphasise the importance of minimising regulatory burdens.

The statute law revision project, which is steered by my Department in partnership with the Office of the Attorney General, has already resulted in the repeal of thousands of redundant and obsolete Acts. The current phase focuses on pre-1922 legislation and a further Bill, dealing with local and personal Acts up to and including 1850 and private Acts up to and including 1750, will be published shortly. Private Acts are those which are concerned with the affairs of a single individual or body, and local and personal Acts are concerned with matters affecting a very limited section of the community such as a single local authority or company.

The Law Reform Commission is also undertaking a programme of statute law restatement involving up to 40 Acts which is expected to be completed by the end of the year. The process of restatement makes legislation more accessible by providing a single text that incorporates all amendments to date.

Deputy Enda Kenny: I understand an interdepartmental committee, chaired by the the Department of the Taoiseach, has been tasked with advancing work in respect of these regulators and regulatory authorities. I understand the report was due to be published in September and was then pushed out to the end of the year. Given the current economic position, this is urgently needed. What is delaying the publication of the report or were its recommendations not suitable, meaning we must go back to the drawing board? The consultancy cost of this report stood at over €300,000 at the end of 2008. What is the current cost?

This regulatory reform is obviously critical. In this and every other city, taxi drivers are complaining that the regulator does not have the staff to implement its duties in keeping people legal on the streets, not to mention the comments on the numbers of taxis. The energy regulator must deal with the issue where prices cannot drop below a floor price. There must be competition for the consumer. Regulatory reform is urgently needed in such areas. When will the report be published, what is delaying it and why can we not see it?

The Taoiseach: I understand the report, carried out by the *Economist* Intelligence Unit in partnership with Comecon Limited, commenced in May last year and has recently been completed. The report is currently under consideration by the Government in the context of the overall work programme of the Cabinet committee on economic renewal. The issue of publication will be considered in that context. The cost of the project is approximately €400,000.

Deputy Enda Kenny: I thank the Taoiseach. Does he expect it to be published before the end of the summer or has it appeared on the list for consideration by the Government?

The Taoiseach: It has not yet been considered by the Government. As I indicated, it has just been completed and referred to the committee. A number of Ministers will consider its contents and see what response the Government has to it. Once we make some decisions in that regard, we can consider publication at that stage.

Deputy Eamon Gilmore: These questions relate to the OECD report on regulatory reform, which was published in 2001. When that report was published eight years ago, the then Tánaiste and Minister responsible for enterprise and employment, Deputy Harney, said she would accept all the recommendations and that she would have them implemented. From what I can establish, the only recommendation implemented from the report was the abolition of the groceries order. I cannot find much trace of any of the other recommendations being implemented.

For example, there were recommendations on the regulation of the legal professions and very little progress appears to have been made on them. The Competition Authority published an interim report on changes to the professions about two years ago and a final report in December. Aside from reports, there were discussions between the Bar Council and the Competition Authority but there does not appear to have been a great deal of progress in that regard.

What progress is being made on the implementation of the OECD report on regulatory reform? Is the Government still committed to the recommendations in the report and will the Taoiseach update the House on what is happening specifically with regard to regulation of the legal professions, for example?

The Taoiseach: I do not have the details of the implementation of the report and the fact that it spans a number of Departments, as I indicated in my reply, means it is best to take up the issue with individual Departments. One could then obtain up to date and accurate information on any sectoral recommendations. I do not have that information within my Department.

Deputy Caoimhghín Ó Caoláin: I am an advocate for a single currency and tax harmonisation across the island of Ireland. Does the Taoiseach recognise that another of the barriers to all-Ireland development, particularly to the development of counties on both sides of the Border, is a differing regulation and employment law in both jurisdictions? Will the Taoiseach examine this issue with a view to harmonising employment law and business regulation on an all-Ireland basis?

Does the Taoiseach agree that the process regarding employment law could commence with the establishment of a working group including the participation of representatives of the Irish Congress of Trade Unions, the Labour Relations Commission and the Labour Relations Agency in the Six Counties? Does he accept that they, as a working group mandated to approach the project and challenges from an inclusive framework, could move towards bettering the position that currently maintains? Would the Taoiseach also consider a parallel process regarding business regulation?

The Taoiseach: In the context of our discussions on North-South issues with the Northern Ireland Executive, we continually seek ways and means by which we can improve the business environment both North and South. As a result of different policy issues and structures, we look to ensure that political discussion between relevant Ministers and at North-South Ministerial Council level might be enabled to improve the promotion of trade and the creation of greater business liaison and connection between North and South. InterTrade Ireland has been

a good forum for this type of discourse to promote common approaches where it is of mutual benefit. I understand the Deputy's hope of seeing a greater degree of all-Ireland approaches which would be to our mutual benefit. This is an ongoing agenda with the North-South dimension of the agreements. It is important to explore the means by which we could help each other.

There are, however, two different arrangements in place, jurisdictionally, when it comes to labour law and labour-dispute resolution. Obviously, we should always show the benefits of our arrangements and they can show the benefits of theirs so we can devise common approaches to close any gaps in the system. It is an ongoing issue but I do not underestimate some of the difficulties, some structural, some policy, in trying to have greater institutional interaction.

Deputy Caoimhghín Ó Caoláin: I welcome the Taoiseach's positive response in recognising this problem in the Border counties. Will he accept it has always been more difficult to do business along the Border counties? Businesses there do not have a solid foundation on which to build themselves up given currency fluctuations. Budgetary measures, either from Westminster or the Houses of the Oireachtas, can also destabilise business conditions, resulting in an exodus from North to South or *vice versa*. Businesses involved in adjacent counties both North and South must grapple with two different sets of bureaucracy and red tape.

Will the Taoiseach accept it is worth exploring the establishment of a working group to examine business regulations and employment laws to make specific recommendations to overcome certain difficulties and work towards their harmonisation for the interest of both jurisdictions on the island of Ireland as a whole? Will he give some indication this morning of a willingness to do this?

An Ceann Comhairle: That is stretching it a small bit but I call An Taoiseach.

The Taoiseach: The issue of harmonising employment standards and laws, for example, could involve the reduction of standards on one side of the Border. The social partnership model we have devised over the past 22 years has seen advances in worker and employment legislation. It has been good for us but we must also keep an eye on competitiveness issues. It has not been part of the UK agenda for some time. One issue we have to address, apart from the fluctuation in exchange rates, is the discrepancy in entitlements, benefits, redundancy payments and so forth which we have built up. We are proud to have built them up while others have a different view because of different governmental policies.

I understand the Deputy's sentiment. We need to find a forum to deal with competitiveness issues and avoid distortions in trade. However, it is almost axiomatic that borders are economically disruptive because different rules and regulations apply in the different jurisdictions. I will reflect on what the Deputy said and ask the relevant Department and Minister to advance the issue.

Appointments to State Boards.

7. **Deputy Enda Kenny** asked the Taoiseach the appointments made by him since May 2007 to the State boards or other agencies within his aegis; and if he will make a statement on the matter. [15548/09]

8. **Deputy Eamon Gilmore** asked the Taoiseach the appointments made to boards or agencies operating under the aegis of his Department since May 2007 to date in 2009; and if he will make a statement on the matter. [16607/09]

9. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the appointments made by him to State boards since May 2007; and if he will make a statement on the matter. [20709/09]

The Taoiseach: I propose to take Questions Nos. 7 to 9, inclusive, together.

[The Taoiseach.]

The information sought by the Deputies concerning appointments made by me to State boards and agencies under the aegis of my Department since May 2007 is set out in the following schedule which I propose to circulate in the Official Report.

The agencies in question are the National Economic and Social Council, NESC, the National Economic and Social Forum, NESF, the National Centre for Partnership and Performance, NCPP, the Law Reform Commission and the National Statistics Board.

The members of State bodies under the aegis of my Department are appointed through well-established nominating procedures, having regard both to the remit of the bodies and, consequently, the particular competencies and skills expected of their members. In many instances, the members are nominated through relevant nominating panels. NESC and NESF, for example, comprise representatives of the various pillars involved in social partnership such as employer bodies, trade unions, farming organisations and community and voluntary organisations.

Boards and Agencies under the aegis of the Department of the Taoiseach

	Boards
1	National Economic and Social Council (NESC)
2	The National Economic and Social Forum (NESF)
3	The National Centre for Partnership and Performance (NCPP)
4	The Law Reform Commission
5	The National Statistics Board (NSB)

National Economic and Social Council (NESC)

	Name		Dates of Membership
<i>Chairperson</i>	Mr. Dermot McCarthy	Secretary General, Dept. of the Taoiseach	June 2007
<i>Deputy Chair</i>	Ms. Mary Doyle	Assistant Secretary, Dept. of the Taoiseach	June 2007
<i>Trade Union Pillar</i>	Mr. David Begg	General Secretary, ICTU	June 2007
	Mr. Peter McLoone	General Secretary, IMPACT	June 2007
	Mr. Manus O'Riordan	Economist, SIPTU	June 2007
	Ms. Sally Anne Kinahan	Assistant General Secretary, ICTU	June 2007
	Mr. Jack O'Connor	Vice President, SIPTU	June 2007
<i>Business and Employer or Organisation Pillar</i>	Mr. Turlough O'Sullivan	Director General, IBEC	June 2007
	Ms. Siobhan Masterson (replaced Aileen O'Donoghue)	Director, Financial Services Ireland	September 2008
	Ms. Aileen O'Donoghue		June 2007
	Mr. Danny McCoy	Director of Policy, IBEC	June 2007
	Mr. John Dunne	Chief Executive, Chambers of Commerce Ireland	June 2007
	Mr. Tom Parlon (replaced Liam Kelleher)	Director General, Construction Industry Federation	September 2008
	Mr. Liam Kelleher		June 2007

	Name		Dates of Membership
<i>Agricultural and Farming Organisation Pillar</i>	Mr. Seamus O'Donoghue	Secretary, ICOS	June 2007
	Mr. Ciaran Dolan	General Secretary, ICMSA	June 2007
	Mr. Michael Berkery	General Secretary, IFA	June 2007
	Mr. Eddie Punch	General Secretary, ICSA	June 2007
	Mr. Edmond Connolly (replaced Colm Markey)	Chief Executive Officer, Macra na Féirme	March 2009
	Mr. Colm Markey		June 2007
<i>Community and Voluntary Pillar</i>	Fr. Sean Healy	Head of Justice Office, CORI	June 2007
	Mr. John Dolan	Chief Executive, Disability Federation of Ireland	June 2007
	Mr. Séamus Boland	Chief Executive, Irish Rural Link	June 2007
	Ms. Brid O'Brien	Senior Policy Officer, Irish National Organisation of the Unemployed	June 2007
	Ms. Camille Loftus	Community Platform	June 2007
<i>Government Department Nominees</i>	Secretary General	Dept. of Finance	June 2007
	Secretary General	Dept. of Enterprise, Trade and Employment	June 2007
	Secretary General	Dept. of Social and Family Affairs	June 2007
	Secretary General	Dept. of the Environment, Heritage and Local Government	June 2007
	Secretary General	Dept. of Education and Science	June 2007
<i>Independent Nominee</i>	Dr. Sean Barrett (replaced Colin Hunt)	Department of Economics, Trinity College	June 2007
	Mr. Con Lucey	Economist, IFA	June 2007
	Prof. Peter Clinch (<i>resigned June 2008</i>)	UCD	June 2007
	Prof. Elizabeth Meehan	Queen's University	June 2007
	Oisín Coghlan	Friends of the Earth	May 2009

National Economic and Social Forum (NESF)

National Economic and Social Forum (NESF)	Name	Occupation / Organisation	Date of Appointment
<i>Independent Chairperson</i>	Maureen Gaffney		May 2007
<i>Deputy Chairperson</i>	Mary Doyle	Asst. Sec., Dept. of the Taoiseach	May 2007
<i>Strand (i): Oireachtas</i>	John Curran	Fianna Fail	December 07- August 2008
	Michael McGrath	Fianna Fail	December 07
	Cyprian Brady	Fianna Fail	December 07
	Sean Ardagh	Fianna Fail	December 07
	Senator Brian O Domhaill	Fianna Fail	December 07
	Senator Geraldine Feeney	Fianna Fail	December 07
	Senator Marc MacSharry	Fianna Fail	December 07
	Senator Maria Corrigan	Fianna Fail	August 2008 (replaced John Curran)
	Dan Neville	Fine Gael	December 07
	Terence Flanagan	Fine Gael	December 07
Senator Paul Coghlan	Fine Gael	December 07	

[The Taoiseach.]

National Economic and Social Forum (NESF)	Name	Occupation / Organisation	Date of Appointment
	Senator Jerry Buttimer	Fine Gael	December 07
	Sean Sherlock	Labour	December 07
	Willie Penrose	Labour	December 07
	Senator Dan Boyle	Green	December 07
	Senator Rónán Mullen	Independents	December 07
<i>Strand (ii) : Employer/Trade Unions/Farm Organisations Employer/Business Organisations</i>	Tony Donohoe	IBEC	May 2007
	Danny McCoy	IBEC	May 2007
	Patricia Callan	Small Firms Association	May 2007
	Dr. Peter Stafford	Construction Industry Federation	May 2007
	Seán Murphy	Chambers of Commerce/Tourist Industry/Exporters Association	May 2007
<i>Trade Unions</i>	Eamon Devoy	Technical Engineering & Electrical Union	May 2007
	Blair Horan	Civil & Public Service Union	May 2007
	Jerry Shanahan	AMICUS	May 2007
	Manus O'Riordan	SIPTU	May 2007
	Esther Lynch	ICTU	May 2007
<i>Agricultural/Farming Organisations</i>	Michael Berkery	Irish Farmers' Association	May 2007
	Michael Doody	Irish Creamery Milk Suppliers Association	May 2007
	Emer Duffy	Irish Co-Operative Organisation Society	May 2007
	Catherine Buckley	Macra na Feirme	May 2007
	Carmel Dawson	Irish Country Women's Association	May 2007
<i>Strand (iii): Community & Voluntary Sector</i>	Orla O'Connor	National Women's Council of Ireland	May 2007
	Karen Murphy	Irish Council for Social Housing	May 2007
	Kathleen McCann	National Congress Centres Network	May 2007
	Sr. Brigid Reynolds	CORI	May 2007
	John-Mark McCafferty	Society of Saint Vincent de Paul	May 2007
	Marie Claire McAleer	National Youth Council of Ireland	May 2007
	Jillian Van Turnhout	Children's Rights Alliance	May 2007
	Michael O'Halloran (replaced by Mairéad Hayes in November 2007)	Irish Senior Citizens Parliament	May 2007
	Joanne McCarthy	Disability Federation of Ireland	May 2007
	Frank Goodwin	The Carers Association	May 2007
	Seamus Boland	Irish Rural Link	May 2007
	Frances Byrne	Community Platform	May 2007
	Ivan Cooper	The Wheel	May 2007
	Maria Joyce	National Traveller Womens Forum	May 2007
	Stavros Stavrou	Integrating Ireland	May 2007

National Economic and Social Forum (NESF)	Name	Occupation / Organisation	Date of Appointment
<i>Strand (iv): Central Government, Local Government and Independents</i>			
<i>Central Government</i>	Secretary General	Dept. Finance	May 2007
	Secretary General	Dept. Enterprise, Trade & Employment	May 2007
	Secretary General	Dept. Social & Family Affairs	May 2007
	Secretary General	Dept. Community, Rural & Gaeltacht Affairs	May 2007
	Secretary General	Dept. the Environment, Heritage & Local Government	May 2007
<i>Local Government</i>	Councillor Ger Barron	General Council of County Councils	May 2007
	Councillor Constance Hanniffy	General Council of County Councils	May 2007
	Councillor Mattie Ryan	Association of County and City Councils	May 2007
	Councillor Paddy O'Callaghan	Association of Municipal Authorities of Ireland	May 2007
	Councillor William Ireland	Local Authorities Members Association	May 2007
<i>Independents</i>	Prof Colm Harmon	UCD Geary Institute	May 2007
	Prof Mary P. Corcoran	NUI Maynooth	May 2007
	Cait Keane	South Dublin County Council	May 2007 (resigned November 2008)
	Prof Rose Ann Kenny	Trinity College Dublin	May 2007
	Marie Carroll	Southside Partnership	May 2007

National Centre for Partnership and Performance (NCPP)

	Appointments to the NCPP Council	Replaced	Occupation/ Organisation	Date of Appointment
Government Departments	Mr. Brendan Duffy, Asst. Secretary	Ciaran Connolly (who was appointed in October 2001 and <i>reappointed in</i> January 2006)	Dept. of Finance	10 July 2008
	Mr. Dermot Curran, Asst. Secretary	Mr. John Walsh, (appointed in June 2002 {replaced Mr. Maurice Cashell} and reappointed in January 2006)	Dept. of Enterprise, Trade & Employment	10 July 2008
Employers	Ms. Mary Connaughton	Mr. Gavin Marie ({replaced Mr. Liam Doherty in April 2007} appointed in October 2001 and <i>reappointed 24</i> January 2006)	HR Development, IBEC	10 July 2008

[The Taoiseach.]

Law Reform Commission (LRC)

	<i>Name</i>	<i>Occupation</i>	<i>Date of Appointment</i>
Commissioner (Full-time)	Patricia T. Rickard-Clarke,	Solicitor	Reappointed 1 September 2007
Commissioner (Part-time)	Professor Finbarr McAuley, B.C.L., LLB, Mphil, LLD,	Jean Monnet Professor of European Criminal Justice, UCD	Reappointed 1 September 2007
Commissioner (Part-time)	Marian Shanley	Solicitor	Reappointed 1 September 2007
Senior Counsel (Part-time)	Donal O'Donnell	Senior Counsel	Reappointed 1 September 2007

The National Statistics Board (NSB)

	<i>Name</i>	<i>Occupation</i>	<i>Date of Appointment</i>
Chairperson	Dr. Patricia O'Hara	Western Development Commission	March, 2009 (originally appointed to the Board in July, 2007)
	Professor emeritus Brendan Walsh (former Chair)	Professor, UCD	July, 2007 (resigned February, 2009)
Taoiseach Nominee	Professor Philip Lane	Trinity College, Dublin	March, 2009
Government Departments	Ms. Mary Doyle	Department of the Taoiseach	July, 2007
	Mr. Michael McGrath	Department of Finance	July, 2007
Trade Union Pillar	Mr. Paul Sweeney	ICTU	July, 2007
Farming Pillar	Mr. Con Lucey	IFA	July, 2007
Business Pillar	Mr. Danny McCoy	IBEC	July, 2007
Ex Officio Members	Mr. Donal Garvey (former member)	Director General, CSO	July, 2007 (the Director General of the CSO is as an ex officio member of the NSB, therefore Donal Garvey's membership effectively ceased when Gerry O'Hanlon was appointed as Director General of the CSO in August 2007)
	Mr. Gerry O'Hanlon	Director General, CSO	August, 2007

All eight positions on the NSB are currently filled. The gender balance on the board is six males to two females. The current chair of the NSB is female.

Deputy Enda Kenny: Fine Gael recently published its public appointments transparency Bill. The Taoiseach's predecessor was of the mind to have some involvement from the Oireachtas in the appointment of chairpersons to important State bodies and agencies. It would not have been so much an interrogation role but an interactive one, inquiring as to the qualities, experience and difference appointees would make to particular boards. He said it might be useful to give some thought to involving committees of the House in the appointments to some boards. Does the Taoiseach share that view?

Any appointment will obviously come under scrutiny. Regardless of whoever is in government, any appointee will be labelled, whether it be true or not, as a hack or a crony. The same

applied when the Fine Gael Party was in government. To deal with public cynicism about appointments to State bodies, there is merit in having some involvement from Oireachtas committees. Does the Taoiseach consider the principle of the public appointments transparency Bill as important? Does he believe it might be appropriate to have appointees explain to an Oireachtas committee their credentials and why they wish to take up the offer?

The Taoiseach: I am not acquainted with the Bill to which the Deputy referred.

Deputy Enda Kenny: I will send the Taoiseach a copy.

The Taoiseach: I thank the Deputy and I look forward to receiving it.

People are appointed to State boards on the basis of the competencies and knowledge they can bring to the work. These are non-executive appointments. We need good people for public service. We should base our views of their work, in whatever role they are asked to take up, objectively on the basis of their performance. As the Deputy said, some times a judgmental approach is taken by some regarding an appointment rather than watching their performance in implementing public policy or the commercialisation agenda which the bodies are mandated to do under statute. It is important that the appointment of people to State boards is not met with the usual knee-jerk reaction but based on an objective assessment on their work.

I have never, in either my ministerial experience or as Taoiseach, sought to appoint people purely on the basis of whether I know them personally, which incidentally is not a disqualification, or whether they have party affiliation but on what competencies they bring to the job. I can cite many instances in which I have had no problem in re-appointing people from predecessors' Administrations or in appointing people who may not be obviously of my party political faith. That is not relevant and certainly is not essential in the context of appointing people to boards. It is important that boards have credibility and are peopled by appointees who have a contribution to make and who can bring to play particular skills. One issue that arises is to ensure there are sufficient people available for such appointments and I do not believe in politicising the appointment process in that respect. Ministers have roles to appoint, usually on the basis of advice given as to suitable people for consideration, and it is incumbent on all Ministers in their appointments to ensure that such appointments are seen to be credible and are of people of character who can be depended on to display the proper ethical standards.

Deputy Jan O'Sullivan: What progress in respect of gender balance has been made with regard to appointments to the various boards? The aim of the Government is to have male and female representation of at least 40% on each board. My recollection is that when the Minister for Defence, who is sitting beside the Taoiseach, was a Minister of State with responsibility in this area, he suggested that he might introduce legislation to ensure this would happen, had it not happened voluntarily within a period of six months. As I believe that was the best part of a decade ago, what progress has been made in this regard? Is a mechanism in operation whenever someone is being appointed to a State board to ensure the issue of gender balance is considered before such an appointment is made?

The Taoiseach: I will outline the current gender breakdown of all the bodies under the aegis of my Department, distinguishing between direct appointees and nominations. As for the National Statistics Board, there are five male and one female direct appointees, as well as one male and one female nominee. The Law Reform Commission is formed by nomination and there are two male and three female nominees. On the National Centre for Partnership and Performance, there are three female and one male direct appointees and eight male and three female nominees. On the National Economic and Social Council, there are three male and one

[The Taoiseach.]

female direct appointees, as well as 19 male and eight female nominees. Finally, the National Economic and Social Forum has seven female and four male direct appointees and 33 male and 17 female nominees. These figures will provide the Deputy with an indication. A problem in respect of nominations is the surprising inability of some sources to provide female representation, given their broad policy positions on many of these areas.

Deputy Caoimhghín Ó Caoláin: While I appreciate the questions under discussion do not refer to the Taoiseach's tenure in that office alone, within the two-year period since the general election of 2007, have any former Members of the Houses of the Oireachtas been included in any of those appointments over the two years?

The Taoiseach: In my Department?

Deputy Caoimhghín Ó Caoláin: Are any such appointees former Members of the Houses of the Oireachtas? Do former Members of the Houses of the Oireachtas sit on any agencies or boards that are under the direct aegis of the Department of the Taoiseach?

I have asked numerous times, and other voices have echoed the same sentiments, whether the Taoiseach has given further consideration to an open, competitive and transparent application process for positions arising on the boards of any agencies or boards under the direct remit of his Department. Does the Taoiseach not accept there is a great wealth of experience, interest and willingness to serve in such positions across the community that will not register in the consideration of a closed approach on the part of whoever within any given Department is entrusted with examining the pool from which such names are drawn? Does the Taoiseach not accept this issue merits revisitation and that this tremendous untapped resource must be opened up to State service in these respective institutions?

The Taoiseach: Personally, I invite anyone who feels he or she has something to offer by appointment to a board to contact my office at any time.

Deputy Eamon Gilmore: They should write to the Taoiseach——

The Taoiseach: Such people should write to me, let me know and send me their *curricula vitae*.

Deputy Eamon Gilmore: ——and send their *curricula vitae*.

The Taoiseach: Exactly. It genuinely is important that the Government should know who is available and, by definition, one must search to find people. Some organisations have indicated their preferences through directories and others have sent lists of people for consideration. Such people are considered and some are appointed. It is difficult, however, to set out a form of bureaucratic system of assessment of this matter. It is a question of finding people, depending on the business of the organisation, to establish a good and balanced non-executive board that will work with the executive and will have the ability to think strategically about the future of such organisations, on how best they should be managed and what they should be doing. Moreover, they should be working within broad Government policy, if not direction. They cannot do their own thing regardless as they must work to a consistent policy framework. However, allowing for that, important functions of a board include the need to show initiative, fresh thinking and the ability to change and adapt the roles of such organisations, which sometimes would require subsequent ministerial or Cabinet approval, and consequently people of ability are needed on them. Regardless of whether they are commercial boards or simply are boards that are charged with delivering services or when public moneys are involved, the

governance of such organisations obviously is important and the job must be done properly and competently. Where it is not done, the Government must be prepared to move on and reshape these boards.

For example, I refer to the recent controversy that arose in respect of FÁS. That organisation, its board and the composition thereof must be changed and adapted and must move on. An important aspect of governance arrangements is to show that the board should be changed, or certainly that the idea of simply nominating from various bodies regardless is not necessarily the most dynamic means of achieving the valid and legitimate objectives as originally set out.

An important aspect of ministerial work is to be acquainted with people who serve on such boards, to be in touch with them, to listen and talk to them, to be in contact with them to ascertain what they are doing and to ensure they are in line with overall Government objectives and that work is being conducted in an appropriate and proper fashion. This is an ongoing task and discipline that must be considered all the time. As for membership or prospective membership, I issue a genuine invitation to all those who feel they have a contribution to make and who are motivated by public service to apprise Departments, organisations or Ministers accordingly.

Deputy Caoimhghín Ó Caoláin: Perhaps the Taoiseach does not have the information immediately to hand, but if he does, can he advise Members whether former Members of the Houses of the Oireachtas have been appointed since the general election of 2007 to any of the aforementioned boards or agencies? Are any former Members of either House of the Oireachtas serving on any bodies directly under the remit of the Department of the Taoiseach at present?

The Taoiseach: I will provide this information to the Deputy. Offhand, I am unaware whether former Oireachtas Members are serving on the boards of the aforementioned agencies. I reiterate that former Oireachtas Members can, in certain circumstances, be highly valuable members of boards, depending on the activities in which the boards are engaged.

Deputy James Reilly: I find the Taoiseach's comments difficult to accept. I point out to him that to use "governance" in the same sentence as "the board of FÁS" is a contradiction in terms. It is certainly not one of the areas to which I would allude if I were to speak about improving governance, transparency and accountability in this country.

The Taoiseach: Arising from that contribution, I presume the Deputy's view is that he does not want any changes arising from what happened in FÁS.

Deputy James Reilly: That is facetiousness beyond the Taoiseach's—

The Taoiseach: The facetiousness emanated from the Deputy's bench.

Deputy James Reilly: We all know of the Taoiseach's backing for the man in charge of FÁS.

The Taoiseach: Whatever that is supposed to mean.

Standards in Public Office.

10. **Deputy Enda Kenny** asked the Taoiseach if he has plans to amend the code of conduct for office holders; and if he will make a statement on the matter. [15550/09]

11. **Deputy Eamon Gilmore** asked the Taoiseach if he has plans to amend the code of conduct for office holders; and if he will make a statement on the matter. [15594/09]

12. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if it is planned to amend the code of conduct for office holders; and if he will make a statement on the matter. [20710/09]

The Taoiseach: I propose to take Questions Nos. 10 to 12, inclusive, together.

The code of conduct for office holders was drawn up by the Government pursuant to section 10(2) of the Standards in Public Office Act, 2001, following consultation with the Standards in Public Office Commission, and was published in July 2003. Deputies will be aware that the Ethics in Public Office (Amendment) Bill 2007 provides for changes to the ethics framework. A review of the code will be carried out, in consultation with the Standards in Public Office Commission, after that Bill has been enacted.

Deputy Enda Kenny: Is the Taoiseach satisfied that all members of the Cabinet are in compliance with the code of conduct? Have any complaints been received in respect of allegations of Ministers stepping outside or being in breach of the code? Is a copy of the updated version of the code of conduct available in the Oireachtas Library for perusal?

The Taoiseach: I am not aware of any problems of compliance with the code of conduct by any office holders — certainly, none has been brought to my attention. The code of conduct was published in 2003 and the review of the code will be carried out when it becomes available after the Ethics in Public Office (Amendment) Bill has been enacted.

Deputy Eamon Gilmore: The jailing yesterday of former Government press secretary, Frank Dunlop, was a very significant watershed in Irish life, in particular in regard to the corruption of public office. Has the Taoiseach given consideration to the consequences and any changes in legislation, practices or codes of conduct that might be progressed arising from the decision of the court yesterday?

The Taoiseach: No, I have not given any consideration to that matter.

Deputy Caoimhghín Ó Caoláin: With regard to the code of conduct, and without sight of the most up-to-date text of same, is there a clear indication to Ministers and Ministers of State of their duties and responsibilities to other Members of these Houses? I speak specifically regarding their responsibility to respond to either parliamentary questions or written representations. I am reflecting particularly on a delay of a long period of months in receiving replies from some Ministries and front-line Ministers. The code of conduct must go beyond the required high standards in terms of public office vis-à-vis the matters referred to by the previous speaker. Surely, it must also require of office an awareness and an adherence to the best standards in terms of their accountability and responsibility to the Houses of the Oireachtas. Will the Taoiseach indicate if this area is addressed within the code of conduct and, if not, what steps he would consider employing to guarantee to Members that we will be accorded the expected courtesy and, I believe, essential response from Ministers in regard to the representations and inquiries we make?

The Taoiseach: What the Deputy refers to is the need for good public administration and that there be good administration practices in Departments, agencies and among Ministers so there is an efficient relaying of information upon request by colleagues in the Oireachtas in respect of any policy or other issues that arise, such as constituency matters. While it is not part of the code of conduct, it is obviously something office holders would be expected to be able to discharge. I will bring to the attention of colleagues the need to ensure that is in place.

Deputy Caoimhghín Ó Caoláin: I would welcome that because I have personal experience of a period of months passing for even the courtesy of an acknowledgement in a couple of cases from front-line Ministers, which I find incredible. It is not representative of the position adopted by the vast number of front-line Ministers and I would be remiss in not making that point. The reality is that the overwhelming number are most attentive and respond within appropriate timeframes, but there are exceptions. From inquiries I have made, I understand it is not unique to my representations and inquiries because there are similar experiences. It is worth addressing on a cross-party basis within the front-line Ministries in this current coalition arrangement.

The Taoiseach: If the Deputy brings to my attention certain matters, I will follow them up.

Deputy Kathleen Lynch: Given the awful matters referred to in the Ryan report, I am glad the Minister of State, Deputy Moloney, is present and seated behind the Taoiseach, who also has an interest in this area. Everyone welcomed the introduction of standards in regard to institutions where people with special needs and disabilities are living——

An Ceann Comhairle: This concerns the code of conduct for office holders.

Deputy Kathleen Lynch: This is about the conduct of office.

An Ceann Comhairle: It is a strange starting point.

Deputy Kathleen Lynch: Introducing standards is useless unless they are on a statutory footing and are enforceable, and unless inspectors are put in place. That concerns the conduct of office holders, which is a very significant element. When will we see this? With regard to legislation on whistleblowers, for example, which concerns conduct in high places, we automatically assume whistleblowers are people in banks or other financial institutions. What about those who report abuse and do not have protection? As someone who reported abuse, I can report that the same social worker who was supposed to have been looking after the case——

An Ceann Comhairle: I do not like to cut off the Deputy but this concerns office holders in the context of Government.

Deputy Kathleen Lynch: ——then went to the family and told them I had reported it. The man came to my door.

An Ceann Comhairle: We are wandering off the subject.

Deputy Kathleen Lynch: I was just lucky.

Deputy James Reilly: It is an important issue.

Deputy Bernard J. Durkan: So it is.

An Ceann Comhairle: We know all that. I have to operate under Standing Orders.

Deputy Kathleen Lynch: What frightens me about this is not so much the unfortunate man coming to my door——

An Ceann Comhairle: We must move on.

Deputy Kathleen Lynch: ——it is that the same social worker is now promoted and in charge of child care in the HSE southern region.

An Ceann Comhairle: I cannot talk about social workers under this question. The Deputy has made her point.

Deputy Kathleen Lynch: That frightens me.

An Ceann Comhairle: This relates to office holders in the context of Government.

Deputy Kathleen Lynch: In terms of the statutory standing of the inspectorate of institutions for people with special needs and disabilities——

An Ceann Comhairle: If the Deputy wishes to put down a question in regard to the matters——

Deputy Kathleen Lynch: ——when will we see that?

An Ceann Comhairle: That is not relevant to this question, to be fair. The Deputy will have to put down a separate question.

Request to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Anois, iarratas chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32. I now come to a request to move the adjournment of the Dáil under Standing Order 32.

Deputy Michael D. Higgins: I seek the adjournment of the Dáil under Standing Order 32 to raise a specific and important matter of public interest that requires urgent consideration, namely, the need for the Tánaiste and Minister for Enterprise, Trade and Employment to reconsider the changes she is proposing to make in the work permit scheme and to discuss any such proposals with the relevant workers; the need for such workers to be invited to participate directly and through advocacy organisations in a consultation process with the Tánaiste, given that they have made a significant contribution to Irish society and the economy; and the need to ensure that the workers do not have to demonstrate outside the Department of Enterprise, Trade and Employment at 12 noon today.

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

Order of Business.

The Taoiseach: It is proposed to take No. 24, Finance Bill 2009 — Order for Report and Report and Final Stages; and No. 25, Criminal Justice (Miscellaneous Provisions) Bill 2009 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the conclusion of Private Members' business, which shall be No. 71, motion re preschool year in early childhood care and education scheme (resumed), which shall be taken for 90 minutes at 7 p.m., or on the conclusion of No. 24, whichever is the later; and that the proceedings on Report and Final Stages of No. 24 shall, if not previously concluded, be brought to a conclusion at 7 p.m. tonight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance.

An Ceann Comhairle: There are five proposals to be put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. tonight agreed to?

Deputy Enda Kenny: Yesterday, the House discussed the possibility of agreeing a motion to strengthen the hand of the Taoiseach and the Government in their dealings with the religious institutions. I do not see such a motion on today's Order Paper. Has the Chief Whip finalised it yet? It would be important to set aside an hour today to agree a motion and thereby send an all-party message from this House. Have the Whips arrived at a point at which a motion could be agreed? Will such a motion be taken today? If not, when will it be taken?

The Taoiseach: As I said yesterday, I presume a substantive motion will be moved when the debate takes place. I thank Deputies for the welcome they have given to the statement that was issued by the Government yesterday. It is clear from what has been said in the House this morning that we agree unanimously that the possibility of a further contribution being made by the congregations — it is possible that a trust could be established — should be pursued with them. As I have said, it is obvious that a process of engagement to that end will begin soon. Our views on various aspects of the report will be articulated during the substantive debate on it. It is clear from the coverage of yesterday's proceedings of the House — I am sure the same thing will happen today — that a broad welcome has been given to the proposal to determine how further assistance can be given to those who suffered child abuse in residential institutional settings under the aegis of the State over many decades, as outlined in Mr. Justice Ryan's report. Perhaps the House can simply note that proposal before moving on to a substantive motion. The important debate on the Finance Bill must be concluded today. I am not sure if it is procedurally possible to provide for a debate in the House today. I would prefer, while we wait for the substantive motion to be tabled, if we were to indicate plainly the strong view of the House that the process I have mentioned should be proceeded with.

Deputy Enda Kenny: My clear understanding is that a substantive debate will take place when the House sits again in two weeks' time. That is a matter for another day. I suggest that the House should try to strengthen the Taoiseach's hand, especially as just three institutions have made a comment to date. There is a broad consensus in this House. It would be important for all Members from all parties in the House to agree a short and simple motion. That would strengthen the Taoiseach's hand when he calls in the religious institutions. He would be able to mention that the Members of the Oireachtas, who represent the voice of the people, have made it clear that it is imperative that action be taken. I hope the 15 institutions that have yet to make a comment will do so very shortly. In the interests of what was discussed yesterday, I would have thought that a simple and direct motion, enshrining the principles I have mentioned, could be agreed today before a more substantive motion is tabled to facilitate a major debate on the Ryan report itself.

The Taoiseach: The Whips can continue to discuss the matter during the course of the day. They may decide that a motion can be agreed tomorrow morning without debate. Such a motion could note whatever might be agreed between the parties.

Deputy Enda Kenny: That would strengthen the Taoiseach's hand.

The Taoiseach: If Deputy Kenny insists on pursuing the matter at this stage, that can be done. If a motion to that effect can be adopted without debate in the morning, that might well be a way of achieving what he has called for.

An Ceann Comhairle: Is the proposal that the Dáil shall sit later than 8.30 p.m. tonight agreed to? Agreed. Is the proposal for dealing with No. 24, Order for Report and Report and Final Stages of the Finance Bill 2009, agreed to?

Deputy Caoimhghín Ó Caoláin: It is not agreed.

Deputy Emmet Stagg: It is proposed to guillotine this short Finance Bill, which is virtually impossible to amend, even though it will probably not need any guillotine. Enough time has been made available to deal with this Bill in its entirety without a guillotine. The application of a guillotine as a kind of safeguard is certainly not what guillotines are intended for during the normal parliamentary process.

Deputy Caoimhghín Ó Caoláin: It is inappropriate to apply a guillotine to this legislation. At this point in time, it is impossible to gauge how long it will take to conclude our consideration of the Finance Bill. It does not matter whether the proposed cut-off time of 7 p.m. is adequate. It is not appropriate for the Government to apply a guillotine. We should have an opportunity to give a full airing to all of the amendments that are to be addressed in course of today's deliberations on the Bill. The Government should accommodate that. The manner in which today's business has been ordered means that the Dáil will adjourn this evening at the conclusion of Private Members' business. The Government could have proposed to sit later to deal with other issues that are less important than the contents of the Finance Bill, but that has not been done. The Government has proposed that the Dáil will rise on the conclusion of Private Members' business, at 8.30 p.m. or perhaps later. It is well within the gift of the Government to allow the legislative process to come to a natural conclusion. That is the preferred approach to this. I oppose the imposition of a guillotine on this important legislation.

The Taoiseach: The Government has to pursue the enactment of this legislation. There was a long debate on Second Stage. It is quite a focused Bill. It is not of the size or magnitude of a normal Finance Bill, as debated at the beginning of a financial year. We have to pursue this legislation today in the manner I have proposed, unfortunately.

An Ceann Comhairle: Is the proposal for dealing with No. 24, Order for Report and Report and Final Stages of the Finance Bill 2009, agreed to?

Deputy Caoimhghín Ó Caoláin: It is not agreed.

Question, "That the proposal for dealing with No. 24 be agreed to", put and declared carried.

Deputy Enda Kenny: I understand that the Dáil will not meet next week. That, in itself, will generate a degree of comment. The Minister for Finance has said that it may be necessary to recall the Dáil during the summer to debate the NAMA legislation. I understand that the Minister of State with responsibility for children will publish his plan for implementing the recommendations outlined in Mr. Justice Ryan's report before the end of July. A major debate on those findings will take place soon. It is obvious that there is a clear requirement on this House to pass the Bill giving effect to the second Lisbon treaty referendum before the summer recess, rather than at the end of September or in October. It might be appropriate for the Government to decide now that the House should sit throughout July to deal with the NAMA legislation, the Ryan report, the plan to be drawn up by the Minister of State, Deputy Barry Andrews, and the second referendum on the Lisbon treaty. We should make sure that Deputies know what will happen. They should know if it is likely that they will be called back for two days at the end of July or in the middle of August. The Taoiseach could deal with it now and say this is the body of work we have to do, let us get it done in July and be finished with it. That would still give him time to take out the dusty clubs and have a swing in Ballyconneely, or somewhere else, in August. I make that suggestion because these are serious Bills, particularly the one to deal with the Lisbon treaty. The Government should consider that suggestion and finish the work.

The Taoiseach: No decision has been taken yet on when we will rise in the summer. The Whip will liaise with colleagues from other parties who have that responsibility to see how we can order our business for the remainder of the term. Important legislation needs to be considered. The legislation about which the Deputy spoke has to be prepared. It is complex, detailed, is a priority and is proceeding as quickly as possible. When asked about it the Minister was simply outlining that all options will be considered to see how we can progress it. We should wait until it is published and deal with it then. The Whip is cognisant of Deputy Kenny's point in his discussions with colleagues when ordering business for the remainder of the term.

Deputy Eamon Gilmore: I agree with Deputy Kenny about the necessity for the House to sit through July for the reasons that he has stated. There is a great deal of important business to be dealt with, some of which the respective Ministers have signalled. I drew the Taoiseach's attention last week to the Dáil calendar which suggests that the Dáil will rise on 2 July, a week earlier than last year.

I wish to raise three matters, the first concerns reports at the weekend that some Deputies have been suggesting to their constituents that the Government has decided to restore the Christmas bonus. Is that the case and when will the Revised Estimate for the Department to give effect to that be brought before the House? Second, in its programme the Government commits to legislate for civil partnerships at the earliest possible date in its lifetime. The Government published heads of the proposed Bill on 25 June 2008. When will we see the Bill published and has the Government approved it?

Finally, while I was in here questioning the Taoiseach, and he was answering me, about the possibility of conducting an audit on the finances and assets of the religious congregations, the Minister for the Environment, Heritage and Local Government was on the airwaves suggesting that there might be legislation to enable an audit to take place. Has the Government considered legislation for auditing the assets of the religious orders?

The Taoiseach: In response to the first matter the Government has not made any decision. We are considering whether that can be dealt with at the end of the year.

Deputy Eamon Gilmore: There is no decision to restore the Christmas bonus.

Deputy Paul Kehoe: It was a half promise.

The Taoiseach: I am sure the Deputy treats with some prudence some of the statements made in that particular publication. It is not always accurate.

Deputy Kathleen Lynch: They are announcing it in every Bingo hall.

The Taoiseach: Sometimes the piece does not accurately reflect what people say.

Deputy Eamon Gilmore: Has the Christmas bonus been dropped?

The Taoiseach: There has been no decision to replace it.

Deputy Kathleen Lynch: Apart from the one in the budget.

Deputy Eamon Gilmore: The Christmas bonus is gone.

Deputy Bernard J. Durkan: The promise was made for election purposes.

The Taoiseach: There has been no decision to replace it at this point.

Deputy Paul Kehoe: The canvassers are saying it. They are bringing it back in Limerick.

Deputy Eamon Gilmore: The canvassers are badly misinformed.

The Taoiseach: No, the Deputy is badly misinformed because he is taking a publication at face value on this which he probably does not take at face value on anything else.

Deputy Kathleen Lynch: They are saying it in the Bingo halls in Cork.

The Taoiseach: The Deputy does not even believe what it says about himself never mind what it says about anyone else.

Deputy Paul Kehoe: The Taoiseach should put his canvassers straight. They are leading the electorate astray.

Deputy Jan O'Sullivan: They are saying it in every dole queue in Limerick.

The Taoiseach: The Civil Partnership Bill is due in this session.

Deputy Kathleen Lynch: That is probably safer.

The Taoiseach: There has been no decision on legislative proposals regarding procedures we are adopting. We are beginning a process of engagement and I have not heard any comments.

Deputy Emmet Stagg: The Minister for Transport, Deputy Dempsey, was flying a kite.

Deputy James Reilly: A total of 96,000 people are on fixed mortgages. Does the Minister for Finance have any plans to bring in legislation to allow hard-pressed families to switch to variable mortgages?

An Ceann Comhairle: Is that promised?

Deputy James Reilly: I am asking whether there is legislation to be brought in to alleviate this because the banks are showing no goodwill. They are making no gesture of goodwill to the taxpayers who have bailed them out.

An Ceann Comhairle: The Deputy cannot ask about that now. He can put down a question to find out first whether it is promised.

Deputy James Reilly: It is a very reasonable question.

An Ceann Comhairle: It is a very reasonable question but the problem is that it is not in order now.

Deputy James Reilly: Is it not in order to ask if there is any legislation planned?

An Ceann Comhairle: No. The Deputy can only ask if the legislation has been promised.

Deputy James Reilly: I think it is reasonable to ask——

An Ceann Comhairle: No because——

Deputy Bernard J. Durkan: That must be one of the few things that has not been promised.

Deputy James Reilly: Promises and plans. We just heard about the Christmas bonus.

An Ceann Comhairle: If we allowed what the Deputy suggests people would be creative and playwrights and so on could emerge.

Deputy Bernard J. Durkan: These are promising times. In response to the EU Commission's request for conservation measures in certain fisheries areas, the Minister for Communications, Energy and Natural Resources set in motion a week ago the first part of a 90 year ban on eel fishing. In view of his dramatic response and the Minister's deep concern in that area would it be possible to bring the restructuring of the inland fisheries sector Bill into the House as a matter of urgency to allow the Minister to inform the House about the relevance and context of that response?

In view of the continuing finds of explosive devices in various parts of the greater Dublin area is it intended to carry out any specific investigation by way of the legislation to focus attention on what looks like being a serious campaign which will lead to loss of life? The explosives Bill might go down well for discussion in Cabinet soon.

The Property Services (Regulation) Bill has been long promised, the Taoiseach has spoken about it, Deputy Stagg has raised it, as have I and several other Members. It has been promised several times. Even the Minister, for Defence Deputy O'Dea recalls that it has been promised several times.

Deputy Willie O'Dea: It has been published.

Deputy Bernard J. Durkan: What is happening to it? Where is it now? Why is it not in the House? This affects all the Fianna Fáil canvassers. What remain of the Progressive Democrats canvassers and the Green Party canvassers are worried about this Bill. Why is it not before the House so that we can discuss it now to alleviate the deep concerns of the general public?

An Ceann Comhairle: Will the Taoiseach reply on eels, explosives and apartments?

Deputy Bernard J. Durkan: They need something to wake them up.

The Taoiseach: The third Bill, which has been published, is in the Seanad. The first Bill will come to the House later in the year and the second Bill is due next year.

Deputy Bernard J. Durkan: It is simple.

Deputy Caoimhghín Ó Caoláin: The Government has promised legislation to establish the National Asset Management Agency, NAMA. Will there be other finance legislation before the summer recess? The codes of conduct for financial institutions are not sufficient and in the current climate——

An Ceann Comhairle: Is legislation promised on this matter?

Deputy Caoimhghín Ó Caoláin: Yes it is indeed. In the context of the growing concern of people who hold fixed mortgages will that issue be addressed compelling the banks and other financial institutions to provide for a transfer from fixed to variable mortgages without the penalties currently applying? Will either the financial services (miscellaneous provisions) Bill regarding the building societies in the first instance, or the financial services (regulation) Bill address this matter? If not, will the Government consider bringing forward legislation recognising that there is significant public disquiet that measures have been taken to assist the financial institutions——

12 o'clock

An Ceann Comhairle: The Deputy can only ask when the legislation will come before the House.

Deputy Caoimhghín Ó Caoláin: —although the customer bases of these institutions are being left to founder.

An Ceann Comhairle: We cannot discuss the content of the legislation.

Deputy Caoimhghín Ó Caoláin: They are currently facing exorbitant interest and charges.

An Ceann Comhairle: I ask the Taoiseach to answer in respect of legislation to come before the House.

The Taoiseach: The legislation it is hoped to have by the summer includes the financial services (deposit guarantee scheme) Bill and the financial services (miscellaneous provisions) Bill.

Deputy Jan O’Sullivan: There rightly has been considerable debate this week on the State’s failure to protect children from child abuse in the past, but I want to raise the State’s failure to protect them in the present. The most recent HSE child protection study indicates there are more than 8,000 children at risk—

An Ceann Comhairle: The Deputy will have to ask a question that is in order.

Deputy Jan O’Sullivan: —of abuse whose cases have not even been examined.

An Ceann Comhairle: If the Deputy wants to ask a question that is in order, she is welcome to do so.

Deputy Jan O’Sullivan: I will ask one in the context of legislation. There is legislation promised on entitlements to health services. Surely one of the most basic entitlements must be the entitlement of a child to be protected from abuse.

An Ceann Comhairle: To what Bill is the Deputy referring?

Deputy Jan O’Sullivan: I do not know the exact name of it. It is about entitlement to health services and it is on the list.

The Taoiseach: There is no date for that Bill yet.

Deputy Jan O’Sullivan: Can we have a debate on protecting children in the present in addition to a debate on their protection in the past?

An Ceann Comhairle: That is a matter for the Whips.

The Taoiseach: The debate on the report in two weeks will present an excellent opportunity to determine where we stand at present.

Deputy Ciarán Lynch: Does the Taoiseach intend to introduce legislation to deal with the minimum requirements for standard insulation in households? At present, a householder can get—

An Ceann Comhairle: Is legislation promised?

Deputy Ciarán Lynch: Yes.

An Ceann Comhairle: Which Bill is it?

Deputy Ciarán Lynch: At present, a householder can obtain a rating from A to G. A rating of G would pertain to a house like that in which Peig Sayers lived. There is no prohibition associated with a G rating and there is no obligation on the landlord or property owner to sort out the problem.

An Ceann Comhairle: We cannot discuss insulating houses on the Order of Business; it is not on.

Deputy Ciarán Lynch: Is it intended that legislation will be brought forward to ensure there will be a minimum requirement on homeowners and landlords to insulate their houses?

An Ceann Comhairle: Is there legislation promised in that area?

Deputy Kathleen Lynch: Yes, it is the building standards legislation.

The Taoiseach: I will have to revert to the Deputy on that.

Finance Bill 2009: Order for Report Stage.

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

Question put and agreed to.

Finance Bill 2009: Report and Final Stages.

An Ceann Comhairle: Before I begin, I wish to bring to the attention of Members an error in the printed list of amendments. Amendment No. 8 should read: “In page 7, to delete lines 28 to 48 and in page 8, to delete lines 1 to 7.” In other words, the proposed deletion includes the text from line 28 to the end of page 7 and the first seven lines on page 8.

Amendment No. 1, in the name of Deputy Morgan, is out of order. Amendments to the Title must reflect the content of the Bill.

Deputy Arthur Morgan: Why is amendment No. 1 ruled out of order?

An Ceann Comhairle: Amendments to the Title must reflect the content of the Bill and unfortunately it has been ruled that the Deputy’s does not.

Amendment No. 1 not moved.

Deputy Joan Burton: I move amendment No. 2:

In page 5, between lines 11 and 12, to insert the following:

“PART 1

TAXPAYERS’ OMBUDSMAN OFFICE

1.—The Ombudsman shall include in her annual report a special report on the over-payment of tax by PAYE taxpayers, and on the take up of credits by such taxpayers, and the branch of her office dedicated to ensuring that the take up of credits is readily available to all taxpayers, and refunds made as rapidly as possible where this arises, as well as ensuring the availability of a ready mechanism for informing taxpayers (particularly pensioners) who are entitled to a refund of DIRT tax, shall be known as the taxpayers’ ombudsman office.”.

[Deputy Joan Burton.]

This amendment is on providing more information to taxpayers.

Minister for Finance (Deputy Brian Lenihan): The Deputy's amendment is almost identical to one moved on Committee Stage. As I outlined on Committee Stage and as my predecessor outlined on previous occasions, the statutory remit of the Ombudsman already incorporates both roles proposed for a taxpayers' ombudsman office, namely, acting for taxpayers and investigating actions contrary to fair or sound administration. The Ombudsman should be left free to decide who and how she should investigate. Imposing obligations in this regard on the Ombudsman could be seen as interfering with her freedom of action and could set an undesirable precedent.

Since the inception of the Office of the Ombudsman, significant numbers of taxpayers have exercised their right to make complaints to that office. The Ombudsman has carried out a number of special investigations in the area of taxation on her own initiative under the Ombudsman Act 1980, such as into the operation of schemes for disabled drivers and the repayment of tax to certain widows. When calls were previously made for the establishment of a taxpayer advocate, the then Ombudsman drew attention to the duplication of role and responsibilities that such a development would involve.

Apart from the statutory role and responsibility of the Ombudsman, other avenues are also open for taxpayers to make their complaints. They can lodge a customer service complaint about the standard of service received in their personal contact with the Revenue Commissioners by telephone, correspondence, fax, e-mail or in person to a Revenue public office. They can request a review by Revenue of any aspect of the way in which their tax affairs have been handled. Such reviews are undertaken by a senior Revenue official who was not involved in the original decision or, at the taxpayer's request, jointly by an external reviewer and a senior official. Taxpayers who are dissatisfied with specific treatments by Revenue can also make an appeal under the relevant statutory provisions. In recent years, the Revenue Commissions introduced a number of other initiatives to ensure taxpayers know about their entitlements.

Deputy Joan Burton: I thank the Minister for his reply. A role for an independent ombudsman for taxpayers has been developed in a large number of other jurisdictions, including the United States. I have seen such offices in operation in other countries and was impressed. Primarily, such an office is to instil in taxpayers a sense of confidence that the taxation system is fair and that actions by the taxation authorities can be addressed impartially, such that the taxpayer can have a reasonable explanation as to what is happening.

I must acknowledge that since I introduced this idea a number of years ago in debates on Finance Bills, the Revenue Commissioners improved many of their information systems very substantially. They have been to the fore in developing new information mechanisms, such as texting and a range of on-line services, all of which are very welcome. Nonetheless, a confidence issue arises in respect of taxation in Ireland and it has never gone away. This issue concerns the fact that if one is wealthy and can afford to employ an accountant or taxation expert to file one's tax returns, compile claims for one and interact with the Revenue Commissioners on one's behalf, one will inevitably organise one's tax affairs far more favourably than one who cannot do so, either because he or she is in the PAYE sector or because he or she is a small business person who does not have the resources to invest in expensive advice on taxation.

The role of an office such as the one I propose is to build confidence in the fairness of the administration of the taxation system. The Minister is making a mistake in not acknowledging that the role of the Ombudsman's office in this regard is important. Tens of thousands of

people in Ireland have invested in Irish banks. In many cases, they did so not simply to make a profit but out of a sense of patriotism. They invested in other Irish equities and, to be honest, many of those investments are shredded. The taxation implications of this for individuals are complex but very significant and important. There will be people seeking information on the consequences of the dramatic fall in the value of bank shares and the impact of this fall on their tax affairs. Significant investors with the resources to employ accountants and tax advisers will be in one position, while those with much more modest means will simply have to shrug their shoulders and take the hit. The same thing happened, as the Minister may recall, when Eircom was privatised. Many people wanted to invest some money for a period of time as a saving, rather than to make a profit, but because they did not short the stocks they lost money. Given that many of them did not invest in other shares, the losses they incurred went unrecognised for tax purposes. Of course tax law must be administered, but we have one situation for people who are well off and have a battery of advisers and another for ordinary taxpayers.

The greatest difficulties are being suffered not just by the shareholders who have lost much of their investment in banks — particularly those who were using the investment either as retirement funding or as a nest egg, for whom the Government's failure to regulate banking properly has led to catastrophic losses — but by the significant number of people who have been working in the construction industry on certificates for the last ten or more years. They have worked hard, are perhaps in their mid-30s, having gone into the building trade in their teens, and now find themselves without employment. Their tax affairs are to some extent in arrears, but when they make a social welfare claim or claim for other assistance they find it is an extremely complicated and lengthy process. In such cases a taxpayers' advocate, setting out clearly the ground rules, would be very helpful. Instead, people start at the social welfare office and are told that a social welfare application will not be entertained unless their tax affairs are in order. This is a fair point. However, it takes them some time to achieve this. They may then register with FÁS but, similarly, until they are in the social welfare system, nothing much more can happen for them.

The system is sclerotic and slow. We should be trying to move people who have lost employment into anything else that is available, or back into study and training, as rapidly as possible. However, at the moment, our systems are very slow. Many of the people who are find themselves in this position are well used to sorting things out online, but they find that in the maze of the social welfare and FÁS system — if they are interested in doing courses in insulation or similar — everything takes weeks, and before one knows it, one is out of work for several months, which turns into half a year. We must prevent people being caught in the trap of unemployment. The role of the Revenue Commissioners here is to ensure that people who were self-employed in the construction industry but are no longer actively employed in that trade are encouraged and that their tax affairs are sorted out as rapidly as possible so they can move on to whatever other opportunities are available.

The Office of the Revenue Commissioners has done much work in improving the information available, but it should come together with representatives of the social welfare system and FÁS to see how they can make it easier for people to quickly complete the required processes in order to move on to the next stage, whether it is a FÁS course, going back to college, going into other employment or receiving social welfare support. We are all talking to people on the doorsteps at the moment, and this issue comes up time and again. Having gone through the social welfare maze, people then find they must go to FÁS, and the response of FÁS varies considerably in different offices. It can be difficult. People are told to go to FÁS websites but when they do they find the courses are not in operation or are already full. Everybody has had that experience.

[Deputy Joan Burton.]

The purpose of a taxpayers' advocate would be to ensure, as part of an overall State effort, that the State assists people in becoming as active as possible in sorting out their tax affairs and getting fair treatment from the tax authorities. In situations of mass unemployment, it should help them sort out their tax affairs so they may move on to other things. We should remember that getting one's tax affairs in order is a preliminary to obtaining social welfare. When appropriately registered, one gains access to various entitlements under FÁS schemes. It is a domino effect. This is where we need an advocate's office which would review processes with an advocate's eye and consider how we can make them better. In this way we can help people who have become unemployed or are threatened with unemployment to find out their entitlements.

Last year I moved an amendment to the Finance Bill with regard to tax deductions on redundancy payments, which the Minister accepted. In this way part of the redundancy payment was used for specified educational courses. However, that has hardly been advertised and there is little information about it. It is difficult to explain who is entitled to this. Big companies, particularly multinationals, who bring in FÁS as part of the process of making redundancy deals are well versed in it, but the ordinary person is not. There is a significant role for a body that would provide information about how people becoming unemployed, particularly those who were self-employed, can interact rapidly with the tax system, sort out their liabilities and move on.

Another important issue at the moment is that of cashflow in business. The Office of the Revenue Commissioners is being quite understanding and I know it must walk a fine line between being understanding of genuine cases and being taken for a ride by people who might try to abuse the system. However, a source of information would be of significant help to people and allow them to be realistic about what they can do to manage their affairs as well as possible and, above all, to stay in employment or in business, if they are in small business.

Deputy Brian Lenihan: I appreciate Deputy Burton's acknowledgement, as I am sure will the Revenue Commissioners, that there have been substantial improvements in the customer-friendly character of this body. The amendment seeks to change how the Ombudsman prepares her report, but I know Deputy Burton is anxious to broaden the subject to include a taxpayers' advocate. We can consider this first from the point of view of the Revenue Commissioners and its ongoing efforts to improve its services. I have put much material on the record of the House in this regard and I do not want to put more, although there is more. It is worth considering the fact that among PAYE taxpayers seeking reviews of their tax liabilities, the number of reviews processed in 2008 was 1.3 million, of which 864,000 related specifically to 2008, giving rise to repayments of €590 million. In contrast, in 2007 1.2 million reviews were undertaken. Clearly there is much work going on in the Revenue Commissioners.

The point Deputy Burton makes is that there must be a constant basis of consideration from the perspective of the taxpayer so that further improvements are made. In that context, I will arrange for the various practical issues she raised to be brought to the attention of the commissioners to see how they can be addressed within the system.

I remain unconvinced that there is merit in requiring the Ombudsman to include particular things in her report. The Ombudsman is independent, of course, but I am sure she would respect a representation to the effect that we should ensure that her capacity as a person of ultimate resort in taxation matters should be drawn to the attention of the public.

Acting Chairman (Deputy Noel O'Flynn): How stands the amendment?

Deputy Joan Burton: I am pressing it.

Amendment put and declared lost.

