



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 16 June 2009.*

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# DÁIL ÉIREANN

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*Dé Máirt, 16 Meitheamh 2009.*

*Tuesday, 16 June 2009.*

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

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*Paidir.*

*Prayer.*

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## Ceisteanna — Questions.

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### Tribunals of Inquiry.

1. **Deputy Enda Kenny** asked the Taoiseach the cost which accrued to his Department in respect of the Moriarty tribunal since January 2009; and if he will make a statement on the matter. [15556/09]

2. **Deputy Eamon Gilmore** asked the Taoiseach the costs that have accrued to date to his Department arising from the Moriarty tribunal; and if he will make a statement on the matter. [15593/09]

3. **Deputy Enda Kenny** asked the Taoiseach the costs which have accrued to his Department in respect of the Moriarty tribunal; and if he will make a statement on the matter. [18625/09]

4. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the full cost to his Department to date of the Moriarty tribunal; and if he will make a statement on the matter. [20711/09]

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

The expenditure incurred by my Department in respect of the Moriarty tribunal from 1 January 2009 to 31 May 2009 was €1.78 million. Total expenditure in my Department from the establishment of the tribunal in September 1997 to 31 May 2009 was €36.25 million.

**Deputy Enda Kenny:** The total figure is €36.25 million while the figure for 2008 was €4.01 million. I understand from the Comptroller and Auditor General's report that the final cost will be in the region of €100 million.

I want to ask the Taoiseach a question I asked him before. He is aware that the normal practice for tribunals is to use lawyers from the Office of the Chief State Solicitor and that the highest level of salary for these officials is €85,000. Will the Taoiseach confirm that for the past four years the Moriarty tribunal has ignored that arrangement and engaged a solicitor from private practice? Can he confirm that the fees of €1,000 per day are in excess of €1.2 million for the last four years? Does he have a justification or reason for having sanctioned the use of a solicitor from a private practice when the tradition in tribunals has always been to use persons

[Deputy Enda Kenny.]

from the Office of the Chief State Solicitor? As the Taoiseach is aware, fees were set in 2002, seven years ago. Is it intended to review the pay scales of lawyers to the Moriarty tribunal?

**The Taoiseach:** In the latter part of 2004, the sole member of the tribunal formed a view that, in the context of increased pressures on the tribunal, a solicitor with experience in commercial practice and litigation from the private sector was required in addition to the tribunal's existing solicitor on secondment from the Office of the Chief State Solicitor. As the Department wished to avoid the cost of two solicitors, it was agreed that instead of an additional solicitor, the private sector solicitor would replace the solicitor from the Office of the Chief State Solicitor. That appointment was expected to be of limited duration in view of the then expectation of the completion of the tribunal's work.

Sanction was obtained from the Department of Finance and a rate of €1,000 *per diem* agreed, which is also the rate paid to solicitors at the Mahon tribunal. The private sector solicitor was to be recruited by the tribunal. We are informed by the tribunal that he was recruited by interview process, his appointment being at the discretion of the sole member, subject to the sanction of the Departments of the Taoiseach and Finance. The sole member has assured the Departments that when public sittings are conclusively completed the role of the legal team is likely to diminish.

**Deputy Enda Kenny:** In July 2008 the Minister for Finance stated that it was decided that legal counsels to the Tribunal would no longer be paid once public hearings were completed. The Government told the Departments to which the tribunals report that tribunal legal teams, including a senior counsel at €2,700 per day, should be let go. That did not happen in the Moriarty tribunal. Does the Taoiseach have a figure for how much has been paid out since last July toward a tribunal which has sat only a handful of times? On 14 July 2008 *The Irish Times* reported that the Minister for Finance had told the Departments to whom tribunals reported that once the public hearings were over, legal staff associated with it should no longer be paid.

The recent Comptroller and Auditor General's report on tribunals made no specific recommendation on the Moriarty tribunal. However the report made it clear that the implementation of the Government's legal costs working group's recommendations to establish a legal costs regulatory body could help combat the escalation of legal costs and promote regulation and a structure in which future estimation could be carried out. Arising from that, why did the Government not establish a structure or agency to manage legal costs, given all of what is involved here?

Does the Taoiseach have an opinion, as Taoiseach, on the tribunals which have been established to do specific work? Does he see a situation where we should have a future referendum to ask the people to restore the position whereby Members of the Oireachtas, whoever they might be, would be entitled to carry out investigative or examination work? This happened with the DIRT inquiry and to some extent with the Abbeylara inquiry. While people might be very cynical about politics and politicians, those two inquiries did a remarkable job at very little cost to the taxpayer and, in the case of the DIRT inquiry, brought a sizeable return to the Exchequer. With all the public comment about costs associated with tribunals, perhaps the Taoiseach might reflect on the matter.

**The Taoiseach:** Following the Government decision of July 2008, the Minister for Finance wrote to his Cabinet colleagues with responsibility for tribunals stressing that it was essential that tribunals and inquiries conclude their business as early as possible and that legal costs were managed in the interest of the taxpayer. He requested them to inform the chairs of the main features of the Government decision and asked that they seek a firm completion date

from the respective chairpersons. As a result of that decision we wrote to the sole member who indicated that it was his intention to complete his work — that is to publish his report — by the end of that year. Up to December 2008 the Department was still being informed that the timetable was still on course.

While, naturally, I am not privy to the workings of the tribunal or kept informed of its investigative work, obviously a number of things have happened regarding the tribunal. The preliminary findings, which are in circulation, were subject to an injunction when some media threatened to publish them and these proceedings took a considerable amount of the time of the legal team. The chairman issued his preliminary findings in November and interested and affected parties have responded. Fresh evidence is being heard to allow people adversely affected by the provisional findings to argue against them.

The result is that while public hearings are still being held the full legal team is in place. Further hearings are taking place this month. I understand that it is likely that after that is completed the chairman would then proceed to finalise a report in the months thereafter. That is my latest understanding of how he intends to independently complete proceedings as things stand.

Regarding the overall issue of tribunals etc., we have enacted legislation. Commissions of inquiry may in future be a far more appropriate mechanism of investigation without the associated cost that have arisen with these tribunals of inquiry, where a life's work seems to be part of the outcome. Committees of this House have their roles. Where they have been able to work within the legal constraints without offending the constitutional rights of citizens, they have been able to conduct good work on various issues some of which have been suggested by Deputy Kenny. Working within all those parameters, the commissions of inquiry and the investigative powers of committees could provide a better means for the future.

**Deputy Eamon Gilmore:** Two questions arise from the Taoiseach's reply. As the Taoiseach has said the Moriarty tribunal has reopened public hearings. This is apparently as a result of the draft findings of the tribunal which were circulated to interested parties. Can the Taoiseach give the House any indication as to when those public hearings will be completed? When are we likely to eventually get a report from the Moriarty tribunal?

Related to that it has been reported that a document — I understand from the reports that the document contained legal advices sought by the then Attorney General back in mid 1990s — about which the Department of Communications, Energy and Natural Resources had claimed legal privilege and had withheld the document from the Moriarty tribunal for more than ten years, has now been produced to the Moriarty tribunal. Can the Taoiseach confirm that such a document that had been withheld for that period of time has now been produced? Has he made any inquiries as to why the document was withheld in the first place and what caused it to be eventually released? This is about cost.