Deputy Joan Burton: I move amendment No. 3:

In page 5, between lines 11 and 12, to insert the following:

“PART 1

PAPERS OF COMMISSION ON TAXATION AND SPECIAL GROUP ON PUBLIC
SERVICE NUMBERS AND EXPENDITURE PROGRAMMES

1.—The Minister shall as soon as practicable after the passing of this Act make arrangements to put into the public domain any policy papers or options papers setting out proposals being considered by the Commission on Taxation and the Special Group on Public Service Numbers and Expenditure Programmes.”.

I moved this amendment on Committee Stage and have re-entered it here. It calls for the Minister to make arrangements to publish the policy papers and other work commissioned for the Commission on Taxation and the Special Group on Public Service Numbers and Expenditure programmes, popularly known as an bord snip nua.

There have been suggestions in the media recently that have emanated from the commission. It is important to state that the Opposition got the terms of reference of the commission and Opposition spokesmen have had the opportunity to meet the chairman and secretary of the commission. I took that opportunity, as did others. That, however, is the sum total of the information we have about the commission.

The majority of the commission are professional tax advisers, accountants and lawyers who sell their services with a specific taxation content. There is only member working in a personal capacity as a representative of trade unions, while the former chairman of the Revenue Commissioners is there as an experienced public servant with a wide knowledge of taxation to chair the commission. It is, however, mainly composed of those with a professional interest in tax and related matters who make their living advising wealthy people on how to manage their tax affairs.

The suggestions emanating from the commission follow two budgets of exceptional severity for ordinary working people and their families. The Institute of Taxation sent me its calculation of marginal rates of tax following the budget. I asked the Minister a question on these rates and his answer was similar to that of the institute.

A single person on an income of €40,000 to €75,000 is paying a marginal rate of tax of 51%, inclusive of PRSI, health and other income levies. For a person on €80,000 to €170,000, it is calculated that the total marginal rate of tax inclusive of levies is 50%, while someone earning €175,000 to €250,000 is calculated to pay 52%. That is quite a high marginal rate of tax. The programme for Government that Fianna Fáil and the Progressive Democrats signed up to suggested that over five years it would reduce the marginal rate of tax to 40%.

For the self-employed person earning between €40,000 and €75,000, the marginal rate of tax is 50%. For those on €80,000 to €170,000, the marginal rate of tax is 53%, as calculated by the Institute of Taxation, and for those on €175,000 to €250,000, it is calculated as 55%.

I can give the table I received from the Institute of Taxation available to the Minister and the Revenue Commissioners if that would be of assistance. The Commission on Taxation is working at a time when marginal rates of tax have moved dramatically upwards. In answer to

[Deputy Joan Burton.]

a parliamentary question, it was stated that a person on a modest income who is married with children has an average rate of tax of 36%, a very high figure.

The Commission on Taxation has a brief to look at carbon taxes, property taxes and areas of reform in the income tax system. There is a proposal that has been the subject of papers from various quarters allied to the Government, such as the Central Bank and the ESRI, in various reports, suggesting that there should be a property tax of €1,000 per house. How does the Minister propose that someone living in Hartstown or Huntstown who might have lost his mortgage interest relief and early childhood supplement, and who in addition faces significant increases in marginal taxation rates, will also find out of his after tax income an extra €1,000? Is it fair to suggest that it would be amended to reflect the size of a house?

There are profound arguments involved in reforming our tax system in a fair way that are highly contentious politically but that take into account the additional taxation being endured. The Minister said at the conference of credit unions in Killarney that he thinks Irish people are incredible for the pain they are taking and that they are the toast of the European Central Bank and the Council of Ministers for the level of pain they are willing to take.

Deputy Brian Lenihan: I did not use the word “toast”.

Deputy Joan Burton: Remarks were attributed to the Minister where he stated that in other countries there would be protests and demonstrations.

I spoke to a young family man last night off the Navan Road. He has two children and he just found out this week that his take-home pay has fallen by €350 a month. He asked me if the Government is serious about a property tax of €1,000. He has a modest three or four-bedroom semi-detached house. I said that any such move would be the subject of a lengthy debate but that man is paying tax at a marginal rate of around 53%. If he is to pay a €1,000 property tax, he must earn more than €2,000. Is the Government serious about doing this? If the Minister's Commission on Taxation has a mandate to bring this forward, why can we not get the papers published so we can see the pros and cons of it?

The Minister knows from our constituency that some people bought high on expensive mortgages. In the Dublin area people very frequently have mortgages well over €200,000, in some cases €350,000 and maybe even more. They are in negative equity in a serious way. Hopefully most of them do not have to move and can keep up their mortgage payments. Many of those people are also in managed complexes where there is a property management charge, again payable out of their after-tax income. The Minister knows from our constituency that even in a house those property management charges range from €350 to €1,200 or €1,400. For an apartment it starts at approximately €1,800 and goes up to €2,500 and is nearly hitting €3,000. Again that is paid out of people's after-tax income. There is no regulation of what the developers, who have control of these managed apartments and property management companies, charge people.

Why does the Minister not publish the papers so we can have a realistic debate on what his commission, mandated by him, is thinking about? Large numbers of families are very nervous. They are reeling from the hit Fianna Fáil has delivered to them. I say Fianna Fáil because I do not know if the Green Party Ministers were awake during the discussion of the budget.

Deputy Arthur Morgan: No, they were not.

Deputy Joan Burton: I wonder at times where they were. Were they out doing the organic garden? Maybe the Cabinet has an organic garden and they were out looking after the cauliflowers.

Deputy Brian Lenihan: No such luck.

Deputy Arthur Morgan: They were planting lettuces.

Deputy Richard Bruton: Or parsnips.

Deputy Joan Burton: Maybe they were doing that. The credibility of politics in Ireland has suffered greatly. Everybody knows sacrifices are required but that young family man on the doorstep is reeling from the €350 he has lost this month and wants to know — and it is a reasonable question — what is the story on such taxes.

The Minister has said he will either tax, means test or reduce child benefit. That is probably more of a woman's argument in the sense of women being the majority of the caring parents to whom child benefit is paid, but it is a vital element of a large number of family budgets in the middle income range. I heard the Minister's colleague, Deputy Kelleher say he has three small children, some of them qualified to get the early child care supplement, and he felt as a Dáil Deputy he should not be getting it. I do not know whether he discussed it with his wife or partner. Women in Ireland feel very strongly about this.

Children are not recognised in the tax code. In the 1950s and 1960s children were recognised in the tax code and men, who were the major people in employment then got tax allowances for children. The switch to child benefit meant it was paid to the caring parent in the home, and in those days that was almost always the mother. The Government is talking about changing that system fundamentally but not, apparently, recognising that a single person's income supports one person while the income of a married person with three children may support five individuals, or if both parents work their two incomes may support five people.

In the general, universal principles of tax fairness, one has to take into account the core number of people supported by whatever income is available to the taxpayer or married taxpayers, if one is talking about a couple. That is why we need to see the papers on child benefit. Otherwise this report will come out and the great and good and the commentariat will tell us what we will do. Meanwhile ordinary people are becoming more and more nervous because they have to organise their affairs. Do they have the finances to undertake a holiday this summer or to do up the house or kitchen? They have really hard decisions to make and unless the Commission on Taxation publishes some of the papers so we get some of the information we are not in a position as a society to make a judgment.

Maybe the Minister proposes to bring the overall marginal rates of tax down and transfer some of those marginal rates into property taxes, but I fear it will be very difficult to keep increasing the marginal rates. People in the public sector on average also lost 5% to 7% after tax. For public sector people, as a payment for recognising their pension contribution, their marginal rate after the last two budgets is up around the 58% to 59% mark. The Minister has explained to us the mess Fianna Fáil got the country into and how the country has to pay to get Fianna Fáil out of the mess.

Deputy Brian Lenihan: It is not to get Fianna Fáil out of the mess.

Deputy Joan Burton: It is not just about rescuing Fianna Fáil but the country. We need this information to see how we can put together a coherent, fair and just approach to taxation. We still have the people jetting in and out, who are privileged to have made great wealth and have probably created much employment in this country. Everybody says they are great people and good luck to their success. However because of their situation as tax exiles, they are in the happy position where they do not have to worry about the Minister's marginal rates of tax

[Deputy Joan Burton.]

going up that much. It does not bother them. If there is a house tax, who is to know but the devalued pad on Shrewsbury Road may be charged at only €1,000?

That brings us back to this conundrum in Ireland where the people in the middle bear a lot of tax. They are willing to do it for services up to a point. However they are not willing to be completely fleeced and if the Minister has a Commission on Taxation coming up with what seems like additional tax proposals, there is a very strong case to have it published. In the United States and other countries, including all the Scandinavian countries, all these papers would be published on-line as a matter of course to add to the public debate so we can reach a reasoned conclusion on how we genuinely reform tax in this country and make a just tax system.

Deputy Seán Barrett: Is there any reference in the Commission on Taxation terms of reference to the ongoing unfairness to women, mainly, who are home makers and look after their children? One of the Minister's predecessors decided to abolish the allowance that was available and strip these people of the recognition of the very valuable work they do on a daily basis. We try to substitute that by giving allowances for child care. There is no better person to look after a child than the mother. As long as I am here I will continue to campaign for the restoration of some recognition of equal treatment for the people who work in the home. We have heard child benefit will be taxed, and if so this is a further kick in the teeth for the stay at home parent.

Some years ago when this was introduced, I said politics is about politicians making decisions that reflect the type of society in which the people of this country want to live. I could not care tuppence what happens in other countries if people in those countries are happy to live under those conditions. The majority of people in this country recognise the role the parent who stays at home should have. They should be recognised by the tax system. I hope the Commission on Taxation report refers to the plight of these people and takes into account that if a tax on child benefit is introduced, these people will suffer more than anybody else. Perhaps the Minister might refer to that when replying.

Many commentators speak about the fact that we do not have a property tax. They should be informed. People like my children who bought houses in the past five or six years paid vast sums of advance property tax by way of substantial stamp duty. One should ask a young married couple who, after seven years, will lose tax relief on the interest on the huge mortgage they had to take out and who paid vast sums into the coffers, which are now suffering, by way of stamp duty about it. When talking about these types of taxes, I wish people would take into account all aspects of taxation.

We have a property tax called stamp duty. It brought in vast sums of money but, unfortunately, those who contributed the most are young couples struggling with high rates of personal tax and facing the prospect of child benefit being taxed and tax relief on mortgage interest disappearing after seven years. These people contributed vast sums to the Exchequer through stamp duty. I hope those who from time to time say it is crazy that this country does not have this type of tax take into account that we have stamp duty which is a property tax.

Deputy Arthur Morgan: I support fully the thrust of the amendment. Like everybody else, I cannot wait for the report of the Commission on Taxation. I hope all the associated documentation will be published at the earliest possible opportunity.

A number of the measures in this budget have already made people significantly poorer. Deputy Barrett just referred to one, namely, mortgage interest relief. People took out huge mortgages because builders and developers were ripping them off with their grossly overpriced properties. At the same time, the banks were shovelling out money to them often out of line

with proper lending conditions. The result is that many of these families now find themselves before the High Court with the prospect of losing their homes. We know the figures are increasing daily.

The abolition of mortgage interest relief will have a very negative impact on people who are already struggling. To make matters worse, the value of those people's properties has fallen substantially as a result of the bursting of the property bubble. I flagged the property bubble with the former Minister for Finance as far back as September-October 2006. I said that the bubble and the consumption were totally unsustainable and that we needed to concentrate on SMEs and try to generate a proper export base rather than the artificial income streams to Revenue then prevalent.

The announced abolition of the Christmas bonus to people on welfare, including pensioners, will hit them very hard. It is a very mean-spirited and unnecessary budgetary measure. There are other people with income who could better afford to take a hit than pensioners after whom the Minister should have gone. Will the Minister confirm that an announcement is pending, probably next week before the elections, that the Christmas bonus will not be abolished? If such an announcement is made, it will be recognised for what it is, namely, an election stunt or gimmick. I have no doubt that as soon as the elections are over the Government will revert to the position of withholding that bonus from the poorest in society.

The result of this budget has been to make people substantially poorer. It is interesting to contrast this with the discussion in recent days about the religious orders. The religious orders are being asked if they would not mind contributing something extra towards the compensation for the people they abused. It is substantially different from how pensioners are being treated with the Christmas bonus simply being taken away from them. It is quite telling in terms of the Government's outlook not only on fiscal matters, but on society generally.

I do not have major expectations about the report on the Commission on Taxation because the terms of reference are so narrow that it will find it difficult to come back with as comprehensive a report as many of us would have liked. That said, I do not want to be negative about the report. I await its publication and look forward to a discussion on it. I hope a consequence of its publication will be a significant overhaul of the taxation regime in this State because it is long overdue.

Deputy Richard Bruton: I support this amendment. Will the Minister indicate the dates on which he expects to receive the report of the Commission on Taxation and the completed report of the McCarthy group? Will he indicate whether he intends to publish these documents before the Government makes policy decisions in regard to their content? Will he publish the commission's report without comment and wait until the budget for any substantive elaboration of the Government position or will he make some response to the report indicating the Government's reaction to different elements of it? Will we see publication of the report of the McCarthy group after the Estimates are published or will we see the McCarthy deliberations ahead of the Estimates because it would make a big difference to the sort of debate which would take place?

The Government saying these issues can be debated but then sitting on its hands, not engaging in any debate and saying these are all budgetary matters, is not helpful or serious. If we want engagement on the 2010 budget, the Government must set out options and give some Government-backed analysis of the implications of those options in order that the House can reach some sort of assessment. The habit in which the Minister and his predecessors have indulged of asking the Opposition to state everything it would like to see done and saying nothing is supposed to be consultation and an exchange of views. However, one does not need

[Deputy Richard Bruton.]

to be very long around this House to know it is nonsense and purely a political ploy by Ministers to get us to come up with some hardship clause about which they will hound us forever more but which they will not implement. If we are to have more honest engagement about the choices, the Government cannot sit on its hands, say nothing and just listen.

It will be interesting to hear the order of publication and the nature of debates in which the Minister believes are worth engaging, if any.

Deputy Brian Lenihan: I should start with Deputy Burton's amendment, but I want to deal with Deputy Bruton's points first.

It is envisaged that the Commission on Taxation will report at the end of July. As regards this particular amendment, the commission is not under my direction, but is independent. It exists to furnish us with an assessment of how the tax system can be reformed. It is looking at the issue raised by Deputy Barrett on individualisation. It has been requested to provide a report on the results of its examination and to make such recommendations, as it thinks fit, to the Minister.

As regards the publication of individual documents, reports and submissions made to the commission or internal papers or records emanating from its work, these are matters entirely for the commission at this stage. However, I believe there is merit in the point made by Deputy Bruton and in the spirit of the point made by Deputy Burton, that the widest possible information about the tax options is essential in advance of the budget to be submitted this year. For that reason I am prepared to examine what documents can be published on receipt of the report. Naturally, I shall have to discuss this with the chairman of the commission, and I cannot give a commitment at this stage, but I am disposed to publish the maximum possible amount of information on the work of the commission because I believe it will help informed debate about the options and choices that face us. Indeed, before the supplementary budget in April, Deputies Bruton, Burton and Morgan were given the opportunity of being briefed in detail by the Department of Finance about the options that were available. By convention, the content of those briefings and what passes between Deputies and the officials is not passed to me. I am not fully aware of what actually passed between the Deputies and my officials at that stage. To some extent I am aware, however, because the Deputies have told me.

While I did not seek to compel the Deputies to support the budget, I believed that providing more information on the available options was helpful for a more informed debate about the budget. For that reason I believe it is important that the maximum amount of information is furnished about the Commission on Taxation. However, I must emphasise as regards this amendment that my hands are tied in the sense that I cannot at this stage, nor should I, direct that the commission produce papers since it is an independent body. At the conclusion of its deliberations I will examine that issue, and I am disposed to the maximum possible disclosure.

The McCarthy group is referred to in Deputy Burton's amendment and Deputy Bruton has mentioned this, too. Again, no decision on publication has been taken yet in that regard. Fundamental decisions have to be made on expenditure, and again my disposition is to publish the maximum amount possible. However, the McCarthy commission is operating as part of the Department, so it is in a different position from that of the Commission on Taxation. It is not an independent body in that sense, but more in the nature of a collaborative exercise between my Department and those who have externally agreed to assist. There is no question, however, of my sub-contracting out my responsibility to prepare the Estimates. I just believed it was of value to my Department to have external assistance in assessing expenditure. Again, I will consider that, but neither the Government nor I has made a decision at this stage in that regard.

A wide range of issues was canvassed apart from that and I am not sure how much benefit can be derived from going back over them because I have spoken to the amendment. Clearly, it is important on the tax side that the various options under consideration are looked at very carefully. The ESRI is not allied to the Government. In fact, in its constitution and authority it has always been an independent source of economic and social advice and research. It does consultancy work, but is not a body which, on a full-time basis, advises private bodies. Unlike many analysts it is not working for a private firm and is not committed in that sense. It is of value to the State, however, to have an independent organisation looking at economic and social research. I find the ESRI's findings very valuable and informative, but it is not allied to the Government.

I am not sure how Deputy Burton might characterise the relationship between the Central Bank and the Government, but certainly the Government has given no consideration to any possible rate of property tax or any suggestion in principle in that regard to the effect that one should be introduced this year — or indeed to any suggestion that it should be fixed at the rate she mentioned. That has not come before the Government at this stage. We will examine what the tax commission has to report in that regard.

As regards the marginal rates, we may have an opportunity to speak to this when we talk about the levies. However, it is important to note, of course, that looking at marginal tax rates can be somewhat misleading. It is the effective rate of tax that matters. If we take one individual earning €36,400 and another earning €36,401, one has a marginal rate of 30% while the other has a marginal rate of 51%. However, they both have the same average tax rate of 19.2% and I can give many other examples. That, again, is known to Deputies, but it is a point worth making in the context of marginal rates.

In a broader sense I agree with Deputy Burton, and I made it clear in the budget speech that the limits for the extension of income tax have been reached. I welcome the fact that Deputy Burton, this morning, acknowledged that an adjustment is needed in the economy. The question, of course, is how this adjustment can be made in a fair way. I believe there are limits to the way in which taxation can be imposed or extended to meet that burden, and that inevitably means we have to focus on our expenditures.

I do not believe I was toasted by Europe regarding the four budgetary adjustments I had to implement in the last year. The European authorities' response was not a toast to me, but rather the Irish people, who have carried this heavy burden of adjustment and shown their capacity to adapt and be resilient. In fact, our unit labour costs this year will have improved 7% as against the rest of the eurozone countries. That is an enormous increase in competitiveness and it is a tribute to the adaptability of the Irish workforce. We know how educated and how adaptable it is. It is difficult for public servants to pay the pension levy, but that was introduced to fund what is a substantial State liability. Persons who wish to make these pension arrangements who are not public servants have to spend considerable sums of money doing it. All these facts should be taken into account in looking at our contemporary economic position.

Deputy Joan Burton: I want to thank the Minister for his reply about being open to the notion of the papers being published. There is a degree of fiction there, however, as regards how independent the commission is from him. The commission, of course, once established is independent, but if he moved his little finger in this or that direction, it would immediately say, in effect, "how high or how far do you want us to jump?" That summarises the relationship of the Minister for Finance with the Commission on Taxation, particularly with all those people from the taxation and accountancy professions who are so eager to be on the commission. No matter what the Minister might ask them to do, they would turn cartwheels at the front of Leinster House, if necessary, were he to ask them.

Deputy Brian Lenihan: I am glad the Deputy believes that, but it is not true.

Deputy Joan Burton: Were he to suggest that papers were to be published and options discussed, I believe they would find a way of getting over their shock, coming to terms with it and doing it. That is my guess, from what I know.

For the record, in a reply which the Minister gave me on 12 May, just a few weeks ago, he said: “It is important to note that the tax rate is just one factor used in calculating the actual tax, and individual pays should not be viewed in isolation. When tax credits and bands are taken into account, a single individual earner on €80,000 will now have an effective average tax rate of 36%. The Minister’s officials compiled that particular answer, and that is what the effective tax rate is, and a limited range is included there.

In respect of the house tax, the Minister and certainly Fianna Fáil is experienced enough at massaging the media and the commentariat——

Deputy Brian Lenihan: The Deputy is not bad at it herself.

Deputy Joan Burton: When articles appear in a variety of publications and locations, all of which identify a €1,000 house tax——

Acting Chairman: The Deputy’s two minutes are exhausted.

Deputy Joan Burton: ——they all came up with a suggested and magical figure of €1,000 in respect of a property tax. The Central Bank and Financial Services Authority of Ireland and various other institutions also used that figure in their commentaries. Perhaps secret meetings are taking place, funny handshakes are being exchanged and indications are given as to the likely shape policy will take. In any event, people are extremely concerned with regard to an additional tax of €1,000 being levied in respect of every house.

People have large mortgages but their incomes are shrinking. Many of them paid a great deal of stamp duty and are due to lose out on mortgage interest relief in the near future. If they are employees, their marginal tax rate will have risen to 51% and if they are self-employed, it will have increased to 52% or 53%. It will be a major imposition on these individuals if they are obliged to pay €1,000 from their disposable incomes while also taking the hit the Minister is proposing in respect of child care.

The director designate of NAMA informed the Joint Committee on Finance and the Public Service yesterday that he and his officials had met representatives of the Congress of Trade Unions and, under the auspices of the Construction Industry Federation, also the developers.

1 o'clock The only place that does not receive information is the Dáil. Social partnership is fine and does many great things. However, the Dáil represents all citizens and its members should be provided with the relevant information. The way matters operate at present, this is not happening. It is for this reason that the reports of an bord snip nua should be published in order that we might engage in a reasoned debated.

Deputy Kieran O’Donnell: Several people have previously suggested that the Comptroller and Auditor General, Mr. John Buckley, should be involved in the review being carried out by the special group on public service numbers and expenditure programmes, which is chaired by Dr. McCarthy. I am surprised that the Comptroller and Auditor General is not a member of that group. Has any action been taken in the context of involving the Comptroller and Auditor General in the process? His office has access to information — historical and current — that is vital to this process. I am of the view that Mr. Buckley and his colleagues could bring something to the table in respect of assisting the review in examining budgeting processes.

What we are concerned with here is better use of taxpayers' money. I come from a business background and I find the budgetary process unusual. There is an incremental system under which standard annual increases are provided in respect of each heading. We should move to a system whereby a form of zero-based budgeting would apply. Under such a system, there would be a need to justify every item of expenditure. There would also be a need to introduce an entirely new budgetary process whereby all Members would be part of the system. This would be preferable to continuing with the current system of allocating standard increases across all headings. It is for this reason the Comptroller and Auditor General should be part of an independent review process. Has the Minister taken action in respect of this suggestion, which was put to him on the last occasion on which parliamentary questions were put to him in the House?

Deputy Brian Lenihan: Mr. Buckley, as Comptroller and Auditor General, and his staff do excellent work. However, the exercise being carried out in my Department comes under my direction as Minister for Finance. I do not believe it would be constitutionally proper for the Comptroller and Auditor General to be involved in that process. Under the Constitution, he is an independent officer who works for this House and he is not, in any sense, accountable or responsible to me in the context of formulating or suggesting improvements to policy. While I appreciate the spirit in which Deputy O'Donnell made his point, I do not believe the course he suggests is open to me. Those involved in the expenditure review within the Department can, however, draw on the expertise of Mr. Buckley and can also draw on the reports furnished by him and his predecessors.

The Deputy's intervention raises the wider question of whether a focused review of expenditure should be a permanent feature in respect of the expenditure side of my Department's activities. That is a matter I am considering in the context of the McCarthy operation.

The budgetary headings to which Deputy O'Donnell refers have been established for a long period. Like him, I have read many accounts in my lifetime and I was extremely puzzled by the way in which the public accounts are presented when I first encountered them.

Deputy Kieran O'Donnell: The term "puzzled" is not one I would use.

Deputy Brian Lenihan: The accounts have their own mysteries and the methods of analysis and presentation which apply in respect of them are very different to those used by auditors and accountants involved in compiling general business and personal accounts. However, there is a way to read them if one can master it.

The Deputy must give me some credit on being the first Minister for Finance for many years to have approached the public finances from the perspective of beginning from a zero-budget scenario. When he takes that perspective in respect of our finances, he will quickly discover that a great number of accrued liabilities relating to salaries and welfare payments must be discharged in any year. If one aggregates those sums — the cost of payroll and of welfare — one is left with a figure that accounts for two thirds of the entire volume of public expenditure in the State.

Deputy Kieran O'Donnell: I accept the Minister's points and I welcome the fact that he will be encouraging Dr. McCarthy's review group to consult the Comptroller and Auditor General. As already stated, I would not use the term "puzzled" in respect of the way in which the public accounts are presented. Reviewing them is relatively straightforward. The issue which arises is that when one considers the various expense headings, in many instances one will see a standard percentage increase being provided.

[Deputy Kieran O'Donnell.]

As Deputy Bruton has stated on many previous occasions, the process relating to the budget should be far more interactive in the context of involving members in the production of figures. Effectively, we are presented with what is a *fait accompli*. I agree that there are items of expenditure that are fixed. However, there are other items of expenditure that are variable. Taxpayers' money is a scarce resource and it must, taking account of value for money, be spent in the wisest way possible.

That is the perspective from which I am coming and I was not engaging in an interpretation of the public accounts. The officials in the Department of Finance do a very good job in the context of presentation. I am concerned about the process and how we should proceed in respect of it. I hope the Minister will take the points I have made on board.

Amendment put and declared lost.

Deputy Joan Burton: I move amendment No. 4:

In page 5, between lines 11 and 12, to insert the following:

“PART 1

REPORT ON TAX EXILES

1.—The Minister shall as soon as practicable after the passing of this Act publish a report into the number, status and rights and liabilities of tax exiles, a comparison to other tax exile regimes, and the annual cost to the exchequer of such tax exiles.”.

The purpose of this amendment is self-evident. It suggests that the Minister for Finance shall publish a report into the number, status and rights and liabilities of tax exiles, a comparison to other tax-exile regimes and the annual cost to the Exchequer of such tax exiles. As the Labour Party spokesperson on finance, I have sought, on behalf of people in the PAYE sector and of small and medium businesses, to introduce into this country the notion of tax justice and tax fairness. In other words, we must all pay our taxes and we must be encouraged and facilitated in doing so. In a democracy, the greatest encouragement to people paying their fair share of taxes is to keep taxes moderate, make the system easy to understand, fair and just and ensure that the wealthy and powerful contribute their fair share as well. The problem for Ireland is that we had a regime, primarily facilitated by successive Fianna Fáil taoisigh and Ministers for Finance, that said, in the words of F. Scott Fitzgerald, “the rich are different”. Everyone in a republic is a citizen but the rich are different. The first stage in dealing with this is to have information on who are the tax exiles, the number of them and what their contribution would otherwise be in income tax and PAYE.

I am aware of the argument put forward by many who are tax exiles. They say they love their country, which I do not disagree with, they contribute much to charity and they contribute to employment ventures and continue to give employment. Some ask me why we ask them to pay income tax and whether they are doing enough. From the point of a family of multimillionaires, this is understandable. It is like in Jane Austen's novel, where the rich brother who inherited was going to give something to the poorer siblings but every time it came to giving he just could not bring himself to do it. Tax exiles are a little like that.

Some were to the fore when the Minister for Finance increased tax rates for those in the PAYE sector. They were particularly delirious with delight when the Minister lashed on the public service pay levy.

Deputy Brian Lenihan: Does Deputy Burton know who these people are?

Deputy Joan Burton: They are in the newspapers and I think the Minister knows them very well. Some thought it was good that the Minister was getting at the public service and were delighted the Minister was imposing the levy. In the halls of Versailles, people have been exclaiming how much punishment Irish people took. We are being feted throughout Europe for not demonstrating but taking it on the chin. I met several people, who the Minister knows, coming from the credit union conference to which the Minister referred. Two people, who the Minister and I know very well, are members of Fianna Fáil and several others are members of a credit union in their place of employment. They were between laughing hysterically and apoplectic with rage. They asked me if I would be impressed if they rioted. Of the three couples who were there, one couple lived in the constituency of the Minister and I.

Acting Chairman: Is this story about the amendment?

Deputy Joan Burton: It is about the amendment. Ordinary people need to know what the Minister will do to introduce fairness and address the continuing anomaly of tax exiles. They were delighted to see the levy on the public service, with people on modest incomes in the Civil Service paying a large additional levy. What has happened to tax exiles? Nothing. The chairperson of the Revenue Commissioners reported to the Committee of Public Accounts that there are approximately 6,000 wealthy tax exiles, not including those moving in and out of the country for ordinary employment. I see people suggesting that this is not correct but that report is in the public domain. The purpose of the amendment is to get a report on this so that we can decide what to do about these people and how to encourage them to make a contribution. Making this country into a true republic involves all citizens carrying an equal value, recognising and respecting the flag and included in this recognition and respect is paying a fair share of tax. This does not mean an excessive or extraordinary amount of tax but a fair, moderate share.

One of the Minister's predecessors, Charlie McCreevy, said there was no pot of gold of unpaid taxes. In the past ten years, through the tribunals and various investigations carried out by the Revenue Commissioners into offshore tax schemes, tax exiles, non-resident deposit accounts, insurance policies and a plethora of other schemes largely availed of by people with significant resources, the collection of tax by the Revenue Commissioners amounted to many billions. There are pots of gold and, at a time when our health and education services are coming under increasing stress and strain, it is important we afford tax exiles an opportunity to contribute. If we have an open debate on this maybe we can recognise the contribution they are making. I acknowledge the contribution they make and good luck to them for doing so well.

In the United States, as a badge of citizenship, citizens are required to pay taxes. Most of these tax exiles have wives, children and grandchildren and are Irish citizens. They wear the Irish jersey and want to carry an Irish passport. Why can they not pay their Irish taxes? Let us have a report and a debate on what is happening. The Minister recognised the Cinderella situation last year where people were jetting off or leaving the country by helicopter at one minute to midnight. Many of those liquidating large interests in companies went offshore for three or four years to the south of Spain. This is the context of capital gains tax and other capital taxes being reduced to 20%, a significant but moderate rate of tax. People talk about it as if it was a nothing rate of tax but 20% of a capital gain is a significant but moderate amount. Even that was too much for most of these people. The Minister should move on this as part of bringing tax justice, tax fairness and a more open system of accountability for taxation contributions so that people can have confidence that the rich man in the big house is making a fair contribution. I acknowledge that many Irish people who have done very well have always paid all of their taxes and are happy to do so. They often give me great encouragement to go after

[Deputy Joan Burton.]

those who find it difficult to pay a cent to the Revenue Commissioners voluntarily in income tax. Income tax is for the little people, not people like them. In a republic we must show that it is different.

Deputy Richard Bruton: Is it the Minister's understanding that the Commission on Taxation will examine the treatment of those who fail to make tax returns in Ireland? It is a source of considerable irritation that those who are well placed can manipulate returns, their presence in the country or how tax is presented. People believe that everyone must make a fair contribution.

A previous Minister for Finance used to tell us there is no pot of gold. Regardless of whether there is, people want to see fairness in how the tax code is applied. It would be good to have an objective assessment of this matter by the Commission on Taxation. A sense of unfairness pervades our community. People who had great opportunities given to them choose to treat their tax affairs in a way that does not reflect the opportunities given to them by our society.

It is a serious issue and we must develop a response that is fair and balanced. In his recent budget, the Minister has moved to try to tighten this and the effort must continue. There should be fairness and the notion that people will uproot and go is considerably exaggerated. A fair tax code must be applied.

I am interested to know whether the Minister's terms of reference will embrace this issue. Deputy Burton's amendment seeks a fair assessment of this matter each year so we could see that the reliefs, where given, are justified. We are giving reliefs in allowing people organise their tax affairs in certain ways and we should see that the relief is justified in terms of its social benefit to the community and that it is fair. We want such objective information on the record as best we can.

There has been much debate and in the absence of proper reporting with this issue, people see all sorts of issues. The best way to deal with the matter is by having the facts on the record and we could then deal with them. Is there a social benefit justifying these rules, what would that be and does it sustain scrutiny? Are the rules fair? We must have such information on the table so that outsiders considering how the Oireachtas handles this issue will see that proper and fair balance is brought to bear on this issue and there is not a golden circle which can evade its responsibilities.

Deputy Seán Barrett: I welcome this proposal as it is time we decided on the exact definition of a tax exile. There are many such definitions. Is a person a tax exile if he or she is a member of the European Union but decides to live in Germany having made money in Ireland? Free movement of people, goods and services is part and parcel of what we voted for in regard to the European Union. We had better make up our minds on what exactly we mean by the term "tax exile".

When does a person become a tax exile according to the taxation code? We are living in different circumstances and we are no longer just a little island off the west coast of Europe. Is a person a tax exile if he or she made money outside Ireland while living here, or if that person moved out of Ireland to look after the business? Is a person defrauding the State of its taxes in such a case? There are many factors that one could question.

We should have a thorough examination of the matter and decide exactly when, where and how people should pay taxes, as well as what taxes they should pay. For example, if a person is fortunate enough to make much money here and in order to avoid paying capital gains tax decides to do a runner and live somewhere else, I would regard that as being disloyal and unpatriotic. On the other hand, if a person has a business outside the country and wants to

manage it while still being able to return to this country, would that person be a pariah if he or she ran businesses in this country? A person may want to live closer to his or her businesses.

There are various reasons for people being in different categories. Should people who pay a certain amount of tax through their businesses here be treated differently in terms of the number of days they can spend here? I presume that if a person is running businesses here, he or she needs more time to come back and look after them than those people who want to spend half the year here, enjoy our services but not contribute anything. Surely there must be a difference between such people and those who return because they want to or are looking after businesses here.

If a person is genuinely running businesses here but working abroad, is it not better for them to be here for the 40 extra days spending money rather than having to stay away? We should have a mature debate. Nobody wants to defend people who want to avoid paying any sort of taxes in this country while at the same time availing of the services we provide. I hope nobody in this House would want that type of arrangement. Nevertheless, there are circumstances where good Irish people live abroad but still invest money and create jobs here. They want to return home like anybody else and look after their investments or spend a holiday here.

I very much welcome what Deputy Burton is attempting to do here in having an open and frank debate on how people qualify as tax exiles, or under what tax bracket people would be in. If a person is providing employment and investing in the country but happens to live in another country, he or she should be entitled to more days when looking after a business than the person with no investments and who wants to just avoid paying tax. A person from the European Union is entitled to be here all the time.

We are attempting to apply the same rules to everybody, which is not fair or reasonable. It is not fair to the people who have a commitment to the country and who wish to or continue to invest here while having businesses abroad that they must look after as well. The fact that such people create money abroad would help them to invest further in this country. We should have the debate and consider what bracket each group of people would come under but everybody should not be tarred with the same brush. That would be grossly unfair.

The singular regime taking into account the number of days one can spend in this country applies to everybody, irrespective of the circumstances various groups fall into. It is not a fair way to deal with the issue. As I indicated at the outset, we must also come to terms with our membership of the European Union. The Minister, Deputy Burton or I can live anywhere within the Union and return here as often as we like. That is what we signed up to.

Acting Chairman: I may have to interrupt Deputy Morgan at 1.30 p.m. to suspend the House.

Deputy Arthur Morgan: I do not believe the Acting Chairman will have to do so as I only rise to say that I fully support the amendment. I am surprised it was not grouped with my own amendment No. 6 but having said that, I very much welcome the opening of the debate on the matter. I hope the tax exiles issue can be teased out and perhaps we can get a definition on the term, identify anybody involved in a scam and close significant loopholes.

Deputy Brian Lenihan: I also welcome the debate because it affords me the opportunity to give some clarity on the matter. The Irish tax system is the same as those in other advanced countries and in line with general international practice in this respect. As Deputy Barrett pointed out, individuals travel between states and an arrangement must be arrived at between countries as to which jurisdiction such people are taxed in.

Individuals resident in the State for tax purposes are taxable on their worldwide income. Individuals not resident here for tax purposes pay tax on the income they earn here. In a strict sense, there is no such thing as a tax exile despite the popularity of the concept in debate. A

[Deputy Brian Lenihan.]

former chairman of the Revenue Commissioners informed the Committee of Public Accounts in November 2004 that there was no such thing as a Revenue list of Irish citizens who are tax exiles.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Prison Accommodation.

44. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the bed capacity in each prison; the number of prisoners incarcerated at each location; the action he proposes to take in respect of prison overcrowding; and if he will make a statement on the matter. [21853/09]

45. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the concern expressed by an association (details supplied) at the extent of overcrowding in prisons and the warning of the atmosphere that the overcrowding is creating; his plans for the provision of additional prison places in view of the collapse of the Thornton Hall project; and if he will make a statement on the matter. [21686/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 44 and 45 together.

There has been a consistent increase in the total prisoner population over recent years. It was particularly apparent over the past 12 months during which time the total number in custody increased by 267, a 7% rise in the number in custody. Several reasons are responsible for this increase, in particular the extra resources provided by the Government to the Garda Síochána which has been increasingly successful in prosecuting criminals and extra court sittings which have resulted in higher committal rates.

There is no evidence the courts are excessive in their use of the sanction of imprisonment. Figures produced by the Courts Service suggest only a quarter of indictable offences brought before the District Court and the Circuit Court result in immediate prison sentences. Use is made of fines, community service, probation, restorative justice and suspended sentences. Nevertheless, there are many circumstances where a custodial sentence is the only appropriate outcome and the spaces for those people sent to prison by the courts must be provided.

Despite increasing the stock of prison accommodation, I have acknowledged that prison overcrowding is an issue. While our rate of imprisonment is lower, and the level of overcrowding less, than many of our EU neighbours such as the UK or France, it does not take away from our responsibility to address this issue.

On 22 May 2009, there were 3,642 permanent beds available in the prison system with 3,853 prisoners in custody, representing an occupancy level of 106%. The table which I propose to circulate in the Official Report will provide a breakdown of the population of each prison and place of detention on 22 May 2009.

Significant investment has been made in the criminal justice system in recent years, not least in the prison system. The Prison Service has been engaged in an extensive programme of

investment in prisons infrastructure involving both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997, in excess of 1,300 prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick Prison.

Despite this significant investment, it is quite clear that in some of our prisons, we are operating in excess of our bed capacity. However, in the short to medium term this issue will be addressed by the provision of 400 prison spaces by mid-2009 by means of the following: a new remand block in Castlerea Prison which will accommodate approximately 100 prisoners; a new block in Portlaoise Prison which will accommodate approximately 150 prisoners; and a new block in Wheatfield Prison which will accommodate 150 prisoners, due to be completed in the summer of 2009. Recently over 30 extra spaces have been made available at the open centre at Shelton Abbey and a further 40 at the open centre at Loughan House.

The prisons have contingency plans in place whereby they can accommodate numbers above their ideal working capacity. Given the serious pressure the Prison Service has been experiencing during the past 18 months, in 2008 it became necessary to introduce additional contingency accommodation through the doubling up of cells in Mountjoy, Wheatfield, Cloverhill, Midlands and Arbour Hill prisons and in the training unit. This provided 180 bed spaces.

As the pressure shows no sign of abating, the Prison Service recently decided to increase its capacities through the doubling up of further cells in Mountjoy, Wheatfield, Cloverhill, Midlands and Arbour Hill prisons and in the training unit, creating 200 additional temporary bed spaces, some of which are already in place and others coming on stream shortly.

The Government is firmly committed to replacing the prisons on the Mountjoy complex with modern prison accommodation at Thornton. I intend to bring comprehensive new proposals to the Government in the next fortnight setting out how we can proceed with building a new, modern, regime-orientated and cost effective prison complex at Thornton that best meets the taxpayers' interests. Following consideration of these proposals by the Government I will make a public announcement on this matter.

Prison — Place of Detention	Bed Capacity	No. in custody
Arbour Hill Prison	148	157
Castlerea Prison	228	271
Cloverhill Prison	431	442
Cork Prison	272	293
Dóchas Centre	85	106
Limerick Prison (male)	275	294
Limerick Prison (female)	20	19
Loughan House	150	126
Midlands Prison	469	498
Mountjoy Prison (male)	540	678
Portlaoise Prison	210	110
Shelton Abbey	100	95
St. Patrick's Institution	217	228
Training Unit	107	114
Wheatfield Prison	390	422
Total	3,642	3,853

[Deputy Dermot Ahern.]

Additional information not given on the floor of the House

There is agreement on all sides of this House that we need to replace Mountjoy Prison complex. What is at issue now is how to do that having regard to the current financial climate. I am strongly of the view that building new prison facilities at Thornton Hall on a greenfield site will open up new opportunities for the development of structured regime activities that support rehabilitation and resettlement of prisoners. The Mountjoy complex — due in the main to the limitations of the prison infrastructure there — does not allow for the range or diversity of programmes that a new greenfield site offers. In developing its design concept for Thornton, the Irish Prison Service sought and continues to seek to deliver a modern, operationally efficient and cost effective facility which will provide decent living conditions for prisoners with appropriate support programmes, including the provision of modern facilities for prison staff. I do acknowledge that there will be some delay in achieving our aim but the commitment to modernise our prison estate is of paramount importance to me and the Government.

Deputy Charles Flanagan: At approximately €2,000 a week or €100,00 per year per prisoner, society is getting bad value for money from its prison system. There is a need now, more than ever before, for a fundamental rethink of our prisons policy given the revolving door nature of the system. Statistics clearly show a recidivism rate of 50%, with people often back in prison within four years. There is no strategic management of the prison populations or case management of individual prisoners. We now have a real problem of chronic overcrowding in the prison system which the Minister is not addressing. He has told the House before of his plans to make extra prison spaces available this summer. We are now at the end of May and the prison population is increasing by 1% per month. The contingency accommodation that the Minister spoke about is actually the governor's office in Mountjoy Prison and many reception areas in prisons doubling up as cells.

An Leas-Cheann Comhairle: Has the Deputy a question?

Deputy Charles Flanagan: This is no way to run our prisons. When exactly will the 400 extra prison spaces that the Minister has spoken about in the House for the past several months become available?

Deputy Dermot Ahern: I do not accept we are getting bad value for money. Ireland has one of the lowest percentage of prisoners to population in comparison with most other EU member states. As for the 400 extra spaces, it is obvious the Deputy did not listen to what I said earlier.

Deputy Charles Flanagan: I heard the Minister say mid-summer but that is in three weeks.

Deputy Dermot Ahern: In the coming weeks 100 new spaces at Castlerea and 150 spaces at Wheatfield will become available. The remaining balance will become available later on. These are new places and I do not accept the allegation that the Government has done little in this respect. We have planned the extra 1,300 prison places over the past ten years with another 400. For the long term, we are examining the prison estate, replacing Mountjoy Prison which is out of date and proceeding with the Thornton Hall project. The Government is also examining means of preventing people entering the prison system through restorative justice and other programmes.

Deputy Pat Rabbitte: During the last Question Time, the Minister told us there was a 30% increase in the price for Thornton Hall which he described as coming to hundreds of millions

of euro. Since then I have been attempting to understand how 30% of the price could come to hundreds of millions of euro. I have been informed the increase in the construction price was actually €30 million, of which 85% is due to sourcing moneys on the international bank markets and 15% due to alterations in the day-to-day operation sought by the Prison Service.

Moreover, I was informed that €30 million of additional construction work was demanded by the Irish Prison Service in changed specifications that were borne by the company and that the company itself made submissions to the Department in respect of a changed specification that is to modern international standards and which would have brought home the project for €40 million less but that this was rejected. This constitutes a dramatically different picture and the Minister should take this opportunity to tell Members whether there is any truth in it, because this information is well-founded.

Deputy Dermot Ahern: First, I was neither privy to nor part of any negotiations and have had no contact with either the Léargas consortium or any other consortia that had bid. While I am unsure of the source of Deputy Rabbitte's figures, and it might be illuminating were he to disclose their origin, from the information I have been given by my staff they are not correct. As I stated, the overall increase was more than 30% of the original indicative annual unitary price that had been agreed. As the Deputy may recall, this price was to be paid on a public private partnership basis, that is, as an annual payment over a 25-year period. As I noted earlier, due mainly to the cost of finance the price has increased by 30% since May 2007, when the original preferred bidder was chosen. I believe Deputy Rabbitte referred to a figure of €30 million.

Deputy Pat Rabbitte: No, the Minister referred to hundreds of millions of euro.

Deputy Dermot Ahern: Yes I did. However, the Deputy referred to €30 million.

Deputy Pat Rabbitte: Yes.

Deputy Dermot Ahern: That is not the case and I stand over my comments in respect of hundreds of millions of euro because this is a massive project. As I noted previously, its overall scale is such that this will be a prison for 20 or 30 years time and its overall capacity could be 2,200 spaces, doubled up. While the Deputy has referred to it as a super-prison, it comprises a number of prisons within a single complex. It comprised eight different blocks and was a massive project. Having considered its overall funding, in the circumstances it obviously is not affordable at present——

An Leas-Cheann Comhairle: I will take a brief supplementary from each of the Deputies. I call Deputy Rabbitte first.

Deputy Dermot Ahern: I will revert to the Cabinet within the next fortnight with proposals as to how to revisit the entire issue, provided the same capacity is continued with——

An Leas-Cheann Comhairle: Go raibh maith agat. I am anxious to get a brief supplementary.

Deputy Dermot Ahern: ——while reconsidering the configuration.

Deputy Pat Rabbitte: No one outside this House would believe this. The biggest prison building project in the history of the State is the responsibility of the Minister for Justice, Equality and Law Reform. He tells the House piously that he does not know anything about the figures, that he has nothing to do with it and that he does not meet——

Deputy Dermot Ahern: No, I did not state that I did not know anything about the figures. I stated the Deputy's figure of €30 million was not correct and he should not misquote me.

Deputy Charles Flanagan: The Minister stated he was not involved.

Deputy Pat Rabbitte: Members are entitled to know. Were I Minister for Justice, Equality and Law Reform, I would know everything there was to be known about this building project. I again ask the Minister whether it is true that the increase in the price from that indicated in 2007 is not hundreds of millions of euro but is approximately €30 million and that it is mainly due to the cost of sourcing money on the international markets. If this is the case, how does the Minister propose to find an alternative developer that can source such funds more cheaply? How can the Minister reject this proposition, on which so much work was done, and offer the House the prospect that he will get someone else to build it far more cheaply?

Deputy Dermot Ahern: Whoever is briefing Deputy Rabbitte is doing so with completely incorrect and inaccurate figures. I know the figures and the difference in the unitary annual cost between the time when the preferred bidder was announced, after which negotiations began, and the final offer that was made by that bidder.

Deputy Pat Rabbitte: It was hundreds of millions of euro.

Deputy Dermot Ahern: Over the 25-year lifetime of the contract, it would have cost the taxpayer hundreds of millions of euro more. I considered it in the context both of affordability and the concept of constructing a prison to the proposed scale. The Government will consider constructing a similar prison with the same configuration of spaces but will try to find a way to do so while providing better value to the taxpayer.

An Leas-Cheann Comhairle: A brief supplementary from Deputy Flanagan.

Deputy Dermot Ahern: Ultimately, when I considered the position, having been briefed by my officials on what was the final offer by this consortium, it was decided it could not be afforded on the basis of the additional money that was being sought by the consortium.

An Leas-Cheann Comhairle: I am anxious for the Minister to move along and I call Deputy Charles Flanagan.

Deputy Dermot Ahern: Moreover, even at the final stage, the consortium did not come up with a clear indication as to the source of the finance.

An Leas-Cheann Comhairle: I call Deputy Flanagan.

Deputy Pat Rabbitte: Why does the Minister think he can secure an alternative consortium?

Deputy Dermot Ahern: Again, we will consider the issue of Thornton Hall—

An Leas-Cheann Comhairle: Deputy Charles Flanagan has been called for a final supplementary question, otherwise we will be obliged to move on to the next question.

Deputy Dermot Ahern: —while trying to provide the same spaces, albeit perhaps on a much more reasonable scale than was conceived originally at the height of the market.

Deputy Charles Flanagan: The Leas-Cheann Comhairle will agree this is a matter that must be revisited in some detail, notwithstanding the Minister's confirmation that he is presenting some plans to the Government in the near future. It is important that this House be kept fully

informed and this matter will require detailed examination by the Minister of a nature that is not available to Members at present.

In the meantime, having regard to the long-fingered Thornton Hall project, a real problem arises. The Minister will be aware of the case of Gary Douch, who died in Mountjoy Prison when in a cell with six others. Overcrowding in the Minister's prisons is fuelling discontent and violence within prisons, adds to a low level of morale among staff and is highly dangerous.

An Leas-Cheann Comhairle: I will allow a final reply from an tAire.

Deputy Charles Flanagan: Members seek assurances from the Minister that he is on top of this issue, which is a real and pressing problem within the justice system.

Deputy Dermot Ahern: Again, the direct day-to-day running of the prison is the responsibility of the Irish Prison Service and I am in constant contact with its director in respect of this issue. Obviously, our record speaks for itself. Both Deputies Flanagan and Rabbitte were members of a Government that stopped the prison building programme.

Deputy Charles Flanagan: That was years ago.

Deputy Dermot Ahern: While the Deputy may state that was ages ago, one cannot build prison spaces overnight and one must plan for the short, medium and long term, which is what the Government has done by building 1,300 spaces since 1997.

Deputy Charles Flanagan: The Government had the golden years of the Celtic tiger and failed to build the prisons. It is too late now because the Government lacks the money.

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

Deputy Dermot Ahern: The Government restarted the prison building programme, which had been in abeyance for three years when Deputy Flanagan's party was last in government. The Government has provided 1,300 spaces and will put in another 400 by mid-summer—

Deputy Joe Carey: Of what year?

Deputy Dermot Ahern: —and is considering the long term, which is Thornton Hall. The Government should be given credit in this regard.

Garda Reserve.

46. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the performance and operation of the Garda Reserve; if a review is contemplated; and if he will make a statement on the matter. [21854/09]

Deputy Dermot Ahern: On 30 April 2009, there were 322 attested reserve gardaí with a further 198 at various stages of training making a total of 520.

The Government is strongly committed to the development of the Garda Reserve. I am fully satisfied that the reserve provides, and will continue to provide, a valuable contribution to the Garda Síochána and to the many communities in which it operates. In particular, I wish to express my appreciation to the members of the reserve who serve on a voluntary basis.

An internal operational review of the Garda Reserve was carried out in 2008. Arising from this review, I understand the Garda Commissioner is examining certain proposals on enhancing the role of the Garda Reserve.

Deputy Charles Flanagan: I welcome the Minister's remarks and while the Garda Reserve concept is worthwhile, it will flounder in the absence of a political buy-in on the part of the Government. With particular reference to the current review, is the Minister aware there is no medical cover for the Garda Reserve, should any member suffer injury or a condition that would require medical treatment in the course of his or her duty? I suggest there are fairly significant dangers within the Garda Reserve at present in respect of assaults, threats and intimidation and refer to the lack of powers of arrest on the part of a reserve member. This has a consequence of weakness and will ensure that the reserve does not reach the capacity it might otherwise do. I ask the Minister to ensure that this review happens as a matter of urgency and that the House would be consulted, having regard to what is a very good concept that unfortunately does not appear to have the political will to allow it to reach its true potential within society.

Deputy Dermot Ahern: I do not accept it has not got the political will it requires. This Government set up the Garda reserve so I do not know what the Deputy is talking about. As far as I am concerned, I was down——

Deputy Pat Rabbitte: The political will is in the Bar Library.

Deputy Dermot Ahern: I was in Templemore recently when substantial numbers of Garda reserves were attested and they are now out on the streets. The fact is that under existing legislation they have relatively minor powers in regard to policing, and are allocated to station duty, other than the care and custody of prisoners; communication room duty, to include the monitoring of CCTV; foot patrol when accompanied by a member of the permanent Garda service; and road traffic checkpoint duties when accompanied by a full-time garda. When they are out on duty, they must always be accompanied by a full-time garda.

As I said, a review has been completed which the Garda Commissioner is considering and I expect him to report on some of the recommendations in that respect. Obviously, any changes that are to be made will be discussed, whether at the Joint Committee on Justice, Equality, Defence and Women's Rights or, if it requires further legislation, we can discuss it in plenary session. I assure the Deputy there is an absolutely full commitment on my and the Government's part to build up to the number outlined in An Agreed Programme for Government, which is 10% of the force over the lifetime of the Government.

Deputy Charles Flanagan: The lack of political will is seen in the results to date. One of the Minister's predecessors, whom he sat beside in Government, had a target plan of 4,000 reservists. The Minister has given the figure of approximately 10% but he then says there is no problem with commitment or political will. Of course there is. For example, there needs to be an examination of the upper age limit, the fact that thousands of people are applying but very few are accepted and the fact that there is no kudos or benefit in the form of credits to a member of the Garda reserve which might help the reservist should he or she wish to apply for membership of the full Garda Síochána. We should consider best international practice across the water and throughout continental Europe in the context of having a reserve force that is meaningful.

Deputy Dermot Ahern: I would not disagree with the Deputy in regard to using the Garda reserve as at least a part of the gateway to becoming a full-time member of the Garda Síochána. It is an issue we should consider and we are doing so at present. Again, while a large number of people are applying, one cannot just put anyone out on the street and there must be good vetting of applicants. We have been extremely impressed with the calibre of people who are coming forward and who are going through the system. As I said, they have limited enough

powers but this is as it should be. This is a new concept and we should walk before we run. I do not accept the figure of 4,000. The figure in the programme for Government is 10% of the overall force of approximately 14,000, which gives a figure of approximately 1,400 for the reserve.

Deputy Charles Flanagan: That is a watering down of the proposal.

Deputy Dermot Ahern: This is a commitment over the lifetime of the Government. Given the fact that substantial numbers are already attested and a substantial number are still in training, those figures will be reached over the lifetime of the Government.

Deputy Charles Flanagan: The former Minister, Mr. Michael McDowell's figures are in the bin.

Deputy Dermot Ahern: This is the target of the current Government.

Deputy Charles Flanagan: Just 10%. It is the first time the Minister said that.

Deputy Dermot Ahern: That is the commitment. The Deputy sometimes incorrectly complains that we do not comply with the commitments we make.

Garda Strength.

47. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of applications received to date in 2009 for early retirement from members of the Garda; the way this compares to the same period in each year from 2002; his views on reports that a significant number of senior gardaí are planning to take early retirement as a result of the public service pension levy; and if he will make a statement on the matter. [21687/09]

Deputy Dermot Ahern: I am informed by the Garda Commissioner that 178 members of the Garda Síochána have voluntarily retired in the first four months of this year. This compares to 74 in the same period last year, 33 the previous year and 62 the year before that. A breakdown of figures for other years is not immediately available. Clearly, the rate of early retirements is increasing compared to previous years but, equally, it is not possible to predict with certainty the number of retirements for the full year. A not unexpected factor in the level of retirements this year is the impact of the three-year extension of the retirement age which was extended to the Garda Síochána in 2006. This means that gardaí who would in the normal course have been due to retire from the force in 2006 on age grounds are now due to retire in the current year.

It is my top priority to maintain the crime-fighting capacity of the Garda Síochána. In this regard, the Garda Commissioner, mindful of the general moratorium on public service appointments and of the need to make a strong case for any exceptions, has carefully assessed the capacity available to him at a senior level within the Garda Síochána. The Commissioner's approach has been to identify those posts which are especially important for operational policing. As a result of a submission from the Garda Commissioner and following agreement with my colleague, the Minister for Finance, I submitted a proposal to the Government yesterday for the appointment of three chief superintendents and ten superintendents as an exceptional measure. I am pleased to say that the Cabinet made the appointments. I will continue to keep the situation under review.

The Deputy will also be aware that there has been a very considerable increase in Garda resources in recent years, with the number of attested members rising from 10,968 at the end of 1997 to 11,895 at the end of 2002, to 13,755 at the end of 2007 and to 14,478 in the most

[Deputy Dermot Ahern.]

recent figures. Even in this year of budgetary constraints, some 900 student gardaí will become attested. These significant increases in Garda resources mean that the force is well-placed to absorb the impact of budgetary constraints and to continue to provide a top-class policing service.

Deputy Pat Rabbitte: Does this mean the Minister discounts the advice given to him by the AGSI, whose members told him they feared for the capacity to discharge their managerial functions given the expected rate of early retirement? When he gives me the figure for the number who have left in the first four months of this year, has he figures available with regard to the prospective retirements for the rest of the year? When he states the extension of retirement age is a factor, is he suggesting that issues such as the pension levy are not a factor at all? Is he not mindful of the advice given to him by those at various levels of the Garda Síochána, who said this would drive a number of them out early? Is he suggesting their fear that their gratuity would be taxed is no longer the case and that they need not fear this? Can he say how his target of 15,000 for the end of year is likely to be affected by this haemorrhage of early retirements?

Deputy Dermot Ahern: We cannot give an indication of what the overall figure for retirements over the year will be. It was always indicated, even before any recent announcements in the budget or in regard to moratoriums and so on, that over a three-year period, given the fact there was an extension in regard to age back in 2006, there would always be a spike in these years, particularly at the current time. However, that is not the only reason. There are quite a number of gardaí of an age and service level who could retire, given that under the regulations for Garda retirement a garda with 30 years service may retire on a full pension at any time once he or she reaches the age of 50 years for those who joined prior to 2004 and at age 55 for those who joined since that date. Obviously, there would be a considerable number of gardaí in this category. When one considers that the number of gardaí coming into the system has rapidly increased, it is the case that we have to keep a very close eye on the management level. This is one of the reasons I went to Cabinet yesterday in regard to the filling of vacancies. The Garda Commissioner is extremely happy with the result of the Cabinet deliberations in that respect in that three new chief superintendents and ten superintendents have now been nominated.

Deputy Pat Rabbitte: On that point, I understand there are 181 superintendents, 101 of whom are eligible to retire, and 43% of the ranks of ordinary gardaí have five years service or less. Clearly, there is an emerging problem. The Minister seems reluctant to give us details of his Department's assessment of the impact of recent impositions on the public service, including the Garda Síochána. How will the early Garda retirement age affect the capacity of the management of the force to discharge its functions? The Government had set a target of having 15,000 members of the Garda by December 2009, but what does the Minister anticipate that the actual figure will be?

Deputy Dermot Ahern: I have indicated previously that the figure is expected to be approximately 14,900. There are approximately 900 gardaí in training as we speak. It is probable that 900 new gardaí will come on stream between now and the end of the year. I cannot dictate whether there will be an increase in the number of retirements. It is a matter for individual gardaí, as they approach retirement age and fulfil the criteria that are laid down, to decide when they will retire. It is obvious that retirement patterns have to be monitored. I do not doubt that there has been an increase. It was anticipated that there would be a spike in retirements as a consequence of the extension of the overall retirement age. It has to be said that the views

being expressed by the public about the public sector in general might be causing people to leave the sector.

The retirement scheme that was announced in the recent supplementary budget does not apply to the Garda Síochána, to which specific retirement criteria apply. The Garda retirement regime is a favourable one, in recognition of the fact that the members of the force do a very difficult job 24 hours a day, seven days a week. Particular arrangements have been made for gardaí over the years for that reason. There is no doubt that we have to examine the emerging retirement figures, particularly in these tough times. The Government will keep this matter under review in the context of the moratorium on recruitment.

Sexual Offences.

48. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his plans to address the proliferation of brothels; and if he will make a statement on the matter. [21855/09]

Deputy Dermot Ahern: I am informed by the Garda authorities that they have conducted a number of operations to combat brothel keeping, prostitution and human trafficking. The Garda will continue to conduct such operations, in line with the intelligence available to it. A recent investigation by the Garda National Bureau of Criminal Investigation, in conjunction with a number of other police forces, resulted in the apprehension in another jurisdiction of individuals suspected of brothel-keeping in this country. The operation led to the seizure of a substantial volume of evidence. Cash and other property discovered during the operation will be the subject of a proceeds of crime application to the courts. Similar operations are being and will continue to be carried out. I emphasise that the criminal law relating to brothel keeping is strong. I am aware of concerns that people are being trafficked for the purposes of prostitution. The Criminal Law (Human Trafficking) Act 2008 has greatly strengthened the law in this area. A dedicated anti-human trafficking unit was established in my Department in February 2008 to ensure that the State's response to human trafficking is co-ordinated and comprehensive. In addition, the Garda has recently established a human trafficking investigation and co-ordination unit. My Department recently received the report of the Immigrant Council of Ireland, Globalisation, Sex Trafficking and Prostitution — The Experiences of Migrant Women in Ireland. The report is extensive in scope. I have asked the anti human trafficking unit to examine the report, its findings and its recommendations. When this examination is completed, I will consider what further action might be necessary arising from the report.

Deputy Denis Naughten: I thank the Minister for his response. He will be aware that one of the headline figures identified by the Immigrant Council of Ireland estimates that the sex industry in Ireland is worth approximately €180 million per annum. It is clear that there is a connection between brothel-keeping and criminal activity. The most recent report of the Independent Monitoring Commission, which was published on 7 May last, suggested that the Continuity IRA is involved in this industry. A crackdown on brothel-keeping and prostitution is taking place in other parts of Europe. Red light districts in the Netherlands are being reduced by one third because the authorities in that country have decided that their liberal policies are failing. New legislation that is being introduced in the UK will lead to a clampdown in that country. Unless we are prepared to tighten this country's laws, there could be a growth in this industry here. Does the Minister have any specific proposals for dealing with the threat that might result from the curtailment of these activities in other EU member states?

Deputy Dermot Ahern: I assure the House that this country's legislation in respect of brothel-keeping and the sex industry in general is strict and strong. I will not mention all the legislative provisions that are in place. The Garda has been very active in this area. A number of operations, including Operation Hotel, Operation Quest, Operation Snow and Operation Boulder, have been ongoing over recent years. They have focused in particular on non-Irish nationals who have been brought to this State for the purpose of employment in the sex industry. The Garda has been working quite successfully with its European counterparts in this respect. The Deputy is right to highlight the use by criminal gangs of the sex industry to increase their ill-gotten gains. The Garda is extremely conscious of the need to cross-reference when it is dealing with this issue.

Deputy Denis Naughten: Is the Minister concerned that the crackdown on this industry in the UK, including Northern Ireland, will lead to an increase in this activity in this country? One of the conclusions of Operation Quest was that mobile phones are the lifeblood of this country's brothel-keeping and prostitution industry. If certain mobile numbers were to be taken off this country's mobile phone system, that would immediately close down a huge proportion of that industry. Will the Minister ensure that such a step is taken to curtail the proliferation of the industry?

Deputy Dermot Ahern: That is something the Garda can look at.

Deputy Denis Naughten: Looking at it is no good.

Deputy Dermot Ahern: What was the other issue the Deputy asked about?

Deputy Denis Naughten: I also asked about the impact of the new UK legislative proposals on this jurisdiction.

Deputy Dermot Ahern: Gardaí work closely with their colleagues on the other side of the Border and elsewhere in the UK.

Deputy Denis Naughten: Is the Minister concerned?

Deputy Dermot Ahern: I would not like to fuel the perception that Ireland has a more lax regime, in some way, than the UK.

Deputy Denis Naughten: We will have a more lax regime.

Deputy Dermot Ahern: The Garda works closely with its counterparts across the Border and elsewhere in the UK, in particular. It also works with police forces on the Continent.

Deputy Denis Naughten: There will be a major loophole if this legislation goes through.

Other Questions.

Electronic Tagging.

49. **Deputy Simon Coveney** asked the Minister for Justice, Equality and Law Reform his views on electronic tagging for sex offenders; and if he will make a statement on the matter. [21566/09]

Deputy Dermot Ahern: The Deputy will be aware that I published a detailed discussion document on the management of convicted sex offenders last January. The document highlights, *inter alia*, the possibility of using GPS electronic monitoring technology to monitor higher-risk convicted sex offenders for the first six months after the completion of their prison sentences and their release back into the community. A range of supports and care is particularly useful for reintegration during this critical period for many offenders. When I published the comprehensive review of how we deal with higher-risk offenders, I also announced the establishment of a project board, led by the probation and welfare service, that will examine specific possibilities in the context of the implementation of electronic monitoring, more generally, in this jurisdiction. I expect to receive the recommendations of the board, which is working to the brief I have mentioned, in the coming months. The board's report will inform decisions on the use that might be made of electronic monitoring technology in this jurisdiction. The Deputy will appreciate that this type of technology is another tool that can be used to support supervision regimes in the criminal justice system. It can help the probation and welfare service and the Garda Síochána, for example, to manage offenders in general, specifically sex offenders. In addition, the Department of Justice, Equality and Law Reform is examining whether legislation will be necessary to supplement the existing enabling provisions in the Criminal Justice Acts 2006 and 2007 if we introduce a pilot phase of electronic monitoring in this jurisdiction for a specific group or groups of convicted offenders, such as sex offenders.

Deputy Charles Flanagan: In his reply, the Minister mentioned "the possibility" of introducing the electronic tagging of sex offenders. Does this mean that the Minister's stance on the matter is cooling? My understanding was that an announcement had been made to the effect that this would happen. Is it still the Minister's intention to proceed along the lines that had been suggested by him? Since the introduction of the Criminal Justice Act 2007, which allows for the electronic tagging of certain offenders, not one person in this jurisdiction has been subjected to such tagging. Will the Minister specify in detail changes to legislation that will be required, having regard to the fact that such an order is not made at sentencing stage? Will he comment on the manner in which these post-release orders and conditions might be implemented without having to revisit the issue in the courts?

Deputy Dermot Ahern: It is my intention and I have not softened in that respect. This is quite a complex area. In France only 20 serious sex offenders are subject to electronic monitoring. If we proceed on this, which I hope we will do in the not too distant future, we will be the first in Europe to use a global positioning service, GPS. Tagging is used extensively in the US but not so extensively in other European countries and as far as I know none of them uses GPS. We want to use this because it is more efficient. Equally, however, it is more costly. To do it for sex offenders initially would be the way to proceed, even on a pilot basis, because their numbers are small and potentially more dangerous to society and we can extend it to the wider convicted population post-release. Legislative change may be required to expand it to sex offenders. The legislation allows it to be used for ordinary criminals.

Deputy Charles Flanagan: Will the Minister confirm that a form of dedicated community framework support is needed having regard to the fact that the less that is known of the whereabouts of a sex offender the greater the community risk? Any programme of which the Minister speaks will involve community personnel and particularly the probation service. What role, if any, does he envisage for the probation service in such a regime?

Deputy Dermot Ahern: That is why I have set up a project board referable to the probation service in respect of the specific issue raised in this question, the electronic monitoring of sex offenders. We have issued a major discussion document on the overall management of sex

[Deputy Dermot Ahern.]

offenders while in prison and post-release. We have the provision for post-release orders for supervision and monitoring. The probation service is fully engaged with this. That is its job.

Garda Equipment.

50. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his views on whether PULSE is operating efficiently; if studies have been carried out comparing PULSE with similar systems in other jurisdictions; and if he will make a statement on the matter.

[21607/09]

Deputy Dermot Ahern: I have been assured by the Garda authorities that the Garda information system which includes PULSE is functioning very satisfactorily. The PULSE system is more widely available than ever before, with access by both Garda and civilian personnel to over 2,000 personal computers in 347 locations, including all divisional and district headquarters. Significant investment has been made over the years to improve availability and response times and I am advised that as a result, there has been virtually no unplanned downtime. From the start of 2007 PULSE was amalgamated with other systems including the fixed charge processing system to form a new combined IT system referred to as the Garda information system.

The system continues to be an invaluable tool used extensively by gardaí in the performance of their duties. Since the first phase of the system was developed in 1999, significant upgrades have been carried out to provide for, *inter alia*, new functionalities such as those arising from the introduction of new legislation, new business requirements and the automation of manual processes to improve efficiency and effectiveness. For example, the last release of the system in November 2008 included provision for the electronic transfer of summons details to the Courts Service and, in return, the Courts Service makes available court outcomes which are electronically updated onto the system thus removing the need for manual input. It is estimated that this alone has resulted in time savings that equate to at least 70 full-time gardaí. The next release of the system, which will be deployed next month, includes several enhancements in the areas of missing persons, the monitoring of sex offenders and firearms licensing.

The Garda Information Services Centre, GISC, which is based in Castlebar, and staffed by civilian personnel allows gardaí, who would otherwise have to return to their station to input or update incident data, to log the information over the telephone with the GISC, thus releasing Garda resources for visible, front line policing across our communities.

With regard to international comparisons, I am advised that when the concept of the system was being developed, an extensive analysis of systems in other jurisdictions was carried out to ensure that best practices were incorporated into the system. The design approach involved the development of a comprehensive data model which has ensured that the system can be extended as required without the need for extensive redesign and redevelopment. I am assured that the system will continue to be developed to meet the ongoing and future needs of the Garda Síochána.

Deputy Joe Carey: I welcome the Minister's reply but only 319 divisional and district stations and 24 network locations have PULSE while 384 other stations do not have access to it. Gardaí must have state-of-the-art technology to protect our communities up and down the country. That cannot happen if they do not have access to PULSE.

PULSE is completely out of date and behind the times, and so inefficient that criminals are getting away with their activities. I will cite one example——

An Leas-Cheann Comhairle: The Deputy should ask a question rather than give an example.

Deputy Joe Carey: In Galway a judge had to apologise to the victim of a serious mugging as the culprit should have been in jail. Had he been there and reoffended within two years of release he would have been jailed but because that had not been put into the PULSE system he got away with his crimes on nine separate occasions. What contingency plans does the Minister have to ensure this does not happen again? What plans does he have to allow input of data into the PULSE system from a remote location?

Deputy Dermot Ahern: I do not accept for one minute that the system is outdated. It is not. It is probably one of the most modern available because we have kept it in line with all the best international practice and we can add to it without redesigning the system. Approximately 85% of all incidents originate from the locations in which PULSE is available. More than 13,000 gardaí have direct access to PULSE from the currently networked locations. It was never envisaged that PULSE would be available in every single location. We now have a system feeding into the service centre in Castlebar whereby every garda on the beat has a specially configured mobile telephone through which he or she can directly input information from the beat to that service centre without the need to go back to the office. In the past 12 months that information service centre created 75% of incident reports recorded on PULSE, drawn directly from gardaí on the beat using the specially configured mobile telephones, while the remaining 25% were created at station level. Only one quarter of the information recorded on PULSE comes from stations, the rest comes from the beat. It is a very modern system.

Deputy Pat Rabbitte: Can the Minister tell us when the PULSE system will have total coverage? Does he have a figure for the cost of the system so far? Is it not the case that it is not possible to examine an input from a particular garda because several gardaí can use the same access code? This weakness has been highlighted. Have any measures been taken to correct it?

Deputy Dermot Ahern: The annual running cost of PULSE is €18.5 million. The original cost of the deployment and development of PULSE was €61 million. It was never envisaged that it would be available at every location. It is better that it be available to gardaí on the beat so they can feed information into the system via Castlebar. As I stated, three quarters of all the information that goes onto the PULSE system, which then becomes available and is cross-referenced with the court system, is up to date.

Access to records is being considered by An Garda Síochána. The Garda Síochána Ombudsman Commission recommended to the Garda Commissioner that supervisory ranks of An Garda Síochána should regularly monitor the use of PULSE to ensure members adhere to their legal and disciplinary obligations. That is done on an ongoing basis.

Crime Levels.

51. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of licensed handguns, the number of licensed handguns that were reported stolen, and the number of such stolen guns that were subsequently used in crimes in respect of each year from 2002 to date in 2009; and if he will make a statement on the matter. [21485/09]

Deputy Dermot Ahern: I refer the Deputy to a tabular statement setting out the information sought by him on handguns stolen and licensed for the years 2004 to date when handguns began to be licensed again. The figures show 42 weapons classified as handguns have been stolen in the period in question. The current number of licensed handguns is approximately 1,800.

[Deputy Dermot Ahern.]

I am advised by the Garda authorities that stolen firearms are used in the course of the commission of other criminal offences. Since not all stolen firearms used in the commission of offences are recovered, obviously it is not possible to say precisely how many formerly legally held handguns have been used in the commission of criminal offences. However, common sense suggests they are stolen for a purpose that is likely to be either to trade in them or to use them in the commission of offences. As I said on Second Stage of the Criminal Justice (Miscellaneous) Provisions Bill last week, stolen handguns have, by definition, fallen into the hands of criminals, in the first instance at least the criminals who have stolen them.

I have consistently tried not to overstate the effect of a handgun ban on the activities of criminal gangs. That is why substantial resources, including those provided under Operation Anvil, have been devoted to trying to track down illegal guns. Approximately 2,400 illegally held weapons have been recovered as part of that operation. As I stated previously, we have increased the budget for the operation this year by €1 million. It would be folly to suppose that the issue of legally held handguns falling into the wrong hands can be ignored.

It has been made clear, including by me, that the reasons for a handgun ban are much broader than supposed. In particular, I have made it clear that I do not wish a handgun culture to take hold in Ireland. While I understand the representations that have been made to many Deputies, including me, arguing against my proposals, I note that the Chief Inspector of the Garda Síochána has endorsed my approach, drawing on her very considerable experience of policing in the United States. The Garda Commissioner has also done so on many occasions.

The tragic reality is that, in various parts of the world, even in recent times, there has been a series of mass killings involving legally held guns. This has forced other jurisdictions to review their laws on handguns. If such a dreadful event were to take place here, I have no doubt the debate on a handgun ban would be over. My approach is to adopt measures designed to prevent such a tragedy rather than respond belatedly in its aftermath.

Handguns licensed¹

2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
1	370	948	1,368	1,895	1,803

Handguns stolen²

2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
3	7	10	7	7	8

¹ The number of handguns, recorded on PULSE, for which a firearm certificate has been issued for the years 2004 to 2009 (to 1 April 2009).

² Between 2004 and 2009, 42 handguns are recorded as stolen.

Deputy Pat Rabbitte: We all share the Minister's objective but the logic of it is that unless one bans all guns, one cannot be sure some deranged person will not be able to access a weapon that could inflict great harm at any time. Has the Minister any evidence that handguns leaked from legitimately licensed sports or gun clubs have been used in a fatal killing? I agree with him that there is a problem with the use of guns, especially by criminal gangs fighting for supremacy in order to avail of the profits from the drugs trade in particular. Is it not the case, however, that their weapons, in the main, seem to be sourced outside the jurisdiction where they source the drugs, and that the number of handguns leaked from properly supervised,

licensed and vetted sports clubs is very small compared to the number of illegal handguns in the jurisdiction?

Deputy Dermot Ahern: As I stated in my reply, I regard these two issues as separate. I do not regard what I am trying to do in respect of licensed handguns as the silver bullet or even part of the bullet to solve the issue of gangland crime and illegally held arms. Forty-two weapons that are regarded as handguns have been stolen since 2004. I do not have figures as to whether they have been used in the commission of offences but that is not the point. There are those who are trying to suggest that the Government is trying in some way to solve the problems of gangland crime and murder by the handgun ban. It is not; rather, it is trying to respond to the court decision that overturned the ban, which obtained for decades, on holding legally held handguns. Given the exponential increase in the number of legally held handguns as a result of a series of court cases, particularly the one in 2004, it is incumbent on the Oireachtas to decide by way of policy whether it wants, in households around the country, small weapons that are reasonably easy to obtain. I say this based on experience. We know the position on shotguns, for example. There are thousands of these available but, if one were to extend Deputy Rabbitte's logic, one would be banning ordinary household knives because they are potentially dangerous weapons. It depends on the circumstances in each case.

Having a licensed handgun in a house affords——

An Leas-Cheann Comhairle: I want to allow Deputy Carey to ask a brief supplementary question.

Deputy Dermot Ahern: ——more opportunities for it to be used in circumstances that the holder might not envisage, such as a domestic dispute.

Deputy Pat Rabbitte: Is it not the same for a shotgun?

Deputy Dermot Ahern: It is the same for a shotgun but we are where we are in respect of shotguns.

An Leas-Cheann Comhairle: I call Deputy Carey.

Deputy Dermot Ahern: I am not saying we should take shotguns out of the system. We are where we are——

An Leas-Cheann Comhairle: Will Members please have regard to the Chair?

Deputy Dermot Ahern: We should not allow the number of handguns to increase exponentially.

An Leas-Cheann Comhairle: Will the Minister have regard to the Chair also? I am trying to allow Deputies to have an input. I call Deputy Carey.

Deputy Dermot Ahern: I am sorry.

Deputy Joe Carey: The problem clearly is not legally held handguns but illegally held handguns. What steps is the Minister for Justice, Equality and Law Reform taking to rid this State of illegally held handguns, which represent the real problem?

Deputy Dermot Ahern: I answered that in my reply. Operation Anvil, since its inception, has taken in thousands of extra handguns. While I have been criticised for budgetary reductions elsewhere this year because of the constrained financial circumstances, I have increased the

[Deputy Dermot Ahern.]

money available for Operation Anvil. It is particularly earmarked for removing illegal weapons and other weapons from the system. Some 2,400 have been confiscated by the Garda as a result of the operation. I increased the budget from €20 million last year to €21 million this year.

Prison Building Programme.

52. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on whether the purchase of Thornton Hall, County Dublin, was ill advised and bad value; and if he will make a statement on the matter. [21283/09]

Deputy Dermot Ahern: I am satisfied the purchase of the site at Thornton Hall in north County Dublin will prove to be have been a prudent investment for the taxpayer over the lifetime of the prison project. The Thornton development is a major capital project for the Irish Prison Service that will meet the service’s needs well into the future. It should be considered in that context. The Government was acquiring a site for the largest penal complex in the State, not an agricultural farm, and analogies with agricultural investments are not appropriate in this context.

The development of new prison facilities at Thornton Hall should be considered in the context of the substantial cost of refurbishing Mountjoy Prison, which, if completed, would not provide an adequate number of new prison spaces to meet current demand, nor would it future-proof the development in capacity terms. There were practical operational problems associated with a major refurbishment programme in an operational prison. Due to its location and limited site footprint of approximately 20 acres, it is extremely difficult to provide the type of security measures required to secure the Mountjoy complex against drugs and weapons being thrown into the prison yard or to provide the range of work training and other facilities required in a modern prison system.

The Government remains firmly committed to replacing Mountjoy Prison with modern prison accommodation at Thornton. It is my intention to bring comprehensive new proposals to the Government in a matter of weeks setting out how we can proceed to build a new, modern, regime-oriented and cost-effective prison complex at Thornton. Following consideration of these proposals by Government, I will make a public announcement on the matter.

Deputy Jim O’Keeffe: I notice the Minister was careful in his choice of words when he said that this purchase “will prove to have been a prudent investment”. Like me, the Minister has been a practising solicitor. The 150 acres at Thornton comprised a farm. I referred to it at the time as the dearest farm in Europe. Surely the Minister is not standing over the purchase of farmland at €200,000 per acre. Of all the incidents of squander-mania that we had at the time, this was one of the largest excesses. I accept that the current Minister was not involved in the purchase, but would he now accept that this was crazy money for a place that was zoned as agricultural land and used as a farm?

With regard to the €30 million that was spent — the equivalent of €200,000 per acre — and a further €10 million that has been spent on providing access, if this project were not to proceed and if the Minister was doing an audit of State property, what value would he place on this property? What is the current value? Would he get €20,000 per acre for it today?

Deputy Dermot Ahern: It is not for me to speculate about the current value. The cost of the site at the time of purchase was €29.9 million, which was largely offset by the sale of prison lands at Shanganagh Castle, County Dublin. Thus, it was legitimate use of the existing prison stock in order to buy new stock. Further sums totalling approximately €11.7 million were

expended on the project, including professional fees of €6.8 million, as I explained in the answer to the private notice question last week. There were two High Court actions challenging the process, and site preparation and surveys were carried out at a cost of €2.7 million. Landscaping cost €400,000 while security cost €500,000. The access road, which had to be developed because of lobbying from the local community, cost €1.3 million.

With regard to the cost of the site, we are talking about a large area of 150 acres. Deputy Rabbitte said last time that it was a rural site. It is ten miles from O'Connell Street and is literally beside the airport. It is beside the confluence of a number of major motorways.

Deputy Charles Flanagan: The Minister is valuing it now, when it suits him.

Deputy Dermot Ahern: The 150-acre site cost approximately €199,000 per acre. It was more for agricultural land, but if it had been zoned as residential land it would have been valued at much more, perhaps €1 million per acre at that time. There was no other suitable site as close to Dublin city centre. The project team considered 30 different sites and this was regarded as the best value given its proximity to Dublin. I do not accept the Deputy's point. It will be an investment for the future, particularly——

An Leas-Cheann Comhairle: There are a number of Deputies offering so I ask Members to keep their contributions brief.

Deputy Dermot Ahern: ——in view of the fact that the Government is adamant that it is proceeding with this project.

Deputy Pat Rabbitte: Why does the Minister keep trotting out the sale of Shanganagh as an excuse for allowing the taxpayer to be ripped off in the purchase of Thornton Hall? I do not understand how it is all right that we paid €200,000 an acre for farmland because Shanganagh was worth a lot of money. Does this mean it does not matter that we were ripped off in this fashion?

With regard to the work that was to go ahead on the site, is it the case that the Prison Service sought additional construction valued at €30 million and that the preferred bidder was prepared to bear this cost? Is it the case that the preferred bidder submitted slightly altered specifications that would allow the price to come in at €40 million less while maintaining the standard of the recent extension to Maghaberry Prison, but this was rejected?

Why is the Minister defending the purchase of this farm? Was this not, as I said the last day, the biggest claim jump since the Yukon? Why should we spend €200,000 per acre for farmland in a rural area? I saw the cattle grazing on the site when I went out to visit it. It is beside a small rural school with seven or eight houses around it in a typical rural setting. The people who did such things and spent the kind of money the Government spent over the last 15 years should themselves be candidates for incarceration. It is outrageous.

Deputy Dermot Ahern: I do not accept that for one minute. As I said, this was the best site available with reasonable proximity to Dublin city. People such as the Deputies would complain if this prison were in the middle of nowhere, but it is not. It is contiguous with the confluence of a number of motorways, two miles from the M50 and ten miles from the city centre. It is an extremely good site.

I explained in my answer to the private notice question — this was accepted by the members of the Committee of Public Accounts who considered the issue — that the Prison Service was correct in not doing this deal in secrecy. It clearly indicated to the people it was dealing with——

Deputy Pat Rabbitte: That is not true. The Comptroller and Auditor General pointed out that a proper competition would have allowed the site to be acquired for much less.

Deputy Dermot Ahern: Yes, but he suggested, as I remember, that it would have been purchased far more cheaply if it had contacted an auctioneer and allowed him or her to find a site.

Deputy Pat Rabbitte: He did indeed.

Deputy Dermot Ahern: However, that would not have been transparent and it would have been unfair to the local people——

Deputy Pat Rabbitte: Since when did the Minister become so concerned about transparency?

Deputy Dermot Ahern: ——who would have woken up one morning to find that the State had purchased, out of the blue, a property on which it proposed to build a prison. No matter where the prison is put there will be people who will object.

Deputy Charles Flanagan: They wake up a lot of mornings with no prison there.

Deputy Dermot Ahern: However, the Prison Service did it in an open and transparent way.

Deputy Pat Rabbitte: Perhaps the Government should have sent out Deputy Woods. Then we would have had transparency.

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

Deputy Dermot Ahern: Clearly, the type of information the Deputies have to hand is coming from some location. They seem prone to criticising people outside this House who are involved in consortiums and tender for projects.

Deputy Pat Rabbitte: When did I criticise them?

Deputy Dermot Ahern: I do not know the type of figures the Deputies are referring to or the discussions involved. All I know, as I said on the private notice question, is that when we made a decision based on the final offer made by the consortium for the whole project, it would have cost the taxpayer hundreds of millions over the 25 years of repayments, and that the figure was 30% more than when the preferred bidder was taken on. We cannot get away from that.

Deputy Jim O’Keeffe: The Minister has not dealt with the point about why money should be thrown away on a farm merely because money had become available from the disposal of State property.

Deputy Dermot Ahern: I am not saying that.

Deputy Jim O’Keeffe: It was part of the Minister’s response that money became available from the sale of Shanganagh. It does not matter where the money came from. The cost of the site was four or five times the amounts being paid at the time. I investigated the issue carefully and found that alternative sites were available, including a farm of bigger size, equally if not better suited to the purpose than Thornton Hall, that went at auction for €5 million. Does he accept the reply given at the time by his predecessor, former Deputy Michael McDowell, who said he had no indication from the estate agents that the price could be regarded as exorbitant?

They were getting fees from the deal. This raises issues as to whether these estate agents should have been engaged on behalf of the State.

Deputy Dermot Ahern: The Prison Service was using the estate properly. Shanganagh was an outdated prison and did not have the type of prisoner capable of going into it. The sale was good value. More times than not agencies of the State come to the Department of Finance looking for resources but the Department was able to purchase this, not just because it got money from Shanganagh.

Deputy Jim O’Keeffe: There was no need to blow the money.

Deputy Dermot Ahern: They were able to roll over that money and purchase another site. Obviously, it had to negotiate the best price in the interests of the taxpayer.

Deputy Jim O’Keeffe: That is a ridiculous defence.

Deputy Dermot Ahern: That is what the Department did given the constraints it had, rather than going surreptitiously to buy a site, getting it perhaps for less, and then announcing to the public that it was going to be the site of a prison. It was open and upfront and, because of that, the people who owned the site knew exactly who was buying it.

The Deputy is right that I was not involved but the project team looked at this as one of 30 sites.

Deputy Charles Flanagan: Will the owners be asked to buy it back?

Deputy Dermot Ahern: The recommendation was this was the best value, given the proximity to Dublin.

Deputy Jim O’Keeffe: The Minister would not get one tenth of the price paid.

Deputy Pat Rabbitte: The Minister should have sent Deputy Michael Woods down with Michael McDowell. There more would have been more transparency and value for money.

Deputy Jim O’Keeffe: If the Department was a private entity, the whole project would be handed over to NAMA.

Deputy Dermot Ahern: Deputy Rabbitte has a thing about Deputy Woods; he even referred to him at his 60th birthday party.

An Leas-Cheann Comhairle: Deputy Rabbitte must allow the Minister to reply to the last question.

Deputy Pat Rabbitte: He is like one of those Japanese soldiers emerging from the jungle years after the end of the Second World War, waving his sword in the air.

Deputy Charles Flanagan: The Minister should give the option to buy the land back at €10,000 an acre.

Deputy Dermot Ahern: I thought he had a thing about me.

Deputy Pat Rabbitte: I like the Minister.

An Leas-Cheann Comhairle: If the House continues to ignore the Chair, I will adjourn questions.

Prison Accommodation.

53. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform the action he has taken arising from reports that paramilitary prisoners are engaging in military display and training in Portlaoise Prison; and if he will make a statement on the matter. [21624/09]

62. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform his views on reports of special category status for paramilitary prisoners at Portlaoise Prison; and if he will make a statement on the matter. [21632/09]

108. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the claims made at the recent conference of an association (details supplied) that paramilitary prisoners in Portlaoise maximum security prison enjoy a relaxed regime in which they can hold military style parades, have murals on the wall, and order in food from outside; the reason these prisoners are treated differently from other prisoners in custody; and if he will make a statement on the matter. [21472/09]

Deputy Dermot Ahern: I propose to take Questions Nos. 53, 62 and 108 together.

The reports referred to are greatly exaggerated. The correct situation is that paramilitary prisoners are located in the maximum security Portlaoise Prison which, in addition to the usual perimeter security, has armed military presence. Subversive prisoners in Portlaoise Prison have a somewhat different regime from other prisoners due to historical and political reasons. Deputies are aware of many of these reasons and also the inherent danger and inevitable problems that would have ensued if subversive prisoners had been forced to mix with the general prisoner population. Some of the subversive grouping currently located in Portlaoise Prison have had a presence there since the height of the troubles and long before the Good Friday Agreement.

I have asked the Department to consult with the Director General of the Irish Prison Service regarding the appropriateness of the regime applicable to subversive prisoners in the light of developing circumstances.

There are 50 subversive prisoners in Portlaoise Prison. Each of these prisoners is subject to the prison rules and must comply with the instructions of the governor and his staff. For example, cell searches take place when ordered and prisoners on these landings have been disciplined for breaches of the prison rules. Any suggestion that these landings are being run by the prisoners as opposed to the management is not true and there is no "military training" taking place. There is a short ceremony which takes place each Easter, when the various groupings gather in the exercise yard and read out the Proclamation associated with the Easter Rising. The process is supervised by staff at all times. Each evening prior to lock up, the prisoners stand in front of their cells before all entering their cells at the same time. Again this is all done under the supervision of prison staff.

The facility to purchase goods over and above what is available in the tuck shop is not a new concession and has been available to subversive prisoners in Portlaoise Prison since 1973. Anything ordered into the prison is, of course, subject to the normal rules and regulations in place for good order and security such as searching and the items purchased are not paid for by the State. The murals on the walls of the landings have been in place since the late 1970s and 1980s.

Deputy Charles Flanagan: When the Minister says reports of what is happening in the high security wing in Portlaoise Prison are an exaggeration, will he enlighten himself and intervene in this most unsatisfactory situation that is lowering the already low morale of those working

in the prison? Where is the exaggeration in a senior republican having four cells to himself? Where is the exaggeration in republican prisoners enjoying what the Minister himself admitted was “a most relaxed prison regime”? There are military style parades on a regular basis and there are murals on the walls that have not been removed by the prison authorities.

Could the Minister confirm that flaps have been placed on closed circuit television cameras to ensure a regime that cannot be observed through the cameras? Will he confirm that visitors to the republican prisoners and convicted drug dealers in the high security wing do not have to undergo the same stringent search regime as those visiting ordinary prisoners using sniffer dogs?

Deputy Dermot Ahern: Visitors to republican prisoners are subject to searches similar to other visitors.

Deputy Charles Flanagan: No, they are not.

Deputy Dermot Ahern: I am informed by the Prison Service that the same search regimes will be introduced to all prisons in the near future.

The newspaper reports that a particular prisoner in Portlaoise Prison has the use of four cells are a distortion of the facts. He has the same cell as all other prisoners. There are two unoccupied cells on the same landing that are used for craft and education. The reports are incorrect.

Despite comments in the media, much of the discontent in Portlaoise Prison is because of my recent decision to stop any chance of temporary release in the aftermath of the murders of the two British soldiers and the PSNI officer. As a result of that decision, there was a significant ramping up of agitation by prisoners in Portlaoise Prison to the extent that they went on a no wash protest for a number of weeks. That protest ended last week without any concessions.

Written answers follow Adjournment Debate.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Health and Children has completed its consideration of the Health (Miscellaneous Provisions) Bill 2009 and has made amendments thereto.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Chris Andrews — to ask the Minister, in light of the closure of the Ringsend Post Office, that the Minister agree to provide transport to take residents with mobility difficulties to the newly proposed post office site in Barrow Street; (2) Deputy James Bannon — the need for the Minister for Education and Science to reconsider the decision to suppress the eighth mainstream teacher post in the Convent Primary School, Rochfortbridge, County Westmeath, from September 2009; (3) Deputy Joe McHugh — cross-Border investment incentive programmes; (4) Deputy Frank Feighan — the provision of alternative accommodation for children in special needs classes in County Leitrim; (5) Deputy John O'Mahony — the proposed relocation of the planned office of the Department of Community, Rural and Gaeltacht Affairs from Charlestown, County Mayo; (6) Deputies Michael Creed and David Stanton — the criteria in respect of the payment of domiciliary care allowance; (7) Deputy Seán Ó Fearghaíl — the urgent need for approval to be given to Kildare County Council to proceed

[An Leas-Cheann Comhairle.]

with the construction of a new water treatment plant at Kildare town, as provided for in the national development plan; (8) Deputy Michael D. Higgins — proposed changes to the work permit scheme; (9) Deputy Dan Neville — environmental management study of Lough Gur, County Limerick; and (10) Deputy Joe Costello — the need for the Minister for Community, Rural and Gaeltacht Affairs to maintain the “Dial to Stop Drug Dealing” campaign in the Dublin area.

The matters raised by the following Deputies Michael D. Higgins, Joe McHugh, Michael Creed and David Stanton, and Frank Feighan have been selected for discussion.

Finance Bill 2009: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 4:

In page 5, between lines 11 and 12, to insert the following:

“PART 1

REPORT ON TAX EXILES

1.—The Minister shall as soon as practicable after the passing of this Act publish a report into the number, status and rights and liabilities of tax exiles, a comparison to other tax exile regimes, and the annual cost to the exchequer of such tax exiles.”

—(Deputy Burton.)

Minister for Finance (Deputy Brian Lenihan): The Irish taxation system mirrors the practice in other jurisdictions and since the amendment introduced in the last Finance Bill, it is similar to the arrangement that obtains in Britain. There is nothing unique about the tax arrangements that apply in Ireland for the taxation of people resident in the State. From a taxation point of view, the main factor is whether a person is resident or non-resident in the State for tax purposes. Deputy Burton mentioned the possibility that we could use citizenship instead of residence as a basis for taxation and Deputy Morgan has an amendment on the subject so we might postpone that issue until we are dealing with that amendment.

Whether or not an individual chooses to live here or abroad for whatever reason is a matter for that individual. The State cannot interfere with an individual’s choice of where he might want to live. The right to travel outside the State is enshrined in the Constitution and there is free movement within the European Union. There is, however, a major distinction between an individual who is non-resident in Ireland for tax purposes who has a source of income liable to Irish tax and an individual who deliberately to become non-resident in Ireland for tax purposes.

At the Committee of Public Accounts, the Chairman of the Revenue Commissioners stated that in 2007, some 5,803 people declared themselves to be non-resident for tax purposes. That does not mean all those people are not making genuine returns to the Revenue Commissioners. In line with general taxation principles, such individuals have a liability to tax in Ireland only with respect to the Irish-sourced income and income derived from working here. The only reason they submit an Irish tax return is that they are paying tax in Ireland. Some 5,803 individuals pay tax in Ireland on their Irish income. One cannot infer from this that in some sense there are 5,803 individuals who should be paying tax in Ireland in respect of their income in the rest of the world. Non-residents, including Irish citizens who do not have Irish sources of income or income from working here, do not have to make an Irish return.

Non-residents with a liability for Irish tax generally fall into two categories. First, there are those who have lived here for some time and have emigrated but retained some property or investments in Ireland that give rise to a taxable income. Such individuals may or may not be

Irish citizens. As well as Irish-born individuals, they include migrant workers who came here temporarily, perhaps on secondments, and who have since left but have retained Irish investments. Second, there are those who never lived here but who have invested in our economy or worked here for short periods. It is unlikely that such individuals are Irish citizens. There is nothing wrong or illegal about either of these circumstances. This is the general circumstance. They are taxed in the same way as they are taxed in any other jurisdiction. The fundamental issue is that somebody must have a primary basis for his or her taxation.

In respect of Deputy Burton's view that there is a particular category of persons who have exiled themselves from the Irish tax system, there seems to be an erroneous view that one can simply identify those who choose to live outside the State because of our tax system as being in that capacity. The former chairman of the Revenue Commissioners dealt with this in the Committee of Public Accounts in November 2004 and said there is no such thing as a Revenue list of Irish citizens who are tax exiles. Only non-residents with Irish-sourced income or income derived from working here have a liability to Irish tax. Non-residents, including Irish citizens and others who may have resided here at some stage, do not have to make an Irish tax return if they do not have such a liability.

The Deputy's amendment seeks a report that will identify the number, status, rights and liabilities of individuals who were previously tax resident in Ireland but who now live abroad purely as a result of the Irish tax system. That is the substance of what the Deputy is asking me to compile. This is a purely drafting point, but it would not be appropriate for me to submit the information. Ideally the Revenue Commissioners, who have possession of this sensitive information, should do that. It would be a function of the Revenue Commissioners, but they maintain that it is impossible to distinguish between those who have deliberately left the country because of the tax system from those who left the country for other reasons. Very many Irish citizens choose to live abroad for reasons other than the tax system, so it is not self-evident that those who emigrate do so simply as a result of the tax system. That is the fundamental point on the report.

Deputy Burton may be suggesting that a number of individuals display themselves in a prominent way in Irish life. I do not think the Deputy made this suggestion, but the suggestion may be that they are not in compliance with our tax code and do not live the requisite number of days outside the jurisdiction but are based in the jurisdiction because of the publicity they attract when they are here. I took that to be the tenor of the Deputy's contribution earlier today, that it is maintained that a number of individuals do not have a liability to tax on their overseas income here in Ireland, that these individuals have a certain prominence in this country, particularly in charitable giving, and that this prominence of itself means they have a tax liability, notwithstanding that they live more than half the year outside the jurisdiction.

I was surprised that Deputy Burton said some individuals have come to her and said they should be exempt from income tax notwithstanding that they live in Ireland, which is a very serious matter. The law is very clear on this. If one lives more than half the year in Ireland one is liable to taxation in Ireland on one's domestic and overseas income. If one lives less than half the year in Ireland one is not liable to pay tax on one's overseas income but may have certain liabilities to charge in Ireland. That is how one comes to the attention of the authorities. There is a logic to that position because one has to be living half the year somewhere.

It would be very difficult to make progress on this issue in a purely Irish context. The real abuse is not the proper relationship that exists between the tax system in Ireland and that in the United Kingdom and other neighbouring jurisdictions, but the facility with which individuals can purchase a tax residency in microstates or smaller jurisdictions further afield. There is an issue there which world leaders have been discussing in the context of closing down tax

[Deputy Brian Lenihan.]

havens and money laundering centres. Our legislation is as robust as that in any other country and conforms with the legislation in the United Kingdom. This is important because that is the place of most frequent connection and intercourse between us and the outside world. The legal arrangements that apply here are very similar, if not identical, to those that obtain in the UK.

The earlier provision, which was introduced by an Administration of which Deputy Burton was a part, providing for the so called “Cinderella rule” that a person could maintain that he or she left the jurisdiction before midnight and, therefore, was not in Ireland for the day, was repealed in last year’s financial legislation. That brings us into substantial harmony with that which applies in our nearest neighbour with which we have the most frequent contact. That is the domestic position on the issue.

It would not be proper for the Minister for Finance to compile this report, because it relates to sensitive tax information which I am not supposed to access. If there is to be this amendment it should be a function of the Revenue Commissioners, and they say they cannot do this because the concept the Deputy has introduced appears to be more for a political purpose than for a strict tax purpose which they administer under their care and management of the revenue.

Deputy Joan Burton: Although the Minister uses quite elegant language, the message remains the same, that people, many of whom are close to the ruling Fianna Fáil Party, have enjoyed extraordinary latitude in their tax affairs. In recent years in particular it has been open to many individuals disposing of interests in companies to go offshore for a period of time to avail of very substantial, legitimate — the Minister is at pains to confirm the legitimacy of these arrangements — avoidance of tax. The consequence is that we have two classes of Irish citizens — those who live, bring up their families and pay income tax in the country and those who, while they can avail of all the advantages of living in Ireland for a significant part of the year and identifying with Ireland, do not pay income tax here.

The Minister says he has no idea of the number of people involved. Many of them have been very successful in business and good luck to them. Many are very charitable through various projects. Nonetheless it is a fundamental rule in a republic that people in the republic contribute by way of taxation. Their children and grandchildren are Irish and most of them are very proud to describe themselves as Irish; they just have this point that they wish not to contribute in so far as possible through income tax or other taxes. The Minister will have been advised by his officials, if he does not personally know many such individuals, that they are a slap in the face to their fellow citizens who pay their fair income taxes. When the Minister is seeking more tax from ordinary workers, the situation on non-resident tax exiles remains difficult.

In the context of the collapse of the international financial system there may be moves to close down or reduce the activities of tax havens and such individuals across a range of jurisdictions. That is part of what has brought the international system down, but we are here to discuss the Irish system. I am disappointed the Minister is not more aware of how unfair the current position is in regard to these super wealthy individuals as compared to ordinary PAYE taxpayers.

Deputy Richard Bruton: Unfortunately, I did not hear whether the Minister said the commission would consider this. I know other jurisdictions have considered, for example, having a minimum tax charge for people on a lower threshold of days or for people who spend a substantial amount of time in Ireland but fewer than the 183 days. They have talked about minimum contributions and people have looked at different ways to tap this. Is that being studied by the commission in order that we can see the full range of options in this territory?

Deputy Brian Lenihan: My understanding is the matter is under examination by the Commission on Taxation. I confirmed that to the House.

I do not facilitate tax avoidance nor have my predecessors who were of my political interest. Deputy Burton's suggestion in regard to this subject that the Fianna Fáil organisation as a whole, which includes individuals, myself and my predecessors, have facilitated tax avoidance is wrong. I reiterate what I said. An international arrangement is in operation here, not a local one, whereby if one lives less than half the year in a country, one does not pay tax on one's overseas income in that country. One always pays tax on the income one receives in Ireland.

That said, I canvas the idea this is connected to one's allegiance to the State and the Republic and that if one affirms allegiance to the Republic, one should be obliged to pay tax in it. I fail to see how one would establish that as a basis of taxation because, presumably, many persons would voluntarily withdraw their allegiance and go back to the assertion that they live half the year in the State if they are living abroad. Deputy Burton then came back with the idea that citizenship, as a concept, should be used. That will be discussed with the next amendment. If I may, I will pass on from that subject until we come to deal with the next amendment.

4 o'clock

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 5 in the name of Deputy Bruton arises out of Committee proceedings.

Deputy Richard Bruton: I move amendment No. 5:

In page 6, line 6, after "income" to insert the following:

"except where the Minister by regulation sets out a schedule of allowable deductions".

Essentially, this amendment is to deal with the very unsatisfactory nature of the levy system the Minister has put in place. I do not need to rehearse the arguments about the problems but will give a couple of examples of which I, and I am sure the Minister, is aware. This scheme results in a single person with a gross income of €36,400 being on a 51% marginal tax rate. It takes no account of whether that person has a mortgage, children or medical expenses. The Minister admitted that it is an emergency measure thrown very widely but not sustainable as a long-term feature of our tax code.

The Minister has given a firm commitment to amend his ways, or what did we learn in catechism?

Deputy Brian Lenihan: A firm purpose of amendment.

Deputy Richard Bruton: A firm purpose of amendment. That is right.

Deputy Brian Lenihan: Not at this point in time.

Deputy Richard Bruton: Exactly. The Minister promised a firm purpose of amendment some day in the future like, I believe, St. Augustine. I am relying on the Minister to——

Deputy Brian Lenihan: He was not talking about money but about the other subject.

An Ceann Comhairle: In any event, Deputy Bruton can take the fifth amendment for now.

Deputy Richard Bruton: The Minister accepts we will have to evolve this and my amendment allows him to make regulations. I did not have time to amend this provision but the Minister said, rightly, the House would like to see this placed by substantive resolution. If he was disposed to accept this amendment, he would make amendments by way of substantive motion before the House. There is a need to address this.

There are flaws in this for businesses also. They require capital allowances against investments legitimately made in their businesses. Our whole tax code has been built around the idea that one is allowed to invest in one's business to maintain and develop it and that should be recognised in the tax code. However, this levy does not allow that to happen.

I know the Minister has been in discussions but some features of the way this interacts have had unintended consequences — at least I imagine they are unintended. I understand that in the pension investment industry, some of the ways in which this will apply will give rise to significant distortions as between different products and different providers of products.

There seems to be scope to learn and to modify. While we may await the Finance Bill from year to year, there is a need for us to be able to identify those defects and to respond. I am disappointed we are not beginning to see ways from the Minister's Department and advisers.

The Minister has dramatically increased his dependence on this form of taxation between the two budgets. It has been signalled that he will raise another €2.5 billion in taxes in next year's budget.

Deputy Brian Lenihan: No.

Deputy Richard Bruton: It is in the budget book.

Deputy Brian Lenihan: It is €1.75 billion at most.

Deputy Richard Bruton: Perhaps I have forgotten. Whatever it is, it is in the book. If we are to see a continuing reliance on this form of taxation, we need to see some modification and role for the House in delivering it.

The book states €2.5 billion in a full year in taxation in 2010.

Deputy Brian Lenihan: That is the knock on from this year.

Deputy Richard Bruton: No. It states additional annual measures to be delivered in 2010 will have a full year tax impact of €2.5 billion. In regard to spending, the full year impact will be €1.5 billion.

Deputy Brian Lenihan: That is the knock-on effect of the supplementary budget next year.

Deputy Richard Bruton: No. This refers to additional annual measures to be delivered in 2010. The knock-on effect of this year is much greater than that. It is €3.5 billion in taxation.

Deputy Brian Lenihan: If the Deputy looks at page A.10 and the fourth paragraph, the speech itself—

Deputy Richard Bruton: When the Minister comes to explain that in the explanatory tables, it is made very clear that it will be €1.75 billion this year but that the full year implication of it is €2.5 billion.

Deputy Brian Lenihan: That is the following year.

Deputy Richard Bruton: No. It is the full year impact in 2010 of what the Minister is raising.

Deputy Brian Lenihan: I am not trying to be difficult but the first year means 2010 in that context. The full year——

Deputy Richard Bruton: I do not want to be pedantic about this but if the Minister introduces a tax in February, he will not come back the following year and say that in 2011, he will vote for the carry over. He will say that is read into the level of tax.

The implication of the Minister's tax measures is €2.5 billion in extra tax *ad infinitum*. That is what he is doing. That is not the central point but I am illustrating that the Minister is going back to the well——

Deputy Brian Lenihan: I was only clarifying it. We are going back to the well.

Deputy Brian Lenihan: The Minister is going back to the well. There is a real danger that he will go back to this particular well again and there needs to be some modifications if it is to be a long-term feature. On Committee Stage, we debated some of its features, including minimum tax, how it applied to low incomes and unsatisfactory features. The longer term direction of merging this back into the tax code needs to emerge from the Minister. That is why I thought it important to again table this amendment. In terms of the levy on the life insurance industry, I understand there have been discussions with the Minister's Department since the issue was briefly considered on Committee Stage. What was the outcome of those discussions and will the Minister be able to deal with the industry's fears regarding the distortion of competition? It complained that the high compliance cost is also impacting on the industry. I have not been able to evaluate this but those concerns have been brought to our attention. I should like if the Minister could deal with those aspects.

Deputy Brian Lenihan: With regard to the amendment, the Deputy is aware why the income levy was introduced — to help deal with the exceptional economic circumstances we face. It is addressed by sharing that burden, based on the ability to pay. I am not going to re-enter the argument we had on Committee Stage about secondary legislation, as I do not accept this is an appropriate device to deal with a relief of this character. That said, on the merits of the proposal I accept, as I did on Committee Stage, that one cannot indefinitely increase levies and not provide for some form of tax relief.

However, the issue then becomes one which we will have to examine on receipt of the Commission on Taxation report, as to the relative importance in our income tax system of flat rate universal taxation on all income as against graduated income with reliefs incorporated. We have both models but one of the difficulties we have is that there are too many examples of the flat rate levy on all income. That has created inconsistencies within that system which have to be addressed. I believe, however, there will still be a place in our system for the taxation of income, a role for levies or other forms of collection which is applied universally on all income. We have that already with PRSI and the health levy and we have it here with the income levy. There have never been PRSI allowances, although sometimes amounts payable can be in excess of what the levy amounts to. In my view, there is no scope for that.

I will now deal with the other question raised by the Deputy on Committee Stage outlining issues regarding the new life insurance levy. I announced the levy in the supplementary budget of 7 April 2009. It has been set at 1% of the premium income of the insurance companies, payable to the Exchequer quarterly. The measures in the supplementary budget were formulated to raise substantial moneys, an overall €3 billion in a full year, inclusive of the 1% levy. Since the supplementary budget a number of issues have been raised by the life insurance

[Deputy Brian Lenihan.]

industry. In response to some of those concerns I agreed to change the implementation date from 1 June to 1 August to give a longer lead in period for implementing the new levy. This change was contained in the Finance Bill, published on 7 May.

Deputy Kieran O'Donnell: I want to raise two points, following on from what Deputy Bruton has said. In terms of this income levy, it is anti-business in that we are trying to encourage people, particularly the self-employed, to invest in equipment, plant and so forth. This levy is applied on a gross rather than an after-capital allowance basis.

By way of observation, the Minister has introduced a composite rate, effective from the start of the year, in terms of applying the income levy. My understanding is that it was introduced as an anti-avoidance measure in terms of company directors and so forth taking bonuses prior to 1 May, in which case they would have been liable at the lower rate. The consequence of bringing in this composite rate rather than just applying it from 1 May, when the income levy rates were doubled, is that the self-employed will not be taking bonuses, which will be a loss of PAYE and PRSI to the Exchequer. In many cases they will defer the taking of bonuses probably for 18 months after the accounting year ends. Many of them will have December year-ends in terms of dividend payments. The key thing the economy needs at the moment is tax or cash flow. We are on our knees because there are not sufficient taxes coming in to sustain the level of services.

It would have made more economic sense in the current circumstances, from a cash flow viewpoint, to have made it effective from 1 May and to have encouraged people to take bonuses and salary amounts prior to that date. By 14 May, in the event, the PAYE that is so badly needed would have flowed into the Exchequer. I believe it was a short-term measure. At the moment the Exchequer needs cash flow, which it does not have.

Will the Minister say whether this was purely a drafting error? Was it something that happened and is he effectively explaining this composite rate in respect of something he did not mean to happen? Was it an inadvertent error?

Deputy Brian Lenihan: We are on Report Stage, so it does not arise from the amendment, but I shall deal with the question.

An Ceann Comhairle: It does not, in fact.

Deputy Brian Lenihan: It does not because it has nothing to do with the amendment tabled by Deputy Bruton.

Deputy Kieran O'Donnell: It is an interesting point, worthy of comment by the Minister.

Deputy Brian Lenihan: The composite rates of income levy as set out in the section are the annual rates which are to apply to all individuals in respect of their income from all sources in the year. These rates ensure that all taxpayers are treated the same way in relation to their overall income for a year as a whole, for the purposes of the income levy. The composite rates have also prevented individuals who are in a position to control, when they draw down their income, from gaining any advantages from front-loading into the first four months of the year income which is normally taken in the later part of the year.

Deputy Kieran O'Donnell: I would be encouraging them to do it.

Deputy Brian Lenihan: Deputy O'Donnell, like a good accountant, is suggesting that we should have permitted the facility to front-load to exist.

Deputy Kieran O'Donnell: No, I think——

Deputy Brian Lenihan: The effect of this is to eliminate that possibility.

Deputy Richard Bruton: I did not quite understand——

Deputy Kieran O'Donnell: Has the Minister ever heard the expression, “cash is king”? It is true.

Deputy Brian Lenihan: I have.

Deputy Richard Bruton: I did not understand the Minister's comments as regards the issues raised in respect of the application of the levy to life insurance. The central contention is that the levy will apply to pension investment business written by life insurers, but not other institutions — and that is one of the problems. Furthermore, because the levy is applying on pensions, it is hitting the consumer's investment and so is actually taking a lump out of what he or she is setting aside. It is not a levy on the service being provided by the company. It means that a whack is being taken out of the savings made by an individual rather just a levy on the value added of the insurance company, or the provider. There is some validity in those two points and I wonder whether the Minister and his advisers are sympathetic to this viewpoint even if it is not possible to address this year. It does appear that a reasonably argued case is being made, although I may be missing something. While this is a relatively simple initiative there may be unintended consequences that perhaps need to be considered.

Deputy Brian Lenihan: I have considered carefully the various issues raised by the life insurance industry. Having regard to the need for additional tax revenue, the incidence of taxes being imposed across the economy and the need for all sectors to make a contribution towards solving our economic difficulties, I decided that the levy will be implemented as announced. In common with other taxation measures, however, the operation of a levy will be kept under review in advance of budget 2010.

Deputy Richard Bruton: The Minister, then, sees something in the arguments the industry is making.

Deputy Brian Lenihan: I am prepared to keep the matter under review in the best interests of the industry and for that reason I gave a longer lead in period, as well.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendment No. 6 is in the name of Deputy Morgan and arises out of Committee Stage proceedings.

Deputy Arthur Morgan: I move amendment No. 6:

In page 6, to delete lines 28 to 35 and substitute the following:

“(vii) excluding relevant emoluments of an individual who is resident in a territory with which arrangements have been made under section 826(1)(a)(i) in relation to affording relief from double taxation, where those emoluments are the subject of a notification issued under section 984(1) except in the case of individuals who hold an Irish passport and who now will pay all levies outlined in this bill.”.

The purpose of this amendment is to try to continue the debate in respect of tax exiles. I cannot understand why it was not discussed in conjunction with amendment No. 4 in the name of

[Deputy Arthur Morgan.]

Deputy Burton. I welcome the fact that this matter is being aired in the Dáil because, as far as I am aware, there is no definition with regard to what constitutes a tax exile. There seems to be a number of different loopholes through which people can apparently escape. One of the most celebrated cases in this regard appeared on the front pages of all the newspapers in the land a number of years ago. I refer here to Denis O'Brien's sale of Eircom and his subsequent construction of a substantial mansion in Portugal. On that occasion, Mr. O'Brien exercised an option to avoid paying very significant tax.

I understand Mr. O'Brien to be one of the examples of a tax exile. I readily accept that there are many others. I also accept that this is a complex area. When other Members and I raised this matter with the Minister on previous occasions, he cited double taxation as a factor. Double taxation must be also dealt with because we want the tax regime to be as fair as possible. The first principle of any report from the Commission on Taxation must be that fairness and reasonableness should apply across the board.

When we consider the area to which the amendment relates, it is apparent that substantial opportunities exist in the context of tightening the loopholes to which I refer in order to prevent a recurrence of the case I have just cited. It is not my place to defend the Minister's party but I must point out that Fianna Fáil was not in government when the individual who had just sold Eircom availed of a particular loophole.

There are other examples to which I could refer but I will not do so now. I am of the view that resolution is required in respect of dealing with people who can declare that they are moving abroad and can thereby avoid, if not evade, substantial tax liabilities. I am not referring to people moving to the Cayman Islands; rather I refer to their moving to other EU member states to avoid their duty to pay tax here. It is a blow to hard-pressed working families, pensioners and welfare recipients who are losing their Christmas bonus to see people who avoid paying tax here developing trophy mansions such as that which was built in Portugal.

I hope the Commission on Taxation is examining this issue and will come forward with extensive proposals designed to tighten up the position. This matter is a bone of contention. Examples such as that to which I refer illustrate the need for the introduction of a fairer regime. What is suggested in the amendment could constitute one part of such a regime.

Deputy Brian Lenihan: I note Deputy Morgan's comments and I assure him that the Commission on Taxation will deal this matter. We could assist the public by being factual in our assertions with regard to it. In that context, if one earns income in Ireland, one pays tax on it. If, however, one does not reside in Ireland, one does not pay tax on income one earns elsewhere. There is nothing unusual in that legal arrangement. It appears to be a feature of this debate for people to suggest that Ireland is somehow out of line or unusual in the context of the arrangements that are in place here. Those arrangements are almost identical to those which obtain in the United Kingdom.

If Deputy Morgan has evidence that a particular individual is living here more than half the year and is not paying the full tax on his or her income around the world, he can put the Revenue Commissioners in possession of that information in order that they might investigate the matter. Everyone is aware that the Revenue Commissioners have extensive access to information relating to particular taxpayers. It is open to the Deputy to do as he sees fit in respect of this matter.

It is useful to have a public debate on this issue. However, we must have a peg on which we might hang a particular person. We cannot simply say that because he or she was originally a

citizen of this country and has now made a great deal of money through his or her business dealings across the globe, he or she must pay tax here on his or her entire income.

There are two countries which employ citizenship as a basis for taxation, namely, the United States and Eritrea. It is fair to ask why we could not use citizenship rather than residence as the basis of our taxation system. One reason is that attempting to link liability to income tax with citizenship is totally out of line with the normal practice in OECD countries — most of which are our neighbours — where tax liability is based on residence and not on citizenship. It is desirable, as a matter of general course, to have a similarity of treatment with one's neighbours in respect of an international matter of this nature.

A specific difficulty would arise in the Irish context if citizenship were to be employed as the basis of taxation because there is a very extensive access to citizenship in this country. As Deputies are aware, citizenship of Ireland is obtained by birth or descent or through marriage or naturalisation. These are the general categories that apply. The extensive access to Irish citizenship for those who do not live here is part of our history of migration to other parts of the world. Very few countries outside Ireland recognise the right to a grandchild to obtain citizenship. In addition, and as I am sure Deputy Morgan is well aware, we have always attributed citizenship throughout the territory of the island of Ireland on an equal basis. Were we to decide to impose taxation on the basis of citizenship — I do not wish to rake over old embers here — we would be obliged to send tax return forms to virtually every resident of Northern Ireland.

In his amendment, Deputy Morgan seeks to narrow the position by including a stipulation with regard to people relying on their Irish passports. A passport, which is issued by the Minister for Foreign Affairs, is only evidence of identification of citizenship. It does not represent a person's citizenship but it is a sign that he or she has committed himself or herself to being protected by the State. Ireland has an extremely large number of passport holders, namely, 4.3 million, which is more than the population of the State.

It is worth noting that under the nationality and citizenship legislation, the individual has a right of renunciation of citizenship. Any Irish citizen is free to apply to the Minister for Justice, Equality and Law Reform to renounce his or her citizenship. It is true that the Oireachtas could suspend that right in order that military conscription could take place. In general, however, there is a facility whereby citizens may apply to the Minister for Justice, Equality and Law Reform to renounce their citizenship and they must act in good faith in respect of this facility.

Even if one negotiates the practical hurdle of sending tax forms to everyone in Northern Ireland and then assesses the tax position of other Irish citizens living abroad, one is still left with the fact that a person can renounce his or her Irish citizenship. The reason the United States is able to base its taxation system on citizenship is that it is such a powerful country. We do not possess an equal level of power. I note that Eritrea has followed the US example but it is the only tax-collecting country to have done so. We base our system on residence because that is what our neighbours do. That is why people move back and forth.

As I informed Deputy Burton in respect of an earlier amendment, there are two areas in respect of which the concerns that exist might be addressed. The first is that the Revenue should police the provision that is already in place. I am satisfied that it does so. The second is whether greater international efforts can be made to outlaw, on a mutual basis, places which sell tax residencies at a discount, for a premium or whatever. There is no other solution because the facts of residence and non-residence are incontrovertible.

[Deputy Brian Lenihan.]

Constant reference is made to individuals who are prominent here in respect of this matter. I am not sure of the identities of these people but the implication is that they are very generous with particular charities or may be active in sporting life. There are a number of individuals who are Irish and who are prominent here but who maintain that they live abroad. If there is any evidence in the possession of Deputies that the people to whom I refer do not live abroad, it should be placed in the hands of the Revenue Commissioners.

Deputy Arthur Morgan: I accept that residency will remain the cornerstone of taxation policy. We referred to those who hold wonderful charity events and swan off around the globe and it reminds me of the old phrase from the tax marches of the 1980s, “Damn your charity, we want justice”. That principle should apply here and we should try to achieve something just, reasonable and fair. I do not suggest that the amendment will solve the problem, nor did I expect the Minister to accept it because that has not been his habit with Opposition amendments. I am glad it has been tabled to allow us to tease the issue out. I look forward to the Commission on Taxation finding a considerably fairer regime than currently exists because by God we need one.