**An Ceann Comhairle:** Unfortunately, the matters the Deputy are raising are matters for the independent tribunal of inquiry and not matters for the Taoiseach to address on the floor of the House.

**Deputy Eamon Gilmore:** The issue here relates to cost. It has been suggested in reports regarding this document that had it been made available to the tribunal at an earlier stage, it would have foreshortened the work of that tribunal——

**An Ceann Comhairle:** That is a matter for the independent chairperson.

**Deputy Eamon Gilmore:** ——therefore having implications for its eventual cost.

**An Ceann Comhairle:** I have made my point.

**The Taoiseach:** I cannot comment on that really. It is a matter for the chairperson to adjudicate on in due course as to its significance, relevance or otherwise. It is not a matter for me to engage in.

As regards the ongoing work, it is expected that public hearings will take place during the course of this month. In so far as one can gauge, it will not be beyond this month. That is my best information. The report will be brought forward later this year. That is our best understanding of what is intended, based on the work that is ongoing there at the moment.

**Deputy Eamon Gilmore:** I accept that the content of the document, its implications and its impact on the matters under investigation are matters for the tribunal. I do not wish to comment on that, but I do want to raise a question with the Taoiseach. Is it true that a Government Department withheld a document for ten years claiming legal privilege on it and has now made that document available for the second round of public hearings? Is that true, or not? I am not commenting on the content of the document, which is a matter for the tribunal. If it is true, however, we are owed some explanation as to why privilege was claimed on it in the first place and why it was lifted when the second round of hearings came up.

**An Ceann Comhairle:** We are dealing with the costs that have accrued to the Department of the Taoiseach. I call An Theachta Ó Snodaigh.

**Deputy Aengus Ó Snodaigh:** With the reopening of public hearings it is difficult to gauge what the cost will be. Does the Taoiseach have any projected costs or figures in mind at this stage? Has there been a projected date for the conclusion of the tribunal? The Taoiseach will be aware that some of those under investigation by the Moriarty tribunal remain major tax avoiders, and the cost to the State as a result. Has the Government taken any lessons from the tribunals? Will it introduce measures, including legislation, to address the problem of tax avoidance by wealthy people who make fortunes here and use loopholes to avoid paying tax in this State? Some of them will probably benefit from the tribunal, even though they are not citizens, because their costs might be paid for them, although they are not paying tax in this country. Will that anomaly be addressed?

**An Ceann Comhairle:** We are moving into new pastures now.

**The Taoiseach:** All I can say is that the sole member of the tribunal will not turn his mind to the question of third party costs until such time as he concludes his deliberations on the report. We await the report's findings and, as part of his job, the sole member will then make further legal decisions on those matters.

### **Public Relations Contracts.**

5. **Deputy Enda Kenny** asked the Taoiseach if he will report on the work of the group established in his Department to oversee the awarding of public relations contracts by Ministers; and if he will make a statement on the matter. [15558/09]

6. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on the work of the group established within his Department to oversee the awarding of public relations contracts by Ministers; and if he will make a statement on the matter. [16608/09]

7. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if the group established in his Department to oversee the awarding of public relations contracts by Ministers is still functioning; and if he will make a statement on the matter. [20712/09]

**The Taoiseach:** I propose to take Questions Nos. 5 to 7, inclusive, together.

These questions relate to the findings of the Quigley report, which was published in 2005. That report highlighted the need for special care in cases where a proposed consultancy comprises an element of direct service to a Minister or Minister of State, particularly in the public relations or communications area, and-or where a Minister or a Minister of State suggests the name of a person or enterprise as being suitable.

As I outlined to the House previously following publication of the Quigley report, additional procurement guidelines were approved by the Government and are published on my Department's website. The guidelines were brought to the attention of all Secretaries General, who were asked to implement them and in future to bring them to the attention of all newly-appointed Ministers, and Ministers of State where relevant, in their Department or office.

The guidelines give the Secretary General to the Government and the Government Secretariat a role in examining certain procurements. However, there is no special committee in my Department to oversee the awarding of public relations contracts by Ministers. Any workload arising from the application of these additional procedures is handled within existing resources of the Government Secretariat.

**Deputy Enda Kenny:** The Government information service provides information about Government decisions. Every Minister who makes an announcement makes a Government announcement specific to a Department. What is the relationship between the Government information service and public relations firms contracted to Departments when the end result is much the same?

I would like to bring two cases to the Taoiseach's attention. The Minister for Justice, Equality and Law Reform launched a PR awareness campaign on knife crime in February, and he allocated €200,000 even though it never got off the ground. There has been a 72% increase in knife crime and the use of offensive weapons in five years that have led to proceedings. Three out of ten offenders are aged under 20. The aim of the campaign was to access social networking websites and promote the campaign in tandem with a national campaign in schools. The on-line campaign was a total flop. Only 17 followers made contact on Twitter and there were 39 friends on Facebook. There are 170,000 people between the age of 18 and 20 in Ireland, so this campaign has failed completely to resonate with the group for which it was intended. A PR firm was contracted to promote the campaign, but it stated that it only held six out of 12 planned workshops. That is 12 workshops across 733 secondary schools, which speaks for itself. In 2001, the "Cool Choices" alcohol awareness programme cost €50,000 and was off-line within five months.

Is there a system of monitoring public relations contracts on awareness campaigns approved by the Government? Does any group look at the advertising consultancies involved? What does the Taoiseach think of the Quigley report, produced in 2005? It recommended that the Department of Finance should consider providing advice on the monitoring and the recording of work done under those contracts and in respect of the quality of the work they carry out.

**The Taoiseach:** If there are any particular public awareness campaigns related to a Department, they should be referred directly to that Department. I do not have any information on those campaigns. As I said already, there is no group that oversees PR contracts. These are matters for individual Ministers and Departments. Arising from the Quigley report, a need was identified to bring forward guidelines. These guidelines were provided and the Secretaries General of all Departments are aware of them, and must utilise them where they are relevant. There is no group looking after that.



[The Taoiseach.]

The Government information service has no role whatever in the procurement of PR contracts for Ministers and Departments. It is a matter for Departments to work with public procurement rules themselves.

**Deputy Enda Kenny:** Does the Taoiseach have a view on the recommendation of the Quigley report that the Department of Finance should consider offering advice on the quality of work produced in respect of contracts awarded? That was specifically about the Department of Finance.

**The Taoiseach:** That was about a sub-group consisting of representatives from the Department of Finance and the Government contracts committee, which carried out a review in accordance with the Quigley recommendations regarding the engagement of consultants. Guidelines consolidating various elements of previous guidelines, and augmenting them where appropriate, were prepared and published and circulated. That recommendation was implemented.

**Deputy Eamon Gilmore:** These guidelines, which were published in 2005, provided for a number of procedures, one of which was that where a Minister was engaging a consultancy firm or PR firm, then this would be notified to the Secretary General to the Government. How many times has the Secretary General been notified of consultancy or PR contracts that come under the terms of the guidelines? The procedures provided for consideration of such awards by the Government secretariat. On how many occasions has the Government secretariat considered the award of consultancy contracts?

It provided for procedures whereby the Secretary General to the Government would make recommendations to the Taoiseach in respect of appointment of consultants and PR contracts. Since the guidelines were introduced in 2005, on how many occasions have recommendations been made to the Taoiseach by the Secretary General to the Government?