Deputy Joan Burton: After the Minister’s long lecture, I want to point out that the world has been brought to the brink of financial ruin and this country has hundreds of thousands unemployed. The offshore tax havens and those who are legitimately and legally considered to be offshore for tax purposes have brought the current economic collapse and depression to this point, where the lives of so many individuals and families have been irreparably damaged. The reaction of the Minister is to give a long lecture of the kind he probably gave to his students on law and the Constitution. We are speaking in a political forum and, on behalf of the people we represent, we wish to see people paying tax fairly. We would also like to see reform of globalisation and to see the use of tax havens and tax dodging devices by companies and individuals restricted and limited. This would be in the interest of the financial health of everyone in the long run. I find it disappointing that the Minister, in his lofty, college lecturer way, suggests that he has a superior understanding. I hope he might have a superior understanding of the mass unemployment afflicting this country. It is deeply disappointing that the Minister washes his hands of the notion that he might be able to do something positive to bring a sense of fairness and reform to the tax system, given the challenges we face.

Deputy Brian Lenihan: I am sorry to inform Deputy Burton that the material I read is material from my Department. I never lectured in the law of citizenship. The material before me was prepared by the Department of Finance so there is no need to personalise this issue in respect of my past occupation. My current occupation is a Deputy and Minister for Finance. I am well aware of joblessness in this country but I do not believe in giving people false hopes and expectations about the reality of what tax can and cannot be collected in this country. According to my Department, the international arrangement is that if one does not live in this country, one does not pay income tax on overseas income. If Deputy Burton has evidence of individuals acting in breach of this law she is free to submit it to the Revenue Commissioners and do some public good. I do not accept that I am indifferent to the fate of the unemployed or the need for a fair taxation system.

This debate is important. The Commission on Taxation is examining the issue and if anything can be done to further secure matters, it will be done. We are working with the EU and the OECD in addressing the concerns of unfair international tax competition. The existence of tax havens, where persons can purchase a particular advantage, is one of the difficulties. One cannot devise a local solution to this problem. Deputy Burton can table amendments year after

year but no amendment she has produced to date has been workable in terms of international obligations. The only solution to this issue is an international one, where the legitimate tax paying countries have a mutual arrangement to ensure that persons pay income tax. The idea that there is a wand to be waved to find the crock of gold is illusory.

Deputy Arthur Morgan: I had no expectation that this issue would be resolved in this emergency budget. However, I have a hope, if not an expectation, that it will be dealt with in the budget for 2010 later this year. That the Commission on Taxation is bringing forward recommendations on this area gives me some hope. On foot of that, I withdraw the amendment.

Amendment, by leave, withdrawn.

Deputy Richard Bruton: I move amendment No. 7:

In page 6, line 41, to delete “€15,028” and substitute “€18,304”.

This matter arose on Committee Stage. The Minister is proposing taxation with the levy below the minimum wage. While the Minister says that in times of crisis we must spread the burden, this is an arbitrary way of doing it. The Minister adverted to the major anomalies we are creating in the structure of these levies. The PRSI levy has an allowance of €127 a week, the health levy has a cut-off point of €500 a week and the Lenihan levy has new cut-off point of under €300 a week. There is no high principle being applied. We must come to some sort of consistency in the way we treat income at different levels. There must be fairness rather than step changes in the structure of the tax code that are driven by convenience on the day. The Minister will tell us he will wait for the Commission on Taxation and then have new insight. It seems that some of the insights are not rocket science. We are creating a patchwork quilt of impositions and these create real burdens for those caught within them. There must be a more consistent approach across the types of levy with some grading of burden that is fair in its impact.

Deputy Brian Lenihan: To accept Deputy Bruton’s amendment would cost €25 million this year and €50 million in a full year. The income levy as currently structured is highly progressive. Those who can afford it pay the most while the most vulnerable are protected in so far as possible. The levy payment amounts to 1.11% of gross income of the individual. The multiplicity of levies has become a patchwork quilt and requires consolidation.

Question, “That the figures proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

An Ceann Comhairle: Amendment No. 8 arises from proceedings on Committee Stage. Amendment No. 9 is a technical alternative, therefore, amendments Nos. 8 and 9 may be discussed together by agreement.

Deputy Arthur Morgan: I move amendment No. 8:

In page 7, to delete lines 28 to 42 and in page 8, to delete lines 1 to 7.

This deals with one of the substantive issues in the supplementary budget, the income levy. This is a grossly unfair levy, applied even at rates below the minimum wage. This demonstrates its lack of fairness. The Minister does not have a comprehension of the difficulties of families living on low incomes and the struggle people endure daily. The threshold was just over €18,000 and as bad as that was, at least it met the threshold of the minimum wage. In coming below that level, a significant burden is placed on low income families.

[Deputy Arthur Morgan.]

I am sure the Minister will tell me that nobody in the public sector, for example, earns below the minimum wage but there are people in part-time employment or other less than full-time employment who earn less than the equivalent minimum wage for that reason. Those people on a very low income are being caught in the net, although they may be entitled to other social welfare benefits, such as the family income supplement, for example. They are still faced with this levy and are only one category of people.

This is unfair because of the pressure people are under at the moment. Many people have said to me lately that although they are afraid of losing their jobs, they would nearly be as well off on social welfare because of all the levies that have hit them. People's heads are down and they are genuinely depressed about the significant imposition placed on them through the emergency budgetary measures. Many are struggling to feed and clothe their children. People are arguing that the minimum wage is hampering our competitiveness but those people have no comprehension of the difficulty of daily living for certain families and their daily struggle to survive.

I have no expectation that the Minister will accept this amendment but it is important that we air this issue and represent in this House those people at the coal face of the effects of these levies.

Deputy Brian Lenihan: Deputy Morgan's amendment in substance seeks to repeal something which was at the core of the supplementary budget. The Deputy has indicated he is opposed to the rates of change and he would continue the charge at the rates effective from 1 January 2009.

The levy was introduced to help deal with the exceptional economic circumstances where we as a nation saw a very substantial revenue shortfall for the State. It is worth noting the decline in the revenue income of the State from €48 billion in 2007 to €41.5 billion in 2008 to an amount projected before the budget of a little over €31 billion. That is a very dramatic reduction in tax receipts. I accept that there has been a decline in gross domestic product and an increase in joblessness but the decrease in taxation outpaced the relative decline in those other areas. The tax base of the State eroded dramatically and had to be strengthened in the national interest.

Deputy Arthur Morgan: Of course there has been a significant decrease in revenue because of the economic downturn. Our whole economic infrastructure could have been strengthened substantially if money from the Exchequer had been used properly and the income streams from the property and consumption boom had been reinvested in order to make our economy more competitive and less reliant on the construction sector by helping indigenous industry and our exporters. All those areas could and should have been enhanced in those years but this was not done to a substantial degree.

Our current position is the consequence and it is down to bad governance and a lack of vision. The Government had a significant income stream but staggered along unworried about where it was going because it seemed to think the boom would go on forever. There were voices arguing that the boom would not continue indefinitely and that the Government's actions were dangerous, as the over-reliance on construction and consumption would cause a crash, and whether it was to be a soft landing or otherwise was a matter of guesswork.

I suspect those of us who argued it would happen sooner rather than later were at least ahead of many officials in the Department of Finance who were getting all the predictions wrong. I do not know whether to blame the Minister or the Department for that but it is between them. The consequences being felt by those people out there who are subject to these

levies are the same as they are struggling from day to day. Unfortunately, I do not hear any wisdom or words of foresight coming from the Government on these matters to try to put the matter right. Perhaps that is as worrying as anything else. As worried as I am, the people subject to these levies on very low incomes are feeling the sharpest end of the matter.

An Ceann Comhairle: Does Deputy Bruton wish to speak to amendment No. 9 as the amendments are being taken together?

Deputy Richard Bruton: I know the Minister is not very well disposed to this amendment but it must be kept under consideration by his Department. Where people are required to make investments for compliance with environmental obligations that the State rightly applies, they should not find themselves paying tax on the money they set aside to meet those compliance obligations. That is what the Minister's provision does.

The Minister may say that his treatment of capital allowances generally is unsatisfactory but necessary for a crisis; people seeking to conform with compliance rules that the Minister continues to apply during a crisis should not find themselves taxed for doing so. The Minister might not be willing to accept the amendment this year but it is worthy of being kept to the fore and if I table it next year, perhaps the Minister would be in a position to accept it.

Deputy Brian Lenihan: The Deputy has in a sense postponed the amendment until next year so I will be brief in my reply. I will not take this as meaning that the Deputy agrees with the matter this year and I will not misinterpret it as such. The amendment seeks to grant special treatment to those individuals who invest in capital assets in order to satisfy environmental requirements of the sector in which they are trading. That is contrary to the general thrust of the policy underpinning the levy as it would place certain taxpayers in a preferred position over others. There is relief in the tax system for such capital investments allowing the investor to write off in full the relevant cost of the investment over a defined period against income tax.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 9 not moved.

Deputy Richard Bruton: I move amendment No. 10:

In page 11, line 48, after "2009" to insert the following:

"unless it can be shown that the person had occupied the house as their principal private residence in the past 3 years".

The Minister has indicated that he would look at this issue and I accept that it may create considerable difficulty. In the current crisis we are seeing very ordinary people getting into difficulty with loan payments or they are having to rent out their homes. One case was brought to my attention — I am sure it is one of many — where, effectively, under the code if the Minister proceeds as intended, these individuals could not write the interest off against the rental income earned. The Minister indicated they could rent a room and have a tax relief available, which is some relief.

I can understand fully how the Minister would move to act as he is doing in respect of people with large rent books who have enjoyed the reliefs of section 23 and other roll-over reliefs where people could write indefinite amounts off against rental books, as had been the pattern. Smaller operators possibly may be caught up in this. Perhaps there is scope for the development

[Deputy Richard Bruton.]

at some point of a *de minimis* rule that would provide some relief for those affected. I was only trying to make a stab at it through this amendment and I would understand if the Minister claimed I have thrown the net too wide. Is there some way where the needs of people forced into renting out their homes due to financial difficulties could get some relief on this over time? It might need to be developed as an above-the-line measure instead of a tax relief.

Deputy Brian Lenihan: A similar amendment was tabled on Committee Stage. The effect would be to exclude from the new restriction the amount of interest that can be deducted when computing a person's taxable rental income on interest paid by individuals who had occupied a house as their principal private residence before the house was rented out for residential use.

The Deputy's concern relates to possible circumstances of hardship that might arise in the current economic climate where a person loses his or her job while still having a large mortgage repayment to meet. Individuals who find themselves in such circumstances may well seek to secure sources of income to keep up these repayments, including the possible renting out of a house. While individuals may have an option to help defray the cost of a mortgage repayment short of vacating their homes, such as the rent-a-room relief scheme, such options may not be available in all circumstances. Certain individuals who have lost their jobs may well decide to move back in with their parents or other family members so as to rent out their home.

The immediate financial benefit from such a course of action would be obvious as they move from having to fund the mortgage from their own resources to having it wholly or partly funded from rental income. In that regard, if the individual concerned is unemployed it is highly unlikely that the individual would be in the position of having to pay tax on net rental income on foot of a reduction in interest deductibility announced in the budget.

A single person getting the top rate of jobseeker's benefit, currently over €204 per week, would need to be in receipt of net rental income in excess of €7,676 a year before they would pay tax. This is because their personal and PAYE credits would act to absorb income tax chargeable on their combined social welfare and rental income up to €18,300.

In the case of a married couple with one earner who is unemployed, the position would be that they would need to be in receipt of net rental income of close to €10,000 before income tax would be payable. I believe it is unlikely that the letting of a property in Dublin city will give rise to net rental income of these amounts. For these reasons, I will not be accepting the amendment.

Deputy Richard Bruton: Does the Minister believe that renting a property in Dublin city would not generate more than €7,000 a year?

Deputy Brian Lenihan: I was referring to net rental income as distinct from gross of the expenses which the lessor has in respect of the letting.

Deputy Richard Bruton: Is that including the 75% level at which interest repayments can be claimed against tax for residential rental properties?

Deputy Brian Lenihan: Yes.

Deputy Richard Bruton: I understood the Minister is going to reduce that from 75% to 50%.

Deputy Brian Lenihan: That has not been decided yet.

Deputy Richard Bruton: I accept that for this year. However, for next year maybe this well-constructed explanation might not apply if the Minister drops from 75% to 50%.

Deputy Brian Lenihan: I cannot hypothesise what will be contained in the next budget. Deputy Burton made a good stab at it earlier.

Deputy Richard Bruton: The Minister signalled in his budget the direction of his thinking.

Deputy Brian Lenihan: We will see.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendment No. 11 is out of order as it involves a potential charge on the people.

Amendment No. 11 not moved.

Deputy Richard Bruton: I move amendment No. 12:

In page 17, between lines 40 and 41, to insert the following:

“(1A) From the 21st of May 2009 any application for this relief shall be accompanied by an analysis conforming to guidelines set by the Revenue Commissioners demonstrating that the social benefits of the project exceed the social costs.”.

On Committee Stage, the Minister indicated in his reply to a similar amendment that he believed the Revenue Commissioners were not the best to develop guidelines to demonstrate the benefits and costs of different tax reliefs. In some cases, he is satisfied that the certification process is robust enough. In some other cases we have discussed, however, the process is not so robust. For example, the case for the extension of the hospital cover for private hospitals being developed on public hospital campuses is highly disputed. While it is politically disputed, the social and economic benefits to the community are also disputed.

Will the Minister examine the provisions contained in this amendment? The Minister's predecessor engaged consultants to compile a report on the costs and benefits of the property and building tax reliefs in the tax code. They found the costs to the taxpayer were twice the benefit they were to society. Effectively, tax relief schemes are being dreamed up without the same rigorous analysis that would be applied to spending programmes. There is no system of reporting back to the House on their impact and value. It becomes a soft way for Ministers for Finance to distribute largesse.

The Minister's predecessor said one lesson drawn from the consultants' report was that every further subsequent tax concession should have a cost-benefit examination and a sunset clause. As seen today with the hospitals scheme, the habit of extending sunset dates is creeping back. We need to draw a line in the sand to ensure there will be a clear approach to all tax relief schemes. I have my views on the non-desirability of private hospitals on public hospitals campuses. It is wrong, inappropriate and should not be supported by taxpayers' money. I do not know about the Shannon tourism scheme but I am sure the projects are estimable and the Minister has given us some assurances. There is also a new relief on intellectual property.

We need to have the discipline of attempting to indicate the costs and benefits, establishing guidelines on vetting each project and having an automatic reporting mechanism to the House. This would also ensure those seeking support from a Minister for a tax relief would know there are ground rules in place and that a scheme's social value and costs to the taxpayer should wash. While the Minister might quibble about this amendment in respect of the Shannon scheme which has a certification procedure, a clear structure for tax reliefs in general needs to be put in place.

Deputy Joan Burton: I support Deputy Bruton's amendment. Fianna Fáil is addicted to tax incentives for property development and construction because it feels their introduction was the goose that laid the golden egg, creating the boom years of the Celtic tiger. It should be obvious to the Minister that they destroyed the Celtic tiger. The Minister's predecessor was advised of that on many occasions and largely came around to agree with that viewpoint. Politically, however, he found himself unable or unwilling to do anything about it. Part of the public reaction to Fianna Fáil's misgovernment is due to that party's decision both to enjoy the boom, its political benefits and the votes it brought and to extend and blow up the bubble even higher through the use of a widening circle of tax breaks that ultimately caused the property boom to collapse in on itself.

As Mr. Dunlop, who is a former Fianna Fáil Government press secretary, was taken off to jail yesterday, I was struck by his encouragement of incredible levels of rezoning in County Dublin in particular, which in turn fed into an era of intense property and construction speculation. While that era was fed by the kind of corruption revealed at the planning tribunal and for which Mr. Dunlop was jailed yesterday, it also was fed by the intense development of tax breaks for property speculation and construction. Unfortunately, the subsequent collapse, which is costing hundreds of thousands of people their jobs, livelihoods and businesses, has been brought about by a fatal concoction of corruption within the planning process that was peculiarly associated with elements within Fianna Fáil and significant elements within the Fine Gael Party, albeit not all of them, on the old Dublin County Council, as well as with the incredible binge on tax exemption, tax avoidance and so on, absolutely all of which was legitimate.

The proposals contained in amendments Nos. 12 and 13 are modest, namely, to have a serious cost-benefit analysis on the lines acknowledged by the Minister's predecessor, the Taoiseach, Deputy Cowen, in 2005 and 2006, when he commissioned both an independent report and a report by his Department into the various schemes. In addition, from a political perspective, the now defunct Progressive Democrats negotiated as its price in government the continuance and expansion of the private co-location hospital scheme of development, which again was funded almost entirely through cheap credit and tax breaks from the taxpayer. The cheap credit has dried up and is no longer available and, consequently, in so far as such schemes remain extant, they depend on the generosity of the taxpayer through the tax break.

On economic grounds, the Minister ought to consider this amendment, which is a modest request to have a detailed cost-benefit analysis of such a tax break. Few Members share the vision of our hospital services that is implied by the co-location scheme. The Health Service Executive appears to be about to do away with almost all the smaller public hospitals—

An Ceann Comhairle: I cannot allow the Deputy to go off discussing public hospitals now.

Deputy Joan Burton: —and to concentrate—

An Ceann Comhairle: The Deputy should concentrate on the amendment.

Deputy Joan Burton: — because of the tax breaks, on the development of private hospitals that will have the most up to date cancer, analysis and radiography equipment, all of which will be funded by taxpayers through tax breaks. Public patients will queue up to access those facilities and the public hospital system will pay the private hospital operators—

An Ceann Comhairle: The Deputy cannot go into the private or public hospital systems now.

Deputy Joan Burton: Moreover, the capital for all of this—

An Ceann Comhairle: Deputy Burton cannot continue to ignore the Chair and she must stick with the amendment please.

Deputy Joan Burton: The bulk of the capital for this development now will be funded by tax breaks. These amendments only seek that such tax breaks be costed to ascertain their true value and cost.

In Ireland, tax expenditures through tax breaks are treated as though they were meaningless. Earlier, I noted that not alone is the marginal tax rate 41% but, in effect, it can be considerably higher for different propositions. The result in effect is that every time €1 million is invested in such schemes, the taxpayer hands back €400,000 or more to the schemes' promoters. These amendments merely propose that the Minister conduct a cost-benefit analysis before committing so much taxpayers' money.

As for the Shannon scheme, it would be interesting to know how many proposals are on the table. Although this was driven by private finance, I refer to the cost. At yesterday's meeting of the Joint Committee on Finance and the Public Service, members had a long discussion on how such private finance is no longer available and now more than ever, it makes sense to have a serious cost-benefit analysis of such schemes. While I understand the Commission on Taxation may be examining some of them, they have been incredibly costly to the Irish taxpayer. When a tax break is introduced, there should be a clear benefit, whereby the taxpayer pays over €410,000 per €1 million invested and there is some return to the public good on a defined and measurable basis, and not simply a system of tax breaks for the golden circle around Fianna Fáil. This has brought the country to ruin and it is not too late for the Minister to revisit such schemes.

Our banks are in disarray and as the Minister noted in yesterday's joint committee meeting, the developers of some of the schemes for which tax breaks have been awarded potentially are on the verge of liquidation and bankruptcy. However, the schemes still are being funded and the Minister seems unwilling in this regard. As his predecessor had come around to the view that it was correct to review the schemes, it seems extraordinary the Minister cannot acknowledge this and introduce genuine cost-benefit analysis of them.

In many cases, it would be better to close them down and to reintroduce for a limited period only those schemes that have a measurable effect, particularly in respect of job retention and employment creation. A back-to-basics approach should be adopted, as the current structure is a mess of rubbish that has cost Irish taxpayers dear. Moreover, they probably will continue to pay for up to 15 years more because many such schemes have an expiry lifetime that will continue for that long and one has no idea what value, if any, they will continue to provide.

Deputy Brian Lenihan: That was an extraordinary contribution and I must put certain matters on the record of the House. First, lest readers of the Official Report are misled, one should be clear that in this Finance Bill, the Government is terminating the hospital relief to which the Deputy referred. I do not discern a need for a social cost-benefit analysis on a relief that is being phased out and terminated in this Bill.

Deputy Joan Burton: It is a 15-year relief.

Deputy Brian Lenihan: The Deputy's remarks in this regard are entirely wide of the mark.

She then proceeded to speak of golden circles in the context of property reliefs generally. The most fatal relief of all was the seaside resort scheme and Deputy Burton was a Minister of State in the Government that introduced it. As I always understood it, the scheme was introduced at the behest of the then Minister for Tourism and Trade, Deputy Kenny, to provide

[Deputy Brian Lenihan.]

tax breaks to those who built seaside holiday homes all around the Irish coastline. The effect of that scheme is still with me in my Department. It is the most long-lasting and probably the most wasteful scheme of all and it was introduced by a Government of which Deputy Burton was a member. Consequently, she should not make allegations about golden circles. She would not appreciate it were I to suggest that the then Government introduced this scheme because it was associated with individuals who were part of a golden circle.

Deputy Burton rightly acknowledged that my predecessor, the Taoiseach, has phased out many of these property allowances. However, she then proceeded to an extraordinary economic analysis that suggested the existence of these tax reliefs were a substantial contributory factor to our current economic difficulties, which they are not.

Deputy Joan Burton: They are. Absolutely.

Deputy Brian Lenihan: It troubles me when I hear such economic analysis from the Opposition benches. The Opposition is the alternative Government and the country is in a very serious position. If the Opposition has to take up the reins of power and it entertains such notions, I do not believe the country has much of a future.

The bubble in the property market was caused primarily by two factors, if one examines the factors of production. One was the availability of cheap credit from the time of our accession to the euro zone and the other was the very cheap labour which was available on the construction side in Ireland from 2004 onwards. The Deputy needs to study the economic statistics to see where our balance of payments deficits emerged before she makes conclusions such as that the existence of tax reliefs was responsible. The problem with the tax reliefs is that the relief the Deputy's party introduced when it was in Government was singularly the worst tax relief of all time in the construction industry. I am still having difficulties in the Department trying to phase that out because of the number of unsold houses existing throughout the country which are dependent on the expectation of a tax relief on their sale. Deputy Burton was part of a Government which took that decision. While we are on Report Stage and I will not engage in further political exchange, that is the reality.

The mid-Shannon scheme is the subject of this amendment, which was proposed by Deputy Bruton on Committee Stage. The amendment would require applications for tax relief in respect of projects under the mid-Shannon corridor tourism infrastructure investment scheme to be accompanied by a social cost-benefit analysis. Prior to the introduction of the scheme, my predecessor engaged Goodbody Economic Consultants to carry out an assessment of the costs and benefits of the proposed scheme. Their report in March 2006 stated there would be a net benefit from implementing the scheme. The report's recommendations were subsequently adopted when the scheme was introduced, which included, for example, limiting the scope and area of the scheme, time-limiting the scheme and establishing an independent certification body.

In view of the cost-benefit analysis already carried out on the scheme as a whole and the highly targeted and controlled nature of the certification process, I cannot see any case for introducing a requirement for an additional cost-benefit analysis on a project-by-project basis.

Deputy Richard Bruton: I am disappointed the Minister tried to defend not having cost-benefit analysis by suggesting he believes the worst case of a tax relief dated back to a Government——

Deputy Brian Lenihan: A Government of which the Deputy was a member.

Deputy Richard Bruton: Yes, I was a member of it. The evidence, if the Minister bothered to look at the work done by the eminent consultants, was that all of these tax reliefs, such as urban renewal reliefs, were found to be delivering poor value.

Deputy Brian Lenihan: Urban reliefs went further back.

Deputy Richard Bruton: What is even more disturbing is that the Minister, in having thrown out the political hare, then decides he will not accept the amendment so we will not have costs and benefits applied.

Deputy Brian Lenihan: We have had one already.

Deputy Richard Bruton: He wants to see a situation where Ministers will in future have the incentive to bring in hare-brained ideas.

If the Minister wants to berate people for making mistakes in the past then, first, he cannot be as selective as he likes to be and, second, as the responsible Minister, he has to do something about it and correct this defect. It is a little rich for the Minister to make complaints about people who were around in the past and then happily sit on his hands to make sure nothing is ever done about it. I know the Minister is a great lawyer and he will deploy his immense brain to defend every position but, at the end of the day, we need some consistency. If he wants to end bad practices, he is being very selective in his belief that it was just about cheap credit. In any case, I hope he can see bad practices not just on this side of the House, but also the many mistakes made on his own side in respect of pumping up the property bubble.

I remember Ministers saying the property sector was based on sound economic fundamentals. When people argued with that, a prominent member of the Minister's party said that those who were complaining should commit suicide, they were so negative in their perception of how wonderful was our economic dream. People have woken up to the nightmare of—

An Ceann Comhairle: The Deputy's time has concluded.

Deputy Richard Bruton: I was just getting into my stride. I have been saved by the Ceann Comhairle again.

Amendment put and declared lost.

Deputy Richard Bruton: I move amendment No. 13:

In page 17, between lines 48 and 49, to insert the following:

“(1A) From the 21st of May 2009 any application for this relief shall be accompanied by an analysis conforming to guidelines set by the Revenue Commissioners demonstrating that the social benefits of the project exceed the social costs.”.

It is the same point as in the last amendment but in respect of a different tax relief. A misunderstanding in the Minister's response is that my request is that a hospital seeking tax relief would have to pass guidelines of cost and benefit in respect of that individual application. The Minister was seeking to suggest we do not need this because he is now getting rid of this tax relief, although we will not be rid of it until 2013. The point I am making is that whether it is a hospital application in Beaumont or for any of the other hospitals, before our money is invested to the tune of whatever percentage of that project goes to fund it, we deserve to see a social benefit commensurate with the cost. This can be done in a non-political way but the Minister is taking the wrong direction, although there are many alternatives other than this for action

[Deputy Richard Bruton.]

within our health system. This is all that is requested. The Minister has not wriggled out of this by simply stating the purpose of the Bill is to withdraw this relief over time.

Deputy Brian Lenihan: In a sense, when Deputy Burton introduced the hospital question, I was discussing the previous amendment on the Shannon——

Deputy Joan Burton: I thought both amendments were being taken together.

An Ceann Comhairle: I had told the Deputy but she was not listening.

Deputy Brian Lenihan: We were all at cross purposes. In any event, while the mid-Shannon issue is simply a matter of a time extension, the Deputy has proposed that applications for tax relief in respect of registered nursing homes, convalescent homes, mental health centres and private hospitals be accompanied by the analysis as well. The key recommendation of Indecon on all of this was that the costs and benefits of any new proposed tax incentives should be assessed prior to their introduction. My predecessor announced in budget 2006 that we would be implementing this recommendation as far as appropriate. The schemes of capital allowances for registered nursing homes, convalescent homes and private hospitals were introduced before the consultants carried out the 2005 review and made a recommendation. On the basis that they recommended that these schemes should be continued, it was concluded that the benefits outweighed the costs involved. I am now terminating these schemes and I do not see any point in requiring a cost-benefit analysis to be carried out at this late stage. Where it is considered appropriate, this kind of analysis should and will be carried out before the introduction of a new scheme and not when a scheme is already in operation and being wound down.

Deputy Richard Bruton: The Minister is suggesting that if planning applications are made to build the hospitals before a certain date, they will get this relief, so he is not closing this scheme off to projects that are in the pipeline. Taxpayers' money will be expended on these projects, which many regard as wrong-headed. The Minister as the gatekeeper for that taxpayers' money should insist that we have the right to see the evaluation and that the sponsors of such projects should be obliged to demonstrate the benefits to the Minister's satisfaction, according to rules on which the Revenue Commissioners will advise him and will set up.

We are in Opposition and must like it or lump it. While we do not like it, the Minister has an obligation to release this taxpayers' money into the ether to be availed of through these schemes. We have a right to see that the Minister has applied reasonable care in making sure society gets decent value for money. The Minister seems to be suggesting he will not apply reasonable care. As all of the schemes will be finished he intends that reasonable care will not be applied to any project that is underway. I do not accept the Minister's response.

Deputy Joan Burton: I am disappointed with the Minister's response. It is obvious that he is not prepared to allow the vast amounts of money the Department of Finance is committing to these projects, on behalf of taxpayers, to be examined. The valuation of these projects should be examined at this time for two reasons. The financial structure of the projects will remain changed for the foreseeable future. The cost of financing them has increased significantly. I will set out why I am worried about the lack of cost-benefit analysis. In every town and county in Ireland, there are people whose existing operations involve this kind of activity, which is based on tax breaks. Such people might have the potential to expand their operations involving this kind of activity further, or might have new ventures involving such activity in the pipeline. The failure of the HSE, which costs us approximately €15 billion or €16 billion per annum, to undertake an integrated cost-benefit analysis of these projects, which are heavily tax-funded,

is unbelievable. I remind the House that the HSE's activities are being funded from the public's decreasing financial resources.

As I said earlier, the HSE's strategy involves reducing to 14 the number of acute facilities in this country. I accept that the HSE has not explicitly stated it is pursuing a strategy of having a smaller number of larger acute facilities. It is clear that such facilities will be the main engine of treatment for people in many counties who need to be cared for in a nursing environment. I refer to people who are recovering from operations, for example, or people who have long-term medical conditions that do not require much hospital-based treatment.

Throughout the country, people in local communities are worrying about the impact of HSE policy on their small and large local hospitals. This private initiative is a key counterpart of what the HSE is proposing. It seems incredible that the Minister is not prepared to conduct a thorough review of the implications of the initiative on Government policy. I appreciate that the Minister inherited the policy from his predecessor. This short-sighted and wrong policy was one of the Progressive Democrats' contributions to the development of overall Government policy. It is having a disastrous impact on the provision of health services in communities throughout the country.

We do not have enough time to debate the role of tax incentives in economic policy. I have always said there is a limited role for tax incentives. They should be clearly identified and strictly time-based. We have ended up with the worst of all possible worlds. I think the Minister is wrong, even at this late hour, not to provide for a thorough economic cost-benefit analysis of the tax breaks provided for health projects and the various exemptions provided for different kinds of health provision. One of the Minister's predecessors, Charlie McCreevy, said one year that he had got the idea for one of these initiatives from a doctor he had met briefly. The previous year, he had taken the advice of a physiotherapist who had suggested he should throw an old tax break at the physiotherapy sector. I am sure the Minister's officials remember the measures in question. It was a crazy way of making decisions.

While we are talking in a narrow sense about tax policy, it should be borne in mind that this provision will have a huge bearing on health policy. We spend more money on the health sector than on any other sector. The Minister has spoken about the impact of health and social spending in the broader context of the recent emergency budget. It is important to provide for a system of cost-benefit analysis if we are to ensure that our health system is fit for purpose, that we can afford the system and that the system provides for all the people in every community in the country. It is crazy that there is no imaging equipment in our local hospital in Blanchardstown. It was provided in a new private hospital, which is the subject of tax breaks, two and a half miles down the road. One gets caught in a traffic jam when one tries to get from one hospital to the other. Our local hospital in Blanchardstown must pay to ship patients to the private hospital down the road when routine modern imaging tests and other tests need to be performed. It spends up to €2 million a year on transporting people by taxi and ambulance to the private hospital. Nurses and ambulance personnel have to spend their time going from one hospital to the other. The private hospital charges the public hospital in Blanchardstown for the service. This is also happening in other parts of the country. While people are delighted to have access to any service at all, it is economically crazy to organise services in this manner. I do not understand why the Minister is not prepared to conduct a proper cost-benefit analysis of the system.

Deputy Brian Lenihan: The Government decided a number of years ago to proceed along the lines of the current basic cost-benefit analysis approach. I reiterate that the purpose of this section of the Bill is to terminate the relief. When tax reliefs are introduced, one of the great difficulties is that expectations are built up around them as investors make investment decisions,

[Deputy Brian Lenihan.]

lands are purchased and buildings are constructed. Earlier, I cited the simple example of the seaside resort scheme. I do not wish to introduce a partisan note to the debate. In this context, all one can do is phase out a relief. There is little point in conducting a cost-benefit analysis of a relief that is being phased out. On the wider question of health policy, it is not the stated intention of the HSE to reduce the number of acute centres on a national basis. As I understand it, the HSE plans to reconfigure services so that patients are treated in the safest and best place.

Deputy Joan Burton: We know what “reconfiguring” means.

Deputy Brian Lenihan: There is no question of the closure of any acute centre that is currently in operation. On safety grounds and in the best interests of the patient, the HSE is concerned with ensuring that acute services are delivered in the most appropriate locations. That is the policy of the HSE in this regard. I should also mention that strict statutory conditions govern the hospital relief. Those conditions address the concerns that a cost-benefit analysis would raise. For example, hospitals that meet the statutory criteria receive annual certification over a 15-year period. The strict criteria for health sector facilities relate to the minimum number of beds, the proportion of beds that are used by the public and the provision of specific services. A policy has been worked out in the existing legislation.

Amendment put and declared lost.

Deputy Richard Bruton: I move amendment No. 14:

In page 20, between lines 12 and 13, to insert the following:

“(a) by the insertion of a new subsection (1A) as follows:

“(1A) From the 1st of July 2009 when banks issue a statement of interest, they will show the amount deducted in Deposit Interest Retention Tax.”.”.

I tabled this amendment after being contacted by an individual who believes that bank statements of interest should contain a statement of the deduction of deposit interest retention tax. It is important that people who might be entitled to claim a refund should be aware of how much DIRT has been deducted. This proposal is also important in the interests of transparency. When one requests a certificate from the bank, the DIRT that has been deducted is, of course, shown on it. It seems reasonable to me that the deduction of DIRT should be shown on statements of interest as a standard provision. If one goes into a shop to buy a bar of chocolate, one will be able to tell how much VAT has been levied on it. This is not an unreasonable request.

Deputy Brian Lenihan: The effect of the proposed amendment would be to compel banks, credit unions and other financial institutions to issue an annual statement showing the amount of deposit interest retention tax that has been deducted from the deposit interest paid to an account holder.

The current position is set out in section 262 of the Taxes Consolidation Act 1997, which requires financial institutions to issue a statement containing certain information on DIRT when asked to do so by an account holder. Institutions are required to set out the amount of interest paid, the amount of DIRT deducted from that payment, the net amount of interest paid and the date of that payment. The question of whether such a statement should be mandatory was considered by the Financial Regulator in 2006. The result of that office’s examination led to the inclusion of a further provision in Chapter 3 of the consumer protection code.

The statement shall provide information on the tax deducted or inform consumers how they may obtain a certificate detailing the tax paid. The amendment, if implemented, would be likely to involve the issue of several million interest statements which would be a significant administrative imposition on the institutions, especially in cases where the account holder may not need or want the information. The existing requirement whereby such statements are issued on request strikes a more reasonable balance and ensures that a statement is issued only to those account holders who wish to have the information.

In many bank accounts the information can be gleaned from the statement furnished in respect of the two statutory deduction periods.

Deputy Richard Bruton: What is the basis on which the Minister says this will create many million statements? Are there many million accounts for which no statement is issued from one end of the year to the other? I thought that the standard practice was to issue a statement at frequent intervals, at least annually, generally quarterly and more often monthly. We are not inventing some great administrative burden for banks. To provide one statement per account per year would not be very burdensome for banks. I receive a monthly statement for any account that I have. It may be different for the Minister. Maybe I am imposing some great burden that I never knew I was doing. I would have thought one statement a year per account would hardly be a huge burden on a financial institution.

Deputy Brian Lenihan: My difficulty with the amendment concerns the issuing of one separate statement a year.

Deputy Richard Bruton: The information could be included in the existing statement. As long as it is shown, I do not seek a separate statement.

Deputy Brian Lenihan: As I understand the position it is included in existing statements but the practice is to levy the DIRT on a bi-annual basis.

I apologise, I am generalising from my own account. It depends on when the interest is paid and that depends on the practice of the institution. Some institutions accumulate interest on a six-monthly basis, some annually. It varies between the institutions. The deduction is reflected on the statement of account when the deduction is made.

Deputy Joan Burton: The Minister should not make it more complicated.

Deputy Brian Lenihan: DIRT is an unpleasant tax.

Deputy Richard Bruton: It is not shown on the statement.

Deputy Brian Lenihan: The charge is annual but the actual collection is reflected in a statement at the time when the particular institution happens to give the interest on the account, whereas under Deputy Bruton's amendment there would have to be an annual statement of the actual amount of DIRT.

Deputy Joan Burton: On a point of clarification, Deputy Bruton is suggesting that when a bank credits interest that might be shown gross, as well as the net amount of the tax deducted and the net amount of interest because at the moment most people get interest credited net.

Deputy Brian Lenihan: The Deputy is right. Most accounts show interest net. I thank the Deputy for assisting me. That is true. One would have to make a further calculation of one's tax in that respect.

Deputy Joan Burton: One can gross it up oneself.

Deputy Brian Lenihan: There is no obligation on the institutions to provide such a general statement. It would be an additional statement for them. At present, one has to request a certificate to certify the actual amount paid for which the certificate is furnished.

Deputy Richard Bruton: When a statement issues that shows the interest it would also show the DIRT deducted. That is the essence of the amendment. The Minister's reply, as I understand it, is that it could not be done because it would require millions of statements to be issued. My belief is that everyone gets at least one statement per year which shows the interest that has accrued to the account but, as Deputy Burton said, it shows that interest net. All the amendment proposes is that the statement, whenever it is issued, at whatever period, would show the gross, tax deduction and net amount.

Deputy Brian Lenihan: I see the point but because of the paltry sums of interest I was accruing, I was able to calculate the sums due from the bank statements. One can, of course, obtain a certificate from the institution and I thank Deputy Burton for assisting me in correcting my error.

Deputy Joan Burton: It is only of interest to rich people to get a certificate.

Deputy Brian Lenihan: Any person who is self-employed must submit one and technically PAYE workers do too. To address Deputy Bruton's issue, I will have someone examine whether it would be possible to oblige the institutions to list the DIRT as well as the interest deduction which is the net ratio.

Amendment, by leave, withdrawn.

Deputy Richard Bruton: I move amendment No. 15:

In page 39, between lines 18 and 19, to insert the following:

“and where any application for this relief has been accompanied by an analysis conforming to guidelines set by the Revenue Commissioners that the investment of the specified intangible assets will add significantly to the value added in the investing company.”.

Deputy Brian Lenihan: This amendment would introduce a provision requiring all claims for relief under the intangible assets scheme to be accompanied by an analysis demonstrating that the investment in specified intangible assets made a significant value added contribution to the investing company. Section 13 provides an important new incentive aimed at supporting the development of the knowledge economy. On Committee Stage I outlined the nature of the relief and the reason for it. To qualify for relief under the scheme, a company must be carrying on a trade and as part of that trade actively managing, developing or exploiting specified intangible assets. The passive holding and licensing of assets will not qualify for relief.

The Revenue Commissioners have issued guidelines on what activities constitute trading for the purposes of the 5.5% corporation tax rate. The criteria outlined in these guidelines will be followed by the Revenue in determining what activities are eligible for relief under the new scheme for intangible assets. If the need arises, these guidelines will be refined or enhanced as appropriate for the purpose of the scheme. Revenue will keep the operation of the new scheme under review to ensure that only those activities which constitute genuine trading activity on the part of the company incurring the capital expenditure will benefit under the scheme.

As is normal practice, the scheme will operate on a self-assessment basis and companies claiming a relief will be requested as appropriate to demonstrate to the Revenue that they are carrying on a trading activity that meets all the requirements of the scheme. Companies claiming relief under the scheme will be required to submit such claims in their annual tax returns. This will enable the Revenue to assess particular claims made by companies to track the overall amount of relief claimed and to evaluate the impact of the scheme. As I indicated on Committee Stage, I am also asking the Revenue Commissioners to provide information on the scheme in their annual report.

Also on Committee Stage Deputy Burton asked about an amendment to the legislation to provide for employment retention or specific job creation as a requirement under the scheme. I can understand the Deputy's concern but there are problems with this approach. A requirement of this nature would have EU state aid implications. The scheme is structured as a general measure not constituting state aid as it would be open to any company to avail of it. By introducing discretionary employment tariffs under the scheme, it would no longer be regarded as a general measure. This would introduce uncertainty as to the status of the scheme from a state aid perspective.

I am confident that the scheme will attract substantial trading activity in high quality employment in this economy. There are sufficient safeguards in the scheme in terms of the requirements for trading and the ringfencing from other activities to ensure that it will operate in an effective manner. I do not consider that it will be appropriate to have a prior certification process for individual applications under the scheme and because I am satisfied that adequate arrangements will be put in place to monitor and evaluate claims for relief, I do not believe the amendment is required.

Deputy Richard Bruton: The Minister rightly shows how the fact of the claim will be set out but not its benefit. The reason the taxpayer is asked to subsidise this is that it confers some benefit in terms of value added to the investing company, which is presumably additional to national wealth and therefore justifies our concession. The Minister's review of these tax schemes in the past would have revealed to him that there is often scepticism about the substantive nature of some of the claims for tax relief such as patent income and so on. Questions have been raised about that. Without going as far as Deputy Burton's suggestion, which would jeopardise the state aid status, there should still be a requirement on the company to state its believed benefit in terms of value added to the company.

The Revenue Commissioners, when reporting to us, would then at least report the substantive benefits being derived by companies from the relief. We would have a benchmark by which to judge whether the scheme is of enduring value. While there is scepticism regarding the relief for patent income and while the matter under discussion is in similar territory, we should endeavour to at least require companies to state a benefit, which could be assessed afterwards.

Deputy Joan Burton: The Minister's reply does not quite reflect the fact that the assessment of these types of schemes is changing. It has changed very dramatically since the recent speech by President Obama in the United States. I said on Committee Stage that it is potentially very valuable to Ireland if the intellectual property elements of investments, particularly by multinationals with other economic activities in Ireland, are located here. I recognise this but believe, in the context of the comments made in the United States following President Obama's statement that the US Administration will be scrutinising increasingly the real nature of US investments attracting favourable tax treatment in jurisdictions such as our own, that one key

[Deputy Joan Burton.]

focus of US policy makers will be the real content of the overseas activity of American companies. I refer to US companies employing people in overseas locations and carrying out real economic activities such as traditional manufacturing or intellectual property development, including the design of software. Therefore, it makes sense that the Minister should consider the proposal that an economic cost-benefit analysis of schemes be undertaken. In particular, the employment benefits of schemes should be noted and documented.

I accept the Minister has been advised there have been problems regarding EU state aid definitions — he has a battery of advice available to him — but he should note that we are moving into a different stage of the debate. The world economy is suffering from an incredible crash and recession, part of which has been caused by offshore activity in tax havens. Ireland is not a tax haven in this sense from an American point of view and we distinguish ourselves very sharply from jurisdictions that have been identified by the US authorities as being of concern, including various islands in the Caribbean.

There is much sense in the Opposition's proposal to carry out cost-benefit analyses and document activities to ascertain whether they are real and not simply tax avoidance mechanisms. Being in the Republic of Ireland gives companies engaged in manufacturing or intellectual property development access to a Europe-wide market. Therefore, a presence here is very valuable to US-owned companies and the United States itself. That is what countries such as Ireland are offering the United States in return for investment and jobs, about which they are delighted. There is considerable merit in the Opposition's proposal to have cost-benefit analyses. Given the state of the global economy, particularly the Irish economy, and our unemployment level, the Minister should determine the employment retained or created as a consequence of tax benefits that apply to any measures introduced by him in future budgets.

Deputy Brian Lenihan: I agree with much of what has been said but the best course of action is to refer the comments made by Deputies Burton and Bruton to the Revenue Commissioners so they can be used in the formulation of their administrative documentation on the scheme. There is no conflict of interest between the Revenue Commissioners and the US authorities in their philosophy on the scheme in question. The Revenue Commissioners wish to base the scheme on trading activity for the very obvious reason that intellectual property relief could otherwise be abused to the disadvantage of the Revenue if it did not have a genuine economic base. That is the same concern expressed by the US authorities. For this reason, it is not necessary to introduce an additional legislative requirement but I accept the point made by the Deputies opposite that, in this context, we must be very careful building our case to ensure our administrative documentation builds up a credible picture in terms of the implementation of the relief in question.

The point is well made that we are in a world that is very much changing in respect of all these matters. It is of great importance that Ireland make it clear it is not a tax shelter and that the nature of the reliefs and their implementation corresponds with the basic principle of our system, namely, that there must be genuine economic activity taking place here if a relief is to be availed of.

The Revenue Commissioners will be collating information on the amount of relief claimed, the number of companies claiming relief, the cost of the relief and the tax yield from companies claiming under the scheme. I will ask the Revenue Commissioners to take account of what is said here today to the effect that, in the implementation of the scheme, additional data should be assembled to show the genuine character of the activities benefiting from the reliefs offered.

Deputy Richard Bruton: I welcome the Minister's statement that he will bring our concerns to the attention of the Revenue Commissioners. The House ought to see that in some shape or form. I will be content to withdraw my amendment if we can receive assurance from the Minister that not only will data be collected, but that the report will show us some element of benefit. I chose the phrase "value added" in that it is very flexible and could apply to profit, employment or other factors. It is not necessarily tied to a job count.

We need to have this information in the report and the Revenue Commissioners should not simply state there are 40 companies availing of a relief amounting to €50 million, for example. This conveys very little other than the activity, not the benefit. I ask that the Minister make some arrangement that the additional data he is collecting will be reported to the House so Members can have a meaningful understanding of what is happening. If he agrees to doing so, I will withdraw my amendment.

Deputy Brian Lenihan: I will arrange for that.

Amendment, by leave, withdrawn.

Deputy Richard Bruton: I move amendment No. 16:

In page 60, between lines 12 and 13, to insert the following:

"25.—Part 30 of the Principal Act is amended by inserting a new section:

'785.—A person who reaches retirement under a Defined Contribution Pension Scheme shall from 1st March 2010 not be required to purchase an annuity unless they do not have an income equivalent to the Non-Contributory Old Age Pension prevailing at the time of retirement.'".

I did not get a chance to address this matter on the last occasion as I was not present. It continues to cause concern in that defined contributions are treated differently depending on whether they are made by PAYE employees or self-employed people. Self-employed people have considerable options in regard to how they handle the pension fund available to them when they reach retirement. However, PAYE workers, who cannot use the various funds available to the self-employed, find themselves forced to purchase annuities. Recently the Minister, in recognition of the difficulties arising in respect of some pension funds, sought to use the State's ability to give better value for money in terms of annuities.

There is a legal anomaly associated with the requirement to buy annuities. I am not sure of its purpose other than to ensure people will not blow the whole fund. I am not sure of its exact purpose, but it does seem to be an undue restraint on pension provision for ordinary workers compared to people who are self-employed. The provision is similar to the one I understand applies to the self-employed: they are free to operate these funds once they can show they at least have a non-contributory old-age pension to support them through the rest of their lives. If one shows one has a baseline level of support, one will not be required to buy these annuities, which are particularly bad value at the moment. I put this forward before and was told it was never an appropriate time to do this because we were about to see a great opus on pension reform. However, the years have gone by and the great opus has not landed on my desk. Thus, as an interim measure, there is nothing to be lost by implementing this change.

Deputy Joan Burton: It is regrettable that, although the Government has talked a lot about pension reform, it remains the case that pension products in Ireland cost considerably more

[Deputy Joan Burton.]

than those in comparable jurisdictions. We have some of the highest service costs associated with pension products and many people have lost money recently because much of their pensions are invested in equities. At the moment they find the thought of buying an annuity very difficult. In Ireland, saving for a pension has become completely confused with trying to play the market. There is a need for a national pensions scheme which is about saving for pensions, probably with some relationship to the purchase of gilts, Government bonds and so on. Although market investment managers will say the market always beats any other index over the long term, in recent times that has proven not to be the case. This is a particular problem for people in their early 50s who have less than ten years to go to retirement. It is also a problem for many in the public service, who were heavily advised to purchase AVCs, although they obviously did not have to buy annuities with them.

We need comprehensive pensions. If people wish to play the stock market they can do so, but if they are saving for their retirement and wish to have an income to support them in their retirement, we must distinguish between these two activities. We should make provision for both, by all means, but really concentrate on the core need for people to save for pensions which will give them reasonable support in their retirement. That should be the key element of Government policy.

On a related point, private providers of services should not be allowed to charge excessively. In other jurisdictions the cost of such services is not so high. I do not want to reopen an earlier debate, but the Government has concentrated on providing tax reliefs as an incentive and, because the tax reliefs have been so generous, the costs charged by providers have been at the higher end of the scale according to any of the comparative surveys we have seen. Thus, the taxpayer pays for the tax breaks——

Deputy Brian Lenihan: Speaking in the context of the pensions industry itself.

Deputy Joan Burton: Yes. The taxpayer pays for the tax breaks, but much of that is recovered by the various investment intermediaries because our costs are higher. From the point of view of cost-benefit analysis, selling pensions is a valuable service, but we need to keep the costs down. I will not go into the subject of the Financial Regulator, but our regulatory system has not been up to scratch in this regard.

Deputy Arthur Morgan: I concur with the previous speaker. Pensions are in turmoil and we all appreciate the difficulty this is causing for people, particularly those approaching retirement age.

An Leas-Cheann Comhairle: I ask the Deputy to speak up.

Deputy Arthur Morgan: Tá brón orm. I do not know if what I have said already was captured. I ask the Minister when he expects an overhaul of the pension programme. When will it be put in place and when will people see it? Those who relied on the stock market for pension investment have been badly caught and there is no appetite to go back there. What is the Minister thinking about in terms of a pension regime and when will it be in place?

Deputy Brian Lenihan: With regard to Deputy Bruton's amendment, the deferral arrangements for annuity purchase, which I introduced late last year, are by definition temporary and can be revisited as necessary. The amendment was proposed on Committee Stage and I explained that the rules relating to the requirement for members of a defined contribution

scheme to purchase annuities with their pension funds on retirement had already been relaxed by the Revenue Commissioners on a temporary basis. Under the arrangement, members of defined contribution schemes who retire between 4 December 2008 and the end of 2010 have an option on drawing their pension entitlements: they can opt to take their tax-free lump sum and purchase a retirement annuity immediately on retirement, or they can take the lump sum and defer the annuity purchase subject to agreement with the scheme trustee. If the conditions that gave rise to the deferral arrangement persist over an extended period, the issue of a further deferral may have to be revisited.

During the Committee Stage debate on this issue it was indicated that the purpose of the amendment was to secure for PAYE taxpayers, as Deputy Bruton said, the same option that is currently available to the self-employed and others, namely, to place the main benefits from their occupational schemes into approved retirement funds. There are arguments for and against such an extension; the argument is not one way. Changing the scope of the existing arrangements is one of the range of issues to be addressed by the Government in the context of the longer-term pensions policy framework currently being developed. The matter is before the Government, which is examining this issue. There are arguments for and against the options, which are set out in the Green Paper. Extending the ARF option to PAYE workers would create a level playing field and a simplification of all pension provision. However, unlike annuities purchased on retirement, the investment risk attaching to ARFs will continue indefinitely and, as longevity can only be estimated, the funds of many retired individuals could be depleted prior to death, resulting in demands for income support.

There are difficult issues to be addressed and the Government is considering them. As Deputy Burton pointed out, we are all learning that it is safer to invest in gilts than equities, which was the traditional rule that always applied to trustees. The Government needs to devise a framework that will at least provide the opportunity for individuals to invest in a safe supplement to the existing State pension, which has become increasingly universal. The State has provided for a generous State pension by international standards and for many incidental benefits which are not available in other jurisdictions. That is as it should be. The question is how we can supplement this in a tax-efficient manner.

I am interested in Deputy Burton's comments about the increased cost of administering pensions occasioned by tax reliefs. On the question of the Financial Regulator, the process for recruitment of a new regulator, in which we have engaged Sir Andrew Large, a former deputy governor of the Bank of England, is now under way.

Deputy Richard Bruton: I am content to withdraw this amendment and look forward to the publication of a document which the Minister seems to indicate is quite imminent.

Amendment, by leave, withdrawn.

Deputy Richard Bruton: I move amendment No. 17:

In page 60, between lines 12 and 13, to insert the following:

“25.—Section 10C of the Principal Act is amended by the deletion of “2010“ in B, and the substitution of “2012”.”.

This amendment arises from proceedings on Committee Stage. I understand this issue is still a cause for concern in some sectors of the tourism industry. The golfing sector has been particularly affected, I understand, by the implementation of some tax rules. I wonder whether the Minister has received representations to the effect that this is creating difficulties for the sector

[Deputy Richard Bruton.]

in the current economic climate and whether he feels some further deferral would be appropriate.

Deputy Brian Lenihan: I understand the intention behind the amendment is to delay the introduction of the margin scheme for travel agents for a further two years until 1 January 2012. The margin scheme is provided for in the EU VAT directive and is currently applied in almost all member states. To date, the services provided by our tour operators and travel agents have been exempt from VAT in Ireland. Under the margin scheme, tour operators will account for VAT on the profit realised on the supply of a travel package. In addition, travel agents acting as intermediaries would be liable to VAT on their commission. Under the scheme both tour operators and travel agents will be entitled to deduct or recover VAT incurred on the overheads associated with delivering their services.

The requirement to introduce a margin scheme in Ireland arises from a decision of the appeal commissioners in 2007 which overturned our previous interpretation of the EU VAT directive in this area. From then, outbound tour operators, while remaining exempt from VAT, became entitled to deduct or recover VAT on their business inputs. There is an ongoing Exchequer cost of about €2 million per annum as a result and there is also now a disparity in terms of the VAT treatment in the sector in that some tour operators get deductibility for their inputs in Ireland without corresponding taxation anywhere in the European Union.

In the light of the decision it has become clear that to implement the directive correctly Ireland is obliged to introduce a margin scheme. The scheme regularises VAT treatment across the sector and will apply to tour operators established in Ireland. Under the scheme tour operators account for VAT in Ireland at the standard VAT rate on the profit margin realised on domestic and EU bound travel packages. The introduction of the margin scheme will bring Ireland into line with the majority of the other member states.

The decision to introduce the margin scheme on 1 January 2010 was well signalled and was no surprise to the travel trade. It could be argued that we should introduce the margin scheme well before that date given that the appeal commissioner's decision was made in 2007. Ample time has been given for preparation for the new arrangements. The main tour operator representative bodies are continuing to engage with the Revenue Commissioners in the development of the ground rules to ensure a smooth introduction of the scheme on 1 January next year.

To postpone the margin scheme for a further two years would mean a continuation of the current tax distortion between tour operators and a continuing drain on the Exchequer. Ireland would also become liable for contravention of an EU VAT directive and susceptible to infringement proceedings. The introduction of the scheme is expected to yield about €10 million per annum, mainly from the outbound sector. In the circumstances a deferral of the introduction cannot be accepted and, consequently, I cannot accept the amendment.

Deputy Richard Bruton: That is a fairly robust defence of the Minister's position, so I have to accept it. Continuing representations are being made to Deputies, particularly by spokesmen in the tourism sector, that this is a cause of difficulty for the industry but the Minister has presented quite a number of reasons that I cannot refute.

Amendment, by leave, withdrawn.

Bill reported without amendment and received for final consideration.

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

The Dáil divided: Tá, 73; Níl, 62.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Johnny.
 Browne, John.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.

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

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.

Flanagan, Charles.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.

Níl—*continued*

O'Sullivan, Jan.
Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Ring, Michael.
Shatter, Alan.
Sheahan, Tom.
Sherlock, Seán.

Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

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

Question declared carried.

An Ceann Comhairle: As this is a certified money Bill, in accordance with Article 22 of the Constitution, it will be sent to the Seanad.

Estimates for Public Services 2009: Message from Select Committee.

An Ceann Comhairle: The Select Committee on Communications, Energy and Natural Resources has completed its consideration of the following Revised Estimates for the service of the year ending 31 December 2009: Vote 30.

Criminal Justice (Miscellaneous Provisions) Bill: Second Stage (Resumed).

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

Deputy Beverley Flynn: I welcome the opportunity to speak on the Criminal Justice (Miscellaneous Provisions) Bill, which covers three major areas, namely, the operation of the Schengen system of information exchange between European authorities, the law relating to European arrest warrants and changes relating to the licensing of firearms law. I would like to deal with a number of them in detail.

I will first turn to the licensing of firearms because a number of fairly dramatic changes on this matter are incorporated into the Bill and the Minister is anxious to try to change the gun culture that exists in society. The Minister is very anxious to try to change the gun culture which exists. We would all like to see that change given the number of terrible tragedies we have seen over the past number of years in regard to gun crime.

However, I would like to raise another point. This Bill will cap the number of full power handguns to those licensed in November 2008. The number of those weapons legally held will gradually decline. It is obvious this will be the case given what the Minister has said in the past and comments made by the Garda Commissioner. It is clear we are looking at the phasing out of handguns in society. The Bill also bans the outright practice of combat inspired practical shooting and requires the importation of weapons to be done through registered firearms dealers.

The Schengen information system provides an important step in the integration of the SIS into the tools available to authorities. Anything which tips the balance in favour of the authorities against the criminal must be a positive mechanism. I welcome the fact this is incorporated in the Bill. It will provide a very important tool to the Irish authorities in dealing with criminals in the years ahead.

I refer to the European arrest warrant. Many of the changes in this regard are technical in nature but they clarify indistinct procedural rights, remove avenues for perceived abuses and

increase Garda powers to apprehend and detain certain subjects under warrants. The experience in Ireland has been that the length of time taken for someone to be extradited on foot of a warrant has been very long, sometimes in the region of nine months. The purpose of some of the changes in this Bill is to try to make that shorter, somewhere in the region of six weeks. That will help the authorities to fight crime and must be welcomed.

I turn to firearms. There is a time constraint in regard to this aspect, that is, that firearm licences are due to expire on 31 July 2009. The Minister is very anxious that the new regulatory regime is in place before this time.

A point has been brought to my attention by a number of my constituents. I am absolutely against gun crime. We are all trying to reduce the amount of gun crime in Ireland but I am anxious that people involved in legitimate sporting activities are facilitated.

I draw the Minister's attention to some aspects where he might look again at the Bill to try to protect people involved in legitimate sporting activities. From the interaction I have had with these people in my constituency, I know them to be of the highest integrity. They never put a foot wrong in terms of the law because they know that to do so would result in their licences being revoked. They are very careful to ensure that they do not get a speeding fine or to break the law in any way. As I said, they are people of the highest integrity. It is important not to confuse people who hold handguns for this type of legitimate sporting activity with those people who deal in illegal business and carry out horrendous gun crimes.

The Minister has very strong ideas in regard to the gun culture and where he is coming from is understandable given the many highly publicised cases in the past. However, it is important to look at some of the facts as far as Ireland is concerned. At present, we have 20 licensed firearms per 1,000 people. New Zealand, which has a similar population, has 760,000 legally held rifles and shotguns. Approximately 4% of households in the UK possess some form of legal firearm. Our statistics, relative to countries with similar populations, are on the low side.

I refer to black firearms and shotguns which are of particular concern. There is no hard evidence or hard facts on the number imported or otherwise, so it is hard to get an accurate figure of the number of these guns in existence. Anecdotal evidence would suggest there is a considerable population of black firearms available. Some of the figures from the Central Statistics Office from 2007 indicate that there were 428 cases of illegal firearm possession charges in that year up from 373 in 2003. In 2008, this figure was 462.

It is clear there is a serious problem with illegal firearms in this country but the people involved in the legitimate sporting activities would argue that there is no evidence to suggest that a legally held handgun has got into the wrong hands and has been in any way involved in illegal activity. In fact, it has been pointed out to me in terms of the licensing requirements and the regulations currently being imposed on applicants' for licences by their local superintendent that severe conditions are imposed on them. In many cases, the applicant can be obliged to submit to medical and psychological screening.

Applicants for rifle and pistol licences must be members of an authorised gun club. In the case of restricted firearms, the applicant must satisfy an additional requirement that the firearm is the only weapon that can be used for that legitimate purpose. It is also important to note that all legally held handguns are held by ordinary individuals who have been thoroughly vetted by a division of the Department of Justice, Equality and Law Reform and by the Garda to ensure suitability to hold a handgun licence and that the purpose for which these guns are held are for legitimate legal sporting interests which are internationally recognised.