**The Taoiseach:** I will provide the information I have here. The guidelines put in place a procedure that must be followed when a proposed consultancy or a contract for services comprise a significant element of direct service to the Minister or Minister of State, particularly in the PR or communications area, specifically providing advice or briefings, or where the Minister or Minister of State has provided the name of a person or enterprise that might be suitable. In such circumstances, the guidelines state that the Secretary General in the Department must notify the Secretary General to the Government. Having inquired about any aspects considered to be relevant, the Secretary General to the Government then makes a recommendation to the Taoiseach on whether special conditions should be observed in the procurement process.

Regarding the number of cases referred to the Government secretariat under the procedures, seven cases within the terms of the guideline have been processed so far. In September 2008, I agreed to the appointment to the Department of Communications, Energy and Natural

Resources of a consultant to conduct a facilitation exercise in connection with the consultation paper on next generation broadband. In 2007 one case was noted by my predecessor following consideration by the Secretary General to the Government regarding an invitation to tender for consultancy work at the Department of the Environment, Heritage and Local Government to scope out a project to lead to the establishment of an independent electoral commission. Subsequently, the candidate concerned was not successful in the tender competition.

Two cases related to the appointment of an arts adviser at the Department of Arts, Sports and Tourism. My predecessor approved one of these appointments in 2005 following appro-

3 o'clock

pritate consideration by the Secretary General to the Government. Upon the resignation of the original post holder, my predecessor approved the appointment of a successor to the post in 2006.

The three other cases referred to the Secretary General to the Government were, on consideration by him, found not to fall within the scope of the guidelines and did not require consideration or approval. These related to the appointment of IT, PR and communications consultants.

**Deputy Eamon Gilmore:** Were there cases where the Secretary General to the Government made recommendations to the Taoiseach in respect of public procurement procedures?

**The Taoiseach:** Not to my knowledge. Regarding the criteria used by the Secretary General to the Government in considering consultancies, he is concerned that not even the perception of impropriety can arise. Within that broad principle there is full flexibility to have regard to any relevant considerations. I am not aware of any of the cases to which Deputy Gilmore refers.

### **Proposed Legislation.**

8. **Deputy Enda Kenny** asked the Taoiseach his legislative priorities for the remainder of 2009; and if he will make a statement on the matter. [15560/09]

9. **Deputy Eamon Gilmore** asked the Taoiseach his legislative priorities for the remainder of 2009; and if he will make a statement on the matter. [16609/09]

**The Taoiseach:** I propose to take Questions Nos. 8 and 9 together.

The Statute Law Revision Bill was published on 29 May 2009. This Bill is the only item of legislation relevant to my Department on the A list of the Government legislation programme for this session. It is hoped the Bill will be debated in the House in the autumn session.

**Deputy Eamon Gilmore:** This is a fascinating Bill. It repeals 1,350 obsolete Acts predating independence, some going back to penal days but which are not entirely without relevance. I note an Act dating to 1731 providing for the relief of the creditors of James Mead and George Curtis, late bankers of Dublin. Nothing much has changed. The repeal of pre-independence legislation is fascinating. We will finally bring the penal laws to an end, which is great news.

**Deputy Denis Naughten:** They are bringing in new ones.

**Deputy Eamon Gilmore:** Is there any chance the Government would prioritise legislation relevant to people living in the here and now? For example, where is the civil unions Bill, the heads of which were published last year and which we were promised would come before the House on a number of occasions? Is there a method for prioritisation?

The Government has been very lax regarding the amount of legislation being brought forward. There seem to be great delays — there are Bills going back to 2003 and 2004. Six Bills were promised on the list from May 2003 and the latest news is that they will be published in late 2009 or 2010. At this rate, we will end up dealing with matters applying today in the same way as we are dealing with the Statute Law Revision Bill and legislation from 300 years ago.

**An Ceann Comhairle:** I never thought I would hear myself say this to the Deputy but the matters being discussed by him are relevant to the Order of Business.

**Deputy Denis Naughten:** That makes a change.

**An Ceann Comhairle:** It is a major change.



**The Taoiseach:** I commend Deputy Gilmore for his sense of fascination.

**Deputy Eamon Gilmore:** I have a great sense of history. I have always wanted to see an end to the penal laws.

**The Taoiseach:** The Deputy's definition is far wider than mine. It is important to point out that while this is the only Bill within my Department's remit, the wider issue concerning the Bills on the Order Paper and the A and B lists are dealt with on an ongoing daily basis, as the Deputy would be aware, with monotonous regularity on the Order of Business. I can only deal with the Bill before me, which is a necessary tidying up exercise. We must ensure obsolete laws no longer form part of the Statute Book.

### **Dublin-Monaghan Bombings.**

10. **Deputy Enda Kenny** asked the Taoiseach if all costs associated with the McEntee commission have been discharged; and if he will make a statement on the matter. [15575/09]

11. **Deputy Eamon Gilmore** asked the Taoiseach the final cost that accrued to his Department in respect of the McEntee commission; if all these costs have been discharged; and if he will make a statement on the matter. [16610/09]

12. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his ongoing follow-up work regarding the report of the McEntee commission, the Barron reports and the reports of the sub-committee of the Joint Committee on Justice, Equality, Defence and Women's Rights; and if he will make a statement on the matter. [20713/09]

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

The total amount spent on the McEntee commission of investigation was €2,632,702. All costs with regard to the commission of investigation have been discharged.

**Deputy Eamon Gilmore:** We are dealing with the cost of these commissions and we have debated them in the House. A unanimous view in respect of the Dublin and Monaghan bombings was sent by the House to the British Government and the House of Commons. Has there been any response to the agreed motion conveyed at the time?

**The Taoiseach:** I stated in earlier replies that the motion was noted but there has not been any formal response to date.

### **National Forum on Europe.**

13. **Deputy Eamon Gilmore** asked the Taoiseach the reason for the decision to close down the National Forum on Europe; and if he will make a statement on the matter. [15589/09]

14. **Deputy Enda Kenny** asked the Taoiseach the costs that have accrued to his Department since January 2009 in respect of the National Forum on Europe; and if he will make a statement on the matter. [17397/09]

15. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will make a statement on the decision to close down the Forum on Europe. [20714/09]

**The Taoiseach:** I propose to take Questions Nos. 13 to 15, inclusive, together.

The decision to close the National Forum on Europe has been taken against the backdrop of the current budgetary position in which the Government finds itself, and the necessity to

review all areas of expenditure. Since its establishment in 2001, the forum has provided a platform for debate and discussion on Europe in Ireland. The Government acknowledges its excellent contribution over the years and wishes to put on record its appreciation of the excellent work of its chairman, Maurice Hayes.

I also want to record my thanks to the current and former members, directors and staff of the forum and its many other participants, including those on the observer pillar. The Government is fully committed to ensuring the continuation of broad debate on the nature and importance of the European Union. However, the time has come to reassess how this is best done in light of the current budgetary conditions.

The Oireachtas has demonstrated that it can be an extremely effective location for such debate, as shown most recently by the comprehensive work of the sub-committee dealing with Ireland's future in Europe. The Government has committed to engagement with the political parties over the coming period to discuss how best to ensure that the Oireachtas can take the debate forward in the coming months, when our membership of the European Union is very much in the spotlight. I believe we should build on the excellent work of the sub-committee last year, which engaged in very extensive consultation with independent experts, political parties, advocacy and lobby groups.

In addition, the Minister for Foreign Affairs is overseeing the development of a public awareness programme to improve public understanding of the European Union, how it functions and the implications and benefits of Ireland's membership. This will be developed in parallel with initiatives by the European Commission and European Parliament offices in Ireland. Expenditure by the National Forum on Europe to 31 May this year amounted to €401,817.

**Deputy Eamon Gilmore:** The research and findings following last June's Lisbon treaty referendum result demonstrated a low level of knowledge among the public about the European Union, its institutions and their workings and interactions. Accordingly, does the Taoiseach believe it was a wise decision to close down the National Forum on Europe? Does he also consider it desirable that this decision was taken unilaterally by the Government instead of being brought before the House for its consideration?

**The Taoiseach:** As I stated in my reply, I commend those who worked in the forum, its chairmen, all who served it and those who regularly attended it. However, while the forum had many good sessions since the first Nice referendum, from which the Government's initiative for the forum arose, its impact on public awareness of the intricacies and detail of how the Union works was no greater perhaps to any measurable significant extent. I am not taking away from the forum's efforts, professionalism and good reports but there is a wider issue at stake with which one cannot expect a structure like the forum to deal. The question is how we incorporate European Union issues into the daily and weekly debates of the House so that people can understand how the European Union and its policies interact with their day-to-day lives.

That disconnect is not unique to Ireland. The Union's institutional framework is complex; it is the only example of a multi-nation system of governance in which member states share sovereignty in some areas, exclusive EU competence works in others and some areas are reserved for member states. It has an intricate and complex architecture which people may find off-putting. The only way to get over that is how we debate EU issues in the House.

We live in an era of interdependence. Many problems which span national borders can only be resolved through co-operation and the level of integration the European Union is pursuing which is unique compared to other parts of the world.

[The Taoiseach.]

The Oireachtas, as the democratic assembly of the people, should be the central place where these EU issues are discussed and developed. As practising politicians and public representatives, we have a better prospect than most, in terms of democratic legitimacy and exercising our own political skills on these subjects, to bring relevance to the day-to-day importance of European issues and discriminate between what is important and not. This is an issue of political culture that needs to be addressed. As Ireland is moving to net contributor status in the Union, we must show that it was not simply a place from which we received assistance to develop various policies or sought financial recourse when required.

The foundations of this modern economy are based on our membership of the European Union in respect of how it works and functions, as well as by how it is influenced by what goes on in Europe. We have allowed that debate to be rather *ad hoc* in nature, rather than an integral part of how we discuss politics.

**Deputy Enda Kenny:** The Taoiseach mentioned the point about how to make the European Union more relevant to the ordinary citizen. One suggestion Fine Gael has made many times is to allocate half a digital platform for the parliamentary channel taken from the Dáil, the Seanad, the Oireachtas committees and the European Parliament. The report that is carried on a once-monthly basis is entirely inadequate and I would strongly support the Taoiseach's adoption of that suggestion.

Second, does the Taoiseach have a view on the use of the Seanad for far more frequent interactions with MEPs and organisations that deal with Europe, which could give presentations to the Seanad? Does he envisage changes in the roles of the Joint Committee on European Affairs or the Joint Committee on European Scrutiny? Obviously, the National Forum on Europe had a part to play and I have commended former Senator Maurice Hayes previously on his work. However, as the Taoiseach is aware and with respect to it, the forum did not attract the same response of which political organisations were capable. In the context of the referendum, it is probable that neither was of the size or scope for which one would wish.

I seek an initial response in this regard. During the run-in to the next Lisbon referendum, does the Taoiseach intend to reconstitute the National Forum on Europe? Does he envisage that the sub-committee he established after the Lisbon referendum, which conducted the analysis of it, will have a role? What is his view on the suggestion that he announce that politics will be made available as a public service to people as it happens? There always is an audience, however small, for the issues under discussion in this House, the Seanad, the Oireachtas committees and in the European Parliament.

**The Taoiseach:** Recently, the aforementioned Oireachtas sub-committee worked very well for the specific purpose for which it was set up. It had a focus and a timeline, as well as being a well-chaired and well-worked committee. All its members are to be commended on the commitment they showed while on the sub-committee and on their ability to do a specific job, which was well done. It was good to see those who have various positions on European issues, or specifically on the referendum or their interpretation thereof, coming to Leinster House to be questioned and to see discussion taking place from here, rather than taking place vicariously somewhere else. This should be followed up on and, as I noted in my reply, I am open to discussions on this issue. The Joint Committee on European Affairs and the Joint Committee on Foreign Affairs have jobs to do, with which they will continue in any event. As for how Members can assist with awareness as we enter the second referendum campaign, doing so through an Oireachtas committee might be a basis from which we can work, based on the fine job that was done in recent months by the sub-committee.

## Priority Questions.

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### Ministerial Appointments.

39. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism when it is intended to fill vacancies on the Irish Sports Council; when he will appoint a chief executive officer; and if he will make a statement on the matter. [23068/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** There are two vacancies on the board of the Irish Sports Council. The term of office of a further five board members of the Irish Sports Council will expire on 30 June 2009. The filling of these vacancies is currently under consideration.

Under the terms of section 17 of the Irish Sports Council Act 1999, the chief executive shall hold office under a written contract of service containing such terms and conditions, including terms and conditions relating to remuneration, as may be approved by the Minister and the Minister for Finance and shall be paid out of moneys at the council's disposal.

The contract of the chief executive officer, CEO, of the Irish Sports Council is due to expire on 30 June 2009. Following on from the recommendation of the Irish Sports Council, I have approved the renewal of the CEO's contract from 1 July 2009 for a further five years.

**Deputy Olivia Mitchell:** The Minister has probably guessed that I tabled this question on foot of various debates in this Chamber and at the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs about the ongoing difficulties between the Irish Sports Council, the Olympic Council of Ireland and some of the sports governing bodies. I understand the Minister has met representatives of both councils. The Olympic Council of Ireland seems to have recommended that a change in the membership of the Irish Sports Council might help to heal the rift. While I do not know what the Minister's view of that is, I would like to assure him that the absolutely poisonous relationship between the two bodies is affecting some of the sports governing bodies. I have spoken to many people who are involved in various sports, particularly athletics. The strength of feeling and antagonism between the Irish Sports Council and the Olympic Council of Ireland is absolutely staggering. It certainly cannot be conducive to improving participation in sport or performance. I understand that after the Minister met some of those involved, he felt some progress had been made. I am sure Deputy Upton will agree with me when I say I find that hard to believe in the context of the responses that were received by members of the joint committee after its recent meeting on this issue. There was no sign in the flood of defensive and accusatory letters that were sent to us that bridges had been mended or heads had been put together. The buck stops with the Minister, who is responsible not only for ensuring public moneys are spent for the purposes for which they are allocated, but also for ensuring we get value for money. As I see it, public money is being used to indulge empire-building, ego trips and *prima donna* behaviour. It is not acceptable. What are the Minister's plans for changing the relationship that currently exists between the Irish Sports Council and other bodies? Is he considering using the appointments that I mentioned in my question to effect some kind of change? I really do not know who is to blame here. The Minister needs to take action to solve this problem.