The people in possession of these licences must have a secure gun safe and a sophisticated burglar alarm. Anecdotal evidence would suggest that it is much easier for the criminal frater-

[Deputy Beverley Flynn.]

nity to get access to handguns through drug shipments and not by stealing legally held handguns which are held under the strict conditions imposed by the local superintendent.

Will the Minister look at why any licence issued since 19 November 2008 will be revoked once this legislation is passed? Many people who have obtained a licence since that time are genuinely involved in sporting activities. Effectively, they will not be able to practice a sport they may have practised for many years. Would it be possible to revisit that measure?

It is clear from comments made by the Minister and the Garda Commissioner that it is the intention to phase out many of these licences. People have spent a lot of money on their guns and have invested in ranges which facilitate this type of sporting activity which will become a thing of the past.

I have never held a handgun in my life and the only time I held a shotgun was when clay pigeon shooting so I do not want to let on that I have any great interest in this activity. There are approximately 20 people who hold legally held handguns in County Mayo. I know these people to be of the utmost integrity. They shudder at the thought that they would be even categorised in the same Bill as those involved in gangland activity. They have pointed out to me that they want to be distanced completely from such people.

People from County Mayo must travel to Dublin and Wicklow to get to a range to facilitate their sport. The gun is dismantled, put in the car and the greatest care is taken travelling to and from the venues. These people consider this to be a legitimate sport and they see no good reason that they should be prevented from participating in a legal sport which is internationally recognised. They also point out that there is no evidence to show that any persons have been shot with legally held handguns. They ask that the Bill clearly distinguish between handguns for legitimate sporting purposes and those illegally held handguns which the Minister believes are being held for other purposes and which are creating this gun culture about which he has spoken. Will the Minister consider if anything can be done in the Bill to clarify that point?

Section 25 gives the Minister power to declare that a particular firearm or ammunition is prohibited. This gives very strong powers to the Minister. These powers were invoked in the past. A one month ban was introduced by the former Minister, Des O'Malley, in 1972 which went on for 30 years or more. Serious action must be taken by the Minister to try to prevent gun crime and I recognise his seriousness in trying to address a serious issue and I do not want to downplay that in any way. I recognise the hard work he is doing. I would simply ask him to look again at the whole area of legitimate sporting activity and how that might be facilitated. Perhaps he might include the words "for legitimate sporting purposes" in section 25(2C)(4) to recognise that point.

I draw his attention also to section 29 of the Bill, which deals with the whole area of international practical shooting, which is also regarded as an international sport. Again, people involved in this activity make the point that there is no link or association between the IPSC and combat training. It is clear from the Bill, however, that the Minister sees a very clear link between the two. I ask, again, that he revisits that and considers whether it might be possible to insert an amendment into section 29, substituting the words "combat or combat training" with the words "practical and dynamic shooting". If it were possible to change two phrases around, it would facilitate those involved in the sport.

I welcome section 31, which now only allows importation of firearms through legitimate dealers who have provided tax clearance certificates. I would be very supportive of any effort to get proper statistical evidence on who is bringing guns into the country. This is something the gun clubs around the country do not like, but I disagree with them in this regard. I believe

it is important to restrict the people who are in a position to import guns into Ireland, so that we can have strict control on those who are legitimately entitled to bring in firearms.

I support the measures in the Bill, certainly in so far as the Schengen Agreement is concerned, regarding extradition. I believe they will provide a very important armoury to our authorities in dealing with crime in our society. My only reservation about the licensing of handguns is that the Minister should look at it again to facilitate those involved in legitimate sport, particularly when there is no evidence to suggest that these guns are getting into the wrong hands or that these people are involved in any type of activity other than sport. Apart from that, I commend the Bill to the House.

Deputy Bernard J. Durkan: I welcome the principle involved in this Bill, which I have looked at on a number of occasions. There are many technicalities involved with it, which obviously will be beneficial in the administration of justice. I think of the Firearms Acts 1925 to 2007, the European Arrest Warrant Act 2003, the Bail Act 1997, the Criminal Justice (Theft and Fraud Offences) Act 2001, the Criminal Justice Act 1984 and the Summary Jurisdiction Act 1857. It is laudable to see improvements being made and the streamlining and co-ordination of legislation in a seamless manner that hopefully will be of benefit to the administration of justice in confronting crime.

Apropos the points raised by Deputy Flynn, I agree in general. We must be very careful to clarify that there is a vast difference between people who are engaged in sporting activity and those who have other motives for seeking firearms. I am not aware of any body or group involved in sporting activities which would lend themselves in any way to illegal activity — I do not know to what extent limitation will be of benefit, in that sense. I am concerned, however, about law-abiding citizens seeking handguns in order to protect themselves, such is the state of the society in which we live. It is sad, but that is the way it is.

The Minister knows better than anybody that we are going through a difficult time in Irish society and there is total disrespect for any type of law and order by a certain fraternity. Members of this fraternity use every opportunity to advance their cause. They use intimidation and firearms, flout the bail laws and do everything possible to ensure that they live the high life at the expense of society. Society is under threat from these people, namely, organised crime gangs.

I still do not know to what extent the Bill will enhance the State's ability to combat this situation. We have a plethora of proposed legislation in the justice area, either promised or threatened, for the past five or six years and the time has come for serious legislation that will significantly undermine the activities of the type of people I am talking about. We have only been playing with this heretofore. The whole question of people committing multiple serious crime while on bail will not be affected to any extent by this legislation unless the bail laws are changed.

I was a Member of this House when the Criminal Justice Act 1984 was passed. The House had to sit through the night twice and I was among those concerned about the civil liberties of people and the possibility that perhaps the law might be used in a wrong way. I believe we have passed that point by a long shot at this particular time. The murder of journalist Veronica Guerin a few years ago was a watershed that galvanised society and everybody paid attention. It was sad that it had to come to that before the country realised that a difficult situation was arising which could not continue. I mentioned this morning the repeated findings of pipe bombs all over this city and particularly in the greater Dublin area. There is a reason for that — these things are not just done as recreational pursuits. The purpose is intimidation and it is very

[Deputy Bernard J. Durkan.]

effective. It appears that it is being done with impunity. Every time we hear of an incident such as this, it is just one more. The situation now unfolding is very serious.

I would like to believe the Minister is fully alerted to what is happening. I am aware the Garda has done some tremendous work in recent times, but for some unknown reason the criminal fraternity in this country, and those with connections or domiciled outside Ireland and who run criminal empires from outside this jurisdiction, as well as those who run them from inside prisons here, have utter contempt for our society and any type of justice or regard for the law. There are those who try to reassure people by insisting that the level of crime in Ireland is relatively low. The fact is that the crime levels in Ireland which have developed in recent years are very serious and the trend continues to grow.

For example, we know quite well that there is fairly widespread intimidation of witnesses. I know there is proposed legislation on that matter, although I do not know when it will come or whether it will be effective. There is reference to it in this legislation, but I am not certain that it will get to the nub of the matter.

I attended a meeting in Brussels some time ago which was addressed by Europol and Eurojust. I know there are attempts to address these issues through the Schengen Agreement, but it was clearly illustrated to Members of Parliaments from all the European member states that criminal gangs were running rampant and had a great communications system. They had great camaraderie and recognised each other's authority in their respective areas. Effectively, they are taking on individual European states and they seem to be getting away it by undermining democracy. They are using the openness and fairness of democracy to undermine and defeat the people and institutions of state and effectively paralyse them. Much has been said in recent years about zero tolerance and the fact that minor culprits should be summarily dealt with, charged and so on. However, that is not where the problem lies.

Great credit is given to a certain mayor of New York who claimed that he had achieved zero tolerance when, in actual fact, it was his predecessor who achieved it. The latter struck at those at the highest levels of the criminal fraternity in New York. He made it difficult for them to operate, put them out of business and seized their assets. The Criminal Assets Bureau, CAB, is doing good work but members of the Irish criminal fraternity are well resourced and can afford to seek the best legal advice. In some cases, these individuals have been extremely successful.

My point is that those at the top must be dealt with. Those who are most inspired by those who pursue criminal activities on a wide scale are the young people who will become tomorrow's criminals. That is sad. The individuals to whom I refer see those in the criminal fraternity living the high life and being successful. They also seem them intimidating people into leaving their homes in what, in some cases, almost amounts to ethnic cleansing. This is an extremely serious matter.

Headlines relating to the criminal fraternity have been appearing in our newspapers for some time. However, the examples they have set are beginning to have an effect and petty criminals and hooligans are beginning to follow in their footsteps. The latter do so on the basis that they can get away with it. If large corporations are able to get away with questionable behaviour, these people believe there is no reason that they should not emulate those whom they perceive to be their betters.

I have long been of the view that there is a need for a single item of consolidating legislation which will tackle the criminal kingpins head on. I refer here to those who are serious operators and who live in our cities, major towns and even some of our smaller towns. If the Garda Síochána makes it too hot for these individuals to operate in certain areas, they move to the

suburbs. Once there, they settle down and, in some cases, achieve a certain amount of respectability. However, most of what they do is achieved through fear and intimidation.

Another matter which is of great solace to those in the criminal fraternity is their ability to raise funds. In order to raise funds, these people can rob institutions and then launder or invest money. I accept that legislation is in place to help the authorities tackle behaviour of this nature but they cannot combat it in its entirety. The CAB has been particularly incisive and has done tremendous work. I pay tribute to it in this regard. However, a great deal more must be done and there is a need to wage a war of attrition against the criminal groupings to which I refer.

There is not a town or village throughout the country which has not been affected by the anti-social behaviour of gurrriers who are intent on intimidating their neighbours. These individuals make life difficult for young people, their contemporaries and older people and intimidate them by just hanging around. They throw stones or marbles at people's windows, fire air guns, etc., in order to intimidate their neighbours. In many instances, people who have lived in particular places all their lives — I am sure other Members have evidence of this — are moving out. I was contacted by a person in my constituency this afternoon who asked whether it would be possible for her to move to a different location because she can no longer remain where she resides at present. That is a sad reflection on society.

There is no point in stating that what is happening is part of societal development and that it was part of the Celtic tiger years. Like hell it was. There is no need for the kind of nonsense to which I refer. If people do not respect the rights and property of others and if they do not acknowledge some form of authority, then we will get nowhere.

Until such time as the members of the criminal fraternity who are roaming the land and carrying out various heinous acts on a regular basis are confronted in a meaningful way, progress will not be made. I have no hesitation in stating that the bail laws must be amended. In circumstances where there is substantial evidence to the effect that a person has used a gun, knife or some other weapon to commit murder, I cannot understand how he or she is entitled to be out on bail until his or her trial takes place. I accept that the law dates back to the 1960s but we live in a different era.

I am aware that the civil liberties of all those who are accused of committing crimes must be observed. However, we have reached a point where the civil liberties of criminals are more sacrosanct than those of ordinary citizens. That is a sad development and I do not know how it came about. We used to have great respect for the rights and property of other people. In recent times, however, the ordinary person's right to exist appears to have been pushed aside so that the civil liberties of those who are involved in committing serious crimes on a regular basis might be protected.

What justification can there be for granting bail to a person who is charged with murder or with shooting somebody who, when released, shoots or attempts to shoot someone else? Has everyone gone daft? Such a situation cannot be allowed to continue. As the Minister is aware, events such as those to which I refer have taken place. I do not blame him, but someone must take action.

A number of crime correspondents have been writing about what has been happening in this country for the past seven or eight years or perhaps longer. These people can cite chapter and verse with regard to how the situation is becoming worse. They are in a position to do so because they are continually monitoring events. While there have been a number of spectacular successes as far as the Garda is concerned, there have also been a number of extremely serious and worrying developments. Not only has it been proven that we some serious criminals are walking our streets, but also that with access to a bit of expertise, they can get away with what

[Deputy Bernard J. Durkan.]

they are doing. That is the sad part because I am of the view that it signals the fact that we are close to a total breakdown with regard to both the administration of justice and the protection of citizens.

In all the time I have spent as a Member of this House, I have never seen a more serious attempt being made by those who make a great deal of money from criminal activity to undermine and challenge society. That is not a good development. It is time for society or its elected representatives to look these people in the eye and answer that challenge. If this is not done soon, it will be too late. As far as I can determine, if legislation, when enacted, does not seem to have a definite impact on the people to whom I refer, they develop a new sense of enthusiasm which encourages them to commit further crimes.

There is a need to review the position of the courts. There are many technical references to the courts and the European arrest warrant in this legislation. I am not in the business of criticising the Judiciary but there have been some extraordinary situations. Maybe for lack of evidence or intimidation of witnesses or jurors, both of which have occurred, it appears that some regard serious crime as a nominal offence. Some think that with a bit of luck one can get away with it if one studies law in prison and develops expertise. It is about time we recognise what is going on. I suggest there is an area that must be addressed and I do not suggest the legal practitioners are to blame. The Minister is a legal practitioner and this is not a personal accusation. However, something serious is happening that must be examined.

I am coming to the end of my contribution — all good things come to an end. However, I cannot understand how people get away with this minor matter. I refer to when a heinous act takes place, usually a sexual attack, and the perpetrator cannot be named for legal reasons. The victim may have been seriously traumatised, yet the perpetrator cannot be named for legal reasons, presumably because it has not yet been proven that he or she was responsible. When leaving the court, some of the hard men decide to give television cameras and photographers the two fingered salute. This is the ultimate in what they think of society, Parliament, the Garda Síochána and the people of this country who feel under the cosh all the time from thugs of every description, who appear to be able to display themselves in this fashion with impunity. Then, there is something wrong.

Deputy Chris Andrews: I am delighted to speak on this Bill. The vast majority of Irish people are decent and law-abiding and are entitled to live without fear of being the target of criminal activity in any form. As legislators, it is up to us to do everything we can in the fight against crime. We have all been shocked by the increasing brutality of crime and the way criminal gangs carry out business. Individuals carry out crimes without a second thought.

Last week in Dublin South-East a young mother, Esther Uzell, whose brother Joseph Rafferty was killed a number of years ago, declared that she would run as an Independent candidate in the local authority elections. Only three nights ago, her car was smashed to bits at 1.30 a.m. by five hooded people. They destroyed her car, shouted abuse at her apartment and called for her and her husband to come out. This was an act of serious intimidation by thugs, for whom scum is the more accurate description. They have been intimidating this family over the years and this is unacceptable. The Garda Síochána has put in a substantial number of man hours in trying to identify the people who killed Joseph Rafferty. These people can do what they want without feeling they could be apprehended. Having met the Garda Síochána about this and other matters, I have no doubt their time will come and they will be caught. The Garda Síochána is unrelenting in pursuit of these individuals, to the credit of the force.

The increase in the use of firearms and in knife crime has been well documented. Reports suggest that gardaí are seizing an average of 500 firearms a year. I welcome the provisions in this Bill. As legislators we must give the Garda Síochána the necessary powers and this Bill is one part of the jigsaw to make society safer. The 500 firearms seized every year is a considerable figure and makes a positive impact on reducing crime. I welcome the provisions in this Bill that set out to tackle the issue, particularly the handgun ban and the application of much tougher penalties for individuals found in possession of knives. Knives are particularly nasty weapons and it is important to deal with this area.

As the Minister for Justice, Equality and Law Reform outlined, handguns were effectively banned in the State until 2004. However, due to a number of judicial decisions, that is no longer the case. Some 1,800 handguns have been licensed, an alarming figure. I fully support the actions in this Bill to ban the ownership of handguns.

These proposals have received the backing of the Chief Inspector of the Garda Inspectorate, Ms Kathleen O'Toole, who is drawing on her considerable experience in the United States. We must ensure we do not end up with a culture similar to the United States, where almost anyone can purchase a firearm with little or no restriction. The devastation the unregulated selling of guns causes in American society was most recently reinforced by the rise in school shootings. The Virginia Tech massacre and the shooting in Germany, which resulted in 16 deaths, is an indication of the road we could travel. We must ensure that we do not travel down this road and this legislation assists us in this regard.

7 o'clock

Debate adjourned.

Private Members' Business.

Early Childhood Care and Education: Motion (Resumed).

The following motion was moved by Deputy Olwyn Enright on Tuesday, 26 May 2009:

That Dáil Éireann:

is concerned:

- about the financial implications of the withdrawal of the early child care supplement on many families, particularly middle and low income families;
- that the pre-school year in early childhood care and education scheme was announced in absence of information on the number of participating service providers;
- about the viability of the scheme in practical terms, as currently set out;
- at the lack of detail published about the scheme, information provided to parents and the absence of proper consultation with service providers on the roll-out of the scheme, bearing in mind that the scheme is to be available on the 1 January 2010;
- about the availability of participating pre-school places, particularly in remote or more rural areas;
- at the inflexibility of the terms of the scheme and the fact that this may act as a barrier for service providers to participate; and

- that the flat-rate capitation grant may not be adequate in areas where the cost of providing pre-school services is more expensive than in other parts of the country;

calls on the Government to:

- provide parents with detailed information on how they can access the scheme in their area;
- outline the exact number of eligible children by county and the location of participating service providers;
- ensure that the terms of the scheme are flexible to reasonably accommodate differing family circumstances and the age profile and needs of the child;
- engage in proper consultation with service providers with a view to addressing and resolving outstanding issues; and
- apply a capitation fee structure that ensures the scheme is acceptable and affordable in all areas.

Debate resumed on amendment No. 1:

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

commends the Government on its decision to introduce a free preschool year in early childhood care and education, ECCE, scheme with effect from January 2010 and supports:

- the fact that the Government will re-direct over €170 million in savings from the removal of the early child care supplement in 2010, to provide for the introduction of a free ECCE scheme which has long been a key objective of the sector in accordance with international best practice;
- the fact, following a decade of investment of over €1 billion in developing a quality child care infrastructure, including the creation of 65,000 additional child care places, there are almost 4,700 preschool services notified to the Health Service Executive;
- the efficiency with which the scheme is being implemented, including the fact that applications will be accepted from 8 June, within nine weeks of the scheme’s announcement, ensuring that some 70,000 children due to commence primary school in September 2010 will not miss out;
- the action taken to make comprehensive information in regard to the scheme available from the Office of the Minister for Children and Youth Affairs from 20 April 2009 and the fact that 5,000 information packs will be sent to all existing and prospective preschool services on 5 June 2009;
- the child-centred approach of the scheme while at the same time its design to maximise flexibility for parents and service providers, including smaller services in rural areas;
- the proposal to contact parents of preschool children in the coming months with full details of the scheme and that they will be able to finalise enrolment of their children in participating services from October 2009, three months in advance of its introduction;

- the introduction and supports provided for additional requirements for quality in preschool services, including qualification levels and the implementation of Síolta; and
- the fact that equality of opportunity is a core principle of the Scheme so that all children will have equal access to a universal system of early childhood care and education provision.

—(Minister of State at the Department of Health and Children, Deputy John Moloney.)

Deputy Joe Costello: I am delighted to have the opportunity to speak to the Fine Gael motion relating to the early child care supplement and the proposal next year for a preschool year in early childhood care and education scheme. The initial halving and eventual abolition of the existing child care supplement, in operation since 2006, is a very devious piece of work by Fianna Fáil and the Green Party. We must not forget that particular doormat for Fianna Fáil, as the Green Party says much but does very little.

The introduction of the cutback was very carefully orchestrated. In April's supplementary budget, it was announced that the early child care supplement would be halved from 1 May, although people have lost sight of that. The benefit is paid in arrears by a month so the April payment was on the second Monday in May and the May payment — which will be half the previous payment — will be payable on the second Monday in June.

What is happening on the first week of June is not exactly a secret, as we will have European and local elections and two by-elections, one of which will be in my own constituency. The elections will take place on 5 June and on 8 June, parents will suddenly realise that the early child care supplement has been halved, with a payment of €41.50 instead of €83.

The Government played out a very devious political ploy when it introduced this cut in the budget, as it would only take place after the local and European elections and two by-elections.

Deputy Barry Andrews: How does the Deputy explain the reduction in people's wages which occurred before the local elections?

Deputy Joe Costello: This particular cut was nicely orchestrated to take place at this time. I am sure the Minister for Social and Family Affairs had something to say on the matter but I am not privy to what goes on at various Cabinet meetings.

Deputy Barry Andrews: I can put the Deputy's mind at ease. There was no such conspiracy.

Deputy Joe Costello: Is the Minister of State making a statement in the House that Fianna Fáil is incapable of such devious behaviour and that it has lost its touch in that respect?

Deputy Barry Andrews: I reassure the Deputy that there was no such conspiracy.

Deputy Joe Costello: The Minister of State is not privy to Cabinet decisions in this matter.

Deputy Barry Andrews: Is that right?

Deputy Joe Costello: We have heard from Ministers of State before who told us they do not have a clue what goes on in Cabinet and therefore cannot be held responsible for what happens there.

Deputy Barry Andrews: I am in the high chair that Deputy Pat Rabbitte used to occupy.

Acting Chairman (Deputy Kathleen Lynch): The Minister of State should not interrupt again.

Deputy Joe Costello: The early child care supplement was a useful, if inadequate, payment to families who had children under five. It was to provide financial assistance and support for child care, which was a welcome help in the cost of raising children. It has been halved from 1 May and will be abolished by 1 January 2010.

What is being presented as a replacement is a different matter entirely and it should not be dealt with as a replacement. We are not comparing like with like in that respect. A scheme of 18 months of preschool education on a universal basis is an enormous and very important initiative and I compliment the Government on its introduction. It is one of the few welcome initiatives by this Government.

It should not be introduced as a replacement for the child care supplement scheme, which was a tranche of money provided to parents to support the raising of children. This scheme must be a structured preschool 15-month period that would be available for young children from the age of three years and three months until four years and six months, which is missing in the current system. We will not delve into the past but there are reasons there has never been a preschool year.

The Labour Party has always sought this initiative and when I was spokesperson on education, I articulated such a scheme on a universal basis as one of the ideas that would be a major priority for us. Nobody expected it to be provided in the fashion proposed, with a budgetary announcement that will be introduced in one form or another between now and 1 January 2010. Depending on the children's age, 1 December will be the starting point. There is a short space of time to prepare if we are to have a properly structured set-up.

We must ensure we have sufficient and suitably qualified people to provide the service. Any requirements should be met, although there is not much time to do this. We must ensure spaces are there in existing services and premises. We should have considered this matter in the context of how we provided free education in the past with free primary, secondary and third level education.

For example, there would be much space in certain areas of primary education and this could have been considered for the provision of a structured space in that area. We are not sure if there is any space in primary schools, if an audit of such space has been done or whether prefabs will be used come 1 January. That date comes in the middle of the school year for all other pupils. Will the allocated funding be adequate? The specified funding of €64.50 per week is proposed with no provision for a top-up, and it will be a compulsory five-day week without any flexibility within the system.

The announcement should have been made but there should have been a lead-in period where there could have been consultation with all the providers of preschool services. The parents and their organisations could have been brought on board and the matter could have been discussed by the various bodies who would consider a suitable curriculum for the pre-school year, as we do not have such a curriculum now. This would be instead of having an *ad hoc* announcement in the budget that will fall into place to a greater or lesser degree in different parts of the country depending on existing levels of service. That was a questionable way to introduce a major initiative in education.

If it goes well, a universal preschool service would be enormously beneficial in constituencies like mine, where there is considerable disadvantage and where young children find it difficult to have a decent level of education right across the board at any stage. In some cases it is particularly difficult for youngsters to get a good preschool education because neither the facilities nor the funding is available. If we have a quality universal preschool education service, it will do much good work in preventing much of the limited educational attainment in dis-

advantaged areas which often result in difficulties in later life. I urge the Minister to provide a more structured approach to the provision of preschool schemes.

Deputy Margaret Conlon: I wish to share time with Deputies Blaney, White and Kelly.

Acting Chairman: Is that agreed? Agreed.

Deputy Margaret Conlon: The introduction of the early childhood care and education scheme is the most significant development in early childhood care and education which has taken place in Ireland. Building on the progress made over the past decade by three successive Fianna Fáil-led governments, we are now taking the first major step in providing universal preschool education for all children. This is a huge achievement for any Government at any time. While the critics on the Opposition benches snipe at this, they are failing in their duty to build a consensus in this House on the best structure the scheme should take.

Children will be eligible for the free preschool year when they are aged between three years, three months and four years, six months on 1 September of each year. Exceptions will be made where a child has special needs or to accommodate children due to the enrolment policy of a local primary school.

It is important that preschool provision is delivered in a consistent format set within an appropriate educational environment and structure. When my children were at this age, these facilities were not available. Now, wonderful structured facilities are available and it is important the opportunity for free preschool education is available to all children. It will help them to integrate and make the transition from home life to school much easier.

An annual capitation fee of over €2,400 will be paid to participating services, the equivalent of €64.50 per week for a service participating for 38 weeks and €48.50 per week for one participating for 50 weeks. Services will be paid in advance at the start of each term. As a free preschool year, participating services must agree to provide the service in return for the capitation grant which is obvious enough.

Service providers may charge parents for additional services provided which would be optional. These would include additional hours, over and above the free preschool year requirement and additional services in the form of various one-off or ongoing activities or services such as birthdays, meals or dancing, etc. However, all additional services offered must be clearly optional and not hidden or underhand charges and subject to parents' agreement. The Minister of State, Deputy Barry Andrews, must be strong on this point.

It is expected 70,000 children will participate in the scheme from the early stages of its introduction. This would represent 90% of all children eligible in the 15 month age range allowed for and almost all children when the pattern of enrolments in the year prior to starting primary school settles into place. A sufficient number of preschool places is expected to be available based on the existing capacity in the sector and it will be open to all preschool services, of which there are almost 5,000, to participate.

That payments will be made at the start of each term is a significant benefit to services, particularly in the current economic climate. While some high-cost services have argued that the rate of capitation should be higher, the majority of services have expressed their support for the scheme. If the capitation were higher, it would be unsustainable. Whatever rate one decides on, there will always be someone who wants it higher as everyone's perception of fairness is different. The fee is much higher than that allowed for under the equivalent scheme operating in Northern Ireland, which amounts to a weekly fee of £30. For most service providers, the scheme will see an increase in their income, allowing them to meet the higher

[Deputy Margaret Conlon.]

standards required for participation relative to the existing requirements under the child care regulations.

Research has shown the greatest benefit from preschool is found among children from disadvantaged backgrounds. In these tough economic times, these children should be given priority. Preschool education should be a right for all, irrespective of class, creed or income. The introduction of this preschool year has been welcomed as a positive step by Barnardos and other national child care organisations. This is a long-term decision that will reap huge benefits in years to come. It will give equal opportunities to all children, particularly the most marginalised who would not otherwise be able to attend preschool, as well as helping parents who, up to now, had to meet the cost of preschool provision. With any new scheme, there will be teething problems and we must identify those as soon as possible to iron them out. The true long-term benefits will be on a societal level. For this, the Government will be thanked in years to come for introducing this scheme.

Deputy Niall Blaney: The free preschool year in the early childhood care and education scheme breaks boundaries in early education and child care provision. It is incredible that many Members appear opposed to it or, at the very least, are intent on making false claims about it. It is important to step back to consider how far this country has come in early childhood care and education in the past 15 years. I recall there was little provision of early childhood care and provision when I was young. Today, however, it is available for the majority of children. There are child care providers in every nook and cranny of a rural constituency such as Donegal North-East providing an invaluable service to children and their parents. There is much voluntary work involved in many of these and it generates a sense of community for those involved.

As the father of two young children, of whom the eldest has just begun preschool, I am well aware of the wonderful opportunities available to young children through these facilities. I want providers to be assisted in the most efficient manner so they can continue to provide their service in a cost effective manner, ensuring no child can be deemed disadvantaged in availability and affordability.

Some Members get so caught up in trying to achieve perfection that they fail to look back at the wonderful achievements the Government has brought about. Childhood care and education is one of those. It is, however necessary to look forward, to always endeavour to achieve more and better. This is what the Government is doing by offering the free preschool year in early childhood care and education. It is also ensuring that funding is available to provide the best possible service required for our children. That is what this scheme epitomises.

Children will be eligible for the free preschool year when they are aged between three years, three months and four years, six months on 1 September of each year. Exceptions will be made where a child has special needs or to accommodate children due to the enrolment policy of a local primary school.

Two offers are available to providers. They can offer three hours a day, five days a week for 38 weeks in the year free of charge or they can offer two hours 15 minutes per day, five days per week for 50 weeks in the year free of charge. Participating providers will receive a capitation grant totalling €2,400 per year to cover the cost of offering this service free of charge to parents and their children.

While providers may charge for additional services, these must be optional. They may include additional hours, activities or services such as outings, birthday parties or additional teaching resources such as dance, music or food. The flexible nature of this scheme will ensure availability and suitability for all children. It is not mandatory for any provider and is an opt-in

service in which providers can partake if they desire. Furthermore, it provides a degree of flexibility for providers that cannot, for good reason, operate over five days. Such cases will be considered and where appropriate may provide the service over four days for three and a half hours per day over 41 weeks of the year. This demonstrates the necessity to facilitate, rather than hinder providers.

When the economy was booming in the recent past, the Government was in a position to offer the early child care supplement, which unfortunately is no longer sustainable. However, the Government has accepted that the savings must be redirected towards a targeted and child-centred measure. I believe this new scheme to be forward-thinking and appropriate, even in the difficult times in which we now find ourselves. This new scheme has been widely welcomed across the sector by organisations such as Barnardos and other major national child care organisations. There already has been huge interest from child care providers and many child care workers have expressed an interest in setting up new additional services in anticipation of the scheme. The Minister of State, Deputy Barry Andrews, has been meeting child care providers and their national representative organisations in respect of this new scheme since it was first announced, and reports are highly positive. Applications will be sent to all preschool services at the end of next week and will be available from the Department and county child care committees. Moreover, parents will be informed fully about the scheme by the Department over the coming months.

Research has shown that a preschool year is of enormous benefit to children, particularly those from disadvantaged backgrounds. This is of particular interest to me as a representative of the constituency of Donegal North-East, much of which is considered to be disadvantaged. I believe this scheme will bridge the gap for many children in my constituency, which I greatly welcome. The current economic downturn is making survival a top priority for many parents of young children. It would be devastating were children to be taken out of child care or preschool due to financial strain on any family. This scheme will prove vital to those who are finding themselves in that position.

The benefits of this new scheme will be seen for many years to come as our children are encouraged to learn and grow in a positive educational setting from a young age. The benefit of a preschool year for children is immense and has well-documented benefits for society as a whole. Fault-finding with this scheme is no easy task but the Opposition has gone to considerable lengths to so do in this debate. The motion tabled by the Opposition is negative and can be described as being nothing short of electioneering. The Opposition is doing its best to put a negative spin on all things good in the hope that it might gain a few votes here and there. I do not believe that children's futures should be used for electioneering.

Deputy David Stanton: Dear God.

Deputy Niall Blaney: The free preschool year in early childhood care and education is a good news story and it is a shame the Opposition does not have the backbone to get behind such initiatives for the greater good of the country. The Opposition had the same reaction to the early child care supplement on its introduction in 2006 and at this point it constitutes tiring rhetoric. I commend the amendment to the House.

Deputy Mary Alexandra White: The area of child care and preschooling for young children is a hugely important public policy issue. The scheme the Government now is introducing is very positive and reflects an enormous commitment to the country's children in the context of the great difficulties being experienced in respect of the public finances. The Government's announcement in April that it intends to introduce a free preschool year in early childhood

[Deputy Mary Alexandra White.]

care and education is welcome. The Green Party's manifesto in 2007 committed us to initiating a free and universal preschool education of 3.5 hours, five days a week for all children in the year before they go to school. Although the commitment was not incorporated into the programme for Government, the Green Party is pleased this idea has become Government policy. It is a sound policy that addresses the issue of what the State can afford to provide while instituting a universally-entitled scheme at a crucial stage in a child's development.

Studies have shown the positive impact of preschool education for children. One such recent study from the National Institute for Early Education Research in America, which was published last September, stated that well-designed preschool education programmes produce long-term improvements in school success, including higher achievement test scores, lower rates of grade repetition and special education and higher educational attainment, particularly among children from low-income families. In its analysis of the likely impact of a publicly funded pre-kindergarten scheme, which may be comparable to what the Government is introducing here, the institute found there would be a paradoxical but worthwhile effect in terms of educational gains.

The Minister of State, Deputy Barry Andrews, recently stated the response of one Fine Gael Member to the Government's initiative was to suggest the scheme should not be free and that service providers should be allowed charge fees from qualified parents in addition to collecting the capitation fee in the form of a top-up. Such a system would be deeply flawed and would inevitably be to the disadvantage of children from low-income families. The need for clarity and certainty for both parents and child care providers about how the scheme will operate is vital and it is important that all the relevant information is circulated to people as soon as possible.

Deputy Tom Hayes: Members will be voting for it soon.

Deputy Mary Alexandra White: On the various aspects of the scheme that must be clarified for the public, the Minister of State has provided the necessary answers. In particular, Members now know the scheme's choreography as to when preschool education will begin, when education providers can apply to provide the preschool year and when information on who will be providing the scheme will be made available to parents. I understand this will take place in October. Members know that smaller services, particularly in my constituency of Carlow-Kilkenny and other rural areas of the country, will be catered for despite the standard pupil number criteria announced, which specified a minimum enrolment of eight children.

On the issue of the capitation fee and the cost of the preschooling year, Members know that most services will see an increase in their income because of this scheme, which will allow them meet higher standards. Members also know what service providers can and cannot do in respect of charging and access. For example, there will be no booking deposit and enrolment cannot be dependent on making a voluntary donation. Moreover, Members have been apprised of the standards in training which providers must have.

Having read the details of how this scheme will work, I am confident it will be administered in the most efficient way possible, such as, for example, through the provision of a capitation grant to the provider, rather than to the parent, on a quarterly basis. I believe the Minister of State and his office are preparing this preschool year provision thoroughly and Irish children can look forward to a worthwhile initiative in the provision of child care.

Last night, in response to the Ryan report and its aftermath, my party leader, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, stated there must be a new system of child care based on the needs of the child and not the needs of institutions or

organisations providing care. As we chart a new direction for child care and preschool education in Ireland, those swiftly-moving years of early childhood with their burst of growth, imagination, trust, love and dependency must be protected and looked after and I believe this scheme will give parents a window of support to be used in the best interests of our children. I support the Government amendment.

Deputy Peter Kelly: I welcome the opportunity to speak this evening and acknowledge the great work being done in County Longford by the County Longford Childcare Committee and its staff.

Deputy Pat Breen: It is Deputy Bannon's territory.

Deputy Peter Kelly: Yes, I have been helpful to Deputy Bannon and have made many representations on his behalf. Whenever he has asked me I have done so.

Deputy David Stanton: Well done.

An Leas-Cheann Comhairle: Through the Chair Deputy, please.

Deputy Peter Kelly: County Longford Childcare Committee was established in 2001 as part of the national child care strategy of 2000. It is the first point of contact for the public when applying for grant assistance under the national child care investment programme. It offers a wide variety of services locally, which include advice on setting up a child care business, child care information sessions, training courses for those considering a career in child care, advice and support on applying for child care funding, support to parent and toddler groups and support to childminders. They also offer services to parents, such as providing information on local child care facilities and information on parent networks.

In total, there are 33 child care facilities in County Longford, both public and private. Each child care facility is a great credit to the people who run these facilities. They are state-of-the-art, world class facilities, well run by professional, loving and caring staff. Each centre is worth a visit to see the excellent facilities and the great staff at work.

This initiative is the first time in the history of the State that we are introducing preschool care in education. Service providers will be given a capitation fee to cover the cost of approximately €2,400 per year and they can run twice daily sessions if they so wish. All parents whose children qualify will be notified shortly. Applications can be made to the Longford County Childcare Committee and this committee will be the link with the local providers. Terms and conditions to service providers will be sent out early in June. The scheme begins in January 2010. Locally, service providers have said they will be able to operate within the fee structure. Access to a preschool year is a great idea and will be of immense benefit to the children in later life, as well as being a huge benefit to children from disadvantaged backgrounds.

I want to take the opportunity to congratulate the Minister of State, Deputy Barry Andrews, a concerned Minister who is on top of his brief. I thank him for his recent visit to Longford when he came to see first-hand the child care facilities. It was a very pleasant and happy day, with children, parents and politicians all mixing together and enjoying the good weather and good facilities in Longford.

I congratulate the Minister of State on introducing the free preschool year in early childhood care and education which will be under the auspices of his Department and for which he will be responsible. This is a landmark development in the provision of early childhood care and education services for young children in Ireland. The new scheme will be implemented by the office of the Minister of State and will be open to all private and voluntary preschool services

[Deputy Peter Kelly.]

which meet the requirements of the scheme. As I said, the grant is approximately €2,400 per annum and is a payment made to participating services for each child enrolled. The full year cost of the scheme is expected to be approximately €170 million.

Parents who avail of the scheme in a playschool will be entitled to a free preschool provision of five weekly sessions of three hours per day for 38 weeks per year, which amounts to a weekly capitation grant of €64.50. Parents who avail of the scheme within a full-time or part-time child care service will be entitled to 50 weeks of free preschool provision of five weekly sessions of two hours and 15 minutes per day. This amounts to a weekly capitation grant of €48.50 and the service must reduce the weekly child care fee for parents by this amount.

The scheme will be introduced from January 2010. It is intended to benefit children in the year before they start primary school. For this reason, the age of eligibility for the scheme has been set at between three years and three months and four years and six months, as at 1 September each year. In January 2010, it will be open to children who at that point are aged between three years and seven months and four years and ten months. Parents will be advised to coincide their take-up of the scheme in line with the admissions policy of their local national schools. If cases arise where a national school does not admit children until they are more than five years and six months at 1 September each year, these cases will be examined to ensure they are not excluded for this reason alone.

Children with delayed development, who as a result will be accepted into their local national school at a later age than normal, will be able to access the free preschool year to coincide with their school starting date. Preschool services which are notified to the HSE and services which are registered with the IMEB can apply to participate in the scheme. The Department will contact these services, which total approximately 5,000, providing an information pack and details regarding the application process.

Child minders who are notified to the HSE will be included in this process. Services will normally be required to have an enrolment of at least eight children in the preschool year. Exceptions will be made in some cases, for example, a small rural service may be considered eligible where, due to low numbers of preschool children in the area, it is necessary for it to have some children in their preschool year and some who are a year younger. Child minders who are notified to the HSE and who have an enrolment of at least five children in the preschool year will be considered for entry to the scheme if they hold a child care qualification at level 5 or 6, or equivalent; operate a programme-based, preschool service which is compliant with the preschool regulations and which adheres to the principles of Síolta; and are recommended by Childminding Ireland as an appropriate setting for delivery of the preschool year.

The city and county child care committees are expected to play an important role in supporting the new scheme, particularly as a contact point between services and parents. My experience of my county child care committee is second to none, and anyone else's experience in County Longford would be the same. It is the most helpful, efficient group of people I have come across in a long time. They are there to help anybody in the child care business, whether public or private. It is great to have people like them who give all the reasons one should do something instead of all the reasons one should not do it. It is great they have encouraged so much and that we have seen such huge developments since the year 2000 in child care facilities in our county. I am sure it is the same throughout the country.

Following the issue of information packs, it is expected services will be asked to return their completed application form to their local child care committee during June and early July. The Department will finalise and approve applications in the following months and advise the

committees of participating services in their area. From October 2009, parents will be able to contact their local child care committee to get details of participating services in the local area.

Participating services will be asked to make an electronic return of their enrolments to the Department in January 2010. This will be processed and will determine the grant level by reference to the number of capitation fees payable for that term. An interim payment will be made to services pending the outcome of this process if any significant delay is expected. A second payment will be made in April in respect of the following term. The process will be repeated in September as this will be the start of the first full preschool year.

I commend the Minister of State on his recommendations. We look forward to this piece of history-making, namely, the first preschool education services in Ireland.

Deputy David Stanton: I wish to share time with Deputies Pat Breen, Deirdre Clune, Tom Hayes and Ulick Burke.

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

Deputy David Stanton: I commend Deputy Enright and others on tabling this motion for consideration. It is very important for us to debate this topic because it is one of the most important matters we could discuss in the House. Like other bodies, the National Economic and Social Forum has produced a great deal of research in this area. The forum has made the point that education is not a repeatable process:

So whilst consumers of other goods upon realising that they are not provided with adequate quality may simply change producers, for education the change does not compensate for the previous loss of opportunities. This inability to catch-up puts an enormous strong a penalty on getting it wrong in the first place.

It is important that the Members of this House should have a proper debate on this issue. I suggest that it is so important that it should be debated at length by a joint committee. We cannot do it proper justice in this forum.

The elephant in the drawing room is the fact that €477.2 million was spent on the early child care supplement last year, whereas just €170 million is being provided for early childhood education under this scheme. It is clear straight away that there has been a major cut in this area. We all welcome the decision to provide one year of free preschool education to every child. Nobody could argue with that. It is important that we debate how and why it is being done. In 2005, the then Minister for Finance, Deputy Cowen, who is now the Taoiseach, told the Dáil:

The Government acknowledges the continuing cost pressures on parents, especially those with young children, for whom I am today providing some additional financial support. I have had the benefit of examining a wide range of different views and proposals but it is clear that a broad consensus is hard to find. Having looked in depth at all the issues, I have decided that the most effective response lies in introducing a new early child care supplement.

He went on to explain that a payment of €1,000 per annum would be provided in respect of each child aged six years or under. That decision was made at a time of full employment, when we were told the country had tons of money. Now that we are facing a period of huge unemployment, and massive stresses and strains are being faced by the same families the current Taoiseach acknowledged in 2005 were under pressure. The Government has decided to cut the level of support being offered to the families of small children by hundreds of millions of euro. That elephant in the drawing room has not been acknowledged by Deputies on the

[Deputy David Stanton.]

Government side. We all agree that the provision of a year of free preschool education during early childhood is a good and laudable idea, but we must also acknowledge that it is accompanied by a massive cut. It would be wrong to ignore that. It is disingenuous of Deputies on the other side of the House to ignore that fact.

Children learn a great deal, including language and social skills, when they are two or three years of age. As it is a very important time, we need to provide high-quality preschool care and education to children of that age. I acknowledge the good work that is being done in this area. I encourage those involved to continue it. The imposition of charges has been referred to. I suggest that a progressive scheme should be introduced. I ask the Minister of State to examine what is being done in Denmark and Sweden. I am sure he is aware, having visited those countries a number of years ago, of some of the policies being pursued there. The charge that is imposed in Denmark is capped at between 30% and 33% of the cost. Low-income families pay much less. A similar regime applies in Sweden where a certain amount is charged for this service.

I am a little concerned that if child care providers are not allowed to impose charges, they will not be able to afford to continue to provide this service. This is a practical concern. I do not want people to suggest that Fine Gael wants to introduce a charge. We should have a proper debate on this. This real concern has been brought to our attention by child care providers. I am sure they have also brought it to the attention of the Minister. They have to pay rates and various other costs that are associated with providing a service. The Minister of State, Deputy Moloney, spoke about labour costs last night. Perhaps we should consider allowing child care providers to impose a small charge on those who can afford it. Those who cannot afford it should be entitled to get child care for free or for a lesser amount. That might be worth considering and debating.

This is a crucial issue. I know the Minister of State is familiar with the research that has been done under the US-based Perry scheme. It is estimated that \$8 is recouped from every \$1 that is invested under the scheme. Perhaps one year of free preschool education is not enough. We must remember that children need to be ready to move on to the next level. I know the Minister of State understands that. While I accept that there might have to be an arbitrary cut-off point, perhaps it is not right to move the child on if he or she is not ready. Some children need 18 months or two years of preschool education. Our motion states that some flexibility must be built into the system. I ask the Minister of State to organise a proper debate on this matter at a joint committee. Perhaps this measure can be discussed with the experts as it develops and progresses. We should not forget that the abolition of the early child care supplement will have a huge impact on families at the lower end. That is a concern to others.

I could talk about other matters. I was told at the time that the initial administrative cost of establishing the early child care supplement scheme was approximately €6 million. Issues arose when it became clear that a small proportion of that money was going out of the country. It all counts now. We should have a proper debate on this issue. We should develop the new approach properly over time. We should ensure as many children as possible can avail of early childhood education until they go to primary school.

Deputy Pat Breen: I welcome the opportunity to speak during this important debate. I commend Deputy Enright on bringing this motion to the House. The Minister of State will be aware that the recent supplementary budget piled much more financial pressure on families. Many families are struggling to pay household bills. The reality is that the last two budgets have taken a sizeable chunk out of many household budgets. Families are now very cautious

when spending their money. Many retailers are only just about surviving. The Commission on the Family has recognised the need to prioritise investment in child care.

I welcome the decision to provide for a year of free preschool education. As Deputy Enright said last night, such a system should have been developed during the Celtic tiger era rather than having to be developed now at a time of recession. Deputy Blaney said earlier this evening that the Government is very forward-thinking, even though it has taken the Government three years to think about what it should do in this area. Deputy Kelly suggested this proposal makes history. I remind him that when the early childhood supplement scheme was introduced three years ago, Fine Gael tried to no avail to put pressure on the Government to provide for a year of free preschool education. The Government has eventually woken up to the need for such an approach.

The abolition of the early childhood supplement payment will have a severe impact on many middle and low-income families. They already have less income than they had this time last year. They are faced with the doubling of the income and health levies. At the same time, they have witnessed mortgage interest relief being whittled away. The early childhood supplement was of great importance for many families as they planned their annual budgets. Such families have been left with an unfair burden on their shoulders.

The provision of affordable and accessible child care is a huge issue on the doorsteps. Those of us who have been canvassing with local election candidates over recent weeks have encountered this issue frequently. We are no wiser about the operation of this latest scheme now than we were when the Government introduced it two months ago. The Government has not put any thought into the practical operation and application of the scheme. Under the current proposals, the scheme will be subject to eight guidelines. If a child is to be allowed to avail of the scheme, he or she must be between three years and three months and four years and six months on 1 September of the relevant year. The Minister has failed to take the enrolment policies of many primary schools into account. Many primary schools throughout the country do not accept children until they are five years of age.

This scheme does not seem to take account of children with developmental problems. I recently spoke to one of the parents of a young boy who needs speech therapy. He is in a child care facility at present, but he will not be able to go to school until he is five years of age. His mother is finding it difficult to pay the bills. She is already worried about how she will cope from January of next year. I am delighted to see that the Minister of State with responsibility for children is present in the House. I suggest he intervene in cases of this nature to make exceptions to the scheme's strict guidelines. The implementation of such guidelines will put children with developmental problems at a disadvantage. This issue must be addressed.

Serious questions also arise about whether thousands of parents will be able to avail of the scheme. There was no discussion with the providers before the Government announced this scheme under which the Government will have to pay the schools a maximum of €64.50 to cover three hours of preschool education for five days a week. Many providers have pointed out that the capitalisation, which covers 38 weeks, will not cover the day-to-day running costs, whether wages, water charges, waste disposal charges or equipment. There are many areas where rent is high. Many of the providers will find it difficult to sustain their businesses, yet we can ill afford to lose more jobs at this difficult time.

The Minister of State must address the concerns of the providers, otherwise many families will find that they have no places to send their children for preschool education. I commend the many community groups around the country that have provided fantastic facilities in their parishes. Their commitment to child care is second to none. In my parish in Lissycasey a crèche and after school learning centre are being built and will be open next September. The Minister

[Deputy Pat Breen.]

of State was in Clare recently where he visited some of the facilities. My neighbouring parish of Kildysart has spent €1.5 million on developing a centre. That will open on 25 June and will provide excellent child care facilities from 7 a.m. to 7 p.m. There are other centres throughout the county in Ruan, Ennistymon, Flagmount and Miltown Malbay providing these services and they must fundraise. I commend the Department of Justice, Equality and Law Reform for providing grants for these centres. I could spend more time on this subject. Fine Gael brought this motion forward because of the public uncertainty and the Government must clarify the situation.

Deputy Deirdre Clune: I, too, commend the proposal to introduce a year's free preschool education. It is highly desirable and has long been policy on this side of the House. Anybody involved with children or visiting schools will realise that unless children have had some form of preschool education they are at a disadvantage because most children have had it, through either a community or a private facility. Reports have been published and studies conducted on its value and it is good to see that we are taking a step to introduce such a provision for our preschool children.

The manner in which this proposal has been introduced, however, has raised more questions than answers. This leaves much to be desired and I am delighted that this motion is before the House to enable us to try to glean some information from the Minister of State and put forward some of the comments and concerns that providers and parents in our constituencies have raised with us. For example, I have correspondence from the owner of a local Montessori school. She runs a private school charging €330 a month for a five-day week, for 43 weeks, coming to €3,300 per year. Under the scheme as proposed she will receive €2,451 leaving a shortfall of €859. She pays her staff over the summer months but will not be able to afford to do so under the new scheme. Will her staff be allowed to sign on to claim unemployment benefit during those months? She has high costs because she bought a building for which she is paying a mortgage. She must pay rates, equipment costs, insurance, lighting and all the costs incurred by any small business. She is not looking for a break on those. She went into the business with her eyes wide open.

We all know that child care or preschool facilities are not big money-spinners. They are relatively small earners. Most people do this work out of love of working with children. They like to teach children for maybe two years before passing them on to the school system. It requires dedication. Now, however, many people, such as this private provider, wonder whether they can afford to stay in business. I suspect that some may not and the proposed restrictions, the payment of only €64.50 a week for 38 weeks of the year, will be an obstacle to their continuing in business. This must be considered particularly if we are depending on these people to provide the necessary places for preschool students.

According to the statement read on the Minister of State's behalf last night, by the end of 2010 all the places will be available. This scheme is due to start in January 2010 so there will be some confusion for 12 months. The Minister of State has ruled out completely an added contribution from parents and I can see how that would be contrary to the provision of free child care places, but I urge him to consider this carefully, particularly because he is depending on these private child care providers to implement the scheme he proposes.

I would like to have spoken on the early child care supplement. I am very disappointed that the Minister has removed it because it supported parents of young children, particularly those facing excessive full-time child care costs while they work. This can be very expensive and while it varies from one area to another it is a heavy burden on working parents. The removal of this supplement along with the changes to child care benefit that we face in the next budget,

and the removal of mortgage interest relief in this last budget, have had a detrimental effect on and are a serious blow to parents with young families.

Deputy Tom Hayes: I am pleased to have the opportunity to say a few words in this important debate. Like many other speakers I welcome the free preschool year. We have proposed it and looked for it and are pleased that it is now in place. People on the Government side have said that this motion was put down because of the local elections and that it is a vote getting exercise. It is not. The motion was put down because there is widespread concern among those who use the facilities. That is why Deputy Olwyn Enright put down this motion and I commend her for it. There is real fear and worry because of the way this was announced in the budget when nobody knew that it was coming. People were not consulted.

I thank the Minister of State for receiving the deputations from my constituency. He saw at first hand the difficulties my colleagues are encountering in running the facilities and heard the concerns of the county child care committee. When it was announced in the budget without prior consultation the providers experienced fear and worry. Deputy Clune spoke about the inherent cost of running a business. I was canvassing some nights ago and came across an individual in Clerihan who has invested a considerable sum in a business but who does not know the future of that business. People like doing what they are doing and those involved in child care are trained to do so and are genuinely committed to it. They have been trained and have invested in their careers. Planning guidelines in respect of many housing estates, villages and towns nationally stipulated that child care facilities should be provided as part of new developments. People invested in them, yet the Government changed its mind without consulting anybody. This is wrong. If anything emerges from this debate tonight, it will be that changes have been made without consulting the people.

Many men and women throughout the country are losing their jobs, have large mortgage repayments or are in other difficult circumstances because of the economic downturn. Preschool education is now part of the education system as a whole. It is a fact of life that young children need to go to preschool to prepare for primary school and there is no doubt it is better for them. Anybody who sends his or her children to preschool will note that they benefit from it. We should encourage it. The Government does not have a planned approach, nor has it adhered to the proper guidelines or determined what should be done and what is best for the children.

When the Minister of State is contributing, he should understand the needs and concerns of the people providing preschool services. While he must consider the difficult economic circumstances we face, the reality is that money spent on meeting the educational needs of children is money well invested. When this country was doing well over recent years, it was because of our education system and the manner in which we prepared people. Part of the preparation involves preschool education. When the Minister of State is contributing, he should note the considerable worries and fears of the parents and preschool education providers.

Deputy Ulick Burke: I thank my colleagues for sharing their time with me and commend Deputy Enright on tabling this very timely motion.

Some might welcome the Government's proposal in isolation but it is only when they link it to the other anti-family cuts introduced by the Government over the past six months that they will realise the scheme was not introduced to benefit children and families but to save money. We are told up to 70,000 children will benefit from the scheme in the first year. We are to provide an average supplement of €64.50 per week per head to provide the service. The reality

[Deputy Ulick Burke.]

is that in 2006 the Government introduced, to a fanfare, the early child care supplement. In 2008 it cost €480 million, yet the scheme to be introduced next year is to cost approximately €170 million. There is no indication whatever that the Minister knew the numbers involved. On one occasion there was a reference to €70 million and on another there was a reference to approximately €76 million. Nobody knows. Any Government that introduces such a scheme must surely understand it is but another cutback measure. When it was announced as part of the emergency budget, nobody, including parents and service providers, had a notion about what was happening. Can the Minister of State, Deputy Barry Andrews, state clearly tonight how and where the scheme will be introduced?

The scheme might work in an urban setting — I say this in a qualified way. However, has the Minister of State ever considered how it will work in a rural setting? The Government is pitting urban against rural once more, thus creating a two-tier system. The Minister of State said the €64.50 per week cannot be capped or increased by people themselves. If so, how are the service providers, who are now charging up to €500 per week, to provide the preschool service and crèche facilities for young children? How will they pay for the staff to deliver the service? There is no indication the Minister even thought of this when introducing the measure. The confusion that has existed from the outset and which still exists today indicates the scheme is badly thought out and will not result in the benefits associated with an early start, as mentioned by Deputy Clune. The mess that has been proposed will be of benefit to nobody.

The Government has slowly but surely withdrawn the €450 million available through the early child care supplement and has replaced it with an allocation of €170 million, which indicates clearly it is not interested in preschool education. Thousands of parents will not be able to avail of the preschool year because of the capped payment, with which I have dealt.

Many problems with the scheme have been identified by members of the Irish Pre-school Play Association. The main one is that the subsidised sum of €2,450 per annum does not cover existing costs. A top-up in terms of specified hours is not permitted by the Minister. This is because it was never intended to subsidise a two-tier preschool system. The Minister of State, when summing up, should indicate clearly that he understands the scheme and will explain it for the parents and providers once and for all such that the ambiguities and uncertainties that exist for so many will be eliminated. I do not know whether he can do this but, if not, the scheme will be a failure. The relevant infrastructure and personnel are not available to deliver the service.

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I am pleased to be able to speak on this motion and support the Government's amendment. The value of early investment in education has been well charted over recent years. Deputy Stanton referred to the return of eight to one for every euro invested in this area. Reports indicate the return is even greater for disadvantaged children. Thus, there should be widespread support for the measure introduced in the budget. An equivalent measure in the United Kingdom has been described as a quiet revolution, the benefits of which will not be seen for many years.

I thank the speakers on the Government side for their support for this proposal. The NESF said it would be a landmark in Irish social and educational history if it were introduced. That was in 2005, at the height of the Celtic tiger boom, when there was plenty of money around. The preschool scheme will yield major benefits for Irish society and for children at a time when there is great focus on preparing a better life for our children, particularly those who are disadvantaged and have not hitherto benefited from preschool services.

Clearly, there will be challenges; change always brings challenge. However, one Deputy after another on the Opposition side, while talking about consultation, mentioned occasions on which I have met representatives of the child care sector in their constituencies. Deputy Hayes referred to visits I made to Cahir and Fethard, Deputy Breen referred to visits to Kildysart, Ennistymon and other areas, and Deputy Kelly referred to trips to Longford. There has been much consultation, and what has been said to us time and again is that the downturn in the economy means there are fewer people using preschool services. We are told there is greater capacity and there are empty places, and that there has been migration from private facilities to the community sector. I have been asked what I was going to do about it. We did something about it. The Government decision was a visionary one and was completely against the tide of reductions in other areas of the economy.

Support for the scheme has been widespread. Of the people who have contacted my office, 80% or 90% have been supportive. Deputies have said information is not available. The national voluntary child care organisations have circulated information to their members. My own office has information on its website and we have a telephone line on which we have received thousands of queries and have been able to support people. The city and county child care committees have been circulating information to their members, and next week packs will be sent out to 5,000 service providers throughout the country. Applications will be accepted between 8 June and 11 July by the city and county child care committees and will be processed by the end of September. Parents can enrol children in October or November and the scheme will commence in January 2010. That information is and has been available.

Deputy Breen said the issue has been coming up on the doorsteps. It may well have been, as people are interested in it. This information will be made available to them in due course. However, he makes a mistake with regard to his concerns, which would be legitimate if they were not already dealt with, about children with developmental delay or who might not be able to avail of the scheme because of local school enrolment policies. These issues have been considered and dealt with in the scheme, and this information has been circulated to the city and county child care committees for their benefit. I reject the Deputy's comments in that regard. I hope this will assuage his fears and allow him to support the measure that is before the House.

Where are we going with this measure? The NESF report from 2005 to which I referred earlier contained a reference to ten-year development in this area. We need a workforce development plan and to improve the skills of staff who are working in this area. The curriculum will be based on Aistear, which will cover junior and senior infants as well as the preschool year, and Síolta provides us with a framework for quality in early childhood care and education. We will continue to have an open-door policy with the providers. I have met with all of them and continue to meet them in my constituency clinic. I will meet some more of them later this week. We would like to move towards providing a higher payment to services with higher levels of qualification among teachers.

All Deputies should welcome this move. It is a landmark in Irish care and education and the benefits will be seen for many years to come.

Deputy Alan Shatter: I wish to share my time with Deputy Olwyn Enright.

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

Deputy Alan Shatter: For many years I have been of the view that we should provide a universal free preschool service throughout the country. In principle I welcome the announcement made by the Minister of State and I welcome the fact that this scheme is being established. My criticism of the Government is that such a scheme should have been established many years ago at a time when the State was not under financial pressure. It is of major importance that the scheme as implemented is flexible so that it addresses the needs of different families, and it is also crucial, in the context of the service providers, that the scheme is pitched at a level that makes it economically realistic to provide the service and ensures the essential standards that are now prescribed are fully complied with.

One of the great difficulties with the scheme when it was announced, which remains a difficulty to this day, is the provision of information so that both child care providers and parents know exactly how the scheme will work in practice. The Minister of State is correct in stating there is information on his website about the scheme. However, that information has changed from time to time, and the difficulty faced by many providers is that the cost of providing preschool facilities varies substantially depending on location. The Government's preschool plan pays a maximum of €64.50 for 15 hours per week, which is a total of €250 per month for the provision of a free preschool service. However, some providers charge closer to €500 for 15 hours a week, because in certain parts of the country providing the service is a great deal more expensive. Many providers claim that the maximum of €64.50 per week per child will not cover a variety of running costs, which include wages, relief staff, rent, rates, heating, light, insurance, water charges, waste charges, equipment, materials, snacks, food, and accountancy fees — all the usual expenses that arise in the provision of this type of service.

In the context of my constituency of Dublin South, a major expense incurred by all providers is the rates imposed by the council, which are exorbitant and are making it difficult for many providers to ensure they provide a service at a price that parents can truly afford. I doubt they can provide the service based on the expenses they have in the context of the financial parameters being imposed by the Government. This is a major problem. Primary and secondary schools are rates-exempt. If we are serious about providing a high-quality pre-school system that every child can attend at a reasonable cost, we must ask why rates are imposed on such facilities when primary and secondary schools do not pay them. The rates vary; in the constituency of Dublin South, depending on whether one's preschool is located within the South Dublin County Council area or the Dún Laoghaire-Rathdown County Council area, one will pay a different amount. This is in fact a tax on the provision of child care.