**Deputy Martin Cullen:** I thank the Deputy for her questions. She is right to suggest I should consider all these issues in the context of the new appointments. I hope I will have an opportunity to bring better coherence to the relationship between the Irish Sports Council and the Olympic Council of Ireland. I do not have any say in the composition of the Olympic Council

[Deputy Martin Cullen.]

of Ireland. Neither the Government nor the Department of Arts, Sport and Tourism has a role in appointing anybody to the council. It is a totally separate matter.

**Deputy Olivia Mitchell:** I understand.

**Deputy Martin Cullen:** Other people have a role in that. The only direct role I have relates to the Irish Sports Council. When I met representatives of both bodies, I was fairly blunt and straight in my assessment of the relationship between them. There have been further meetings between some of the people on both sides in recent days and weeks. Every time they meet, I am told everything is wonderful. Like the Deputy, I am aware of certain letters that have been sent. The letters that were sent to the joint committee amplified, rather than helped in any way to remove, the concerns we have about the relationships that exist. As Minister, I share the views of the members of the committee in this regard. This dispute is of no benefit to either of the sports bodies. As Deputy Mitchell said, there are issues with the Athletics Association of Ireland as well. This is not a healthy situation. I am considering making a substantial change to the numbers. I understand that seven positions are to be filled before the end of this month. I am actively examining whether the type of membership — the manner in which the membership might be constructed — could help to bring about a much better relationship between the sports bodies.

**Deputy Olivia Mitchell:** It has been suggested that a special performance task force will be established to deal with Ireland's involvement in the 2012 Olympic Games in London. Does the Minister think he could use the task force as a forum to bring people together? Is there any potential in that? Has he considered that?

**Deputy Martin Cullen:** There is a range of options. I am trying to think outside the box in terms of what can be done. There are strong personalities involved. No matter what one does in terms of structure at times, it may not have an effect in regard to personal relationships. That is at the core of some of the issues. I have examined the options and there are upsides to some of them but, unfortunately, they also have certain downsides or risks. We do not want to make the situation worse. What might appear to be a good idea could have an unexpected consequence of worsening the situation.

This has been exercising my mind for some time and as we come to the cusp of it, I will have to make decisions; hopefully, they will be the right decisions and will be met with general support from the sporting bodies generally. I put on record that it is my desire to bring about a position that is inclusive as opposed to the way the bodies seem to view matters, which is very much in exclusive terms from both their perspectives. Each seems to be excluded from the other's activities, yet they both want to be involved and complain that they do not have a full role. We have to try to overcome that issue.

### **Sports Funding.**

40. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism if he will confirm that it is his position that the GAA should cover the cost of the Gaelic players grants scheme; and if he will make a statement on the matter. [22724/09]

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



associated with elite team performance and to encourage aspiring teams and players to reach the highest levels of sporting endeavour.

It was agreed that the schemes would be funded through the ISC and the implementation of the schemes was a matter for the ISC and the GAA. An amount of €3.5 million was provided to the ISC in 2008 to fund the schemes. That agreement also provided that the “schemes will be additional to, and will not negatively impact on, existing funding or any future funding, provided by the Government to the GAA through the ISC”.

As the Deputy is aware, the ISC has statutory responsibility for encouraging the promotion, development and co-ordination of competitive sport and for increasing participation in recreational sport. The council provides annual funding through the national governing bodies of sport and the local sports partnerships for programmes and initiatives aimed at achieving these objectives.

The Deputy will also be aware that, in addressing the public finances, all areas of expenditure have been examined and the budget in relation to sport, like all areas, has been impacted following this process. Nevertheless, the huge social and economic benefits of sport are acknowledged by the Government and are reflected in the unprecedented level of Government funding for sport over the past number of years.

As I indicated to the House on 28 April of this year in response to Priority Question No. 79, the drastically changed economic circumstances mean that the taxpayer cannot continue to fund the entire cost of schemes such as this as we no longer have the resources required. I have discussed this matter with the GAA which fully accepts the difficulties the Government is facing in terms of funding sport. However, the GAA has made its position clear in regard to the Gaelic players schemes and I fully accept and must respect its position.

In light of the current economic constraints and the reduction in the ISC’s allocation of funding in the 2009 Estimates, I am having ongoing discussions with the council on optimum funding options in order to maintain its existing programmes while building on recent progress. The future funding of the Gaelic players schemes is being considered in that context and a final decision on the matter will be made shortly following discussions I intend to have with the GPA shortly.

**Deputy Mary Upton:** I welcome the Minister’s last comment that he hopes to meet the GPA and that the matter will be resolved.

**Deputy Martin Cullen:** I told both bodies I would meet them. I have met the GAA and I will meet GPA.

**Deputy Mary Upton:** This issue is similar to that relating to the Irish Sports Council and as matters stand the GPA is left in limbo. I recall that when these schemes were introduced initially, the Minister disagreed with me that €3.5 million was ring-fenced for it, but that amount was set aside within the Irish Sports Council’s funds.

**Deputy Martin Cullen:** It was an additional sum of money. That is where the core problem arises.

**Deputy Mary Upton:** That is the real problem. The moneys available for the schemes have now been withdrawn or put into the general pool of funds. It appears that everybody is looking after their own little patch and nobody is willing to compromise on this. Hopefully, the Minister will arrive at some resolution of it fairly quickly because, as matters stand, the Gaelic Players Association is being left in limbo.



**Deputy Martin Cullen:** I am sure we would all agree that the contribution that Gaelic players make to sport in this country, particularly the sports in which they participate, is significant. The difficulty is that the €3.5 million which was given was over and above the funding provided; it came from a different pot and was simply given to the Irish Sports Council to pay out. The problem I have is that this year I do not have that sum of €3.5 million to start with. All I have is the Irish Sports Council grant, having regard to the reduction in it compared to last year's grant. The GPA players rightly say they will take a 10% reduction like everybody else but I do not have the sum of €3.5 million. If the money were to come out of the funds, it must come from the GAA or the IRFU and the FAI and they are not disposed towards providing it. The latter two sporting bodies do not see why they should fund players in a different association. They do not see that as being their role. There is no question but there is a difficulty here. I met the president and secretary general of the GAA and they made their position clear that they see no role for themselves in funding their own players.

**Deputy Mary Upton:** Initially, it took an awfully long time to get this issue resolved. The views of those on all sides of the dispute were put on the table and eventually a resolution was reached. It appears now as though that resolution is falling apart. That is partly because the €3.5 million that was provided initially is no longer available. In fairness to the GPA and its players and, as the Minister rightly pointed out, their commitment to the social and cultural life of the country, it is important we find a method or a route to fund the GPA players, as this initiative came from the Minister's Department. That is the bottom line.

**Deputy Martin Cullen:** That is what I said in my reply to the Deputy. I am trying to resolve this issue in the context of the overall budget I have. That is not easy because I am not being given much assistance by anybody in terms of their funding allocations to assist in this process. All the messages to me from all involved has been clear. They do not see or would not accept in any way that their funding should be reduced to compensate for creating a fund for the GPA players. That is the position. I have met the GAA and its view has been made clear to me, and I respect that. I will now talk to the GPA.

### **Natural History Museum.**

41. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism when it is envisaged that the Natural History Museum will reopen; the nature of the work to be carried out before its reopening; and if he will make a statement on the matter. [22796/09]

**Deputy Martin Cullen:** The position, as stated in my reply to parliamentary question, reference number 16464/09, on 28 April 2009, is that a programme of works for the Natural History Museum has been agreed between the National Museum of Ireland, the Office of Public Works and my Department. This programme of works is designed to facilitate the reopening of the museum in September of this year and includes work to facilitate appropriate fire evacuation procedures, the reinstatement of the stone staircase, the introduction of a ramp to the front door and works of a minor nature relating to decoration and presentation.

The Deputy may also wish to note that an exhibition of artefacts from the Natural History Museum opened in the Riding School at Collins Barracks on 6 May this year. This exhibition showcases key items from the Natural History Museum's collection, thereby allowing the public access to some of the collection in advance of the reopening of the Natural History Museum in Merrion Street in September.

**Deputy Olivia Mitchell:** This is the third summer our Natural History Museum, one of our major attractions, will be closed. There has been a disappointing lack of activity in respect of

it, which has landed us in a position where we are worse off than we were previously. The replacement of the staircase that collapsed was postponed in order to include additional work to improve access, namely, to provide access for people with disabilities to toilets on the second floor, and to provide a coffee shop. It is now planned to reopen the museum but the Minister failed to mention that 35% less exhibition space will be available than was available before this work started due to the need to address fire and safety risks.

Does the Minister agree it is a travesty that less exhibition space will be available when the purpose of this work and the debate on all the cultural institutions has been on increasing exhibition and storage space? Despite the €15 million that was provided in the national development plan for this work alone, less exhibition space will be available in the museum. Funding for it has fallen to €1.5 million and most of it, as the Minister said, has been used to provide fire evacuation procedures. Effectively, there has been no net increase in the exhibition space or in anything to attract people to the museum. Even the museum's biggest attraction, the Dodo skeleton, will not be accessible because it is in part of the exhibition space that will be cut off. There is more activity from the Dodo than there has been from the Minister's Department on this project.

Will the Minister be in a position to give a guarantee in writing that the staff will require to ensure that when this greatly reduced facility is opened it will be safe to open from both the staff and the public, bearing in mind that the reason it closed in the first place was the collapse of the staircase?

**Deputy Martin Cullen:** This is the first summer in which I have had direct responsibility for the Natural History Museum, and I am glad to say a major exhibition is open in Collins Barracks and is going very well. I opened it myself and it is quite significant. It is better than nothing.

**Deputy Olivia Mitchell:** I am aware of it, but it is a pathetic excuse for a natural history museum.

**Deputy Martin Cullen:** I would not consider what the National Museum does as pathetic in any way. All its exhibitions are fairly good.

**Deputy Olivia Mitchell:** It is a poor substitute.

**Deputy Martin Cullen:** I did not say it was a substitute. I was rebutting the point that there is nothing happening and nothing available to the public. The opposite is the case. Many people who are committed to the Natural History Museum have put much work into making it happen.

The Deputy is right in saying that the major project has not started. I do not want to wait around until it happens, so I moved the project on so that we could get the Natural History Museum reopened, albeit as a more scaled-down effort.

The Deputy mentioned a reduction in the amount of space. I do not have a note on that so I am not in a position to say definitively what the space requirements will be. However, if the Deputy goes out the back of this building she will see people working on the project, and I am happy to say the work will be completed in time for the museum to reopen in September in its original home.

**Deputy Olivia Mitchell:** It is a fact that 35% of the exhibition space is being lost for safety reasons.

[Deputy Olivia Mitchell.]

I mentioned the issue of disabled access to the toilets on the second floor, which was an urgent project even several years ago. Is it legal to reopen a public building without access to toilets for disabled people?

**Deputy Martin Cullen:** The information I have is that a ramp is being added to the front door to facilitate the people to whom the Deputy refers. I do not have the information the Deputy requires before me but I will try to get it.

### **National Theatre.**

42. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the progress that has been made in relation to the development of the new national theatre; and if he will make a statement on the matter. [23070/09]

**Deputy Martin Cullen:** Progress is ongoing on the new national theatre project. The project is complex and, as the Deputy knows, there is a myriad of technical, procedural and legal factors to be addressed. The successful delivery of this project is a priority for the Department and the Government in the programme for Government and the national development plan.

Arising from the original Government decision, an inter-agency steering committee was set up to oversee the project. This committee is chaired by my Department and comprises representatives of the National Development Finance Agency, the Office of Public Works, the Abbey Theatre and the Dublin Docklands Development Authority. A project team chaired by the Office of Public Works and comprising representatives of the same agencies as the steering group has also been established and has met more than 20 times. It is overseeing the executive and procedural arrangements for holding the international design competition, which was one of the conditions of the offer of the site by the Dublin Docklands Development Authority, and advancing the PPP process. The complex technical documentation for the competition is almost complete and a jury has been appointed.

The Office of Public Works has been working on drafting output specifications in collaboration with the Department, the Abbey Theatre and the National Development Finance Agency. Technical, legal, insurance and financial advisers have been appointed to guide and advise the inter-agency teams in the procurement of this iconic and important project. A theatre consultant and acoustic consultant have also been appointed. In accordance with Department of Finance guidelines, a process auditor has been appointed.

**Deputy Olivia Mitchell:** I am smiling to myself as the Minister has just read out the answer he gave me last March. However, I can go back to well before last March. The former Minister, Deputy John O'Donoghue, announced approval for a design competition for the new Abbey Theatre. The late Deputy Brennan, when he was Minister, announced that a design competition would be held, and in a press conference in October 2007 stated that he expected the whole job to be completed in 2008. Last June the Minister told me a design competition would be announced before the end of the summer and that the details were almost ready. Now, a full year later, the details still have not been announced. The members of the jury were announced in 2007 so I hope they have not been holding their breaths ever since. If preparing the competition, never mind the competition itself, has taken so many years, is there any prospect that the project will ever be completed?

My other question is about the cost to date. The Minister keeps telling me all the people who have been appointed. In March there were 21 meetings of the project team. In addition, technical, legal, insurance and financial advisers and theatre and acoustic consultants have been appointed and site investigation work is planned. How much has been spent, and will it ever

come to anything? The last time I asked this question the Minister told me how much had been spent and I would be interested to know what has been spent to date and what commitments have been made for a project that may never get off the blocks.

**Deputy Martin Cullen:** I would not agree with the Deputy. The project will get off the blocks. It is a PPP project and there is commitment to it. The Deputy may be aware that there have been enormous technical problems with regard to the site and issues have arisen with regard to the type, shape, style and engineering of the building on the site that has been offered. There has been constant reconfiguration and this is at last coming to a conclusion. To date, €183,748 has been spent by my Department on various professional services, including legal, architectural and engineering services, which is not a huge expenditure given the period of time involved and the scale of the project. This and the National Concert Hall are the two major PPP projects from my Department and I have every confidence they will go ahead.

I hope the technical issues will be resolved quickly. They have taken an inordinate amount of time, but this is not unusual in the context of a site such as this and what must be done in terms of public procurement. The people appointed have had a major input, which has slowed down the project. For example, the acoustics experts had a considerable input on the acoustic side, which is why they were brought in, and this gave rise to another round of configuration changes — it does not work as well there, it works better that way, it should be centred on the site but not in that way. These are the general issues that have arisen. I am not a professional acoustic engineer or any type of engineer. I urge those involved to bring the process to a conclusion. However, the key people that will make the final decision want to get it right and they want to have the best possible outcome for the Abbey Theatre.