While the Government is providing financial assistance, it is making it uneconomical, particularly in parts of Dublin, for child care providers to opt in to this public system. Thus, we may end up with some providers only providing preschool care and education in an entirely private capacity at a higher cost in particular locations. Of course I need to be concerned about the situation in Dublin South. However, as the Fine Gael Party spokesperson on children, I believe the scheme must have the flexibility to recognise regional variations, the variation between town and country, and the types of facilities provided. It also needs to take account of the cost of maintaining the important standards that have now been imposed to ensure we have a system of which we can be proud.

I appreciate the Government has finally come forward belatedly with this scheme but I have some concerns about it. Within its context, the scheme allows, where there is provision for the three hours, five days a week, for some additional charges to be made for additional services during extra hours or exceptional teaching and facilities in areas that would not normally be covered by pre-school. This is a matter of concern. In Dublin South, for instance, if there is a

pre-school that opts into the scheme and there are parents who can only afford the three hours at this rate, but the pre-school is open for four hours and there are other parents who can afford the extra hour, there will be segregation between children. Children from poorer families will leave earlier than those children whose parents can afford the extra time. It may well be that this creates a real differentiation in the minds of children between them and others.

There is a minimum enrolment provision of eight children for the scheme in any pre-school. While the Minister of State has agreed to look at the issue and the draft guidelines to allow for some flexibility in some cases, the criteria for exceptions appear to be very restrictive and the provider is only allowed to avail of them “subject to complying with all other contractual arrangements”. The difficulty is that we do not know what the other contractual arrangements are. I presume in the context of the information pack the Minister of State will send out that they will become apparent.

This debate has been important and I congratulate Deputy Olwyn Enright on tabling the motion. It will stimulate the Minister of State’s meetings with organisations tomorrow to tease out some of the glitches with the scheme.

I do not want to be mealy-mouthed about the scheme, I want to be clear. I welcome in principle the fact that the Government has recognised that we have an obligation to provide a universal pre-school education system. I am concerned, however, about the costings. I am also concerned that if the numbers the Minister of State believes will use the scheme are realised, we will not have sufficient facilities to provide the pre-school education people are now being promised. That is another issue the Minister of State must clarify.

I have been following the debate in this House and I notice frequently in debates here that the Green Party is more prominent by its absence than its presence, although Deputy White contributed tonight. This is an important issue for children and Deputy Enright, the Minister of State and I are members of the Joint Committee on the Constitutional Amendment on Children, which deals with children’s rights and the possibility of a constitutional amendment to protect children. That committee has published two interim reports, one on the use of soft information to ensure children are properly protected against sexual predators being given jobs where they are working with or close to children and a statutory vetting process to provide protection for children and another that addressed the issue of statutory rape. I find it remarkable that some members of the Green Party seem to be more interested in light bulbs and green shoots of the plant variety than in children. It is extraordinary — I am not sure the extent to which other members of the committee have noticed this — that the one Green Party member of the committee, Deputy Gogarty, simply does not attend meetings or participate in discussions and did not make any contribution to the publication of the report on soft information or the report dealing with statutory rape.

It is extraordinary that the Green Party has no interest in children’s rights and the protection of children. This committee has serious work to do in the next six months and if Deputy Gogarty has no interest in attending, it is time he was removed from the committee and replaced by a Member of this House who has the interest and commitment to contribute to the work of the committee and to ensure we bring forward a constitutional provision that will truly ensure we protect children and their rights in future.

Deputy Olwyn Enright: I thank everyone who contributed to this debate. I want to make clear that everyone accepts the principle of one year’s pre-school. It is wrong that the Government is saying that we rubbished the proposal. It is the practicality of the proposal that Fine Gael is concerned with. If the Government wants to question our bona fides on this issue, it

[Deputy Olwyn Enright.]

should go back to when we were last in power in the 1990s, when the first pre-schools in the country were established, particularly in disadvantaged areas. It is lamentable from our perspective that it has taken 12 years for further progress in the area and for that small but significant start to be built upon.

This is not visionary. Fine Gael and the Labour Party published proposals on pre-school education prior to the 2007 general election. This is not something we have come to as guests at the end of the night, it is something we have long held as policy and we welcome the fact that the Government has finally seen the light on the issue and is willing to admit that a year's pre-school is necessary. It is the way the Government is going about it that we question.

The speech the Minister of State, Deputy John Moloney, was given to deliver was more interesting than the one he made, which was not quite so contentious. He stated clearly last night, however, that our motion is about providing services with a higher profit margin because of operation in an area that previously tolerated higher fees. That was utterly disingenuous and is simply not the case. The motion is to ensure the commitment made can succeed, as it will not as currently constituted. The principle behind the Government's proposal enjoys widespread support but the practicality does not, in spite of the claims of the Minister of State. The fact that the Minister of State, Deputy Barry Andrews, is meeting a group that has more than 300 members, which was only established after the announcement, is proof of the concerns that exist. That group felt it necessary to come together to question some of what is being decided.

The Government attacked us for being concerned about the absence of information and consultation, yet we do not have any more information tonight than we had prior to putting down the motion. The notion of the Minister of State going to openings and calling them consultations is wrong. We all know what happens when a Minister visits a constituency — there is little real consultation going on and the photographs appear to be more important at these events. To say there is no absence of information and then tell us that there will be a census of pre-school services to get data on service provider levels is laughable because it would not be necessary if the information was available, and that is exactly the type of information needed to calculate costs and work out availability.

The Government speakers were more concerned about achieving consensus than having a discussion. Is there something wrong that the Opposition might try to ensure a scheme this important actually works? That is our job. Deputy Conlon might prefer if we left the Government to run the country on its own but that will not happen.

It is ironic to hear the Government question the Fine Gael figures when the figures in the Minister of State's initial statement were different from those used when Fianna Fáil Members questioned our figures last night. Likewise, on the early child care supplement, six Ministers, including the Taoiseach of the time, gave different figures about how much it would cost.

The motion was purely an attempt to tease out the issue and make it work for the benefit of children. It will not work if the providers cannot afford to participate. We have suggested changes, particularly the indexation of costs for rates, rents and wages. I ask the Minister to look at that because there is confusion in the Government about the issues of child care and preschool. Boasting about 65,000 child care places is not the same as preschool places. The fact that the Government is doing the census and has not given us a figure for preschool places makes me question what will happen. I ask the Minister to listen to the points made and take them on board. They are well meant. We want to see this work, but we do not see how it will work as constituted, and the Minister needs to have an open mind on it.

Amendment put. The Dáil divided: Tá, 72; Níl, 58.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Johnny.
 Browne, John.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.

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

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Behan, Joe.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.

Feighan, Frank.
 Flanagan, Charles.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Ciarán.
 McCormack, Pádraic.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.

Níl—*continued*

Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Ring, Michael.
Shatter, Alan.
Sheahan, Tom.
Sherlock, Seán.

Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

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

Amendment declared carried.

Motion, as amended, put and declared carried.

Adjournment Debate.

Work Permits.

Deputy Michael D. Higgins: The matter I raise on the Adjournment concerns the urgent need for the Minister for Enterprise, Trade and Employment to reconsider changes she proposes to make to the work permit scheme on 1 June, the need for her to discuss with the relevant workers such proposals and the need for such workers, their unions and the advocacy organisations to be invited to participate in a consultation process given that these workers have made such a significant contribution to Irish society and the Irish economy.

I wish the Minister of State, Deputy Calleary, well in his new appointment. However, I hope he begins his work in that Department by relaying a reasonable argument back to the Department and by being able to change minds where it is necessary and in the public interest to do so.

What is being suggested by way of changes to the permit system on 1 June takes no account of the contribution made by work permit holders over a long period of time. Recently, a press release referred to a worker who has been here for nine years and whose family is part of Irish society. If made redundant, in order to find an alternative job, he must wait until that job has been advertised for a minimum of two months. At three months, such a person is illegal in this country and loses rights, including the right to sustain his or her family. It is in breach of every principle of worker protection, including the protections provided by the International Labour Organisation and contained in the conventions Ireland has signed, to put such workers in a vulnerable position.

I have travelled with Members of this House to the United States of America making the case for those Irish people living in the shadows there and anxious to achieve some status and to be recognised. They point out that they have paid their taxes and they want some form of recognition in the United States of America. Could we imagine a situation if they were all given two months to get out of the United States of America yet that is precisely what is being proposed in regard to work permit holders who become redundant in Ireland? What is proposed is unnecessary and is an action by stealth. It is a device to make the position of such people impossible in terms of staying here.

I wish to indicate where my party stands on this matter. I have long been an advocate of Ireland signing the convention guaranteeing the rights of all migrant workers and their families but I have been told by successive Ministers that Ireland will never do so under this Govern-

ment. I believe in the right of workers from wherever they come to enjoy an equality of rights. These changes in the work permit system do not accord an equality of rights. We look for rights abroad for our own people but over those for whom we have responsibility, we refuse to exercise the same principle.

Over a period, such migrant workers will have paid PRSI and taxes totalling approximately €1.5 billion. They will have paid €10.986 million in registration fees to various bodies and to the Garda national immigration bureau. They will have paid €15.5 million in work permit fees. Some €140 million will have been paid by international students. That is separate from what has been spent by migrant workers in this economy, approximately €2 billion.

We are talking about 30,000 people. There has been a massive reduction of 60% in the number of new work permits issued in the past two years. I appreciate that I am addressing a new Minister of State and I wish him well. However, I do not want him to say tonight that this is a matter over which he has no control. The Government has control and it should now postpone this until we have had adequate talks, so that we may put a different, fairer and more humane system in place.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I am grateful to Deputy Higgins for raising this issue and I thank him for his good wishes.

Since 2004 Irish policy has been to have, where possible, our general labour and skills needs met from within the workforce of the EU. For strategic skills and labour shortages in designated occupations in key economic sectors such as healthcare, information technology and financial services, our policy is to issue employment permits for the employment of non-EEA nationals. The various schemes that give effect to such policies were introduced under the Employment Permits Act 2006. Overall, the Irish experience of immigration has been a positive one with newcomers bringing to Ireland a wide range of economic, social and cultural benefits. The contribution of immigration to the growth of the labour force has been particularly significant.

Economic migration policy has been one facet of industrial development and labour market interventions that facilitated the growth of employment to unprecedented levels in this country. We have now entered more challenging times and the policies that served us well are being enhanced and refocused to ensure that they remain relevant to changing economic conditions. An appraisal of our employment permit arrangements has reaffirmed the long-standing Government policy that preference is given to Irish and EU nationals in filling positions when job vacancies arise. However, our review has also shown that there will be a continuing need for the availability of suitably skilled and qualified immigrant labour to meet specific skills needs where they arise. Therefore, the changes to the administrative arrangements of the employment permit schemes, from 1 June 2009, are intended to strike a balance between our Community preference obligations and the need to ensure that employers are facilitated in meeting high skills needs, if necessary from outside of the European Economic Area.

Consultations on the revised arrangements took place directly with the Irish Business and Employers Confederation and the Irish Congress of Trade Unions. Congress in turn facilitated consultations on the new arrangements with its member unions and the Migrant Rights Centre of Ireland, MRCI, all of whose views were received by the Department of Enterprise, Trade and Employment and taken into account by the Government in deciding on the final shape of the employment permit schemes.

I should emphasise that work permits will continue to be made available for jobs in eligible job categories where employers have been unsuccessful in their genuine efforts to recruit suitable candidates from within the labour force of the European Economic Area. The measures

[Deputy Dara Calleary.]

to be introduced are principally concerned with strengthening the qualifying conditions for the granting of new work permits to non-EEA nationals, for occupations requiring lower skills or qualifications and vacancies for which could increasingly be filled by Irish or EU citizens. The operation of the green card scheme will continue largely unchanged in recognition of the importance of strategic high-level skills to the continuing development of a knowledge-driven, high value added economy.

It should be noted that at any one time no more than 1.5% of the labour force are employment permit holders. Significantly, none of those in possession today of a current employment permit is affected by the revised eligibility criteria for new and renewed permits. Only first-time non-EEA entrants to the system on and from 1 June will be subject to the new permit conditions. Specific changes to eligibility criteria are being implemented for new work permits, renewal of existing permits, work permits for spouses or dependants of principal permit holders, and for permit holders who become redundant.

The principal changes are as follows. From 1 June 2009, for new work permit applications, the labour market needs test will be strengthened by requiring an eight weeks FÁS-EURES advertisement, currently four weeks, plus six days national press advertising, currently three days. I again emphasise that it has been, and continues to be, Government policy to require that employers make a meaningful effort to give preference to Irish and EEA nationals in filling job vacancies. Currently, a vacancy, in respect of which an application for a work permit is being made, must be advertised with the FÁS-EURES employment network for four weeks and additionally in local and national newspapers, for three days, to ensure that, in the first instance a national of the EEA or Switzerland, or in the second instance a national of Bulgaria or Romania, cannot be found to fill the vacancy.

The OECD has recently reported that the strengthening of the labour market needs test is one of the measures most widely adopted by OECD member states in responding to the pressures on labour markets arising from the impact of the world recession. Another key change is that vacancies for work permit applications received on and from 1 June 2009 will be subject to labour market needs tests at both first application and permit renewal stages, and a higher renewal fee. The renewal of work permits for non-EEA nationals accounted for some 50% of the permits issued in 2007 and 2008 but under existing procedures, applications for renewals are not subject to a labour market needs test.

I am aware of the concerns that have been expressed on this issue and I met the MRCI today to consider them. I will give Deputy Higgins an undertaking to meet with the MRCI regularly during the implementation phase of the new arrangements to ensure that its concerns do not arise, in practice, on the ground. We will continue to keep open our relationship with the MRCI to ensure that if those concerns arise they will be dealt with.

Deputy Michael D. Higgins: Will the Minister of State agree to postpone?

Deputy Dara Calleary: No, I will not.

Cross-Border Investment Programmes.

Deputy Joe McHugh: I want to address two themes. The first is the need for greater co-operation between northern and southern enterprise agencies and the second is the need to develop Ireland's high-end small to medium enterprise sector as a path out of recession.

Since this House resumed after last summer's recess I have mentioned the Comprehensive Study on the All-Island Economy on numerous occasions. That study supplements the Good Friday Agreement. It is a long and detailed document and was jointly written by the then

Minister for Foreign Affairs, Deputy Dermot Ahern and the Secretary of State for Northern Ireland at the time, Peter Hain, M.P. It must have cost the British and Irish Governments many thousands to publish. Since November 2006 it has been completely ignored and the acronym, SPOTS, strategic plans on top shelves is very apt.

The study states: “Companies should be encouraged to treat Ireland as one commercial zone rather than two separate entities”. Specifically it notes that, “Enterprise Ireland and Invest NI offer a wide range of programmes, providing largely parallel supports to SMEs on both sides of the Border”. This is the case of Enterprise Ireland versus Invest NI and the case I am putting on the floor of the House tonight indicates a big anomaly, which puts companies on this side of the Border at a comparative disadvantage.

Enterprise Ireland and Invest NI offer different packages to small to medium sized exporters. A successful company, whose name I shall give the Minister of State after this debate, has been offered a full grant aid package by Invest NI. Enterprise Ireland refuses to provide a grand aid package and is only offering equity support. Therein lies a need for consistency.

The Good Friday Agreement is not just about peace in Northern Ireland. It envisaged an all-island economy and Ireland as one commercial zone. Ireland’s membership of the eurozone and Britain’s commitment to its traditional sterling currency prevent us from developing a genuine all-island economy, but we can address some of the less fundamental differences, including this one. In November 2006 both jurisdictions bought into the comprehensive study’s notion of a bilateral agreement. This country will only emerge from recession if we develop an economy of small to medium exporting companies.

In the case before us we have a company that can generate €5 million in export revenue for Ireland and ten high quality jobs can be created with the right support. The company wants to locate itself in Moville, County Donegal. Given our regulations, this highly mobile company which has already located from India and the USA can very easily locate itself 20 miles from Moville in Derry city. Successful companies cannot afford to give away equity. As Enterprise Ireland has designated this company HPSU, high potential start up, we need to get our house in order.

Deputy Dara Calleary: I thank the Deputy for raising this matter on the Adjournment. The comprehensive study on the all-island economy was commissioned by the British-Irish Intergovernmental Conference and was completed towards the end of 2006. This blueprint for all-island economic co-operation set out the economic rationale for North-South collaboration, as well as concrete proposals for economic initiatives. The case for an all-island approach is made where market failure arises from the existence of the Border or where public goods and services could be more efficiently produced on a co-ordinated basis.

In the area of enterprise, the study identified a number of areas where co-ordinated policy intervention could prove beneficial to both jurisdictions on this island. These included co-operation on trade and investment promotion, enhanced co-operation in support of enterprise and business development and an improved regulatory environment. This latter aspect included the signing of a memorandum of understanding between Enterprise Ireland and Invest Northern Ireland concerning international trade missions or fairs. Enterprises from either jurisdiction can participate in selected events organised by both agencies. The memorandum of understanding provides a practical and sensible approach to enabling companies North and South to benefit from the overseas trade activities of both organisations.

The clients of Enterprise Ireland and Invest Northern Ireland are faced with similar challenges regardless of where their operations are located on the island. There are issues with

[Deputy Dara Calleary.]

regard to small size, openness, peripheral geographical location, skills needs, pressure on infrastructure and in the area of developing world class research and development structures for the knowledge economy. However, the Irish Government and the Northern Ireland Executive are working together to ensure that the potential for development is exploited and, in keeping with this goal, Enterprise Ireland's approach is to work in partnership with Invest NI and InterTradelreland in an effort to maximise the benefits to all their clients.

For example, Enterprise Ireland and Invest Northern Ireland ran a cross-Border enterprise incubation programme — the transform programme — which commenced in September 2007 with 43 participants from both jurisdictions. This was a ten-month, full-time programme for potential entrepreneurs who wished to set up a new export-orientated knowledge intensive business. The programme covered the six counties in the Border region of the Republic and the six in Northern Ireland. It concluded in August 2008 and more than 60% of the businesses involved are still trading successfully.

In April 2009, the two agencies launched a new initiative, the propel ideas into business programme, which is a follow-on from transform programme and which is strongly supported by the Special EU Programmes Body. This is a major business innovation and development programme, geared towards producing up to 12 new start-up companies in the Border counties. It targets entrepreneurs who have ambitious business ideas with the objective of putting them through an intensive business development programme to make their projects investor ready.

Meetings involving the boards of Invest Northern Ireland, IDA Ireland and Enterprise Ireland have taken place on an annual basis. In addition, regular contact is maintained at executive level. Enterprise Ireland and IDA Ireland have participated in an interagency forum with colleagues from Invest Northern Ireland, InterTradelreland and Enterprise Northern Ireland. This represents an important opportunity to set out the strategy of Enterprise Ireland and IDA Ireland in working to address the common challenges and opportunities posed by the development of the all-island economy and to participate in an active discussion with relevant agencies.

InterTradelreland has a central role to play in assisting businesses North and South in tapping into the all-island marketplace. The body is implementing a wide range of North-South programmes which provide opportunities for businesses to improve their competitive performance.

In so far as Enterprise Ireland is concerned, financial support is tailored to the requirements of individual companies on the basis of clearly demonstrated need. The agency has been very successful in providing financial support towards the cost of establishing, growing and expanding businesses. Enterprise Ireland funding is typically a mix of equity and grants and is specifically intended to meet expenses in the areas of research and design, job creation and acquisition of capital assets. The enterprise stabilisation fund is a recent addition to its portfolio of financial assistance. This fund was established by the Government in order to provide targeted support to indigenous companies to assist them in the exceptionally difficult business environment in which they are operating at present.

Enterprise Ireland's grant aid offers must comply with the stipulations of the European Commission with regard to state aid. Grants for industry are one instrument which can be used in order to develop enterprise and Enterprise Ireland's broad view is that the differential aid rates allowed in the BMW region have been of benefit not solely with regard to the rate of start-ups, but also in the context of the development of existing companies. Non-financial supports are available for all Enterprise Ireland-supported projects, such as access to its overseas office network for marketing-market research, technical-technology and training advice, know-

ledge events, seminars and specific programmes aimed at entrepreneurs, such as the enterprise start, enterprise platform, and the enterprise development programmes.

It is in the interest of all parties to continue to work together for the benefit of the all-island economy. I am confident that every effort will continue to be made in this regard.

Social Welfare Benefits.

Deputy David Stanton: Responsibility for the domiciliary care allowance was transferred from the HSE to the Department of Social and Family Affairs on 1 April 2009. Since the transfer took place, many children who previously would have received the allowance — without question — are being refused it. This is particularly the case with regard to children suffering from autism and mental disabilities. Deputy Creed and I are extremely concerned about that fact and that is why we have raised this matter.

In reply to a parliamentary question I tabled yesterday, I was informed that from 1 April to 22 May some 445 applications were received within the Department. Some 249 have been processed and of these 149 were refused. The refusal rate is, therefore, almost 60%, which is extremely high. From the information we have received, this represents a major change.

When it was administered by the HSE, there were no agreed medical guidelines for the scheme. These guidelines were only introduced recently and the application form places an emphasis on physical rather than mental or intellectual disabilities. If one does not tick the box which indicates that a person has a physical disability, one will probably not be awarded the allowance. Is the change that has occurred evident to everyone? I want to ensure that it is brought to the Minister's attention and that she and her Department will reconsider the position. I am sure she would agree with me that a child with autism who might, physically and in every other way, be fine may need full-time care because he or she may not realise what he or she is doing at all times and could be a huge danger to himself or herself.

As far as I am aware, an announcement was not made with regard to the change to which I refer or the new medical criteria which apply. In addition, a debate has not taken place in respect of these developments. I would be disappointed to think that the new criteria are being used as some form of money-saving measure or as another cutback.

This is an extremely important matter. It relates to children who are extremely vulnerable and their parents, who are already under a great deal of pressure. If the criteria have been changed in order to restrict the payment of the allowance, I would like the Minister to make a statement to that effect so that people might be informed as to the position. If they have not been changed, then we must examine how the allowance is being administered. The information available to us indicates that a change has taken place and that the allowance is more difficult to obtain. In addition, it is no longer being paid in respect of children who previously received it. I request that consideration again be given to this important issue.

Deputy Michael Creed: I suspect that having a child diagnosed with a disability is probably one of the more traumatic experiences for parents. At my constituency office, I have met the parents of young children who were recently diagnosed with autism. Subsequent to the assessment of disability, these people were informed with regard to their entitlements. They can avail of the incapacitated child tax credit, an entitlement to certain medical facilities and, with regard to autism, there is the domiciliary care allowance and home tuition. Every step of the way, these parents are being obliged to fight against the system in order to access the services to which they are supposed to be entitled.

In recent weeks, it has come to my attention and that of Deputy Stanton that there has been a change in the manner in which people's entitlement to domiciliary care allowance is adjudi-

[Deputy Michael Creed.]

cated upon. The relevant figures give some cause for concern. For example, some 60% of the 249 applications reviewed under the new criteria were rejected. That is an extraordinarily high refusal rate. I am similarly concerned with regard to the relevant tax credit.

I hope that there has not been a change in Government policy. I also hope that restrictions have not been put in place with regard to people's entitlement to domiciliary care allowance. However, I am extremely concerned with regard to the way in which the new regime is being administered. I do not know, for example, whether this is purely an administrative issue which has not yet been brought to the attention of the Minister.

I implore the Government to reconsider the position with regard to the allowance in a generous manner. Those who need it are vulnerable people who are trying to survive in difficult times and they deserve our support in every possible and tangible way. Domiciliary care allowance is but one way in which we can provide them with practical assistance.

Deputy Dara Calleary: The transfer of the domiciliary care allowance scheme from the HSE to the Department of Social and Family Affairs arises from a Government decision on 28 February 2006 to reallocate certain functions between Departments and agencies as part of the health service reform programme. The domiciliary care allowance scheme, since its transfer to the Department, has been placed on a statutory basis with primary legislation provided for in the Social Welfare and Pensions Act 2008. Prior to the transfer, the eligibility criteria for the scheme were set out in a circular from the Department of Health and Children. The medical criteria set out in the Department of Health and Children circular states that children who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age may qualify for the domiciliary care allowance scheme. The medical criteria set out in Social Welfare and Pensions Act 2008 require that "the child has a severe disability requiring continual or continuous care and attention substantially in excess of the care and attention normally required by a child of the same age".

As there were no agreed national medical guidelines for the scheme while it was administered by the HSE, an expert medical group was established in advance of the transfer of functions to examine this issue. This group was chaired by the Department's chief medical adviser and comprised senior medical personnel from the HSE as well as eminent professionals in the areas of physical disabilities that affect children and child psychiatry and psychology. The primary purpose of this group was to agree a set of consistent and objective guidelines for use nationally in determining eligibility of children for the scheme. The report of the group was reviewed independently by external medical experts.

The expert medical group considered that the most appropriate way for the Department to assess medical eligibility was by assessing evidence submitted by the claimant rather than by individual examination by the Department's medical assessors as they are not involved in advice or treatment of the child. Since 1 April 2009 the Department has accepted new claims for domiciliary care allowance. The new process operating in the Department involves submission of a detailed statement by the parent or guardian of the child, a detailed statement by the child's GP and any other relevant evidence from qualified experts who have examined the child. This evidence is assessed by designated departmental medical assessors who have received special training.

Eligibility for domiciliary care allowance is not based primarily on the medical or psychological condition but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking

account of the evidence submitted. In the case of an application refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed by a different medical assessor designated for this task. Where a person is not satisfied with the decision of a deciding officer he or she may appeal the decision to the social welfare appeals office.

I recognise the comments of the Deputies regarding the specific condition and I will contact the Minister in respect of autism and revert to the Deputies with a response.

Deputy Michael Creed: There is no mention of autism in the reply.

Special Educational Needs.

Deputy Frank Feighan: I thank the office of the Ceann Comhairle for taking this matter, the provision of alternative accommodation for a special needs class in County Leitrim.

Last year, parents of children attending a class for children with a mild learning disability in St. Patrick's National School, Drumshanbo, were alarmed at the proposal to close down the class. The inspector has said the class will be suppressed with effect from 31 August 2009. The board of management has not yet exhausted all viable options for the class to remain open. The children are to be placed in classes with people with more severe disabilities. The children who attend the class in St. Patrick's come from a wide geographical area, from Arigna, County Roscommon, Cleveragh, County Sligo, Aughacashel and Leitrim village. If the class closes down the only options are the Mercy in County Sligo or Killoe, County Longford. This is too far for parents and children to travel.

The Minister for Education and Science said the class would be put out of the Enterprise Centre, Drumshanbo, because of health and safety problems. Now, parents, students and teachers are given priority for funding to relocate to the Marian College, Mohill, which is now vacant. The VEC is willing to accommodate the class providing a section of the building is made safe. Funding is needed to adapt the building to the needs of the children and the parents and children have no desire to travel to schools in County Sligo or County Longford. Parents believe these children are entitled to be provided with an adequate classroom for education in County Leitrim. Teachers are in agreement with the relocation and this is a win-win situation for parents, teachers and most importantly for the pupils. I ask the Department to provide funding to rectify this unfair and unjust situation.

Deputy Dara Calleary: I thank Deputy Feighan. I am taking this Adjournment Matter on behalf of my colleague, Deputy Batt O'Keeffe, Minister for Education and Science. The outreach classes referred to by Deputy Feighan are attached to St. Joseph's Special School, Ballytivnan, County Sligo. The children attending these outreach classes have a diagnosis of moderate to severe to profound general learning disability or multiple disabilities. The current staffing allocated to these outreach classes consists of two teaching posts and five special needs assistant posts to cater for the special educational needs of the 11 pupils attending the classes.

The Government is committed to ensuring that all children with special educational needs can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum. The Department's policy is to ensure the maximum possible integration of children with special educational needs into ordinary mainstream schools within the child's community where this is in the best interests of the child and those with whom he or she is to be educated. However, there may be circumstances where full integration is not in the best

[Deputy Dara Calleary.]

interests of some children. In these cases provision is made in special schools or special classes attached to mainstream schools.

Such special schools and special classes are dedicated to a particular disability group and each operates at a specially reduced pupil-teacher ratio. These special schools and special classes attract higher rates of capitation funding and are entitled to avail of the special school transport service and the school bus escort service.

The National Council for Special Education, NCSE, through the local special educational needs organisers, is responsible for processing applications from primary and post primary schools for special educational needs supports. The NCSE operates within the Department's criteria in allocating such support. The responsibility also includes identifying appropriate educational placement for individual children with special educational needs.

Officials in the Department of Education and Science have been in contact with the NCSE regarding the matter raised by Deputy Feighan. The NCSE has informed the Department that the school has been liaising with the local special educational needs organiser regarding the possibility of establishing the special classes at an alternative location. The NCSE has advised that it is currently considering the matter and is continuing to liaise with the school authorities in this regard.

Priority will continue to be given to provision for children with special educational needs. The Government will build on the progress achieved in recent years which has seen a huge increase in resources for special needs. The NCSE will continue to support schools, parents, children and teachers. I thank Deputy Feighan for giving me the opportunity to clarify the position and to indicate that the local special educational needs organiser is endeavouring to resolve the issue.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 28 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 12, inclusive, answered orally.

Questions Nos. 13 to 43, inclusive, resubmitted.

Questions Nos. 44 to 53, inclusive, answered orally.

Pre-Nuptial Agreements.

54. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform his views on the recommendation of his Department's report on pre-nuptial agreements published in 2007 which recommended that such agreements be given legal recognition; and if he will make a statement on the matter. [21586/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Study Group on Pre-Nuptial Agreements examined the operation of the law since the introduction of divorce in 1996 with respect to pre-nuptial agreements, having regard to the provisions in the Constitution on the protection of marriage and the requirement that proper provision be made for each party in divorce proceedings.

The Report of the Study Group recommended that provision be made in both the Family Law Act 1995 and Family Law (Divorce) Act 1996 to provide that the courts be required to have regard to existing pre-nuptial agreements when making ancillary relief orders in judicial separation and divorce proceedings. The report made recommendations on the formalities necessary for the proper making of pre-nuptial agreements so that parties making such agreements would be both fully informed and protected. The report also recommended the introduction of a statutory basis upon which a court may make financial provision for a surviving spouse who may be unfairly affected by the provisions of a pre-nuptial agreement on the death of the other spouse through changes in circumstances since the agreement was concluded, e.g. as a result of the passage of time or other intervening events.

These recommendations are being considered for inclusion in the Family Law Bill referred to in the Government Legislation Programme announced on 22 April 2009.

Drug Offenders Register.

55. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the delays in setting up the Drug Offenders Register; and if he will make a statement on the matter. [21636/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Part 9 of the Criminal Justice Act, 2006 provides, in effect, for a Drug Offenders Register.

I am informed by the Garda authorities that, since the provisions of the Act have come into force, a national Register has been maintained by the Garda National Drugs Unit at Dublin Castle.

In relation to the various detailed provisions which Part 9 contains, I am advised that the Garda authorities have been liaising with other State agencies addressing the technical and legal aspects which arise in the implementation of those provisions.

Following this, the Garda Commissioner expects in the coming weeks to be in a position to issue a comprehensive circular to the Force which will contain detailed operational arrangements in relation to all of those provisions. This, in turn, will underpin the maintenance of the Register at the National Drugs Unit.

Prison Inspections.

56. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform the amount of times he meets with the Inspector of Prisons; and if he will make a statement on the matter. [21549/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that the Office of the Inspector is a statutorily independent body provided for in legislation by Part 5 of the Prison Act, 2007. The Inspector's function is to carry out regular inspections of prisons and in exercise of his functions he may at any time enter any prison or place of detention. The current Inspector of Prisons, Judge Michael Reilly, took up his appointment in January 2008. In his Interim Report, following his appointment, the Inspector stated that his tenure would be characterised by independence and fairness. In keeping with the independence of the Office as and when the Inspector considers it necessary to meet with me I am happy, where practicable, to facilitate such meetings. I can also confirm that my Department has a policy of meeting informally with the Inspector at regular intervals throughout the year to appraise him of key developments in penal policy and to ensure that we are kept abreast of any issues or concerns he may have about the effective operation of the prison system.

Garda Equipment.

57. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí who have access to digital radio; and if he will make a statement on the matter. [21594/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that there are a total of 939 digital radio units deployed in three Divisions in the Dublin Metropolitan Region (DMR). These are in use in the North Central, Regional Traffic and Eastern Division mobile units and have been in use since 2002.

The selected service provider for the new National Digital Radio Service, TETRA Ireland Ltd., is currently putting in place the requisite infrastructure for the service to be available to

the Garda Síochána and other emergency services. The infrastructure is being put in place on a regional basis over a two year period in accordance with agreed plans.

The Garda authorities advise that they are working with the service provider so that rollout of the service to members of the Force will closely follow the provision of this infrastructure. Accordingly, the rollout is planned to commence in the Dublin Metropolitan Region next month and will be extended to other regions on a phased basis over the next two years in line with the agreed infrastructure plans. A total number of 4,487 Garda personnel have been trained in its use up to 21st May 2009. Training will continue in line with the rollout schedule.

Gangland Crime.

58. **Deputy Michael D’Arcy** asked the Minister for Justice, Equality and Law Reform the number of convictions that have been secured arising from gangland gun murders in each of the years 2005, 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [21573/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Information concerning the number of cases of murders recorded in which firearms were used, detected and proceedings relating to those cases in each year from 2005 to 2008 and in 2009 up to 21 May is set out in the table below. Figures provided are provisional, operational and liable to change. The Deputy will appreciate that the stage would not have been reached in proceedings where convictions could be expected to have been secured for cases arising in the last two to three years.

I am deeply concerned by the number of firearms related murders and I am continuing to work on strong legislative responses. I recently published the Criminal Justice (Surveillance) Bill, which will facilitate the use as evidence in trials of material gained by secret surveillance, while at the same time ensuring that the encroachment on certain rights relating to personal privacy and privacy of property which this entails is both limited and proportionate.

The Government has approved my proposals for measures, along the lines of those in place to deal with paramilitary groups, to tackle organised crime gangs, in particular their attempts to undermine the criminal justice system through extreme acts of violence and intimidation. The Criminal Justice (Amendment) Bill will be given priority in drafting.

I have published the Criminal Justice (Miscellaneous Provisions) Bill 2009 which will further tighten the legislative provisions relating to guns and knives and similar weapons and which is currently before the House. A de facto handgun ban is already in force.

A further important development is the publication of the Criminal Procedure Bill 2009 which gives effect to the measures contained in the Justice for Victims Initiative. The Bill provides for reform of the law on victim impact statements and proposes to end the ban on retrying people who have been acquitted in specified circumstances.

Work is also ongoing in relation to the creation of a DNA database.

[Deputy Dermot Ahern.]

Number of murders recorded in which a firearm was used, detected and proceedings commenced in which a firearm was used and convictions

Year	Recorded	Detected	Proceedings Commenced	Convictions*
2009	11	3	2	0
2008	21	8	7	0
2007	18	7	2	0
2006	26	8	6	2
2005	22	7	3	2

Figures provided are valid up to and including 21 May, 2009 and are operational and liable to change.

*It will be appreciated that inevitably there is a time lapse between proceedings being commenced and convictions secured.

Domestic Violence.

59. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if he has proposals to introduce legislation in the area of domestic violence; and if he will make a statement on the matter. [21614/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Comprehensive protection is already afforded to victims of domestic violence in our civil and criminal law statutes. The operation of the law on the protection of persons in relationships, whether through the operation of the Domestic Violence Acts 1996 and 2002 or otherwise, continues to be kept under review in my Department.

The protection provisions in the Domestic Violence Acts are substantial. The Acts make provision for the protection of a spouse and any children or other dependent persons, and of persons in other domestic relationships, whose safety or welfare requires it because of the conduct of another person in the domestic relationship concerned. A victim of such abuse may obtain a safety order under the Acts, requiring an abuser to desist from certain activity, a barring order excluding the abuser from the home in which the victim lives, or a protection order or interim barring order pending the determination by the courts of an application for a safety order or a barring order. Contravention of an order under the Acts is an offence and is subject to sanctions under the criminal law.

The Acts include substantial provision for victims of domestic violence who are not married to their abuser. A person may apply for a safety order if he or she has been living with a person as husband and wife for six months in aggregate of the previous twelve, and may apply for a barring order if he or she has been living with a person for six months in aggregate of the previous nine.

Amendments to the Domestic Violence Acts are proposed in the General Scheme of the Civil Partnership Bill which I published on 24 June 2008. These proposals extend to same-sex couples who register as civil partners the protections of the Domestic Violence Acts available to spouses. In relation to cohabitants, the Scheme provides for amendment of the Acts by removing the requirement of a minimum duration of cohabitation in order to obtain a safety order or a barring order, and ensuring that the law applies equally to same-sex cohabitants as it does to opposite-sex cohabitants.

Electronic Tagging.

60. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform his views on electronic tagging for those granted bail; and if he will make a statement on the matter. [21558/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy is aware, in January of this year I announced the establishment of a Project Board, led by the Probation Service, to examine the implementation of electronic monitoring in this jurisdiction including electronic monitoring as a condition of bail provided for in the Criminal Justice Act, 2007. The Project Board has commenced its examination which includes the cost and viability of introducing a pilot phase and I expect to receive their recommendations later this year.

Garda Reserve.

61. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Reserve recruited to date; the stations to which they have been allocated; the number of applicants from the Reserve currently in training; if he is satisfied with the rate of recruitment; when he expects that the full complement of 1,500 will be in place; if restrictions have been placed on recruitment to the Reserve arising from the budgetary restrictions; his views on the suggestion made by the Association of Garda Sergeants and Inspectors that the Reserve should be scrapped. [21488/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): At 30 April 2009, there were 322 attested Reserve Gardaí and 198 Reserve trainees. Details of the stations to which the Reserve members were assigned are set out in the table below.

The Agreed Programme for Government has set a target strength for the Reserve at 10% of the full-time strength of the force. As the Garda Reserve depends on volunteers who undertake their training and other duties during their free time, it is difficult to predict how many people will commence training in any particular period. However, I can assure the Deputy that the Garda Commissioner is continuing to make every effort to reach the recruitment target. In that context, I would point out that the moratorium on recruitment and appointments in the public service does not apply to the Garda Reserve, as members are volunteers and do not draw a salary.

Recruitment is ongoing and the Public Appointments Service has received over 1,400 expressions of interest to join the Reserve in 2009. The PAS hold interviews on a rolling basis at a range of locations around the country. The ongoing public information campaign to recruit members to the Garda Reserve includes indoor and outdoor awareness raising campaigns and radio and TV promotional interviews nationally and locally.

The Government is strongly committed to the development of the Reserve. I am fully satisfied that the Reserve provides a valuable contribution to the Garda Síochána and to the many communities where it is operating. In particular, I would like to express my appreciation to the members of the Reserve who serve on a voluntary basis and give of their time very generously.

[Deputy Dermot Ahern.]

Reserve Gardá 31/04/09

Station	Total
<i>D.M.R.S.C.</i>	
Kevin Street	6
Kilmainham	3
Pearse St	17
Harcourt Tce	0
Donnybrook	4
Irishtown	0
Total	30
<i>DMR NC</i>	
Store Street	6
Bridewell	5
Fitzgibbon Street	5
Mountjoy	0
Total	16
<i>DMR NORTH</i>	
Santry	4
D/Airport	0
Whitehall	2
Ballymun	6
Raheny	3
Clontarf	4
Howth	3
Coolock	6
Swords	4
Malahide	1
Balbriggan	3
Skerries	0
Lusk	0
Rush	0
Garristown	0
Total	36
<i>DMR EAST</i>	
Dun Laoghaire	4
Dalkey	0
Cabinteely	0
Kill-O-Grange	0
Shankill	0
Blackrock	5
Dundrum	0
Stepaside	0
Total	9

Station	Total
<i>DMR SOUTH</i>	
Crumlin	3
Sundrive Road	1
Tallaght	3
Rathfarnham	2
Rathmines	1
Terenure	4
Total	14
<i>DMR WEST</i>	
Cabra	0
Finglas	4
Blanchardstown	9
Lucan	7
Ronanstown	1
Ballyfermot	3
Clondalkin	3
Rathcoole	0
Total	27
<i>Waterford/Kilkenny</i>	
Waterford	9
Kilkenny	6
Tramore	2
Dungarvan	0
Thomastown	0
Total	17
<i>Wexford</i>	
Gorey	1
Enniscorthy	2
New Ross	1
Wexford	1
Total	5
<i>Tipperary</i>	
Nenagh	1
Thurles	1
Carrick-On Suir	1
Clonmel	2
Cahir	1
Tipperary	1
Roscrea	1
Total	8

[Deputy Dermot Ahern.]

Station	Total
<i>Cork City</i>	
Anglesea Street	10
Mayfield	3
Watercourse Road	3
Togher	4
Gurranbraher	6
Total	26
<i>Cork North</i>	
Cobh	0
Fermoy	2
Midleton	3
Total	5
<i>Cork West</i>	
Bandon	1
Clonakilty	2
Macroom	1
Total	4
<i>Kerry</i>	
Tralee	2
Killarney	0
Total	2
<i>Limerick</i>	
Henry Street	10
Total	10
<i>Donegal</i>	
Letterkenny	5
Ballybofey	0
Total	5
<i>Cavan/Monaghan</i>	
Cavan	3
Monaghan	4
Total	7
<i>Sligo/Leitrim</i>	
Sligo	6
Carrick-On-Shannon	1
Total	7

Station	Total
<i>Louth</i>	
Drogheda	7
Dundalk	5
Ardee	0
Total	12
<i>Clare</i>	
Ennis	8
Killaloe	0
Total	8
<i>Mayo</i>	
Castlebar	8
Ballina	3
Swinford	0
Claremorris	1
Westport	3
Total	15
<i>Galway</i>	
Galway	18
Tuam	2
Salthill	0
Total	20
<i>Roscommon/Longford</i>	
Roscommon	3
Boyle	0
Longford	1
Total	4
<i>Westmeath</i>	
Athlone	1
Mullingar	6
Total	7
<i>Meath</i>	
Navan	2
Ashbourne	1
Trim	1
Kells	1
Total	5
<i>Carlow/Kildare</i>	
Naas	2
Celbridge	1
Newbridge	2
Carlow	5
Kildare	3
Total	13

[Deputy Dermot Ahern.]

Station	Total
<i>Laois/Offaly</i>	
Tullamore	4
Birr	0
Portlaoise	1
Total	5
<i>Wicklow</i>	
Bray	3
Wicklow	0
Arklow	1
Baltinglass	1
Total	5
Total	322

Question No. 62 answered with Question No. 53.

Proceeds of Crime.

63. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform the value of assets seized by the Criminal Assets Bureau in each of the years 2005, 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [21577/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy concerning the value of assets seized in the Criminal Assets Bureau from 2005 to 2007 is set out in the table below.

Figures for 2008 and 2009 are not yet available. The figures for 2008 are in the process of being finalised and will be published soon as part of the 2008 Annual Report. In terms of the value of assets such as cars, property etc. currently being held by the Bureau, I am advised that it would require the expenditure of an inordinate amount of time and resources to put a value on these assets due to the fact that their values continually change.

The Criminal Assets Bureau has been highly successful over the years in tackling criminals in a very effective, visible and tangible way. The work of the Bureau allows the public to see the law enforcement agencies of the State having a real effect on criminal activities. The co-ordinated multi-agency approach used at the Bureau in dealing with the proceeds of crime is one of the most effective tools that we have in tackling organised crime gangs.

Bureau officers come from a range of state organisations, including the Department of Social and Family Affairs and the Revenue Commissioners, retaining their powers as officers of their parent organisations. The result is a very effective organisation which can draw on a wide range of powers in a coordinated manner. The Bureau represents a new form of policing designed to disrupt and disable the capacity of targeted individuals from participating in further criminal activity. The criminal investigation can continue while a financial investigation, a tax examination and a social welfare examination proceeds.

Since 2007, the Bureau has started targeting the assets of more middle and lower ranking criminals. These investigations will not be as lucrative for the State in terms of monies seized. These Houses did not set up the Bureau to be a profit-making venture. It was set up to deprive

individuals from benefiting from the proceeds of crime. These more middle ranking criminals are a constant source of anger and irritation for parents and community workers as they flaunt their new found wealth in local towns or villages.

An important function of the Bureau is to implement taxation laws. The Bureau has found that the Disclosure of Information for Taxation and Other Purposes Act 1996 to be particularly useful and I understand that the provisions were used extensively in recent years to allow for a transfer of information between the Revenue Commissioners and the Bureau. To many, social welfare would seem like a smaller element of the CAB process but it is another important piece in the jigsaw that helps the Bureau to form a clearer picture of who it is dealing with.

Since the beginning of 2008, ten additional staff have been recruited. This is made up of five Gardaí, two Financial Analysts, one IT analyst, one Tax Official and one additional administrative assistant. This has allowed the Bureau to establish an additional team. I am informed by the Chief Bureau Officer that all of his teams are now targeting both the high level and the middle ranking criminals so the depth of experience at the Bureau is increasing all the time.

Another important development has been the rapid expansion in the number of trained asset profilers who now work in each Garda Division all over the country. At the end of 2007, there were 28 fully trained assets profilers in An Garda Síochána but this figure has more than trebled to 102 today. A further 13 Asset Profilers have been trained by the Bureau and are working with the Revenue Commissioners. This should alleviate any concerns that the Bureau is only focused on criminals in the main urban centres. The profilers have now become an invaluable resource for the Bureau in doing the early groundwork on possible targets and in keeping the Bureau informed of developments at local level.

I welcome the continued development of the Bureau and I look forward to receiving the 2008 Annual Report in the coming weeks.

Monies Secured by CAB from 2005 to 2007

	Section 2 Interim Orders	Section 3 Interlocutory Orders	Section 4 and 4A	Section 16(B) POC Act as amended
2005	€5,860,335.00 US\$314,619.54	€1,200,525.57 Stg£26,760 US\$130,000	€2,002,738.41	
2006	€2,836,479.97 Stg£294,289.39	€726,350.94	€2,459,864.79	€53,000,000
2007	€9,804,193.14 Stg30,690.00	€9,848,432.84	€1,435,340.59	
TOTALS 1996-2007	€18,501,008.11 Stg£324,979.39 US\$314,691.54	€11,775,309.35 Stg£26,760 US\$130,000	€5,897,943.79	€53,000,000

[Deputy Dermot Ahern.]

Revenue Actions

Year Ending	Taxes Assessed	Taxes and Interest Demanded	Taxes Collected
	€	€	€
2005	14,078,812	4,888,818	16,376,599
2006	13,720,477	16,473,750	19,192,907
2007	18,370,867	19,130,179	10,009,459
Total	46,170,156	40,492,747	45,578,965

Social Welfare Actions

Year	Overpayments Assessed	Savings
	€	€
2005	338,296	216,054
2006	439,704	297,744
2007	531,957	550,976
Total	1,309,957	1,064,774

It should be noted that these figures are available in the CAB Annual Reports

Gangland Crime.

64. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he has taken or proposes to take to confront the ever increasing challenge of organised criminal gangs; his views on the threat presented to society by such organisations; if he will ensure that murder, extortion, money laundering, racketeering, witness and jury intimidation is stamped out; if he will ensure that bail is not available in the future to members of such gangs when there is evidence to suggest that they have been involved in serious crime and that they are remanded in custody pending clearance; and if he will make a statement on the matter. [21541/09]

84. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform when he expects that the legislation promised in the crime package announced on 13 May 2009 will be published and enacted; and if he will make a statement on the matter. [21497/09]

159. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will take particular or specific action to put organised criminal gangs off the street; and if he will make a statement on the matter. [21804/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 64, 84 and 159 together.

I want to assure the House that the Government places the highest priority on tackling organised crime and the gangs involved. The Garda Síochána commit significant resources to combating these criminal gangs and we must acknowledge their considerable success. Intelligence-led operations such as Operation Anvil continue to provide significant seizures of fire-arms and other crime related property and have given rise to a number of prosecutions.

Recently, additional steps have been taken which will strengthen our ability to tackle these criminal organisations. The Criminal Justice (Surveillance) Bill, 2009, is currently before the Houses. This Bill provides for a system of regulation governing the carrying out of surveillance by the Garda Síochána, the Defence Forces and the Revenue Commissioners in operations targeting serious crime.

The Bill introduces a regulatory framework which will allow evidence gained through surveillance to be admissible in criminal proceedings.

On 13th May, the Government approved additional measures to crack down on criminal gangs sending out a clear message to those involved in criminal gangs that the Government will tackle them head on.

Among the key provisions which will be included in the Criminal Justice (Amendment) Bill 2009 is that all organised crime offences will be scheduled offences for the purpose of trial in the Special Criminal Court unless the Director of Public Prosecutions directs otherwise. This is being done to prevent intimidation of juries in those cases where such measures are necessary. There will also be a new offence of directing or controlling a criminal organisation, which will carry a maximum sentence of life imprisonment. The offence of participation or involvement in organised crime will carry a penalty of up to 15 years imprisonment. The penalty for intimidation of a witness or juror will be increased from 10 years to 15 years imprisonment. The Government is committed to ensuring that the criminal law is effectively implemented and that the administration of justice is not interfered with through the intimidation of juries and witnesses. This new legislation will provide the State with the measures to put these criminals in prison for long periods and help rid law abiding communities of the scourge of organised crime gangs.

Procedures relating to the extension of time for questioning are to be simplified to reduce the amount of Garda resources diverted away from investigations and to ensure that the hearings cannot be used by detainees to obtain information that might prejudice the Garda investigation.

The new Bill will be given priority in drafting with a view to publishing the Bill this Dáil session. There are, however, a number of complex legal and drafting issues to be addressed.

In relation to bail, organised crime offences will be scheduled as “serious offences” within the meaning of the Bail Act 1997, thereby providing for circumstances where bail may be refused by the courts. Moreover, as of 1 May 2009, the Director of Public Prosecutions can appeal to the High Court against a decision of the District Court to grant bail. An appeal can also be taken against conditions attached by the District Court to bail. This is intended to ensure tighter conditions where bail is granted.

Together the existing and proposed measures will greatly assist in the detection, investigation and prosecution of organised crime. They are a reflection of the emphasis which I and the Government place on fighting organised crime and every effort will be made to tackle those involved.

Prison Inspection Reports.

65. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the mechanisms in place to respond to the reports of the Inspector of Prisons; the specific changes that have been made arising from the reports of the current Inspector of Prisons since their appointment; and if he will make a statement on the matter. [21551/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Reports of the Inspector of Prisons are submitted to me as Minister. They are then laid before each House of the Oireachtas and published. They provide an independent report on the operation of our prison system and are of great value to me in drawing attention to progress being made and to any particular difficulties arising.

As a matter of course all such reports are referred by my Department to the Director General of the Irish Prison Service for consideration by him and his Senior Management Team with a view to examining the feasibility of implementing the recommendations contained therein. While in general recommendations pertaining to maintenance and general housekeeping issues can be implemented immediately, others pertaining, for example, to personnel recruitment and accommodation may have to be addressed over a longer period of time.

I have received two reports to date from the current Inspector pertaining to the operation of individual prisons or places of detention. His report on Loughan House Place of Detention has already been published and is available for inspection on my Department's website, www.justice.ie. In the case of the other report, on Castlerea prison, I am currently arranging for its translation and publication. I am informed by the Irish Prison Service that the majority of the recommendations made in the two reports have now been addressed.

Sexual Offences.

66. **Deputy Fergús O'Dowd** asked the Minister for Justice, Equality and Law Reform the action he proposes to take arising from the increase in rape and sexual offences; and if he will make a statement on the matter. [21619/09]

74. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform his views on the findings of the recent study carried out under the auspices of the EU Daphne II project which found that only 8% of the reported rapes here resulted in convictions; his further views on the low level of prosecutions and convictions; the steps he will take to address this situation; and if he will make a statement on the matter. [21493/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 66 and 74 together.

An Garda Síochána and a number of other agencies have participated in a detailed research project funded by the EU Daphne II programme, relating to the attrition rate in rape cases in eleven EU countries. While there is as yet no published report from the main research project, data in respect of Ireland was recently published. I look forward to receiving the final report and will consider carefully its findings and recommendations.

The Government places a high priority on putting in place measures aimed at tackling crimes of rape, sexual assault and other crimes of a sexual nature. The statistics on recorded crime for the first quarter of 2009, published by the Central Statistics Office, show a reduction of 28.9% in sexual offences in the quarter.

All sexual offence cases are the subject of rigorous investigation by the Gardaí. All available resources are employed in respect of all sex offence cases to bring these investigations to a successful conclusion. Investigation files are forwarded to the Law Officers for a decision as to what charges are to be preferred. An Garda Síochána actively encourages people who are the victims of sexual crimes to report the offence to the Gardaí. A number of established initiatives underpin this policy.

The Government's commitment to tackling domestic and sexual violence is reflected in the establishment in June, 2007 of Cosc, the National Office for the Prevention of Domestic, Sexual

and Gender-based Violence. Cosc's key responsibility is to ensure the delivery of a well coordinated whole of Government response to domestic, sexual and gender-based violence. Cosc's major priority is to produce a National Strategy on Domestic, Sexual and Gender-based Violence which has the support of State and non-government organisations in the sector. This Strategy will set out the policy on addressing domestic and sexual violence, and the preventative and responsive actions to be taken by the broad range of organisations to ensure a well coordinated system. The preparation of the Strategy is being carried out in partnership with the relevant State and non-governmental organisations.

Appointments to State Boards.

67. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the position in regard to the appointment of a new chief executive for the Equality Authority; when he expects an appointment to be made; and if he will make a statement on the matter. [21478/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Following a competition organised by the Public Appointments Service, the Equality Authority, on the 19 May 2009, approved the appointment of Renee Dempsey as Chief Executive Officer. It is expected that Ms Dempsey will take up her position shortly.

Ms. Dempsey is an experienced senior civil servant who has worked with a number of Government Departments and is currently a member of the board of the Disability Authority.

Garda Stations.

68. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the number of garda stations here; the number of garda stations that have email access; and if he will make a statement on the matter. [21600/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that there are a total of 703 Garda Stations. Email facilities are available at 347 networked locations within An Garda Síochána and internal email facilities are provided to all ranks of An Garda Síochána via the PULSE environment. External email facilities are also provided to all Gardaí from Inspector rank upwards and are made available to members of other ranks based on operational needs.

I am also informed by the Garda authorities that, under a pilot scheme currently underway, members of the public can email all District and Divisional offices within the Dublin Metropolitan Region. When the pilot is complete, the roll out of this facility across the organisation will be planned.

Garda Training.

69. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of firing ranges available to gardaí for target practice; the number of times on average armed gardaí engage in target practice each year; and if he will make a statement on the matter. [21593/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that a considerable investment in training facilities has been made over the past two years including the provision of two Modular Firearms ranges at the Garda College and in the Dublin Metropolitan region. These modular ranges are newly designed products

[Deputy Dermot Ahern.]

that facilitate live fire shooting for up to four persons in a carefully managed environment which adheres to all range safety requirements.

Gardaí who are authorised to carry firearms are required to undergo a minimum of two live fire refresher training courses and one Firearms Automated Training System training course per annum. The Firearms Automated Training System is an automated judgmental training system, using firearms fitted with a laser and does not involve the discharge of ammunition.

In addition to the two Modular Firearms ranges and the Firearms Automated Training System there are eight Army Ranges currently available for use by Garda.

Prisoner Literacy Levels.

70. **Deputy Olivia Mitchell** asked the Minister for Justice, Equality and Law Reform if his Department has commissioned studies on literacy rates among prisoners; the results of such reports; and if he will make a statement on the matter. [21610/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The findings of the most recent survey commissioned by my Department were published in 2003 in the Irish Prison Service publication entitled “The Prison Adult Literacy Survey — Results and Implications”. The survey found that a significant number of prisoners have virtually no literacy skills, with 52% of them at Level 1 or Pre-Level 1 literacy levels. Level 1 is defined as knowing the alphabet but having difficulties with reading. Pre-Level 1 is defined as being unable to read simple words but with the ability to write their names or know the alphabet. More than twice as many prisoners are at the lowest level compared with the population generally. Given this deficit, literacy work is a priority element in prison education and every effort is made to publicise literacy classes and encourage as many prisoners as possible to participate.

Prisoners coming into the Education Centre of each prison have an individual interview to assess their educational needs and interests. Those with literacy difficulties are prioritised for support. Many prisoners have had poor experiences of school and see themselves as failures. They are encouraged to participate in non-academic pursuits to enhance their perception of school and education, and to stimulate a general interest in learning. Once their confidence begins to grow, they can participate in classes where written work is required.

Following on the recommendations of the 2003 survey a number of significant initiatives commenced or were strengthened in the prisons. These initiatives parallel efforts to address adult literacy in the community. Among these are the fuller use of negotiated learning plans for all literacy students, introducing and supporting the FETAC level 1 and level 2 courses, the introduction of the National Adult Literacy Agency’s assessment framework “Mapping the Learning Journey”, devising and delivering the national 30-hour Initial Tutor Training course for new teachers and drawing up and rolling out a national Literacy Plan for Prison Education.

Programmes for Government.

71. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to implementation of those sections of the Programme for Government under the headings community payback, parental responsibility and anti-social behaviour; and if he will make a statement on the matter. [21470/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question No.109 of 22 April, 2009. The information requested by the Deputy is published on the website of the Department of the Taoiseach. It can be

accessed at www.taoiseach.gov.ie under Publications (archive 2008). The information will be updated later this year.

EU Directives.

72. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of EU directives for which his Department has responsibility, remaining to be implemented; the directives which are overdue; and if he will make a statement on the matter. [21483/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My Department has responsibility for seven EU directives which have to be implemented. There are four directives which are currently overdue as follows: Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status. Irish law and practice in this area is already substantially in compliance with the terms of this directive. The Immigration, Residence and Protection Bill 2008 contains provisions to restate the law on refugee and other protection procedures with some amendments. These restatements are in compliance with Ireland's obligations under the directive. The Bill is currently being considered by the Oireachtas.

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC. Part of the directive is covered by Part 7 of the Criminal Justice (Terrorist Offences) Act 2005. The remainder is to be transposed by means of primary legislation. The necessary legislation is being prepared as a matter of urgency and I expect to be in a position to publish the legislation in the near future.

Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing; and Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis. The necessary legislation to implement these two Directives is currently being drafted and is being given the highest priority. I expect to be in a position to publish the legislation in June.

There are three Directives which remain to be implemented. They are not overdue. They are: Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons; Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles; Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

Prison Building Programme.

73. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform the amount paid to date on purchasing professional fees, site preparation, landscaping and security in relation to the Thornton Hall development; if he has obtained an up to date valuation of the property; and if he will make a statement on the matter. [21284/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The cost of the acquisition of the site for the prison development at Thornton was €29.9 million. The cost of the site was completely offset by the sale of the prison lands at Shanganagh, County Dublin. An additional 8.7 acres has also been acquired to provide a dedicated access road to the main prison site at a cost of €1.3 million. This was done following representations from the local community which reflected concern in relation to the effect of increased traffic generated by the prison development.

A total of €10.4 million has been expended to 21 May 2009 on professional fees (€6.8 million), site preparation and surveys (€2.7m), landscaping (€0.4 million) and security (€0.5 million). As is the case in all major infrastructural projects, comprehensive geological, engineering and archaeological surveys were conducted at the site.

Valuation of prison lands are undertaken from time to time. However, an up to date valuation of the site has not been sought nor is it required at present as the Government is committed to building a new prison complex on the Thornton site. I intend to bring new proposals to the Government in a matter of weeks on how we can proceed with building a new, regime orientated and cost effective prison complex at Thornton.

Question No. 74 answered with Question No. 66.

Crime Levels.

75. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his intentions to tackle the growing threat of gun crime with particular reference to the sourcing, distribution and control of the illegal firearms network; if he will introduce mandatory sentencing for those found carrying such weapons; and if he will make a statement on the matter. [21542/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): One of the priorities I have set for An Garda Síochána in 2009 is the targeting of serious crime, in particular organised, gun and drug related crime. The Garda Policing Plan for 2009 contains a series of measures aimed at reducing the impact of crime and criminal behaviour. These goals are backed up by strategic actions which include a commitment to continue and intensify intelligence-led operations against groups and individuals engaged in criminality.

Operations against organised criminal gangs operating in this jurisdiction are undertaken on an ongoing basis. The members of such gangs and their operating methods, criminal interests and financial assets are the subject of such operations, which are primarily undertaken by specialist units of An Garda Síochána, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau.

In particular, Operation Anvil commenced in the Dublin Metropolitan Region in 2005 to deal with serious crime, including murder and other violent crime, and was extended nationwide in 2006. The primary focus of the operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrols.

Under Operation Anvil, up to 10 May, 2009, over 2,500 firearms have been recovered. There have also been almost 7,800 arrests for serious crimes such as murder, serious assault, robbery and burglary and over 74,500 searches for weapons, drugs and stolen goods. An Garda Síochána will continue to address the issue of illegal guns relentlessly through Operation Anvil.

I am determined that the highest priority will continue to be given to frontline policing. Funding for Operation Anvil will increase in 2009 to €21 million from €20 million in 2008. Other key operations will be maintained through 2009, and I am determined that any savings that have to be made will not be allowed to diminish frontline policing.

An Garda Síochána also maintains close liaison with other law enforcement agencies throughout Europe and elsewhere, exchanging information and intelligence, which has led to a number of successful joint operations. An Garda Síochána currently has a number of liaison officers on secondment to other jurisdictions and to other international bodies such as Interpol and Europol. Through these officers information is passed between law enforcement agencies to ensure that national borders are not, and cannot, be used by criminals as a means of frustrating law enforcement agencies.

The Criminal Justice Act 2006 introduced a wide range of provisions to combat gun crime. The Act introduced mandatory minimum sentences of five or ten years for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life, possession of a firearm while hijacking a vehicle, use of a firearm to resist arrest and a new offence of altering a firearm.

Gangland Crime.

76. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gun murders to have taken place since the beginning of 2009; his views on the spate of such gun murders in the Dublin area and the extent to which this reflects the continued operation of criminal gangs; the steps being taken to deal with such murders; and if he will make a statement on the matter. [21469/09]

96. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2009; the number of such cases in which prosecutions for murder were initiated; the number of such cases in which convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [21482/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 76 and 96 together.

The following table contains the number of cases of murder recorded and detected in which firearms were used, the number of prosecutions initiated and the number of convictions secured in each year from 1998 to 2008 and in 2009 up to 21 May. Figures provided are provisional, operational and liable to change.

The detection rate for murders by its nature increases over time as Garda investigations progress. It is expected that in respect of each year the number of convictions obtained will increase as Garda investigations are concluded and the number of proceedings commenced are finalised by the courts, as there are inevitably time lapses between the commencement of a criminal investigation, proceedings being commenced and convictions secured. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

While An Garda Síochána have made significant progress in the investigation of a number of killings, there can be considerable difficulties for them in obtaining evidence in shootings

[Deputy Dermot Ahern.]

which are the result of gangland activities. It has to be accepted that the reality is that associates of a victim of a gangland killing who would have information of value to An Garda Síochána often do not co-operate with Garda investigations. Indeed, they frequently fail to co-operate even when they themselves are the victims of violence. A number of changes to the law on evidence have been made to address this. It has also to be accepted that there is often no connection or personal association between the victim and the perpetrator, which makes it very difficult for An Garda Síochána in their investigation of such a murder. Witnesses may also be subject to high levels of intimidation not to come forward, and it is to assist such witnesses that the Witness Protection Programme is in place.

Our criminal law has been significantly strengthened in recent years. Many of these changes are targeted at fighting gangland crime. The Criminal Justice Acts of 2006 and 2007, in particular, introduced wide ranging reforms to strengthen the capacity of An Garda Síochána to tackle serious crime. One of the most far reaching has been the introduction of seven day detention for offences connected with organised crime such as murder or kidnapping involving the use of a firearm. The bail laws have been strengthened to allow the prosecution mount a more effective challenge to bail applications. For example, applicants for bail can be required to provide a statement of their means so that the prosecution can highlight any divergence between their lifestyles and their stated means as evidence of their involvement in gangland activity. The circumstances in which inferences may be drawn at trial from a suspect's silence in response to Garda questioning have also been expanded.

I recently published the Criminal Justice (Surveillance) Bill, which will facilitate the use as evidence in trials of material gained by secret surveillance, while at the same time ensuring that the encroachment on certain rights relating to personal privacy and privacy of property which this entails is both limited and proportionate.

The Government has approved my proposals for measures, along the lines of those in place to deal with paramilitary groups, to tackle organised crime gangs, in particular their attempts to undermine the criminal justice system through extreme acts of violence and intimidation. The Criminal Justice (Amendment) Bill will be given priority in drafting. I have published the Criminal Justice (Miscellaneous Provisions) Bill 2009 which will further tighten the legislative provisions relating to guns and knives and similar weapons and which is currently before the House. A de facto handgun ban is already in force.

A further important development is the publication of the Criminal Procedure Bill 2009 which gives effect to the measures contained in the Justice for Victims Initiative. The Bill provides for reform of the law on victim impact statements and proposes to end the ban on retrying people who have been acquitted in specified circumstances. Work is also ongoing in relation to the creation of a DNA database.

One of the priorities I have set for An Garda Síochána in 2009 is the targeting of serious crime, in particular organised, gun and drug related crime. The Garda Policing Plan for 2009 contains a series of measures aimed at reducing the impact of crime and criminal behaviour. These goals are backed up by strategic actions which include a commitment to continue and intensify intelligence-led operations against groups and individuals engaged in criminality.

Operations against organised criminal gangs operating in this jurisdiction are undertaken on an ongoing basis. The members of such gangs and their operating methods, criminal interests and financial assets are the subject of such operations, which are primarily undertaken by specialist units of An Garda Síochána, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau.

In particular, Operation Anvil commenced in the Dublin Metropolitan Region in 2005 to deal with serious crime, including murder and other violent crime, and was extended nationwide in 2006. The primary focus of the Operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrols.

Under Operation Anvil, up to 10 May, 2009, over 2,500 firearms have been recovered. There have also been almost 7,800 arrests for serious crimes such as murder, serious assault, robbery and burglary and over 74,500 searches for weapons, drugs and stolen goods. An Garda Síochána will continue to address the issue of illegal guns relentlessly through Operation Anvil. I am determined that the highest priority will continue to be given to frontline policing. Funding for Operation Anvil will increase in 2009 to €21 million from €20 million in 2008. Other key operations will be maintained through 2009, and I am determined that any savings that have to be made will not be allowed to diminish frontline policing.

The number of murders recorded in which a firearm was used, detected, proceedings commenced and convictions

Year	Recorded	Detected	Proceedings Commenced	Convictions
2009	11	3	2	0
2008	21	8	7	0
2007	18	7	2	0
2006	26	8	6	2
2005	22	7	3	2
2004	8	7	4	3
2003	19	10	3	1
2002	10	5	4	3
2001	9	5	2	1
2000	12	7	4	1
1999	12	7	7	5
1998	4	3	2	1

Figures provided are valid up to and including 21 May, 2009 and are operational and liable to change.

Gaming Regulations.

77. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a firm (details supplied) has introduced fixed odds bingo terminals into certain of its betting shops; if, in view of the fact that these terminals are illegal he will ensure that the law will be applied; if he plans that these terminals should be legalised in preparation for the legalising of fixed odds betting terminals; and if he will make a statement on the matter. [21505/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The position as regards Fixed Odds Betting Terminals in betting offices was outlined by a former Minister for Justice, Equality and Law Reform. On 14 December 2006 the then Tánaiste and Minister for Justice, Equality and Law Reform stated on the Order of Business that the placement of these machines in betting offices would not be lawful under current legislation, and that if placed in a betting office they would be liable to seizure. The law has not changed in the interim.

[Deputy Dermot Ahern.]

I have, therefore, passed on the details supplied by the Deputy to the Garda Commissioner and I have asked him to establish if there have been any breaches of the Gaming and Lotteries Act 1956 as amended, or indeed of the Betting Act 1931 which comes under the responsibility of my colleague, the Minister for Finance.

I have made clear to this House my antipathy to Fixed Odds Betting Terminals on a number of occasions and I can assure the Deputy that I have no plans to change the law in this area as it currently stands. I have, however, initiated a wide-ranging review of gambling from within my own Department. The objective of the review is to provide Government with options for a new and comprehensive legal and organisational framework governing the gambling architecture in the State. The Casino Gaming Control Section of my Department will be responsible for bringing forward proposals, including a draft Bill, for a revised gambling code. The section is consulting widely before bringing forward any proposals and welcomes contributions on this important matter of public policy from all stakeholders — statutory, NGO and the private sector — and with the community at large. I envisage that the review will take approximately two years to complete.

Road Safety.

78. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the status of the national speed camera programme; the difficulties that have arisen between his Department and the Departments of Transport and Finance on the allocation of funding for this road safety programme; the Department which is funding the national speed camera rollout; the estimated start date for the national rollout and target completion date for a fully operational national programme; and if he will make a statement on the matter. [21252/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The emphasis of Garda speed enforcement is on the use of mobile speed cameras, and their capacity in this area has been substantially enhanced recently. In September, 2008 the Garda Commissioner and I launched eight new Garda mobile speed detection vehicles. These state of the art vehicles represent a substantial upgrading of the resources available to An Garda Síochána to address the problem of speeding on our roads, particularly in collision prone zones. An Garda Síochána also has over 400 hand held speed detection devices.

The Garda authorities support the action in the Road Safety Strategy 2007-2012 to implement a safety camera network. Consequently, An Garda Síochána is engaging in a procurement process, in accordance with EU Directives, national public procurement procedures and relevant legislation, for the provision and operation of safety cameras. As a result, a preferred supplier has been selected.

Discussions are taking place between my Department, the Departments of Transport and Finance and An Garda Síochána with a view to making every effort to proceed with this project as speedily as possible. Until contract discussions are concluded, it is not possible to indicate a specific timescale for the project.

Departmental Bodies.

79. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on whether he gave proper consideration to the implications of his funding cuts to the independence and effectiveness of the Equality Authority and the Human Rights Commission under European standards and directives when he chose to make them. [21504/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The context in which financial provisions have been made by the Government for the Equality Authority and the Human Rights Commission is with regard to the current exceptional circumstances in relation to public expenditure and the need for substantial savings. The EU has no competence in relation to national budgetary decisions. The Council of Ministers explicitly recognised that the provision of necessary financial and human resources to specialised equality bodies has to have regard to national budgetary constraints.

Departmental Staff.

80. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to claims made at the recent Garda Representative Association conference that interpreters recruited by the gardaí have not had their criminal records or basic accreditation checked; if he will confirm that this is the position; the steps he is taking to address this situation; and if he will make a statement on the matter. [21494/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A tender competition is currently being held to provide for interpretation services within An Garda Síochána. The completion of a declaration of bona fides, which identifies any criminal history relating to directors and partners of each company, was a mandatory requirement of the tendering process. Furthermore all companies were required to agree that the interpreters calling to An Garda Síochána sites will carry and display company identification cards containing a photograph and will be subject to security clearance.

Community Policing.

81. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform if he has received from the Garda Commissioner the report of the working group developing proposals for a comprehensive model of rural and urban community policing; and if he will make a statement on the matter. [21489/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 98 [14274/09] which was answered on 22 April 2009.

Garda Investigations.

82. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform if he has received the report from the Garda Commissioner on inquiries being carried out by an assistant commissioner into serious matters regarding a person (details supplied). [21475/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that the inquiries into this matter being carried out by an Assistant Commissioner are ongoing. I await a report from the Garda Commissioner once those inquiries have been completed.

National Drugs Strategy.

83. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason he has demonstrated a reluctance to take responsibility for tackling drug related intimidation in the context of the National Drugs Strategy; and if he will make a statement detailing the relevant steps and initiatives he will undertake including the way these will be developed and undertaken in partnership with the community and voluntary sector and local and regional drugs task forces and so on. [21502/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran): I understand that the steering committee appointed by the then Minister of State with responsibility for the National Drugs Strategy, Deputy Pat Carey, to develop proposals and make recommendations for a new National Drugs Strategy covering the period 2009-2016, has yet to report to the current Minister of State with this portfolio, Deputy John Curran.

My Department is playing a full role in relation to the work of the steering committee. It is expected that the Minister for Community, Rural and Gaeltacht Affairs will bring forward the new strategy to Cabinet for a Government decision over the summer months. I would like to assure the Deputy that both my Department and An Garda Síochána view all forms of intimidation as extremely serious crimes. We are fully aware of public concerns in relation to this issue and all of the drug-related aspects of crime. An Garda Síochána continues to prioritise the tackling of serious organised crime in all its facets in its Annual Policing Plans supported by the provision of extensive resources, both financial and legislative.

Question No. 84 answered with Question No. 64.

Crime Levels.

85. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform his views on the Central Statistics Office crime figures for the first quarter of 2009; and if he will make a statement on the matter. [21491/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I welcome many of the positive trends revealed by the statistics on recorded crime for the first quarter. Of the 14 crime groups for which statistics are given, ten show reductions. They are evidence of the focused deployment by the Garda Commissioner of the resources available to him. As well as ensuring that the level of frontline resources remains high, I am determined to continue with our programme of comprehensive criminal law reform. The challenges in crime prevention and detection are evolving continually and our response must recognise these challenges and respond accordingly.

I welcome, in particular, the continuing decrease in homicide offences, which dropped by 30.4%, compared to the same quarter last year. There were no cases of manslaughter, and there was a decrease of 77.8% in cases of dangerous driving leading to death. The number of murders increased by one, from 13 to 14.

While there was a minimal increase in the number of murders in the quarter, I am aware that the majority of these were carried out with firearms, which is a characteristic of gang-related murders. I am concerned at the level of serious crime for which organised crime is responsible, and I am continuing to work on strong legislative responses. I recently published the Criminal Justice (Surveillance) Bill, which is currently going through the House. It will make a significant contribution to fighting gangland crime, by facilitating the use as evidence in trials of material gained by secret surveillance, while at the same time ensuring that the encroachment on certain rights relating to personal privacy and privacy of property which this entails is both limited and proportionate. It will apply, not only to the Garda Síochána, but also to the Defence Forces and the Revenue Commissioners.

Furthermore, the Government has approved my proposals for further measures, along the lines of those in place to deal with paramilitary groups, to tackle organised crime gangs, in particular their attempts to undermine the criminal justice system through extreme acts of violence and intimidation. The Criminal Justice (Amendment) Bill will be given priority in drafting. While I would like to see the Bill published this Dáil session, I acknowledge that there are complex legal and drafting issues to be addressed. I have published the Criminal Justice

(Miscellaneous Provisions) Bill 2009 which will tighten the legislative provisions relating to guns and knives and similar weapons and which is currently before the House. A de facto handgun ban is already in force.

A further important development is the publication of the Criminal Procedure Bill 2009 which gives effect to the measures contained in the Justice for Victims Initiative. The Bill provides for reform of the law on victim impact statements and proposes to end, in specified circumstances, the ban on retrying people who have been acquitted. This will address situations where new evidence emerges about a person's involvement in an offence, or where the original trial was tainted by perjury or intimidation, or where the trial judge gave a mistaken ruling on a point of law which led to an acquittal. Work is also ongoing in relation to the creation of a DNA database. I also welcome the reduction of 28.9% in sexual offences in the first quarter. I also note the appearance of human trafficking offences in the statistics, following the enactment of the Criminal Law (Human Trafficking) Act last year.

There were small increases in the numbers of cases of discharging a firearm and possession of a firearm in the quarter, of 4.3% and 4.2% respectively. Detections of possession are predominantly the result of Garda enforcement, and the increase in the number of cases of discharging reflects the activities of criminal gangs which I am taking steps to combat. There was an increase of 33.3% in the number of fireworks offences, which follows modernisation of the law in this area and increased Garda enforcement, including during the new year period.

While there was a decrease of 15.2% in the number of cases of possession of drugs for sale or supply, the increases in the numbers of cases of possession for personal use (10.1%) and of cultivation or manufacture of drugs (79.3%) are related to increased enforcement activity. There was an increase of 26.2% in the number of cases of driving, or being in charge of, a vehicle while under the influence of drugs. This results from increasing Garda attention to this type of behaviour which is not only illegal but extremely dangerous to road users.

Inquiry Report.

86. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the new instructions which have been issued to members of the Garda arising from the recommendations of the Monageer Inquiry relating to the Garda; and if he will make a statement on the matter. [21474/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would like to express my sympathy to the O'Brien and Dunne families on their loss in such tragic circumstances. I can inform the Deputy that the Garda Commissioner has received the Monageer Inquiry Report and has considered its findings. He has accepted the report's findings and is committed to ensuring that the safety and protection of children remain a key priority for An Garda Síochána.

The findings of the report will be utilised to refine the practices and procedures of An Garda Síochána to complement the Children First guidelines, which provide the essential framework for the work of An Garda Síochána and the Health Service Executive in dealing with the sensitive area of child safety.

Data Protection.

87. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the new procedures planned by the Garda to ensure that officers do not access people's criminal records for anything other than investigative purposes, particularly in view of the concerns expressed

[Deputy Joanna Tuffy.]

by the Garda Ombudsman Commission in relation to the release of inaccurate information regarding a person (details supplied); and if he will make a statement on the matter. [21495/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my comprehensive answer to Parliamentary Question No. 100 on 22 April 2009 which dealt with this topic.

I understand from the Garda Authorities that the audit system is to be expanded to cover an additional 11 PULSE inquiry categories as part of a new system release in June and that they continually examine system auditing to ensure that it meets all data protection requirements.

Garda Investigations.

88. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the stage of the Garda investigation into the attempted armed robbery of a security van in Foxborough, Lucan, County Dublin on 15 May 2009; and if he will make a statement on the matter. [21480/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The incident to which the Deputy refers is the subject of an ongoing and active investigation by An Garda Síochána. There is also, as required by law in such circumstances, an investigation under way by the Garda Síochána Ombudsman Commission. As these investigations are ongoing at present it would not be appropriate for me to comment on the details at this stage.

What I will say is that, while the loss of any life is of course a matter of regret, I have no doubt that An Garda Síochána have the full support of the community and of this House in taking whatever action was necessary when confronted by an armed gang. This incident provides a further reminder of the dangers faced by members of An Garda Síochána in carrying out their duties and their courage in confronting those dangers.

Crime Prevention.

89. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 410 of 22 April 2009, when he expects Cosc to complete the National Strategy on Domestic, Sexual and Gender-based Violence; the State and non-governmental organisation partners who are assisting in the development of same; and if he will make a statement on the matter. [21644/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Work on the preparation of the National Strategy on Domestic, Sexual and Gender-based Violence is well advanced and is expected to be completed as planned by the end of this year.

A wide range of State and non-governmental organisations dealing with domestic and sexual violence are assisting with the drafting of the strategy. They responded to the call for submissions on the strategy and participated in subsequent regional consultations. A further round of consultations with such organisations will begin as planned in the coming weeks. The organisations which responded to the call for submissions are listed in the appendix to the report on the Summary of Submissions to Cosc, a link to which is in the National Strategy section of Cosc's website (www.cosc.ie). Progress on the preparation of the Strategy is also outlined on the website.

Public Private Partnerships.

90. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform if he

will reject the use of public private partnerships for the delivery of justice projects in view of the growing body of evidence of their unsuitability as a mechanism for the delivery of social infrastructure. [21499/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I do not accept the Deputy's contention about the Public Private Partnership (PPP) mechanism as a means of delivering infrastructure. He may not be aware for example that the greatest investment in courts buildings and services since the construction of the Four Courts over 300 years ago is due to be completed in the next six months. I am referring of course to the new Criminal Courts Complex in Dublin which is a PPP project and which is a landmark piece of national infrastructure constructed for use by the State and its citizens for many generations to come.

Prison Building Programme.

91. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will make a commitment that there will be no further delay in delivering the upgrade that is needed in relation to the inhumane and overcrowded aspects of the existing prison stock here in view of the collapse of his plans for a super prison at Thornton Hall; and the legislative and policy steps he will take to remove non-violent offenders from the prison system in a more cost effective effort to address over crowding. [21500/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As I set out already to this House it is my intention to bring comprehensive new proposals for a prison development at Thornton Hall in North County Dublin to the Government in a matter of weeks setting out how we can proceed with building a new prison on the site in a cost effective manner. There are a number of procedural steps set out in the Department of Finance guidelines for procuring capital projects as well EU Directives relating to public tender competitions which must be followed. However, I can say that everything possible is being done to expedite matters so that the much needed prison accommodation will be provided at the earliest possible opportunity.

This Government has a real and substantial record on investment in prison accommodation. The Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure. This has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,300 prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick Prison.

Notwithstanding this significant investment, I do accept that, in some of our prisons, we are operating in excess of our bed capacity at this time. That is why in the short to medium term we are seeking to address the problem by the provision of 400 prison spaces by means of:

- a new remand block in Castlerea Prison which will accommodate approximately 100 prisoners due to open in the coming weeks;
- a new block in Portlaoise Prison which will accommodate approximately 150 prisoners also due to open in the coming weeks;
- a new block in Wheatfield Prison which will accommodate 150 prisoners due to be completed in the Summer of 2009.

Most recently over 30 extra spaces have been made available at the open centre at Shelton Abbey and a further 40 spaces have been made available at the open centre at Loughan House.

[Deputy Dermot Ahern.]

In addition, the prison service is currently developing proposals aimed at eliminating and replacing the remaining outdated prison facilities at Portlaoise, Limerick and Cork Prisons with modern fully equipped accommodation. Insofar as Mountjoy Prison is concerned, it is intended as already stated, to proceed with a prison development at Thornton Hall which will replace the Victorian conditions which currently exist in the Mountjoy complex.

In relation to alternatives to imprisonment the Fines Bill 2009 provides that where a fine is imposed on a person, that person may apply to the court to pay the fine by instalments. If the court is satisfied that to pay in full by the due date would result in undue financial hardship for the person who was fined, or to his or her dependants, the court can direct that the fine be paid by instalments over a period of one year or two years where the court so directs. The number of persons imprisoned for non-payment of fines and civil debts constitute an extremely small part of the prisoner population and on average amount to less than 1% in each category of the prisoner population.

The Criminal Justice (Community Service) Act 1983, provides that a court may make a community service order as an alternative to a sentence of imprisonment or detention in respect of any individual over the age of 16 years who has been convicted of a criminal offence and who consents to the order being made. The community service order requires an offender to perform unpaid work for between 40 and 240 hours, usually to be completed within 12 months. The aim of a community service order is to rehabilitate the offender and make meaningful reparation to the community for his or her crime. The Probation Service of my Department has responsibility for the supervision and management of community service orders.

The Programme for Government provides for a Community Pay Back Scheme which will build on the community service scheme, currently the subject of a Value for Money and Policy Review by an independent evaluator. The review which is nearing completion, will influence how best to progress this aspect of the Programme for Government currently under examination by my Department.

As the Deputy will be aware the Criminal Justice Act, 2006 Act allows the court to suspend any portion of a sentence or the full sentence, on condition that the offender complies with Probation supervision and any other specific conditions which are intended to reduce the likelihood of re-offending. The courts frequently seek pre-sentence assessment reports from the Probation Service to inform them on the appropriateness of such supervision orders and the conditions that might most usefully be attached to supervision.

The National Commission on Restorative Justice chaired by Judge Mary Martin is finalising its report to me on RJ. I will give careful consideration to its conclusions and recommendations. Already my Department through the Probation Service provides funding to two RJ Pilot Projects in Tallaght and Nenagh.

I should also add that a project board has been set up to look at the feasibility of introducing Electronic Monitoring (EM) in this jurisdiction. I expect to have their proposal in the latter half of the year. Overall I am satisfied that this range of initiatives and plans will assist in the twin aim of managing the offender population and dealing with public safety concerns.

Garda Operations.

92. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform when arrangements will be made to instruct members of An Garda Síochána that it is not necessary to take a longhand note of interviews with persons in custody when such interviews are being electronically recorded; and if he will make a statement on the matter. [21473/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My Department and the Garda Síochána, in consultation with the Office of the Director of Public Prosecutions and the Office of the Attorney General, are developing proposals for a new system which would allow for the taking of contemporaneous written notes to cease where interviews are electronically recorded. There is a complex range of training, technological, financial and legal issues to be addressed before the changeover to a new system can take place.

The Garda Síochána are at an advanced stage in developing proposals for the operational aspects of a new system. Because of the complexities involved, it is likely that any new system will initially be introduced on a pilot basis to allow for all the operational and legal aspects to be fully tested and evaluated.

Anti-Social Behaviour Orders.

93. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform if he will review legislation with regard to the operation of anti-social behaviour orders; and if he will make a statement on the matter. [21516/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, relating to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children.

These provisions have now been in operation for two years, and I believe that they have made a significant contribution to addressing anti-social behaviour. Nevertheless, I believe that it is appropriate at this stage to review the operation of the legislation to see whether any improvements can be made, and in this regard my Department is in consultation with the Garda authorities.

Garda Investigations.

94. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the stage of the Garda investigation into the robbery of €7.6 million from a bank (details supplied) in a so-called tiger robbery; the amount of the money recovered to date; and if he will make a statement on the matter. [21479/09]

103. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the financial institutions to prevent so-called tiger robberies; if new security measures have been agreed to ensure the safety of staff and the security of money; and if he will make a statement on the matter. [21481/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 94 and 103 together.

I am informed by the Garda Commissioner that two persons have been charged in connection with the incident to which the Deputy refers and that a file has been submitted to the Law Officers in relation to these persons. A sum of money relating to these charges was also recovered. In the circumstances it would not be appropriate for me to go into any further details about the matter at this stage.

As I stated in the immediate aftermath of this robbery, I spoke to the Chief Executive of the institution in question and expressed my concern that such a large sum of money could be removed from the bank in this manner. Ongoing meetings have taken place between An Garda Síochána and representatives from the financial institutions to discuss issues relating to their

[Deputy Dermot Ahern.]

security arrangements, including the issue of so-called ‘tiger’ kidnappings. The Garda and the financial institutions have put in place agreed response procedures which are detailed and all-encompassing. These deal with situations where members of staff or their families are taken hostage in order to facilitate robberies of such institutions. It would not be appropriate, for obvious security reasons, to disclose information relating to such procedures.

I know that the members of this House will agree with me that it is vitally important that financial institutions follow the robust procedures and protocols that are in place to prevent robberies. These are there, first and foremost, to protect employees. It is important to recognise that it is only by rendering so-called ‘tiger’ kidnapping attempts unsuccessful that we will stop them happening, and thereby protect innocent employees from being caught up in them in the future.

National Women’s Strategy.

95. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason he is axing the principal planks of the National Women’s Strategy just two years into its life. [21501/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): Considerable progress has already been made in implementing the ten year National Women’s Strategy which was launched in 2007.

The National Women’s Strategy is a comprehensive, ten year, “all of Government” strategy which aims to equalise socio-economic opportunity for women, to ensure the wellbeing of women and to engage women as equal and active citizens. It contains 20 objectives and over 200 actions.

I chair the Strategy’s Monitoring Committee bringing together representatives of Government Departments and agencies, and the Social Partners including the National Women’s Council of Ireland to discuss its implementation. At its May 2009 meeting, the committee discussed a draft report on progress in 2007 and 2008. Once the report is finalised, it is expected that it will be made available to Deputies in the Dáil Library.

Question No. 96 answered with Question No. 76.

Citizenship Applications.

97. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the reason he issued an instruction of 1 July 2008 not to issue approval letters for citizenship applications pending the introduction later that month of increased fees; if he will confirm that this led to a significant drop in the number of applications processed that month; and if he will make a statement on the matter. [21492/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Certificates of naturalisation are issued on payment of the prescribed fee at the time of certification as set out in the Irish Nationality and Citizenship Act 1956, as amended. Certification fees for Citizenship were last changed in 1993. The regulations that came into force on 1st August 2008 were the result of a review of citizenship fees that began some time prior to that date and merely bring the amounts in line with inflation for the period 1993-2008. While the fees are designed to reflect the effort and cost involved in processing the different categories of applicant, the current certification fees do not recoup the full cost of processing in any category.

As this is a certification fee, it is the date of issue of the certificate rather than the date of application that must be taken into account. Certificates of naturalisation can only be issued on payment of the prescribed fee at the time of certification. In practice, a necessary period of time elapses between when an applicant is informed of my decision and when the certificate is issued, because the applicant must make their declaration of fidelity to the nation and loyalty to the State in open court and also submit any supporting documentation. This period can range from a minimum of a couple of weeks to many months.

In the knowledge that almost 100% of applicants issued with letters of approval in July 2008 would not be issued certificates until after 1 August, 2008, it was decided not to issue any letters of approval for the weeks leading up to 1 August. This did not result in processing delays as resources were fully utilised on related work.

In order to prevent a scenario where we would require the applicants to submit the difference between the old fee quoted on their letter and the new fee due for all certificates issued after 1 August, 2008, it was decided that any applicant who was issued their letter of approval before that date yet were liable to the new fees, would nonetheless be charged the old fee.

I am happy that this was the efficient and appropriate action to take. No applications were unfairly delayed and application processing and submissions preparation continued as normal during this period. In fact many people who received their letters in August and September 2008 did so many months earlier than they could have expected as August 2008 saw the first files processed by the expanded decentralised resources in Tipperary reaching decision stage.

The Deputy will be aware that the increased resources that I have allocated to this area have resulted in a considerable improvement in processing times over the past year even though the number of applications for a certificate of naturalisation has continued to see significant growth. However, there is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Gangland Crime.

98. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the number of occasions in 2007, 2008 and to date in 2009 in which grenades, bombs or improvised explosive devices have been used; the number of occasions in each year when the gardaí called on the assistance of the Army Ordnance Unit to deal with such devices; the number of prosecutions initiated as a result of the discovery of such devices; his views on the increased use of such devices by criminal elements; the steps being taken to curb the use of such devices, particularly having regard to the danger they pose the public; and if he will make a statement on the matter. [21487/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have requested the statistical information which the Deputy has sought from the Garda authorities who are currently compiling the data. I will communicate it to the Deputy when it is to hand.

Juvenile Offenders.

99. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 139 of 22 April 2009, if his officials have completed the examination of the report on the analysis of garda youth diversion projects; when he will publish same; and if he will make a statement on the matter. [21643/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): The report on the Report on the Baseline Analysis of the Garda Youth Diversion Projects, which was undertaken by the Irish Youth Justice Service, was forwarded to me for my consideration. Having had an opportunity to assess the report and its findings, I have now given the go-ahead for its publication, which will now take place shortly.

Garda Strength.

100. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the strength of An Garda Síochána at the latest date for which figures are available broken down by full members, those who have attested but not concluded their training and those in training; the expected number that will be recruited during 2009, the anticipated numbers at each above category at the end of 2009, the number of members of the force who are expected to retire during and the number who will be recruited in the first half of 2009; and if he will make a statement on the matter. [21486/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Commissioner that the personnel strength of attested members of An Garda Síochána, as at the latest date for which figures are readily available, was 14,478. The number of recruits in training at Phases 1 to 3 at that date was 774. The number of probationer Gardaí who have been attested but have not yet graduated (i.e. not yet completed Phases 4 and 5) at that date was 831 and it is anticipated the majority of these probationers will complete their training in 2009. The Deputy should be aware that this figure of 831 is also included in the overall strength of the Force.

It is expected that of the 774 trainee Gardaí approximately 275 Gardai will become attested in June with the remainder (500) due to be attested over the next 12 months.

I am further informed by the Garda Commissioner that 178 members of the Garda Síochána have voluntarily retired in the first four months of this year. Clearly the rate of early retirements is increasing compared to previous years, but equally it is not possible to predict with certainty the number of retirements for the full year.

A total of 200 students were inducted into the Garda College in 2009, 100 in February and 100 in May, after which the moratorium on Public Service recruitment applies.

Gangland Crime.

101. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the claims made at the recent conference of an association (details supplied) that gangland criminals are continuing to deal drugs from their cells via mobile phones; if he will confirm that same is occurring; the steps being taken to stamp it out; and if he will make a statement on the matter. [21471/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are a number of major criminals who will attempt to use whatever means possible to continue criminal activity while in prison custody.

This Government took a decision in 2007 to approve the significant resources necessary to introduce a wide ranging package of security measures which target the routes whereby contraband such as drugs, weapons and mobile phones are trafficked into our prisons. As a result, a number of new security initiatives have been introduced in all closed prisons including:

- The introduction of enhanced security screening for all persons (visitors and staff) entering our prisons.
- The establishment of a drug detection dog service within the Irish Prison Service involving approximately 31 handling teams.
- The establishment of Operational Support Units dedicated to, and developing expertise in, searching and gathering intelligence in our prisons.
- In addition, a high security unit was opened in Cloverhill Prison in May 2007 which enables the segregation of serious drug and criminal gang members from other prisoners, thus preventing them from conducting their business while in custody and exerting inappropriate influence over other persons.

There has also been an intensification of efforts to eliminate the availability of contraband within prisons including:

- Tighter control and monitoring of prisoner visits in all closed prisons.
- New visiting arrangements in most closed prisons, with visitors required to book visits in advance, be pre-approved by the Governor and provide identification on each visit.
- Greater use of screened visits.
- Greater vigilance in examining mail by prison censors and searching of other items entering the prison.
- Increased random searching of cells and their occupants.
- Stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence.
- Use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities.
- The use of a number of Body Orifice Security Scanner (BOSS) chairs.
- Installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs.
- Use of phone detectors and phased installation of mobile phone inhibition technology.

Section 36 of the Prisons Act 2007, which was brought into operation on 1 May, 2007, makes it an offence for prisoners to have unauthorised possession of or use of mobile telecommunication devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalties for such an offence, on summary conviction, include a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both. It is Irish Prison Service policy to report seizures of mobile phones to the Gardaí.

The new security screening at prison entrances and the measures introduced have had considerable success in preventing the flow of and assisting in the capture of contraband such as mobile phones. The Irish Prison Service, with my full support, are determined to take all practical measures possible to thwart criminals engaged in illegal activity. To that end the

[Deputy Dermot Ahern.]

current stringent security measures will continue to operate within our prisons and as and where deemed necessary enhancements and improvements will continue to take place in the future.

Garda Stations.

102. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform his plans for the provision of adequate garda accommodation at Tallaght, Dublin 24; if the provision of the a new garda divisional headquarters has been postponed; and if he will make a statement on the matter. [21476/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 131 of Wednesday 22 April, 2009 which outlines both the immediate and longer term plans for the station. The position remains unchanged.

Question No. 103 answered with Question No. 94.

EU Directives.

104. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the reason for the failure to implement the 2005 EU directive on money laundering by the deadline of December 2007; when the required legislation will be published; if he will confirm that there are enforcement proceedings imminent against Ireland for its failure to implement the directive; and if he will make a statement on the matter. [21484/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Legislation to give effect to the 3rd EU Money Laundering Directive and the related Implementing Directive is at an advanced stage of drafting. The legislation will also have regard to relevant recommendations arising from the Financial Action Task Force (FATF) third mutual evaluation report (2006) on Ireland's measures to combat money laundering and the financing of terrorism. I am also taking the opportunity via this legislation to repeal and consolidate existing anti-money laundering provisions, which will be of benefit to all sectors and groups involved in the implementation and application of these measures.

As the Deputy is aware the transposition date for both Directives was December, 2007 and proceedings were subsequently brought against Ireland in relation to the transposition of these instruments. On 19 May 2009 the European Court of Justice delivered its judgment in relation to the 3rd EU Money Laundering Directive to the effect that Ireland has failed to fulfil its obligations under that directive. Proceedings in relation to the associated Implementing Directive are also in progress. I can assure the Deputy that the Government is treating this situation as a matter of considerable importance and urgency. Finalising the anti-money laundering legislation is receiving the highest priority. As I have previously stated, it is my intention is to publish the legislation during the current term with a view to its consideration by the Oireachtas as soon as possible after that.

Garda Stations.

105. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform if he or the gardaí are considering the closure of garda stations; if his attention has been drawn to the concerns expressed by an organisation (details supplied) of the consequences for crime in rural areas of the closure of smaller rural stations; and if he will make a statement on the matter. [21496/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As stated previously, I am unaware of any proposal to shut rural Garda stations. I am aware of the issue raised by the organisation referred to by the Deputy and I have recently written to them in relation to the matter. I have set out the position in relation to rural Garda stations in my response to Parliamentary Question No. 262 of the 23rd of April 2009.

Drugs Seizures.

106. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the quantity and values of seizures of heroin, cocaine, cannabis, and other drugs here during 2007, 2008 and to date in 2009; the proportion of the overall flow of drugs into Ireland which is believed to be represented by these seizures; the new initiatives he is planning to control the flow of illegal drugs into Ireland; and if he will make a statement on the matter. [21477/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I set out below a tabular statement giving the latest available information in relation to drug seizures for 2007, 2008 and this year to date.

This statement shows seizures of a total value of over €168m being made in 2007 and just under €200m in 2008. Because of the covert nature of the activity, it is simply not possible to give a reliable estimate of the proportion of drugs coming into the country that these figures represent.

While it is true that some international studies attempt to estimate the proportion of overall drugs seized to production, this is not a reliable guide to the situation in any particular country. In particular, such figures cannot reflect increased enforcement levels in a country.

Through ongoing specific initiatives and intelligence-led operations, An Garda Síochána continues to seize substantial quantities of illegal drugs and identify those involved in the importation, distribution, sale and supply of illegal drugs.

In addition to the officers of the Force specifically assigned to the drugs issue who are attached to the Garda National Drugs Unit and the Divisional Drug Units, officers from the National Bureau of Criminal Investigation, the Organised Crime Unit and the Criminal Assets Bureau all assist in our overall law enforcement response to drug trafficking and drug dealing.

In addition, the Gardaí work closely with Customs and the Naval Service under the umbrella of the Joint Task Force on Drugs as well as with their international colleagues in tackling the problem.

Among recent and ongoing initiatives are the establishment of the Organised Crime Unit on a permanent footing, Irish involvement in the establishment and operation of the Maritime Analysis and Operations Centre in Lisbon, strengthened provisions in the Criminal Justice Acts 2006 and 2007 and the ringfencing of €21million this year for Operation Anvil.

I am confident that the legislation that I introduced dealing with surveillance and the further measures being put in place to tackle organised crime through the Criminal Justice (Amendment) Bill will be of particular value in tackling drugs gangs.

I am sure all members of the House will accept fully that we cannot tackle the problem of drug misuse through law enforcement measures alone. We need to tackle the demand for drugs and, in this context, I can assure the House that my Department, and all the agencies under its aegis, are cooperating fully in the development of the new National Drugs Strategy for the period 2009 to 2016 which is being finalised under the aegis of the Department of Community, Rural and Gaeltacht Affairs.

[Deputy Dermot Ahern.]

*Appendix I**Drug seizure data*

The following table provides details of the quantities and estimated street value of the most significant drugs analysed by the Forensic Science Laboratory for 2007, 2008 and the provisional figures for 2009 (up to 1st April 2009)

2009*

Drug Type	Quantity	Estimated Street Value
		€
Cannabis**	85,348.593 grams	1,024,183
Cannabis Resin	339,745.786 grams	2,378,221
Heroin	27,708.85 grams	5,541,770
Cocaine	12.322 kgs	862,540
Ecstasy	12,118 tablets & 139.762 grams	128,168
Amphetamine	10,210.565 grams	153,158
Total Value		10,088,040

**Cannabis now valued at €12 per gram.

2008*

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	947,849.73 grams	1,895,699
Cannabis Resin	5,276,728.611 grams	36,937,100
Heroin	209,605.430 grams	41,921,086
Cocaine	1,681.693 kgs	117,718,510
Ecstasy	100,635 tablets & 1.144 kgs	1,063,550
Amphetamine	8,217.052 grams & 946 tablets	137,446
Total Value		199,673,391

2007*

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	774.029 kgs	1,548,058
Cannabis Resin	1,279.149 kgs	8,954,043
Heroin	148.369 kgs	29,673,800
Cocaine	1,763.725 kgs	123,460,750
Ecstasy	279,017 tablets, 13.381 kgs	3,459,220
Amphetamine	58.223 kgs, 10,471 tablets	1,030,410
Total Value		168,126,281

*statistics provided are operational, provisional and may change.

Ministerial Staff.

107. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if, in view of the need for the deployment of the maximum possible number of trained gardaí in the battle against criminal gangs, he will undertake a review of the use of trained detectives as drivers for Ministers and other designated persons, and the possible filling of at least some of these posts by civilian drivers; and if he will make a statement on the matter. [21490/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question 15587/09 which he put down for answer on 22 April 2009.

Question No. 108 answered with Question No. 53.

Juvenile Offenders.

109. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform the position in relation to the development of the new national child detention facility planned for Lusk, County Dublin; and if he will make a statement on the matter. [21515/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): In March 2008, the Government approved the development of new national children detention facilities on the Oberstown campus near Lusk, Co. Dublin.

The project is currently at the design stage and it is expected that the tendering process for construction should take place in 2010. Construction is expected to be undertaken in phases with the first phase scheduled to be completed by 2012.

The Deputy will be aware, however, that tendering for the construction of the new facilities will be subject to Government approval and to the necessary funding being made available.

Work Permits.

110. **Deputy Dan Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he will grant an application for an employment permit on behalf of a person (details supplied) in County Limerick. [21699/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Employment Permits Section informs me that a new Green Card Permit has now been approved in this case.

Community Employment Schemes.

111. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason the spousal swap arrangement for community employment is not permitted in the circumstances when the spouse of an unemployed person has been a qualified adult on their spouse's social welfare payment and is not in receipt of a payment in their own right; the rationale for requiring a qualified adult who wants to take up a community employment scheme to wait for a further year on a payment in their own right before allowing them qualify for such a scheme; if she is satisfied that the eligibility rules are consistent with the promotion of working opportunities for those who want them and that the eligibility rules are adequately integrated with social welfare rules; and her plans to introduce new rules to the scheme in order that people are facilitated to move from welfare to work. [21738/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Community Employment (CE) is an active labour market programme designed to provide

[Deputy Mary Coughlan.]

eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. The purpose of CE is to help unemployed people to re-enter the open labour market by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

The current eligibility criteria set by the Department of Enterprise, Trade and Employment for entry onto the Community Employment programme allows for the combination of periods on different social welfare payments provided they add up to at least 12 consecutive months and the person is currently in receipt of the payment at the time of application. In April 2000 the Department of Enterprise, Trade and Employment introduced capped limits on the amount of time that a person could participate on CE (3 years total time on CE from 3rd April, 2000 — participation on CE before this date is disregarded). CE capping was introduced to facilitate the movement of participants through the programme, allowing new participants who may not otherwise have such an opportunity, avail of the programme.

To cater for older workers in particular, in November 2004 the standard 3 year CE cap was revised to allow those of 55 years of age and over to avail of a 6-year period on CE (based on participation since 3rd April 2000). Subsequently, the participation limit for persons eligible for CE based on a Social Welfare disability linked payment (including those under 55) was increased by 1 year. These measures were introduced in recognition of the fact that older participants and participants with a disability may find it more difficult to progress into the open labour market.

If a person qualifies under the criteria but does not wish to take up the option themselves, there are certain conditions under which a spousal swap can take place. Eligibility via the Spousal Swap option allows a CE eligible claimant to transfer his or her CE eligibility with his/her spouse, subject to the same participation limits as detailed above. If the main claimant is aged under 55 years, that person would be eligible to a maximum of three years participation on CE. If, having availed of one or two years on CE the main claimant subsequently decides to do a spousal swap, then the qualified adult can only avail of the remainder of the three years, e.g. if the main claimant has one year on CE and swaps eligibility with their spouse, then the spouse can spend two years maximum time on CE. However, a spousal swap is not available if the main claimant has exhausted three years on CE.

If the spouse wishes to become eligible for CE in his/her own right, then they would have to meet the standard eligibility criteria. The qualifying criteria and rules for participation are intended to facilitate the movement of participants through CE, allowing new participants who may not otherwise have such an opportunity, to avail of the programme. The Department is satisfied that the eligibility rules are consistent with the promotion of working opportunities for those who want them and that the eligibility rules are adequately integrated with social welfare rules.

This Government will continue to support the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. I am keeping the operation of the Scheme under constant review in the context of the current difficult unemployment situation.

112. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason FÁS has taken steps to reduce the budget allowed for community employment scheme participants to a €200 per person reduction in respect of the training budget and €5 per participant per week in respect of material allowance which will make it

difficult for community groups to survive and give meaningful direction in participation; and if she will make a statement on the matter. [21753/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

In the Supplementary Budget in April I provided an additional 16,525 activation places to be provided by FÁS, including an additional 400 CE places.

As part of making available the funding for the additional activation places FÁS is in the process of adjusting the CE materials and training budgets available for CE projects.

FÁS Training Programmes.

113. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will ensure that Skillnets Ltd will issue a letter of confirmation to skillnet networks on the final draw down in 2010 to allow them raise bank overdrafts; and if she will make a statement on the matter. [21795/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The matter raised by the Deputy is an organisational one for Skillnets Limited. I have no function in this matter.

Tax Code.

114. **Deputy Frank Feighan** asked the Minister for Finance the reason a person (details supplied) in County Cavan with a qualifying green certificate is being denied stamp duty exemption; if he will investigate and rectify the matter; and if he will make a statement on the matter. [21760/09]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that the original deed was presented on the 18th April 2008 and the transferee applied for young trained farmer relief. The relief was not granted, as all the transferees in the transaction were not qualified in accordance with the requirements of Sect 81AA Stamp Duty Consolidation Act 1999. The evidence provided by the solicitor did not meet the requirements for relief to be granted under Section 81AA, SDCA, 1999. In a letter dated 12th November 2008 the solicitor accepted that a refund did not apply in this case.

Flood Relief.

115. **Deputy Michael Ring** asked the Minister for Finance if funding which was promised by the Office of Public Works to a local authority (details supplied) was allocated to investigate a flooding problem; the outcome of this study; and the works which will be carried out to alleviate this problem. [21656/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Mayo County Council was informed in November 2008 that the Office of Public Works would provide them with funding towards the cost of a study to determine the causes of flooding in the area referred to with a view to identifying alleviation measures. The OPW has not been advised by Mayo

[Deputy Martin Mansergh.]

County Council whether that study has been completed or if they have identified works that will address the flooding problem.

Tax Code.

116. **Deputy Róisín Shortall** asked the Minister for Finance the cost to the Exchequer in each of the past five years for which figures are available of the seed capital scheme; and the number of recipients and the amounts provided to the five biggest beneficiaries in each of those years. [21715/09]

Minister for Finance (Deputy Brian Lenihan): For the purposes of this reply it is assumed that “recipients” means the investors availing of the tax relief and that “beneficiaries” means the companies benefiting from the investments. On this basis, I am advised by the Revenue Commissioners that the relevant information is contained in the following tables:

Investors availing of Tax Relief

Year	Cost of the Relief	Number of Recipients
	€m	
2004	2.6	106
2005	1.3	56
2006	1.2	58
2007	2.3	76
2008	1.7	63

Companies benefiting from investment

Year	Total Amount Raised	Number of Beneficiary Companies	Amount invested in the 5 biggest benefiting companies
	€m		€m*
2004	7.7	74	1.3
2005	3.4	42	0.9
2006	3.1	42	0.8
2007	6.1	63	0.9
2008	4.5	56	1.3

*Figures given for the “Amount invested in the 5 biggest benefiting companies” understate the total number of companies in each year that benefited by raising investments at or near the maximum level allowable. In 2004, 11 companies benefited by €2.4m; in 2006, 6 companies benefited by €1.0m and in 2007, 9 companies benefited by €1.6m. In years 2005 and 2008, 5 companies benefited in both years, by the amounts indicated in the table.

117. **Deputy Róisín Shortall** asked the Minister for Finance the cost to the Exchequer in each of the past five years for which figures are available of the business expansion scheme; and the number of recipients and the amounts provided to the five biggest beneficiaries in each of those years. [21716/09]

Minister for Finance (Deputy Brian Lenihan): For the purposes of this reply it is assumed that “recipients” means the investors availing of the tax relief and that “beneficiaries” means the companies benefiting from the investments.

On this basis I am advised by the Revenue Commissioners that the relevant information is contained in the following tables:

Investors availing of tax relief

Year	Cost of tax relief	Number of recipients
	€m	
2004	21.1	1,950
2005	16.0	1,407
2006	21.4	1,587
2007	17.5	1,538
2008	55.7	2,462

Companies benefiting from investments

Year	Total amount raised	Number of benefiting companies	Amount invested in the 5 biggest benefiting companies*
	€m		€m
2004	50.1	218	5.3**
2005	38.2	185	4.6
2006	50.9	178	5.3
2007	42.0	166	5.3
2008	135.8	290	8.0

*Figures given for the “Amount invested in the 5 biggest benefiting companies” understate the total number of companies in each year that benefited by raising investments at or near the maximum level allowable in each respective year. In 2004, 5 companies benefited by €5.3m; In 2005, 6 companies benefited by €5.3m; In 2006, 7 companies benefited by €7.3m; In 2007, 5 companies benefited by €5.3m and, in 2008, 14 companies benefited by €21.5m.

**A higher company limit applied, until end-2006, in respect of the qualifying trade of the “Construction and Leasing of an Advance Factory Building”.

118. **Deputy Olivia Mitchell** asked the Minister for Finance if he will confirm that guardian payments made to couples looking after children who are not their own are not liable for tax irrespective of total family income and specifically in the case of persons (details supplied) in Dublin 16; and if he will make a statement on the matter. [21725/09]

Minister for Finance (Deputy Brian Lenihan): The position is that these payments are not chargeable as income of the guardian who is in receipt of the allowance.

Guardian’s Payment (Contributory) and Guardian’s Payment (Non-contributory) are regarded as the income of the children. However, if these payments are their sole source of income the children would not have a tax liability.

Procurement Procedures.

119. **Deputy Fergus O’Dowd** asked the Minister for Finance if he will expand on Parliamentary Question No. 155 of 19 May 2009, and provide details on each formal complaint received by the Office of Public Works on tender processes; the date each complaint was first received; the product or service that each complaint referred to; the steps the OPW is taking to resolve each complaint; and if he will make a statement on the matter. [21835/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works (OPW) has thousands of contracts throughout the country in any one year. A trawl of OPW offices throughout the country found three formal complaints were received since 2007 on tender processes organised by the OPW.

In February 2009, a complaint was received on a tender for the supply of envelopes to Government Departments and Offices. A challenge was made by a competitor to the award of the contract, and, following investigation, the challenge was upheld and a new tender competition is to be organised. The Office of Public Works took legal advice on the matter from the Chief State Solicitor's Office and Attorney General's Office, informed the complainant of the outcome, and are in negotiations with the complainant to agree a way forward.

Two other complaints were received in 2008. One, received in July 2008, relates to the manner in which a contract was awarded for a security system. The contract that initiated the complaint had been well completed by that time, and there was therefore no redress for the complaint in that particular regard. There were various correspondences on the matter, and there was also a FOI request, which was dealt with under the legislation.

The third complaint was received in November 2008. The subject was a tender for security systems, and, in particular, the period of time allowed for tender. The contract was not placed, due to the cost of the tenders received, and the scheme was revised and re-tendered subsequently.

Tax Code.

120. **Deputy Eamon Gilmore** asked the Minister for Finance if a VAT registered company is eligible for a VAT refund on services or goods purchased, which are entirely covered by their insurer, and for which they will be reimbursed; the party which is liable to pay VAT on services provided when the cost incurred by a VAT registered company is covered by their insurer, the VAT registered purchaser of the service, the provider of the service, or the insurer; and if he will make a statement on the matter. [21845/09]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that an insurance company normally covers a customer only for the actual loss incurred when damage is caused to the customer's property. Where the insured customer is a VAT-registered business it is usually entitled to an input credit for any value-added tax charged on the repairs to, or the replacement of, an asset used in the business. Therefore, the actual cost of the damage to the business is the net VAT-exclusive amount and this is the amount normally reimbursed by an insurance company.

Where a VAT-registered person is indemnified under a policy of insurance in respect of the cost of the services of a barrister or solicitor, section 5(4B) of the Value-Added Tax Act 1972, as amended, deems the services to be supplied to that person and, accordingly, the person may claim an input credit in respect of the VAT on those costs subject to the usual rules.

Pension Provisions.

121. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare is subject to the pension levy despite the fact that they will derive no benefit from a pension. [21741/09]

Minister for Health and Children (Deputy Mary Harney): The Financial Emergency Measures in the Public Interest Act, 2009 provides for a deduction to be made from remuneration of public servants. This employment is in a public sector body and the employee is a

public servant for the purposes of the legislation. Where an individual's contract of service is terminated without the employee having two years pensionable service, the deduction will be refunded in the same manner as superannuation contributions where minimum preserved benefits are not accrued — section 6 of the Act refers.

Health Services.

122. **Deputy Mary Upton** asked the Minister for Health and Children if her attention has been drawn to the waiting time for speech therapy assessments in respect of children in the Dublin 12 area as in the case of a person (details supplied); the plans proposed to improve this situation; and if she will make a statement on the matter. [21965/09]

124. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the case of a person (details supplied) in Dublin 12 who has been on the waiting list for speech and language therapy assessment since 7 April 2007 and who at the current pace of the waiting list will not receive the assessment they need until April 2010; and if she will take steps to expedite the delivery of the assessment to this child. [21667/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 122 and 124 together.

As the Deputies' questions relate to service matters I have arranged for the questions to be referred to the Health Service Executive for direct reply.

123. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the fact that despite the allocation of five sessions from another post in November 2008 and a new therapist commencing duties in February 2009 the waiting times for children in need of speech and language therapy assessment in the Dublin 12 postal area stand in the region of two years; her views on whether these times must be reduced as a matter of urgency; if to this end she will take steps to ensure that the existing full-time vacancy in the speech and language therapy service in Crumlin Health Centre is filled; and if arrangements will be made to allow children on the Dublin 12 list to access services outside of their immediate locality where the waiting times might be shorter. [21666/09]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Governments ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

Question No. 124 answered with Question No. 122.

Hospital Waiting Lists.

125. **Deputy Billy Timmins** asked the Minister for Health and Children the position in

[Deputy Billy Timmins.]

relation to a person (details supplied) in County Wicklow who is waiting for a hip replacement; if they will be admitted; and if she will make a statement on the matter. [21670/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Pre-school Services.

126. **Deputy Róisín Shortall** asked the Minister for Health and Children the circumstances under which a child who is four days under the qualifying age for the new pre-school places can avail of the service; if an appeal mechanism is in place; if so, the details of same; and if she will make a statement on the matter. [21671/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced recently by the Minister of Finance.

The ECCE is being introduced from January 2010 as a free scheme to benefit children in the key developmental period prior to commencing school. The scheme will allow eligible children to avail of a free pre-school place in the year before the commence school. This will, normally, consist of 3 hours per day, 5 days per week over 38 weeks or 2 hours and 15 minutes per day, 5 days per week over 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010.

Participating children must, normally be aged between 3 years 3 months and 4 years 6 months on 1 September of each year. In January 2010, children will be eligible if they are aged between 3 years 7 months and 4 years 10 months. A child who is aged 3 years 6 months on 1 January, 2010 will not be eligible to participate in the scheme at that point but will be eligible in September 2010. As eligibility is determined by reference to age, there is no appeal mechanism other than in relation to the exceptions I have referred to in the case of the upper age limit.

127. **Deputy Denis Naughten** asked the Minister for Health and Children if a child attends a pre-school after 1 January 2010 under the new pre-school scheme for less than five days, will they be eligible for a pro rata payment; and if she will make a statement on the matter. [21677/09]

128. **Deputy Denis Naughten** asked the Minister for Health and Children the reasoning behind the introduction of the age cut off of four years and 10 months in relation to the pre-school scheme; and if she will make a statement on the matter. [21678/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I propose to take Questions Nos. 127 and 128 together.

As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year in Early Childhood Care and Education (ECCE), which will commence in January 2010.

The Pre-School Year in Early Childhood Care and Education (ECCE) is being introduced to benefit children in the key developmental period prior to commencing school. The scheme will allow eligible children to avail of a free pre-school place which will, generally, consist of 3 hours per day, 5 days per week over 38 weeks or 2 hours and 15 minutes per day, 5 days per week over 50 weeks. Participating services will receive a capitation payment of €64.50 a week where children attend for 38 weeks, and €48.50 where they attend for 50 weeks of the year.

As the new scheme will be introduced from January next, the first full year will be from September 2010.

While parents will be encouraged to avail of the free pre-school year on the basis that their child attends for 5 days a week, transitional arrangements will apply during January to August 2010 to take account of the fact that some pre-school services currently accommodate a greater number of children than they have daily places for. To facilitate these services and the children attending them, they may continue to accommodate children on a pro rata basis during the period January to August 2010 and will receive a capitation grant set by reference to the number of children attending each day rather than the total number of children in a week.

Participating children must normally be aged between 3 years 3 months and 4 years 6 months on 1 September of each year. Exceptions to the upper age limit will be allowed where children have been assessed as having special needs which require them to start primary school at a later date than is normally the case or where this is necessary due to the admissions policy of the child's local primary school. As the scheme is being introduced in January 2010, the upper age limit for eligibility at that date will be 4 years 10 months.

As a pre-school year in early childhood care and education (ECCE), intended to support the developmental needs of children in the year before they commence primary school, it is important that the programme based activities provided to children are suitable for this target age cohort and do not try to accommodate a broader spread of developmental stages. Most children commence school at around 5 years of age. It is considered that the 15 month age range provided for under the scheme, recognises this position while allowing flexibility to parents to assess the best time for their child to commence school.

Hospital Waiting Lists.

129. **Deputy Michael Ring** asked the Minister for Health and Children the reason a child (details supplied) in County Mayo is waiting three years to be called for an outpatient appointment. [21685/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

130. **Deputy Róisín Shortall** asked the Minister for Health and Children if her attention has been drawn to the delays in accessing appointments for MRI scans in the Mater Hospital; and if, in view of the condition of a person (details supplied) in Dublin 11, she will arrange to have this appointment scheduled at the earliest possible date. [21721/09]

Minister for Health and Children (Deputy Mary Harney): As this a service matter, it has been referred to the HSE for direct reply.

131. **Deputy Joe Costello** asked the Minister for Health and Children when a person (details supplied) in Dublin 1 will have their prostate operation; and if she will make a statement on the matter. [21733/09]

Minister for Health and Children (Deputy Mary Harney): As this a service matter, it has been referred to the HSE for direct reply.

Health Services.

132. **Deputy Billy Timmins** asked the Minister for Health and Children the position in

[Deputy Billy Timmins.]

relation to persons (details supplied); if there is financial assistance available; and if she will make a statement on the matter. [21735/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Question No. 133 withdrawn.

Nursing Homes Repayment Scheme.

134. **Deputy Mary O'Rourke** asked the Minister for Health and Children when a person (details supplied) in County Westmeath will receive payment under the health repayment scheme. [21750/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Waiting Lists.

135. **Deputy Seán Fleming** asked the Minister for Health and Children when a person (details supplied) in County Laois will receive a date for an operation in view of the fact the original operation was cancelled and it should be carried out as soon as possible; and if she will make a statement on the matter. [21751/09]

Minister for Health and Children (Deputy Mary Harney): As this a service matter, it has been referred to the HSE for direct reply.

Primary Care Services.