**Deputy Olivia Mitchell:** What is the nature of the PPP that is envisaged? Will there be a private operator or will it be turned over to the State when completed? When does the Minister expect the project to be completed and when will the State start paying?

**Deputy Martin Cullen:** It will be a build, finance and maintain project.

**Deputy Olivia Mitchell:** So the State will be paying from the day it is built. When does the Minister expect this?

**Deputy Martin Cullen:** To give an honest assessment, it will probably be a four-year project.

**Deputy Olivia Mitchell:** From now?

**Deputy Martin Cullen:** Yes. I hope that will be possible. From the project's point of view that is a good thing because it gives it an excellent chance of actually proceeding.

**Deputy Olivia Mitchell:** I do not understand that.

**Deputy Martin Cullen:** If it were to start tomorrow there might be pressure but because the project will not be completed for a few years it is to be hoped we will be well out of our economic difficulties by then.

**Deputy Olivia Mitchell:** Is the design being delayed?

**An Leas-Cheann Comhairle:** Please allow the Minister to move on.

**Deputy Martin Cullen:** I assure the Deputy that is not the case. It has been more to do with technical problems.

### **Sports Capital Programme.**

43. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism if he will review the sports capital grants programme, which operated on an annual basis until 2009; when a decision will be made on its future; and if he will make a statement on the matter. [22958/09]

**Deputy Martin Cullen:** The sports capital programme, which is part-funded from the proceeds of the National Lottery and administered by my Department, is the primary vehicle for Government support for the provision of sports facilities and equipment. Since 1998, the Government has invested over €725 million in more than 7,400 separate sporting projects. This investment has transformed the Irish sporting landscape, with improved facilities in virtually every village, town and city. The facilities funded range from basic sports facilities and new equipment for the smallest clubs to regional integrated multi-sport centres and national centres of sporting excellence.

This investment is evidence of the importance the Government places on sport. Sports facilities that are well planned, built and managed can act as focal points for a community and allow more people to get involved in healthy activities. Participation in sport is important for many reasons. For individuals, participation has health benefits, builds confidence and gives people a sense of their own worth. For society as a whole, sport can reduce anti-social behaviour, while sporting success has the ability to lift the spirits of whole counties and even the whole country.

Two expenditure reviews of the sports capital programme have been carried out to date; the first covered the period 1988 to 1998, while the second covered the period 1999 to 2002. Work on the national sports facilities strategy, which will provide an improved policy platform for any future rounds of the programme, is at an advanced stage of preparation in my Department. It is my intention to publish the strategy once it has been completed and considered by the Government.

**Deputy John O'Mahony:** I am aware that a review of the sports capital programme has been undertaken. My question is whether the Minister will indicate a timeframe within which the suspension of new applications under the programme will be reversed. The Minister stated in the Dáil in January, in response to a parliamentary question I tabled, that no new applications would be accepted in 2009. He referred to budgetary constraints and said it was time to pause and consider how best to secure value for money and avoid duplication of services in various locations. I accept that this must be done.

However, Members on all sides of the House are in agreement that the sports capital grants represented a successful deployment of resources in the last ten or 15 years in communities throughout the State. I accept that we must be careful to ensure there is value for money in the allocation of this funding but it is my understanding that the sporting budget has been reduced to a greater degree than any other budget. The Minister will likely refer to the completion of the Lansdowne Road stadium as one of the reasons for this reduction. However, the reality is that sports capital grants have been withdrawn altogether. People working in communities on a voluntary basis cannot understand why this was done. Moreover, banks are refusing to give loans because lottery grants are no longer available. As I said, the provision for other services has been reduced, but sports capital grants have been removed entirely. There is much talk about the Government and politicians not connecting with the people. The public wants to know whether this funding will be reinstated in 2010, 2011 or at some later stage.

**Deputy Martin Cullen:** An allocation of €56 million has been made to the sports capital programme this year, which is similar to the provision for last year. What is different this year



is that a new applications round has not been opened up. However, some 800 projects have been approved for funding this year, representing a very substantial allocation for individual projects throughout the State. Like all Members, I am keen that a new round be opened in the near future. The reviews of the sports capital programme and the findings of the national sports facilities strategy will inform our future approach in this area.

One of the key issues involved is to determine the regional balance of services and facilities, that is, whether there is an over-provision in one region and an under-provision in another, in a broad rather than a micro sense. The exercise undertaken as part of the national sports facilities strategy will provide a picture of facilities in the various sporting codes, including, soccer, GAA, boxing, rugby and so on, at regional and club level. That review is close to completion and will inform our approach in terms of the criteria for accessing funding into the future.

**Deputy John O'Mahony:** The Minister referred to the €56 million in funding available for projects approved before this year. In a previous reply he mentioned that some clubs, organisations and committees are in difficulty and will be unable to draw down funding allocated to them because they are unable to secure supporting finance from banks. If some of this allocated funding is not drawn down, might new applications be accepted in order to avail of it?

The Minister has stated that for every €1 allocated in the sports capital programme, €3 is generated locally. Such funding helps to provide employment at local level. Moreover, a club or organisation that would have received €50,000 two years ago would get much more work down now for the same amount. I ask the Minister, on behalf of the sporting clubs and organisations, to offer some hope that the grants will be reinstated sooner rather than later so that they can plan ahead for the facilities they wish to provide for young people in this State.

**Deputy Martin Cullen:** I can offer the Deputy all the hope he requires. These grants have not been done away with. We have not opened another applications round this year, but money is available to deal with the programmes that are already approved. I am confident that all the money allocated for this year will be drawn down in full, because the overhang is greater than the current allocation. Therefore, there is no possibility that any of that allocation will be left over. I recognise there is an anxiety and desire on all sides of the House to ensure this programme continues into the future. My colleagues have spoken to me regularly about the issue. I am keen to have a new programme in place as soon as possible. I hope the strategic framework we will shortly have in place will indicate how best that can be done.

### Other Questions.

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#### Arts Funding.

44. **Deputy John Perry** asked the Minister for Arts, Sport and Tourism if he has secured a lien on properties of Comhaltas Ceoltóirí Éireann; the properties on which such a lien has been acquired or requested; and if he will make a statement on the matter. [23683/09]

**Deputy Martin Cullen:** In the operation of capital grant schemes, it is the policy of my Department to seek a legal charge of 22 years' duration on any property in respect of which a capital grant or combined capital grants totalling €300,000 and over have been paid in respect of such premises. My Department holds a statutory declaration under the 1938 Act from the trustees of Comhaltas Ceoltóirí Éireann not only for the projects for which legal charges are required but for all moneys allocated and subsequently paid to the organisation. Under this



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statutory declaration, should any of the facilities cease to be used for the purposes for which grants were paid before the expiration of 22 years, those grants are refundable to the Department.

In the meantime, through the Office of the Chief State Solicitor, which is the appropriate State office for such matters, my Department is in the process of registering a charge on each of the subject properties once the various technical conveyancing requirements are executed. On completion of the registration formalities, a legal charge will be held by the Minister for Arts, Sport and Tourism on each of the properties for 22 years for the total value of the grant.