136. **Deputy Willie Penrose** asked the Minister for Health and Children the plans being put in place to develop the necessary health infrastructure in Clonbrusk, Athlone, County Westmeath; if she is satisfied that same is adequate for purpose; if the necessary capital funding has been provided in the capital plan; and if she will make a statement on the matter. [21752/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has progressed its plans for Primary Care facilities in the Longford Westmeath area, including the provision of a Primary Care Network Centre at Clonbrusk. The HSE is currently drawing up its Capital Plan within the revised capital funding envelope available following the Supplementary Budget in April. Details of the individual projects being included in the Capital Plan will be made available when the plan is approved.

Health Services.

137. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 333 of 22 April 2009. [21758/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The HSE have informed me that the response to Parliamentary Question No. 333 is due to be issued to the Deputy this week.

Health Service Staff.

138. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a

reply will issue from the Health Service Executive to Parliamentary Question No. 339 of 22 April 2009. [21759/09]

Minister for Health and Children (Deputy Mary Harney): The previous Parliamentary Question referred to by the Deputy related to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive (HSE) under the Health Act 2004. Accordingly, my Department requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to reply to the Deputy directly.

In light of the further question raised by the Deputy, my Department has requested the Executive to reply to the Deputy as soon as possible, setting out the present position.

Medical Cards.

139. **Deputy Michael Ring** asked the Minister for Health and Children when the over 70s medical card will be given to persons (details supplied) in County Mayo. [21761/09]

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.

Drugs Payment Scheme.

140. **Deputy Michael Ring** asked the Minister for Health and Children if it is possible for a cheque which issued to a person (details supplied) in County Mayo a number of years ago, to be redated due to circumstances in the family. [21762/09]

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.

Long-Term Illness Scheme.

141. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the criteria required for an illness to be added to the long-term illness scheme; and if she will make a statement on the matter. [21768/09]

142. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the changes she has made to the long term illness scheme since its introduction; the changes she plans to make to it; and if she will make a statement on the matter. [21769/09]

143. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children her views on adding vasculitis and Wegener's granulomatosis to the qualifying illnesses under the long term illness scheme; the reason it has not been added; and if she will make a statement on the matter. [21770/09]

144. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of people who have been in receipt of a long term illness book for each of the years from 2003 to 2008; and if she will make a statement on the matter. [21771/09]

145. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has reviewed the long term illness scheme during her time in office; and the result of this review. [21772/09]

146. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason rheumatoid arthritis is not a qualifying illness under the long term illness scheme; if she will add it; and if she will make a statement on the matter. [21773/09]

147. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if her attention has been drawn to the fact that there are people suffering from long term illnesses which are not qualifying illnesses under the long term illness scheme and who do not qualify for a medical card or general practitioner visit card; if her attention has further been drawn to the fact that some of those people cannot arrange for the provision of medical services for themselves without undue hardship and that the €100 monthly payment under the drugs payment scheme is too much for people suffering financial hardship to pay; and if she will make a statement on the matter. [21774/09]

148. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if members of her Department or the Health Service Executive have met with representatives from the Department of Finance or other relevant Departments to discuss making changes to the long term illness scheme; the result of these discussions; and if she will make a statement on the matter. [21775/09]

149. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason mental illness is a qualifying illness under the long term illness scheme for people under 16 years of age only; her views on extending same to children over 16 and adults over 18 years of age; if she will extend the scheme to all people regardless of age; and if she will make a statement on the matter. [21776/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 141 to 149, inclusive, together.

The Long Term Illness Scheme (LTI) arose from a non statutory scheme, established in 1967, to supply free of charge certain products to persons for the treatment of diabetes. A statutory scheme was introduced in 1971 under Section 59(3) of the Health Act 1970. It provides that a health board (now the HSE) may make arrangements for the supply without charge of drugs, medicines or medical and surgical appliances to persons suffering from a prescribed disease or disability of a permanent or long-term nature.

The conditions which have been prescribed are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia.

From 1971, a separate scheme was introduced to refund the cost of drugs above a certain threshold for non-medical card holders. This evolved into the Drugs Payment Scheme (DPS) in 1999. Under this scheme, no individual or family unit pays more than €100 per calendar month towards the cost of approved prescribed medicines. When the DPS was introduced, it was decided to continue the LTI for the conditions already covered, but it has not been extended and I have no plans to do so.

Where a person or their dependants have significant ongoing medical expenses the Health Service Executive may grant a medical card on a discretionary basis if it is satisfied that the level of expenditure is unduly burdensome.

The Medical Card (GMS) and Drugs Payment Schemes (DPS) are under ongoing review in the context of the need to obtain best value for money. There have been no specific discussions on the LTI between my Department, the HSE and the Department of Finance.

The table below outlines the numbers of persons who were eligible under the LTI in the years 2003 to 2008 and the actual number of persons who availed of the scheme in those years.

Year	No. of people eligible for LTI	No. of LTI claimants
2003	97,184	48,053
2004	93,504	50,526
2005	99,280	53,006
2006	106,307	53,082
2007	112,580	59,040
2008	120,918	66,943

Hospital Services.

150. **Deputy James Reilly** asked the Minister for Health and Children the average cost of running an acute hospital bed per week; and if she will make a statement on the matter. [21859/09]

Minister for Health and Children (Deputy Mary Harney): The National average cost per in-patient bed-day for 2007 (the latest full year for which audited data is available) was €844. This average cost is calculated from the diverse range of 37 hospitals who submitted costings to the Casemix/HIPE Unit, Health Service Executive as part of the National Casemix Programme.

Based on an average cost of €844 per bed-day, the average cost of running an acute hospital bed per week is €5,908.

It should be noted that the in-patient cost per bed-day for each hospital will be different depending on the size of the hospital and the complexity of the patients that it treats.

The above costings exclude capital and depreciation costs. It also excludes daycases, out-patients and emergency department costs.

Medical Cards.

151. **Deputy James Reilly** asked the Minister for Health and Children the average cost of a full medical card per week; and if she will make a statement on the matter. [21860/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive's (HSE) 2009 National Service Plan gives the annual average cost of a medical card at approximately €1,650, which equates to €31.62 per week.

Public Private Partnerships.

152. **Deputy James Reilly** asked the Minister for Health and Children if she will provide a list of health sector public-private partnership projects already underway or in planning stages; the terms or these agreements; the amount of public and private investment involved in each case; and if she will make a statement on the matter. [21861/09]

Minister for Health and Children (Deputy Mary Harney): The National Plan for Radiation Oncology (NPRO) is being delivered on an incremental basis and will provide sufficient capacity to fully meet national population cancer incidence requirements. The NPRO, which is being funded through a combination of traditional Exchequer funding and Public Private Partnership investment, will provide facilities in Dublin, Cork and Limerick with satellite facilities in Waterford and Galway. The overall investment for the NPRO is expected to be in excess of €0.5b, the bulk of which will be met through PPP arrangements. Additional capacity, delivered through traditional funding arrangements, began to come on stream in 2008. Planning for delivery of the remaining aspects of the NPRO is ongoing. The precise level of Exchequer funding

[Deputy Mary Harney.]

and PPP investment for the NPRO will become clear when the planning and tendering stages are complete.

There are currently no other health sector PPP projects being advanced.

Rail Network.

153. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will publish the report by a firm (details supplied) into the Shannon Airport rail link; the amount this study has cost; if it was funded by his Department; and if he will make a statement on the matter.

[21653/09]

Minister for Transport (Deputy Noel Dempsey): My Department provided funding of €240,000 to Irish Rail towards carrying out a feasibility study for a Shannon Rail Link. This study was completed in February 2007 and was made widely available through the Steering Group overseeing the study which included representatives of local authorities and local development interests including the Shannon Rail Partnership. My Department will be publishing the report on the Departments T21 website shortly.

Light Rail Project.

154. **Deputy Thomas P. Broughan** asked the Minister for Transport when the study into a light rail or LUAS system for Galway City will be published; the estimated cost of the proposed system; if bus rapid transit proposals are being examined for Galway; and if he will make a statement on the matter. [21654/09]

Minister for Transport (Deputy Noel Dempsey): I understand from Galway City Council that the study into the feasibility of a light rail system in Galway is advanced and conclusions are expected shortly. The precise date of publication of the study is a matter for Galway City Council. I understand that this study also includes consideration of the feasibility of bus rapid transit. The costings of light rail and bus rapid transit schemes are matters to be addressed in the feasibility study.

Garda Recruitment.

155. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if, in view of the reduced numbers entering Garda training, he will make a statement on the immediate short-term plans for the Garda Training College at Templemore. [21856/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Training College continues to provide an excellent and essential service to An Garda Síochána and will do so into the future.

There are currently a total of 774 Garda students in training. Approximately 275 of these will become attested in June 2009 with the remainder due to be attested over the next 12 months. The Public Service recruitment moratorium does not apply to the Garda Reserve and recruitment to the Reserve is ongoing. There are currently 198 reserve members at various stages of training and these trainees attend the Garda Training College as part of their training programme.

In the past few years the accelerated recruitment campaign resulted in the capacity of the training college being stretched. In response to on-going training requirements, some in-service Continuous Development Courses for full-time members of the Force were transferred to an outsourced centre at the Abbey Court Hotel, Nenagh in 2005. This allowed the Garda College

to concentrate on recruitment training. In recent months the outsourcing has discontinued and this training is now taking place in the Garda College with a consequent reduction in associated training costs.

The situation in relation to recruitment and training will continue to be monitored to ensure that optimum use is made of the resources available at the Garda Training College.

Citizenship Applications.

156. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform when the citizenship application for a person (details supplied) is expected to be completed; the stage the process of the application is currently at; and if he will make a statement on the matter. [21658/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation on behalf of the person in question, who is a minor, was submitted by his mother to the Citizenship Section of my Department on 24 October 2008.

Due to the fact that applications on behalf of minors generally require less processing than standard adult applications, it is usually possible to finalise them more quickly. Based on current processing trends, it is likely that the application on behalf of the person concerned will be finalised towards the end of 2009.

I will advise the Deputy and the applicant when I have reached a decision on the matter.

Prison Accommodation.

157. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of prisoners currently in Mountjoy Prison, Dublin; the number for whom the prison was built; if he will introduce sanitation into the prison in view of the fact that Thornton Hall is on hold; and if he will make a statement on the matter. [21736/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I do not accept the contention that Thornton Hall has been put “on hold”. Both the Taoiseach and I have set out in the clearest possible terms the Government’s continued commitment to replacing the Mountjoy Prison complex with modern prison accommodation at Thornton. The clear case has been made for this course of action and this Government will deliver on that commitment in a manner that protects the taxpayers’ interest. As already indicated to this House it is my intention to bring comprehensive new proposals to the Government in a matter of weeks setting out how we can proceed with building a new, modern, regime orientated and cost effective prison complex at Thornton. Following consideration of these proposals by Government I will make a public announcement in relation to this matter.

I acknowledge that there is a level of overcrowding in the prison system. Close to 1,400 new prison spaces have already been brought into use since 1997 and a further 400 new spaces which are built will shortly come into use. Thornton Hall was always a longer term project and other capital projects have been progressing, for example, the projects that have given us the 400 spaces coming on stream. I wish to inform the Deputy that as of 22 May, 2009 there were 540 permanent beds in Mountjoy male prison. On the same day there were 678 in custody. Overall on that same day there were 949 permanent beds available in the entire Mountjoy Prison Complex with 1,126 prisoners in custody. I give you this figure to illustrate the need to replace Mountjoy with a facility at Thornton that can meet this capacity requirement.

[Deputy Dermot Ahern.]

In-cell sanitation is already in place in sections of the “B” Wing and throughout the Health Care Unit of Mountjoy Prison as well as all of St Patrick’s Institution and the Female Prison (Dóchas).

The question of a major refurbishment of the complex to include in-cell sanitation in all cells has been examined on a number of occasions but found not to be feasible due to the potential exorbitant costs of such a project involving buildings which are already well over 150 years old. I believe that whilst there will be some delay in our plans we can bring a viable prison development to fruition at Thornton and money spent on achieving that is a better use of resources.

Removal Orders.

158. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the procedures and protocols in place to allow gardaí or the Courts to refer cases to his Department for consideration of an expulsion under Regulation 20 of the European Communities (Free Movement of Persons) Regulations 2006 and 2008; the number of such cases referred by gardaí to his Department in each of the years 2006, 2007, 2008 and to date in 2009; the corresponding figures for the Courts Service; and if he will make a statement on the matter. [21749/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The European Communities (Free Movement of Persons) Regulations 2006 were transposed into Irish Law under S.I. No 656 of 2006 and came into force on 1 January 2007.

Requests for Removal Orders in accordance with Regulation 20 are made to my Department by An Garda Síochána and not directly by the Courts Service.

Each application made to my Department for the issuance of a Removal Order in respect of an EU citizen must be made in writing, setting out the background to the application.

No such applications were made in 2006 as the Regulations did not come into force until 1st January 2007.

In 2007 there were 118 applications, 190 in 2008, and 152 in 2009 (up to 22nd May).

Question No. 159 answered with Question No. 64.

Gangland Crime.

160. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of organised criminal gangs currently operating here; the regions or areas in which they are most dominant; the number of charges, arrests and convictions brought against them in each area in each of the past five years to date; and if he will make a statement on the matter. [21805/09]

163. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of members of known criminal gangs currently in prison; and if he will make a statement on the matter. [21808/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 160 and 163 together.

I am informed by the Garda Authorities that currently there are two categories of organised crime groups operating in this jurisdiction. The first category consists of individuals / groups that are well established and tightly structured involved in drug trafficking, armed robbery and

firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland.

I am further advised that the membership of organised crime gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs.

The identification of an offender as a member of a criminal gang is not an essential criterion in the prosecution of offenders. It is therefore not possible to ascertain the precise number of criminals who are also members of criminal gangs operating in this country. Organised crime is being targeted by An Garda Síochána on an ongoing basis using intelligence led operations undertaken by specialist units under the remit of the Assistant Commissioner in charge of National Support Services. These specialist units include, the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau.

A number of organised crime groups have been targeted using intelligence led operations which has resulted in the seizure of firearms and drugs and has led to a number of people being prosecuted and convicted before the courts.

Other measures put in place to tackle serious crime include Operation Anvil which commenced in the Dublin Metropolitan region in May 2005 and extended nationwide in 2006. The primary focus of Operation Anvil is the disruption of serious and organised criminal activity. To date over 2,500 firearms and property to the value of €31.9 million have been recovered under Operation Anvil.

Garda operations and resources are reviewed on an ongoing basis by senior management to ensure their continued effectiveness.

161. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of robberies of cash or cash in transit in each of the past five years to date; the number in which firearms were used; the number of charges or convictions that arose therefrom; the number in respect of which there have been no charges or convictions; and if he will make a statement on the matter. [21806/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): According to the Garda authorities the number of robberies of cash or cash in transit recorded in the years 2004 to the present, and the number of detections, are as follows :

Table 1

Year	Recorded	Detected
2009	620	285
2008	1,285	618
2007	1,240	604
2006	1,371	604
2005	1,374	520
2004	1,527	512

Of these, the number of such robberies recorded in which firearms were used, together with the number of cases in which proceedings were commenced and convictions secured, are as follows:

[Deputy Dermot Ahern.]

Table 2

Year	Recorded	Proceedings Commenced	Convictions
2009	72	20	0
2008	139	56	7
2007	177	90	41
2006	237	111	75
2005	227	119	84
2004	306	108	86

Inevitably, there is a time lapse between proceedings being commenced and convictions secured.

It will be seen from these figures that there has been a steady decrease in both categories over the period in question. Overall the decrease has been in the order of 16% between 2004 and 2008, while the decrease in firearms related cash robberies over the same period has been around 55%.

Crime Levels.

162. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of reported burglaries in respect of which no charges or convictions have taken place in each of the past four years to date, on a Garda divisional basis; and if he will make a statement on the matter. [21807/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Question No. 163 answered with Question No. 160.

Garda Stations.

164. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of Garda stations currently operating on a 24-hour basis; and if he will make a statement on the matter. [21809/09]

165. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of Garda stations throughout County Kildare which are currently open and operating on a 24-hour basis; his plans to increase this number with a view to addressing crime and anti-social behaviour issues; and if he will make a statement on the matter. [21810/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 164 and 165 together.

The opening hours of all Garda stations throughout the State are provided in the reply to Parliamentary Question 15302/09 which was put down for answer on 22 April 2009 and the position remains unchanged.

The opening hours of non-24 hour stations are dependent on manpower availability. The extension of the current opening hours of these stations would necessitate the employment of

Garda personnel on indoor administrative duties. Such personnel can be utilised more effectively in providing a visible Garda presence on outdoor policing duties.

Witness Intimidation.

166. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of incidents in respect of which witness intimidation has been identified in recent years; the action taken or proposed in response; and if he will make a statement on the matter. [21811/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is a specific statutory offence of intimidation of witnesses or jurors. Section 41 of the Criminal Justice Act 1999 makes it an offence to harm or threaten or in any other way intimidate or put in fear another person who is assisting in the investigation by the Garda Síochána of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence, or a member of his or her family, with the intention thereby of causing the investigation or the course of justice to be obstructed, perverted or interfered with.

I am informed by the Garda authorities that separate records are not maintained of offences under section 41 directed against witnesses and those directed against jurors.

Therefore, the table hereunder shows the present position with regard to the number of proceedings commenced, persons charged/summonsed and convictions for the offences of harming, threatening to harm, menacing, intimidating and putting in fear another person, who was assisting in the investigation by the Garda Síochána of an offence or is a witness/potential witness or juror/potential juror in proceedings for an offence, with the intention of causing the investigation or the course of justice to be obstructed, perverted or interfered with, for the years 2004 to 20 May 2009.

Year	Proceedings commenced	Persons charged/summonsed	Convictions*
2009	4	4	0
2008	16	16	0
2007	16	16	2
2006	44	30	10
2005	22	16	6
2004	30	22	10
Total	132	104	28

*It will be appreciated that, inevitably, there is a time lapse between proceedings being commenced and a person being convicted.

Crime Levels.

167. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons apprehended carrying illegal firearms; the number of prosecutions, successful or otherwise, taken arising therefrom; the number in respect of which no prosecutions have taken place or are pending; and if he will make a statement on the matter. [21812/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

[Deputy Dermot Ahern.]

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Prison Security.

168. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which action has been taken to stamp out the running of criminal empires by prisoners serving sentences; and if he will make a statement on the matter. [21813/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): This Government took a decision in 2007 to approve the resources necessary to introduce a package of security measures which target the routes whereby contraband such as drugs, weapons and mobile phones are trafficked into our prisons. As a result, a number of new security initiatives have been introduced in all closed prisons including: the introduction of enhanced security screening for all persons (visitors and staff) entering our prisons; the establishment of a drug detection dog service within the Irish Prison Service involving approximately 31 handling teams; the establishment of Operational Support Units dedicated to, and developing expertise in, searching and gathering intelligence in our prisons.

In addition, a high-security unit was opened in Cloverhill Prison in May 2007 which enables the segregation of serious drug and criminal gang members from other prisoners, thus preventing them from conducting their business while in custody and exerting inappropriate influence over other persons.

There has also been an intensification of efforts to eliminate the availability of contraband within prisons including: tighter control and monitoring of prisoner visits in all closed prisons; new visiting arrangements in most closed prisons, with visitors required to book visits in advance, be pre-approved by the Governor and provide identification on each visit; greater use of screened visits; greater vigilance in examining mail by prison censors and searching of other items entering the prison; increased random searching of cells and their occupants; stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence; use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities; the use of a number of Body Orifice Security Scanner (BOSS) chairs; installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs; use of phone detectors and phased installation of mobile phone inhibition technology.

Section 36 of the Prisons Act 2007, which was brought into operation on 1 May, 2007, makes it an offence for prisoners to have unauthorised possession of or use of mobile telecommunication devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalties for such an offence, on summary conviction, include a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both. It is Irish Prison Service policy to report seizures of mobile phones to the Gardaí.

The new security screening at prison entrances and the measures introduced have had considerable success in preventing the flow of and assisting in the capture of contraband such as mobile phones. The Irish Prison Service, with my full support, are determined to take all practical measures possible to thwart criminals engaged in illegal activity. To that end the current stringent security measures will continue to operate within our prisons and as and where deemed necessary enhancements and improvements will continue to take place in the future.

Prison Accommodation.

169. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisons closed and cell spaces lost arising therefrom in each of the past ten years to date; and if he will make a statement on the matter. [21814/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Since 1997 in excess of 1,300 prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick Prison. A further 400 extra paces are coming on stream this year in Castlerea, Wheatfield and Portlaoise Prisons.

These significant developments increased our overall capacity as well as replacing a significant number of sub standard cells. This was necessary to meet human rights obligations and to respond to the very real criticisms raised by national and international experts in the penal policy field.

It is against this background that Shanganagh Castle Open Centre for juveniles was closed in late 2002 and the Curragh and Fort Mitchel (Spike Island) Prisons closed in early 2004. For example the four person cell accommodation in Fort Mitchel was not deemed suitable in a modern penal system. The total number of prison spaces taken out of the system in the above closures was 256 but this did not result in any net decline in capacity. The closures were more than offset by the bringing into operation of previously unused prison spaces and improvements to the prison estate I have outlined earlier. For example, the opening of a new wing in Limerick Prison fully offset the loss of Fort Mitchell and the loss of capacity in the case of the Curragh Place of Detention was completely offset by the opening of a previously unopened wing in the Midlands Prison.

Shanganagh Castle was sold and the money received covered in full the cost of the site at Thornton Hall. It had become increasingly difficult to identify young male offenders suitable for the type of open prison accommodation provided at Shanganagh and the annual cost of keeping an offender there was significantly higher than the average overall cost per prisoner in other institutions. The Curragh Prison has been returned to the Department of Defence. It was in a very run down condition and the redevelopment of the prison did not make economic or operational sense.

I should also point out that there is no potential to reopen any of these facilities. Small stand-alone prisons accommodating 100 prisoners or less are simply not efficient and in the current fiscal climate do not make economic sense. The policy of the Irish Prison Service is to, where possible, develop campus-style developments which take advantage of economies of scale and operational efficiencies.

Anti-Social Behaviour.

170. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action taken to date, or proposed, to stamp out anti-social behaviour throughout County Kildare with particular reference to the need to address the concerns of young and old people who feel intimidated by continuous incidents of anti-social behaviour resulting in some instances of people being forced to relocate; if he will put in place measures to ensure that repeated incidents are followed up by prosecutions; the number of such prosecutions to date in 2009; the number of reported incidents in respect of which no prosecutions took place in the same period; and if he will make a statement on the matter. [21815/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Policing Plan for 2009, which reflects the priorities set for the Force by me as Minister for Justice, Equality and Law Reform, contains a series of measures aimed at reducing the impact of crime and criminal behaviour. One of the strategic goals identified in the Plan is to reduce significantly the incidence of public disorder and anti-social behaviour in communities.

I am informed by the Garda authorities that, following a successful pilot phase in the Naas and Kildare Garda Districts, a new policing model to combat anti-social behaviour has been adopted throughout County Kildare. Under the model, members of An Garda Síochána meet key stakeholders such as local authority members, councillors and business representatives to discuss public order issues and offer advice.

The model is then devolved to a local level, whereby members of An Garda Síochána visit individual publicans, managers of fast food outlets and taxi drivers and offer appropriate advice, with the aim of preventing incidents of public disorder and anti-social behaviour taking place. In addition, where large groups of people gather, particularly at weekends, temporary taxi-ranks are set up to divert people away from potential flashpoints.

All members of An Garda Síochána on patrol including mobile, foot, mountain bike and Traffic Corps personnel are aware of identified public disorder hotspots, and particular attention is paid at times when there is potential for public disorder and anti-social behaviour.

To facilitate this community policing-public disorder policing model, additional personnel has been allocated to all Districts within the Kildare Garda Division. Local Garda management intend to increase the number of personnel allocated to Community Policing Units within the Division. The issue of Garda resources is kept under constant review, and when additional personnel next become available the needs of County Kildare will be fully considered by the Commissioner within the overall context of the needs of Garda stations throughout the country.

Joint Policing Committees provide a forum where An Garda Síochána and the local authority — the two organisations which make the most significant contribution to preventing and tackling crime in a specific area — can come together, with the participation of members of the Oireachtas and community and voluntary interests, on matters affecting the area. A Committee has a range of functions and monitor two broad areas. The first is the levels and patterns of crime, disorder and anti-social behaviour in its area, including patterns and levels of misuse of alcohol and drugs. The second is the broader issue of the factors underlying and contributing to crime, disorder and anti-social behaviour. Following on from this the Committee advises the local authority and An Garda Síochána on how they might best perform their functions, having regard to the need to do everything feasible to improve the safety and quality of life and to prevent crime, disorder and anti-social behaviour within the area.

I am of the view that the Committees have enormous potential for tackling the problems of crime, disorder and anti-social behaviour.

Following a pilot phase in 29 local authority areas, including Athy, the Committees are currently being rolled out to all other local authority areas in the country.

The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Lisbon Treaty Referendum.

171. **Deputy Joe Costello** asked the Minister for Foreign Affairs his proposals for ratifying

the Lisbon Treaty; the schedule and timescale of events leading up to the referendum; and if he will make a statement on the matter. [21737/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The December European Council agreed to a package of measures to respond to the Irish people's concerns as outlined by the Taoiseach. Specifically, the European Council agreed that, provided the Treaty of Lisbon enters into force, each Member State will continue to have the right to nominate a Commissioner. It also agreed that legal guarantees will be given to Ireland in the areas of taxation, defence and the provisions of the Constitution on the right to life, education and family. It further agreed that the high importance the EU attaches to social issues, including workers' rights, will be confirmed.

Detailed work is now underway to give effect to these commitments. In accordance with the December European Council's Conclusions, this work should be finalised at the June European Council. If the Government is fully satisfied with the outcome of this work, we are committed to seeking ratification of the Treaty by the end of the term of the current Commission, which is expected to leave office at the end of October. Our work is being taken forward at a number of different levels with our EU partners and with the EU institutions. Throughout, we are stressing the need for legally robust guarantees. As recent events have underscored, the European Union remains key to the promotion and protection of Ireland's national interest. The Government attaches the utmost priority to ensuring that Ireland remains at the heart of the Union.

Arts Funding.

172. **Deputy Finian McGrath** asked the Minister for Arts, Sport and Tourism if he will support a group (details supplied). [21703/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): My Department does not provide grants to specific performing art practitioners as described by the Deputy. Funding decisions including bursaries are a matter for the Arts Council.

Departmental Bodies.

173. **Deputy Brian O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to meet the concerns of a person (details supplied) in County Cork in regard to the proposed takeover of Meitheal Forbartha na Gaeltachta by Údarás na Gaeltachta; and if he will make a statement on the matter. [21655/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): In view of the current economic downturn, my Department is examining ways of using the resources available to it, both financial and human, in the most efficient manner possible in order to minimise disruption to the front-line services it provides. In this context, I have asked my officials to review, in conjunction with both Údarás na Gaeltachta and MFG Teo, the operations of the two organisations with a view to delivering their services in the most cost effective and efficient manner possible. This review is currently ongoing.

Notwithstanding the above, I should point out in relation to the Rural Social Scheme that the principles and practices relating to the implementation of this scheme are the same regardless of the implementing body and would continue thus, irrespective of any transfer of responsibility for Gaeltacht schemes from MFG Teo to Údarás na Gaeltachta. I would also point out that Údarás na Gaeltachta are already the implementing body for this scheme in parts of the Gaeltacht.

Íocaíochtaí Deantas.

174. **D'fhiafraigh Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil iarratas ar dheontas litríochta faighte ó dhaoine (sonraí tugtha); an bhfuil deontas molta agus ceadaithe; agus cathain a íocfar é. [21713/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá deontas €3,280 faoi Achtanna na dTithe (Gaeltacht) ceadaithe sa chás seo le déanaí. Íocfar an deontas ach an obair a bheith críochnaithe chun sástacht mo Roinne.

Social Welfare Appeals.

175. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a claim for disability allowance for a person (details supplied) in County Mayo has been reviewed following the submission of further medical evidence to her Department. [21668/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The claim for disability allowance, by the person concerned, was disallowed by a Deciding Officer of the Department on 23 April 2009 following an examination by a Medical Assessor who expressed the opinion that he was not medically suitable for the allowance.

An appeal was opened on 19 May 2009 and I am advised by the Social Welfare Appeals Office that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be advised when the arrangements have been completed.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

176. **Deputy Kieran O'Donnell** asked the Minister for Social and Family Affairs if there has been any change in the carer's allowance on foot of the supplementary Budget of 7 April 2009 which might effect the status or levels of payment to a family where two children are being cared for and the mother is in receipt of carer's allowance in respect of their care; and if she will make a statement on the matter. [21714/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): No changes were made to carer's allowance in the supplementary budget of 7 April 2009. 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.

177. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs when a decision will be made on the application by a person (details supplied) in County Kerry for jobseeker's allowance; and if she will make a statement on the matter. [21719/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for jobseeker's allowance on 11 May 2009. His claim is currently with a Social Welfare Inspector for investigation of his circumstances. On receipt of the Inspector's report a decision will be given, and he will be notified of the outcome.

Local Authority Staff.

178. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government if an exemption will be made in the public service recruitment moratorium in relation to the recruitment of trained school crossing guards to the reserve panel in view of the fact that they incur no extra cost to the taxpayer due to their not being paid when not on duty. [21683/09]

179. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government when he will make a decision in regard to the sanctioning of positions (details supplied) by Waterford County Council; and if he will make a statement on the matter. [21844/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 178 and 179 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 front line services, my Department is consulting with the Department of Finance in regard to the management of relevant staffing needs.

Election Management System.

180. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the criteria which apply to the appointment of polling officers and clerks and presiding officers; if these positions are publicly advertised; if an effort is made to ensure that the jobs are given to persons who are not employed at the time of the appointment; and if he will make a statement on the matter. [21977/09]

186. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the process by which polling officers, polling clerks and presiding officers have been selected for the upcoming local and European elections; and if he will make a statement on the matter. [21728/09]

187. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the reason that, at a time of increasing levels of unemployment, polling clerk positions are being given to people in full-time employment; the steps he has taken, to encourage access for people currently on the live unemployment register; and if he will make a statement on the matter. [21729/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 180, 186 and 187 together.

The primary role of my Department in electoral matters is to provide an appropriate policy and legislative framework for a modern and efficient electoral system. Within this framework, Returning Officers are responsible for all matters in connection with the conduct of elections and referenda, including the selection, appointment and training of polling station staff to take the poll on polling day in accordance with the relevant provisions of electoral law.

Urban Renewal Schemes.

181. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the breakdown of the final output figures for regeneration projects per local authority for 2008; and if he will provide details of the 2009 allocation per local authority for such projects. [21664/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): For the past number of years, my Department has supported an ambitious policy of regeneration that includes a broad range of projects from large, area-based regenerations like Ballymun, to individual inner city flat complexes and specific estates in towns and cities across the country. Overall, there are 13 projects at various stages of development, from masterplanning to construction phase, that receive funding under this programme.

The process of regeneration is very broad and involves not just the enhancement of the housing stock, but also delivers an improved physical, social and economic environment for those households living in the area. Under each regeneration project funding is provided for social inclusion, community safety, and other “soft” interventions, as well as providing an improved physical infrastructure.

Exchequer funding has been made available in both 2008 and 2009 to ensure the continuation of progress in the delivery of regeneration projects at Ballymun, as well as in Cork, Dublin, Limerick, and Waterford cities. While 2008 saw the substantial completion of the regeneration at Laurel Avenue in Dun Laoghaire Rathdown, 2009 will see the commencement of the works at Mitchel’s Crescent in Tralee, following the approval of the regeneration masterplan in late 2008. Support is also being provided to support the masterplanning process at Cranmore in Sligo and Cox’s Demesne in Dundalk and as well as for a number of social inclusion and “quick win” initiatives to build and maintain community involvement in those estates.

The following table sets out in more detail the Exchequer funding provided in 2008, as well as the 2009 allocations, in respect of the projects concerned. For the first time this year a separate allocation has been provided to facilitate the process of relocating households from the regeneration areas both to facilitate site clearance and, on occasion, to address particular needs of households. No specific allocation has been provided for regeneration projects in Dublin City Council that were to have been progressed by way of Public Private Partnership arrangements, pending receipt and approval of new proposals for the complexes concerned. I understand that a portion of Dublin City Council’s regeneration relocation allocation is, however, to be used to relocate households in need from these areas.

Regeneration Project	2008 Funding Output	2009 Regeneration Programme Allocation	2009 Regeneration Relocation Allocation	2009 Total Allocation
	€	€	€	€
The Glen & Knocknaheeny, Cork City Council	13,750,000	15,000,000	1,000,000	16,000,000
Dublin City Council	80,750,000	51,000,000	20,000,000	71,000,000
Ballymun	75,000,000*	45,000,000		45,000,000
Dublin City: Inner City Flats	5,750,000	6,000,000		6,000,000
Laurel Avenue, Dun Laoghaire Rathdown County Council	2,500,000	500,000		500,000
Mitchel’s Crescent, Tralee Town Council	1,000,000	5,500,000		5,500,000

Regeneration Project	2008 Funding Output	2009 Regeneration Programme Allocation	2009 Regeneration Relocation Allocation	2009 Total Allocation
	€	€	€	€
Limerick Regeneration Programme	13,500,000	12,650,000	12,000,000	24,650,000
Cox's Demesne, Dundalk Town Council	650,000	1,000,000	500,000	1,500,000
Cranmore Estate, Sligo Borough Council	5,150,000	4,000,000	500,000	4,500,000
Waterford Regeneration Programme, Waterford City Council	11,750,000	9,000,000	3,250,000	12,250,000
Total	129,000,000	98,650,000	37,250,000	135,900,000

*This figure of €75 million includes an additional payment of €10 million made at the end of 2008, over and above the original allocation of €65 million for the year.

Local Authority Funding.

182. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government if the conservation grant scheme programme is operational; when the allocations will be announced in order that planned works of conservation can be proceeded with; and if he will make a statement on the matter. [21672/09]

184. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 587 of 22 April 2009, the position regarding the allocation to Roscommon County Council; and if he will make a statement on the matter. [21702/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 182 and 184 together.

Allocations for the various programmes and schemes under the 2009 built heritage capital programme have now been finalised. Successful applicants and relevant organisations, including the local authorities, are being notified of their allocations. Details on the various allocations are set out below.

Built Heritage Capital Programme	2009 Allocation
	€m
<i>Local Authority Conservation Grants Scheme</i>	4.000
<i>Civic Structures</i>	1.750
Civic Structures Conservation Grant Scheme	1.300
Significant Places of Public Worship Grants Scheme	0.450
<i>Built Heritage Capital Provision</i>	6.300
Heritage Properties in State Care (OPW)	5.300
Heritage Properties not in State Care — primarily administered by the Heritage Council	1.000
<i>Archaeological</i>	0.450
Total	12.500

[Deputy John Gormley.]

Local Authority Conservation Grants Scheme 2009

Local Authority	Amount
	€
Dublin City	642,000
Dun Laoghaire-Rathdown	186,500
Fingal	119,000
South Dublin	101,000
Cork City	111,000
Galway City	138,000
Limerick City	37,000
Waterford City	87,000
Carlow County	50,000
Cavan County	42,500
Clare County	98,500
Cork County	306,000
Donegal County	97,000
Galway County	136,000
Kerry County	88,000
Kildare County	173,000
Kilkenny County	124,000
Laois County	73,000
Leitrim County	26,500
Limerick County	190,500
Longford County	40,500
Louth County	95,500
Mayo County	51,000
Meath County	153,000
Monaghan County	66,000
Offaly County	102,500
Roscommon County	83,000
Sligo County	62,000
Tipperary North	55,000
Tipperary South	69,000
Waterford County	121,000
Westmeath County	88,500
Wexford County	111,500
Wicklow County	75,000
Total	€4.00 million

Civic Structures Conservation Grant Scheme 2009: Total €1,300,000

Ref. No.	Project Name	Grant Allocated
		€
CS 15/09	Sandford Church, Sandford Road, Dublin 6	22,500
CS 21/09	Goggin Cottage, Coolbeg, Co. Limerick	27,590
CS 23/09	Chapel of Ease of St. Columba, Craigadooish, Co. Donegal	5,000
CS 25/09	The Roman Arch, Dodder Rd Lwr, Rathfarnham, Co. Dublin	37,500
CS 29/09	Christchurch, Rushbrooke, Cobh, Co.Cork	34,000
CS 31/09	Gillooly Hall, Adelaide Street, Sligo	34,000
CS 33/09	St. Mary's Church of Ireland, Somerville, Kentstown, Co. Meath	7,000
CS 43/09	Rutland Fountain, Merrion Square West, Dublin 2	34,000
CS 44/09	Former County Gaol, O'Rahilly Street, Nenagh, Co. Tipperary	34,000
CS 62/09	St. John the Baptist Church, Crooke, Passage East, Co. Waterford	28,300
CS 95/09	Shackleton's Mill, Strawberry Beds Road, Lucan, Co. Dublin	37,500
CS 100/09	Mount Talbot Church, Mount Talbot, Co. Roscommon	16,400
CS 106/09	Turner Vinery Restoration, Southill House, Roxboro Road, Limerick	34,000
CS 108/09	Abbey Presbyterian Church, Parnell Square, Dublin 2	37,500
CS 111/09	Dunfillan Glasshouse, Lucena Clinic, Rathgar, Dublin 6	34,000
CS 132/09	St. Finbarres Cathedral, Bishop Street, Cork	34,000
CS 134/09	Carrickmacross Poor Law Union Workhouse, Co. Monaghan	34,000
CS 140/09	Goldenbridge Cemetery, St. Vincent Street West, Dublin 8	34,000
CS 142/09	Rathmines Public Library, 157 Lwr Rathmines Rd, Dublin 6	34,000
CS 144/09	Dublin City Gallery, The Hugh Lane, Parnell Square, Dublin 1	34,000
CS 145/09	The Red Stables, St. Anne's Park, Raheny, Dublin 5	34,000
CS 147/09	Ballymahon Court House, Main St, Ballymahon, Co. Longford	34,000
CS 150/09	Johnstown Castle, Murrintown, Co. Wexford	37,500
CS 157/09	Tailor's Hall, Back Lane, Dublin 8	30,000
CS 162/09	Church of St. Michan's, Halston Street, Dublin 7	34,000
CS 163/09	Edenderry Quaker Meeting House, Edenderry, Co. Offaly	34,000
CS 164/09	The Cumberland Column, Emmet Square, Birr, Co. Offaly	34,000
CS 168/09	Ffrench Mausoleum, Monivea, Athenry, Co. Galway	1,310
CS 169/09	Drumkeeran Church of Ireland, Drumkeeran, Co. Leitrim	20,000
CS 175/09	Headfort House, Kells, Co. Meath	34,000
CS 182/09	St. Patrick's Cathedral, Roden Place, Dundalk, Co. Louth	20,000
CS 188/09	Abington Church of Ireland, Murroe, Co. Limerick	34,000
CS 194/09	St. John's Church of Ireland, Ballinalee, Co. Longford	13,000
CS 196/09	Shannon Fortification at Shannonbridge, Co. Roscommon	37,500
CS 214/09	Church of the Assumption Callan, Co. Kilkenny	34,000
CS 215/09	No. 14 Henrietta Street, Dublin 1	37,500
CS 233/09	Dunlavin Library, Main Street, Dunlavin, Co. Wicklow	37,500
CS 241/09	Black's House (Edenville), Roscommon, Co. Roscommon	34,000
CS 255/09	St. Colman's Cathedral, Cobh, Co. Cork	40,000
CS 256/09	Princes Street Unitarian Church, Cork	34,000
CS 257/09	The Jetty at Davitt Quay, Dungarvan, Co. Waterford	26,100
CS 258/09	St. Anne's Church, Shandon, Cork	32,300
CS 265/09	Ballinasloe Bridge West, Ballinasloe, Co. Galway	34,000

[Deputy John Gormley.]

Heritage Properties in State care (Office of Public Works)

Historic Properties (managed by OPW)

National Botanic Gardens, Dublin

Phoenix Park, Dublin

Great Blasket Island, Co. Kerry

Doneraile Court, Co. Cork

Altamont House, Co. Carlow

Heywood Gardens, Co. Laois

Battle of Boyne Site, Co. Meath

National Monuments (managed by OPW)

Apprenticeship Programme

Nenagh Castle

Rock of Cashel

Boyle Abbey, Co. Roscommon

Heritage Properties not in State care

Project	2009 Allocation
	€m
Walled Towns	0.850
Temple House	0.050
Woodlawn House	0.050
Ballinacollig Gunpowder Mills	0.050
Total	1.000

183. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government the rationale underpinning cuts to the library services; the consequences of these actions; and if he will seek to ensure that these cuts are reversed as well as to ensure that local authorities will be asked to ring-fence these necessary library services. [21698/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department provides funding towards the capital costs of approved new libraries and the refurbishment of existing libraries along with funding for mobile libraries and delivery vans, and recently launched the 2009-2010 Capital Programme amounting to €8.5 million in 2009. I will also be providing some €1.6m this year towards current expenditure relating to the public library service.

Funding of most day to day operations in the public library service is a matter for each local authority in its capacity as a library authority. Funding is allocated in accordance with priorities set by the authority as part of the annual budgetary process and the total funding available to it from a range of sources.

I am confident that despite the pressure on public finances generally, library authorities will make every effort to support the public library service given the valuable social, educational and cultural services which they provide to communities at local level.

Question No. 184 answered with Question No. 182.

Water and Sewerage Schemes.

185. **Deputy Eamon Scanlon** asked the Minister for the Environment, Heritage and Local Government the position in relation to the Crossboyne sewage scheme, County Mayo, particularly the funding position, progress and future plans; and if he will make a statement on the matter. [21724/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I approved funding under the Serviced Land Initiative for an upgrade of the Claremorris Wastewater Treatment Plant and for the provision of a new sewage collection network in Crossboyne Village in 2007.

Last month, my Department, following a review of the Serviced Land Initiative in light of developments in the economy at large, and in the housing market in particular during 2008, and having regard to the oversupply of housing in some areas, informed all local authorities that all existing approvals under the initiative, for which contracts have not been signed or letters of intent have issued, were being withdrawn.

I understand that, in this case, no letter of intent has issued and that a contract has not been signed. However, authorities were also informed that where a water services authority is of the opinion that the continuation of an approved scheme for which contracts have not been signed is necessary for the proper development of the area, it is open to the authority to make a case to my Department, by the 29 May 2009, for the scheme to progress. My Department will consider any case, which Mayo County Council may make in respect of this scheme within the specified time limit, as quickly as possible.

Questions Nos. 186 and 187 answered with Question No. 180.

Local Authority Housing.

188. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in recommencement of the Mullaghmatt remedial works scheme, Monaghan town, County Monaghan; and if he will make a statement on the matter. [21732/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question Number 50 of 8 April 2009. My Department gave approval to Monaghan Town Council to proceed to tender on the next phase of the project in October 2007. A report on the tender process was received by my Department in February 2009, and following consideration of the report, approval for the project to proceed issued on 25 May 2009. Funding of €1.875 million has been set aside in the 2009 housing allocations for the project at Mullaghmatt.

Building Regulations.

189. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that there is a 92% non-compliance in relation to the requirement of building energy rating certificates for house sales or lettings; if he has received correspondence in relation to this adherence to the building regulations; and the steps he will take to ensure compliance with building energy rating. [21742/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): It is unclear what specific correspondence is referred to in the question. I refer to the reply to Question Nos. 19 and 22 of 7 May 2009. I now understand from Sustainable Energy Ireland

[Deputy John Gormley.]

(SEI) that over 35,700 BER certificates have been issued to date this year in respect of dwellings.

Energy Resources.

190. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources the status of the proposed biomass district heating scheme under the Dundalk 2020 project; when final tender documents will issue to the remaining tendering consortia; when a preferred bidder will be selected; the amount of the concerto funding which has already been spent; and if this money will have to be refunded to the European Commission if the project does not proceed within a realistic timeframe. [21676/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Dundalk 2020 biomass district heating scheme is currently in the closing stages of a competitive tender procurement process. Final tender documents are almost completed. Selection of a preferred bidder will be dependent on contract negotiations. It is anticipated that the tender selection panel will select the preferred bidder within one month of submission of final tenders.

The EU Concerto programme funding is available under Framework 6 Programme rules. The funding only passes to the preferred bidder (Energy Supply Company — ESCo) on agreement between the EU Commission and ESCo. As this part of the programme is still in tender process no funding has been drawn down to date in respect of this project. The Concerto fund is available for this project for 5 years and the project is currently in year 2.

Energy Efficiency.

191. **Deputy Paul Gogarty** asked the Minister for Communications, Energy and Natural Resources the number of applications for the home energy saving grants in Dublin City and County and nationally to date, including the number of applications that include the specific categories of external cavity fill wall insulation, external wall insulation and internal wall insulation; and if he will make a statement on the matter. [21754/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Home Energy Saving scheme was launched at the end of March 2009 with the aim of upgrading the energy efficiency of 30,000 homes throughout Ireland by grant aiding measures for attics, walls and heating upgrades. The programme has a budget of €49 million for 2009 and is administered by Sustainable Energy Ireland (SEI).

The scheme has already proved to be very popular with several thousand applications having been received. SEI has put in place an online application system, which enables applicants who meet the qualifying conditions, to get virtually instantaneous approval for their application. Offline or postal applications are also accepted. Grants will be paid to applicants when the works have been verifiably carried out. The following table sets out the number of the applications in Dublin and outside Dublin, further broken down for wall insulation:

Wall Measure	Dublin	Outside Dublin
Total Approved Applications to HES	1,481	8,542
<i>Of which</i>		
Total including Wall Insulation	735	6,747
(1) Cavity	169	5,183
(2) Internal	418	1,202
(3) External	148	362

Telecommunications Services.

192. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources the changes which have taken place to phase two of the MANS in view of the recommendations of the value for money and policy review of the Metropolitan Area Networks carried out for his Department (details supplied); and if he will make a statement on the matter. [21826/09]

193. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources the number of towns in MANS phase II which have a population of less than 9,000; the number of these towns which had a formal case by case evaluation for value for money; if they were conducted on the basis of the capital appraisal guidelines from the Department of Finance, and include either a multi criterion analysis or cost benefit analysis; the key performance indicators for future projects; and if he will make a statement on the matter. [21837/09]

194. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources his views on the value for money audit conducted on MANS I which found that the planning and selection process of towns to be included in MANS was not sufficiently thorough; if the planning and selections process was changed for MANS II; and if he will make a statement on the matter. [21838/09]

195. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources the number of towns under MANS without a client; the cost of installing infrastructure in these towns; and if he will make a statement on the matter. [21839/09]

196. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources his views on whether all MANS projects are value for money; and if he will make a statement on the matter. [21840/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 192 to 196, inclusive, together.

Metropolitan Area Networks (MANS) are high-speed, open access, carrier neutral electronic communications networks, which facilitate competition in the electronic communications market in regional towns and cities nationwide. Phase I of this Programme has so far delivered optical fibre based networks to twenty-seven towns and cities throughout the country.

All twenty-seven are operational and open for business and thirty-four service providers are currently offering services on twenty-three of the Phase I MANS. The cost of the Phase I MANS Programme was approximately €85 million. Four Phase I MANS are not currently used by service providers. These are: Carrickmacross, Gaoth Dobhair, Kiltimagh and Kingscourt. The cost of constructing these four networks was approximately €2.8 million. While these networks are not yet being used, the significant increase in the demand for bandwidth is leading to greater demand for fibre based products and services. It is expected that all MANS will be used in the medium to long term.

A further ninety-four towns were identified as locations for MANS under Phase II of the Programme on the basis that there was no DSL broadband available from the incumbent service provider in each of these locations. The Government approved the building of the Phase II MANS in November 2003. Fifty-nine of these MANS covering sixty-five towns have been completed to date. A further MAN is currently under construction and is expected to be completed in early 2010. The cost to date of Phase II of the MANS Programme, is approxi-

[Deputy Eamon Ryan.]

mately €87 million. Fifty-five of these sixty Phase II MANs are servicing towns with populations of less than 9,000 persons.

A procurement process for the appointment of a Managed Service Entity (MSE II) to manage the Phase II MANs is almost complete. Once appointed, the MSE will offer the Phase II MANs to service providers that can offer their services to end users using the state-of-the-art networks in the regional towns. Until such time as the MSE II is appointed, an interim arrangement has been put in place to allow service providers to use the MANs. Service providers are currently offering services on four Phase II MANs. It is expected that the number of service providers and MANs being used will increase once the MSE II is in place.

A Value for Money and Policy Review (VFM&PR) of Phase I of the MANs Programme was published in June 2008. In December 2007, having considered an early draft of the VFM&PR, I deemed it prudent to suspend the commencement of those Phase II MANs projects for which a contract was not already in place pending the outcome of the Value for Money and Policy Review of Phase I of the MANs Programme and the final policy paper on Next Generation Broadband.

Any future broadband investment decisions, including investment in further phases of the Metropolitan Area Networks (MANs) Programme, will be guided by: the final policy paper on Next Generation Broadband, which will be published shortly; the Value for Money and Policy Review of Phase I of the MANs Programme, which was published last year; any other analysis as appropriate; and the availability of resources.

Aquaculture Licences.

197. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 235 of 13 May 2009 and the subsequent written letter sent by him in connection with this question, the reason six of the listed companies do not show figures for their annual licence fees; if he will provide the missing figures requested; if he will provide an individual breakdown of arrears for each company listed; and if he will make a statement on the matter. [21662/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I will arrange to have a revised table supplied to the Deputy by way of letter which will explain why figures are not shown in respect of some of the Companies in question. I am also taking legal advice as to whether the arrears due in individual cases should be considered commercially sensitive and will communicate my response in writing to the Deputy.

Grant Payments.

198. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded REP scheme four. [21665/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment issued to the person named on 21 May 2009.

Farm Waste Management.

199. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the status of the application under the farm waste management scheme for a person (details supplied); when their inspection will be carried out; and if he will make a statement on the matter. [21673/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. I have also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

My Department is currently processing the application concerned and a farm inspection will be arranged as soon as possible.

Grant Payments.

200. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the status of the application under the farm improvement scheme for a person (details supplied); when their inspection will be carried out; and if he will make a statement on the matter. [21674/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned is an applicant for grant-aid under the Farm Improvement Scheme. My Department is currently processing the application concerned and a farm inspection will be arranged as soon as possible.

201. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment of a farm grant will issue to a person (details supplied) in County Cork. [21692/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned 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.

Fisheries Protection.

202. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to protect native oysters and other native shellfish from extinction; and if he will make a statement on the matter. [21730/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I understand that the Deputy’s question relates to the possible expansion of the Pacific oyster (*Crassostrea gigas*) in areas where native oysters exist.

The Pacific oyster (*Crassostrea gigas*) is included in Annex IV of Council Regulation (EC) 708/2007 concerning use of alien and locally absent species in aquaculture. Article 2(5) of the Regulation specifically exempts those species listed in Annex IV from the provisions of the Regulation, with the exceptions of articles 3 and 4. Article 4 requires Member States to ensure that all appropriate measures are taken to avoid adverse effects to biodiversity, and especially to species, habitats and ecosystem functions which may be expected to arise, inter alia, from the spreading of these species into the wild.

The exemption in the Regulation for the Pacific Oyster is that it has been in production for many years and has been moved from jurisdiction to jurisdiction.

To assist in determining the future potential risk of widespread proliferation of the Pacific Oyster in Ireland the Marine Institute is funding a research study to document the level of reproductive effort of oysters grown on the seabed compared with the more traditional culture methods for this species. This study is expected to be completed by September 2010. The results

[Deputy Brendan Smith.]

of this study will be used to inform further actions that may be required consistent with the provisions of the Regulation.

Grant Payments.

203. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Clare did not receive full payment; and if he will make a statement on the matter. [21757/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under EU rules all payments in respect of REPS 4 are to be made in two instalments. The first instalment consists of 75% of the total payment due for the year and is paid once all administrative checks on all plans have been completed.

The person named has received the first instalment of his payment and my officials expect to release the remaining 25% shortly.

204. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if all the information pertaining to a REP scheme four application by a person (details supplied) in County Offaly has been received; when a decision will be made on same; and if he will make a statement on the matter. [21857/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The application from the person named could not be processed until all information requested in a letter sent to him on 13 November 2008 was received. My officials received this information on 13 May 2009 and are currently reviewing the file.

Schools Refurbishment.

205. **Deputy Phil Hogan** asked the Minister for Education and Science when funding will be made available for improvements works to a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21659/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for an extension/refurbishment. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.1 rating.

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 the 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.

206. **Deputy Phil Hogan** asked the Minister for Education and Science when funding will be made available for an extension to a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21660/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for an extension/refurbishment. The application has been assessed in accordance with

the published prioritisation criteria for large scale building projects and assigned a band 2.1 rating.

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 the 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.

207. **Deputy Michael Ring** asked the Minister for Education and Science if funding will be made available for a school (details supplied) in County Mayo under a scheme for summer 2009; and if he will make a statement on the matter. [21661/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The school to which the Deputy refers made application under the Summer Works Scheme to provide for new footpaths and access ramps. I am pleased to confirm that the school concerned was successful in their application for funding and has been notified accordingly.

Educational Disadvantage.

208. **Deputy Róisín Shortall** asked the Minister for Education and Science if the commitment under DEIS to prioritise literacy and numeracy development at second level will be met; his views on whether the junior certificate school programme demonstration library project is an effective project in addressing the literacy needs of students in schools with the highest concentration of disadvantage; if he will confirm his intention to maintain the staffing level of JCSP librarians in each of the 30 existing libraries; if he will further confirm the commitment under DEIS to expand the JCSP demonstration library project to 50 schools; and the timescale to which he is working. [21663/09]

Minister for Education and Science (Deputy Batt O'Keeffe): Under the terms of the DEIS Action Plan, a commitment was made to extend the Junior Certificate School Programme (JCSP) Demonstration Library Project to the 50 School Support Programme (SSP) schools with the highest concentrations of disadvantage over the five years to 2010, with extension to further SSP schools to be considered subsequently.

To date, the Project has been extended to 20 of the targeted 50 additional SSP schools, bringing the current number of schools with a Demonstration Library to 30.

The project establishes high quality, fully stocked and equipped modern school libraries and provides each with a professional librarian. A number of studies have noted that the project is effective in addressing the literacy needs of students in schools with the highest concentration of disadvantage in particular it has been noted that reading standards, student concentration and behaviour had improved.

Library staff, like other public servants in the Education sector, other than teachers and SNAs, are subject to the public sector moratorium. The timing of any further extension of the Project to new schools will have to be considered in the context of the current public financial and numbers policy environment.

Post-Leaving Certificate Courses.

209. **Deputy Billy Timmins** asked the Minister for Education and Science the position in relation to a college (details supplied) in County Wicklow that has enrolled 943 post leaving certificate students but is currently capped at 830 students; if the cap will be increased for its post leaving certificate college; and if he will make a statement on the matter. [21679/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): From September 2009, an additional 1,500 PLC places will be made available nationwide bringing the total number of PLC places to 31,688. On 22 May, these additional places were allocated to VECs and other providers. County Wicklow VEC, which has responsibility for the college referred to by the Deputy, was allocated an additional 30 PLC places, bringing their total allocation to 980 PLC places. Further distribution of places to individual colleges within VECs is a matter for each VEC.

School Accommodation.

210. **Deputy Shane McEntee** asked the Minister for Education and Science the steps being taken to address the accommodation crisis at a school (details supplied) in County Meath; and if he will make a statement on the matter. [21681/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is at an early stage of architectural planning. The school’s application for Major Capital Grant Aid has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a Band rating of 2.1. A stage 1-2 submission is currently with my Department for review.

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 the project is unlikely to progress further this year.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

School Patrons.

211. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 12 of 14 May 2009, if he has met with the Attorney General regarding this matter; the advice of the Attorney General in relation to same; and if he will make a statement on the matter. [21682/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Officials from my Department recently met with the Office of the Attorney General to discuss issues regarding patronage of second level schools. Further advices on these issues are now awaited.

Special Educational Needs.

212. **Deputy Joanna Tuffy** asked the Minister for Education and Science the numbers of special needs assistants that are permitted to be employed by schools (details supplied) in County Dublin; if the numbers of special needs assistants for the schools will be maintained for the academic year 2009/2010; and if he will make a statement on the matter. [21717/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

The number of SNAs that may be sanctioned in a school depends on the care needs of pupils attending the schools. Applications for SNAs may be considered by the NCSE where a pupil has a significant medical need for such assistance and where there are identified care needs arising from a diagnosed disability. A pupil's level of care may diminish over time as the child matures. Pupils may move to a different school or on to post-primary school. In such situations, the NCSE will review and adjust the SNA support required in the school. This may mean that some pupils who had previously been supported by a full time SNA may have their needs met through the shared support of an SNA or perhaps they may have no need for SNA support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

Child Abuse.

213. **Deputy Mary Upton** asked the Minister for Education and Science the reason he withdrew funding for counselling for survivors of abuse in industrial schools (details supplied); and if he will make a statement on the matter. [21720/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am not aware of any withdrawal of funding for counselling services for survivors of institutional abuse. The National Counselling Service (NCS) was established in September 2000 to provide counselling services to those who have been abused in childhood, particularly those abused in institutional care. I understand from the HSE that counselling is provided to clients who have experienced any form of childhood abuse, be it physical, emotional, sexual or neglect. The service is free, accepts referrals directly from clients and offers choice to clients in terms of referral management. Clients are seen at 60 locations around the country. Up to the end of 2008, the National Counselling Service has seen 16,873 clients for counselling. 2596 (15%) of these have a history of institutional abuse.

In addition to the counselling services provided within the country, the HSE External Claims Committee process applications for counselling services not provided directly by the HSE. Through this service, funding has been provided to victims of abuse all over the world to allow them to avail of private psychotherapy and counselling services.

The HSE's National Counselling Service helpline has been expanded in recent times and is being closely monitored in all regions to ensure that services are in place to meet the demand.

In addition to the National Counselling Service, under the terms of the Indemnity Agreement, the religious orders agreed to provide funding for counselling services to victims of abuse to the value of €10 million. My Department has received confirmation that the religious congregations have fulfilled the terms of the Indemnity Agreement in this regard by funding such services through Faoiseamh.

Special Educational Needs.

214. **Deputy Brian O'Shea** asked the Minister for Education and Science the action he proposes to take in regard to a person (details supplied) in County Waterford who will lose their special needs assistant in September 2009; and if he will make a statement on the matter. [21723/09]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs

[Deputy Batt O’Keeffe.]

assistants to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie.

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

Departmental Funding.

215. **Deputy Kathleen Lynch** asked the Minister for Education and Science when a decision will be made as to the future funding arrangements for a centre (details supplied) in County Cork; and if he will make a statement on the matter. [21739/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department has provided funding since 2000 to the project referred to by the Deputy towards programme costs, under the Fund for the Development of Targeted Educational Responses to Certain Children at Risk. This project has also been supported by my Department through an annual allocation of 968 teaching hours under the Co-Operation with Other Institutions Scheme since 2001.

This project is among a number of projects which are currently being evaluated by the Evaluation, Support and Research Unit in conjunction with the Inspectorate of the Regional Directorate of my Department. Post-evaluation meetings are currently taking place to provide feedback to the projects involved.

Following the outcome of the evaluation, a decision will be made as to the future funding arrangements and mainstreaming of appropriate projects or models of intervention. Projects will be informed shortly in this regard.

Schools Building Projects.

216. **Deputy Damien English** asked the Minister for Education and Science the position regarding a building project at a school (details supplied) in County Meath; if a site has been acquired for this school building project; if a date has been set of construction of this project to commence; and if he will make a statement on the matter. [21858/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Department is currently in the process of acquiring a new site for the proposed new school building for the school referred to by the Deputy.

The progression of all large scale building projects, including this project, from site acquisition and initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department’s capital budget currently, it is not possible to give an indicative timeframe for the progression of this project at this time.