The Comhaltas Ceoltóirí Éireann projects where the value of the capital grants allocated requires a registered charge on the property in line with my Department's policy are set out in the following table:

Project Name	Location
Clasac	Clontarf, Dublin 3
Cois na hAbhna	Ennis, Co. Clare
Brú Ború	Cashel, Co. Tipperary
Dundalk Gaol	Co. Louth
Coleman Centre	Co. Sligo
Dun Uladh centre	Omagh
St. Senan's	Kilrush, Co. Clare

**Deputy Olivia Mitchell:** I have expressed concern about this organisation on several occasions. I stress that this is not a vendetta; my concern arises from representations I have had from people throughout the State, mainly members of Comhaltas Ceoltóirí Éireann itself. My priority is that the taxpayer be protected.

I welcome the Minister's decision to seek a lien on the properties that have been funded by the taxpayer. However, I am puzzled as to why he is effectively seeking it after the event. The Minister indicated that the Office of the Chief State Solicitor is currently processing a legal agreement in respect of these projects. Surely the legal agreement should have been secured before the money was paid out. Why is that only being done now? Is it because of concerns expressed by myself and others or otherwise?

There are 12 properties throughout the country funded by the State. When I asked about their ownership, I received an answer referring to leaseholders or owner occupiers. My difficulty is that I do not know the identity of the owner. The Minister has referred to a "group". Who are the members of this group? Does it have a single or several shareholders, how are its assets transferred and what are the procedures for disposal of those assets? Do the various entities of this organisation publish accounts and are they responsible to the Minister in any way?

There is significant cause for concern that this organisation seems to be funded differently from every other arts organisation. Why does it have a special funding line? Why is it not applying for grants under the access programme or otherwise? There must be clarity in this matter. It is up to the Minister to answer the questions about how this organisation is structured, who are its shareholders and beneficial owners and why they are benefiting in a special way.

**Deputy Martin Cullen:** To clarify, all legal documentation must be submitted with a grant application, and that has been done. However, several of these projects are taking some time

to process and that is being done by the Office of the Chief State Solicitor. From the Department's point of view, all the legal requirements are in place. I understand the trustees of Comhaltas Ceoltóirí Éireann have signed a statutory declaration under the 1938 Act agreeing to the registration of lease on the subject properties. Clearly, if any of the properties were sold in the meantime, the full grant would be taken back by the Department.

The organisation consists of trustees but I am not in a position to supply any names now.

**Deputy Olivia Mitchell:** Will the Minister be able to do so at any stage?

**Deputy Martin Cullen:** The Department's responsibility is to ensure the grants are properly allocated and that the legal requirements necessary to protect taxpayers' money are in place. The information with which I have been supplied indicates that this has been done.

**Deputy Mary Upton:** I also received representations in respect of Comhaltas Ceoltóirí Éireann. No one denies it does excellent and important work but issues arise with regard to the level of transparency relating to matters of accounting. In addition to the funding provided by the Minister's Department, the Department of Community, Rural and Gaeltacht Affairs also supplies Comhaltas Ceoltóirí Éireann with a substantial amount of money. Has the time come to examine the overall funding of Comhaltas Ceoltóirí Éireann in the context of investigating from where it emanates and how it is used?

It appears Comhaltas Ceoltóirí Éireann has a monopoly with regard to Government funding for traditional music and culture. Are there other organisations which might benefit from such funding? Due to the fact that Comhaltas Ceoltóirí Éireann seems to have a monopoly, perhaps the organisations to which I refer, and which could benefit from the provision of substantial funding, are being excluded.

**Deputy Martin Cullen:** I agree with the Deputy regarding the significance of the contribution made by Comhaltas Ceoltóirí Éireann's. In light of current economic circumstances, all of the budget lines are being examined. This is not being done in a negative way but rather to ensure we are obtaining the best value for money in the context of how the resources available to the State are used by Comhaltas Ceoltóirí Éireann and the other bodies to which we provide funding.

I am aware that there are issues of concern among some of the branches, members, etc., of Comhaltas Ceoltóirí Éireann. However, I do not want to comment on these issues, particularly as they are internal to the running of the organisation. My responsibility is to ensure the money provided is used properly, especially in the context of properties being made available for the holding of functions in respect of which that money was given in the first instance. I understand that, to date, there has been no problem in this regard. In the overall sense, Comhaltas Ceoltóirí Éireann would not necessarily have been excluded from any review that is taking place with regard to the various budget lines.

**Deputy Olivia Mitchell:** The point raised by Deputy Upton is of fundamental importance and highlights the difficulties that arise when an organisation of this nature has a monopoly and is the only one being funded by the State. Comhaltas Ceoltóirí Éireann sets the standard with regard to traditional Irish music and if one does not meet that standard, one has nowhere else to go. That is a bone of contention among certain people.

I do not intend to diminish the good work that is being done or deny that opportunities exist. However, the Minister stated in his initial reply that if I required further information, I should ask him for it. In the context of the various projects, I inquired as to the identities of the owners of the various properties but the Minister did not provide this information. Does

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Comhaltas Ceoltóirí Éireann own these properties or is it the local organisations? He also referred to the leaseholds on various properties but he did not indicate the identity of either the lessor or the lessee. I would be grateful if the Minister could provide information in respect of these matters to me privately.

**Deputy Martin Cullen:** I will try to obtain the information for the Deputy.

### **Departmental Expenditure.**

45. **Deputy Michael D’Arcy** asked the Minister for Arts, Sport and Tourism when it is envisaged that an alternative system of support for the horse and greyhound industry will be in place; if he has had an input into the decision process in this regard; if he will confirm that the 2009 allocation by his Department to the industry is secure; and if he will make a statement on the matter. [23639/09]

50. **Deputy Pat Rabbitte** asked the Minister for Arts, Sport and Tourism if the review of the horse and greyhound fund will be published before the end of this Dáil session; if it will be debated in Dáil Éireann; and if he will make a statement on the matter. [23603/09]

**Deputy Martin Cullen:** I propose to answer Questions Nos. 45 and 50 together.

Government support for the horse and greyhound racing industries is provided under the horse and greyhound racing fund, which was established under the Horse and Greyhound Racing Act 2001. In 2004, the Government put in place regulations to increase the limit of the horse and greyhound racing fund from €254 million to €550 million to continue the fund for a further four years to 2008. By the end of 2008, a total of €545.8 million had been paid out of the fund. The remaining balance in the fund at the start of 2009 was €4.2 million. Some €68.1 million has been allocated to the fund for 2009 and a regulation which increased the level of the fund by €63.907 million has been made by the Minister for Finance.

Funding of the agencies involved supports two very important productive industries and helps to sustain the important role of horse and greyhound breeding and training enterprises in the development of the rural economy. These industries account for an estimated 27,500 direct jobs, generate substantial economic activity and make a vital contribution to the rural economy, including in the context of farm incomes. The funding given to the greyhound racing sector assists in sustaining a tradition that has existed for hundreds of years and in underpinning the economic activity in what are in many instances less affluent regions. This funding has allowed Ireland to develop into a world centre of excellence for horseracing. Horseracing Ireland has undertaken a capital investment programme that has underpinned growth in the sector. The fund has also contributed significantly to the almost €90 million that has been invested in the improved facilities now available at greyhound tracks throughout Ireland.

A review of the fund is nearing completion and will be submitted to the Government in due course in the context of deciding on the future funding of these industries. Any extension of the fund will require the approval of the Government and the Oireachtas. In finalising the review of the fund I intend to take into account the comments made by the members of the Oireachtas during recent discussions at meetings of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs and in the House during the making of the Horse and Greyhound Racing Fund Regulations 2009. I have already given an undertaking to the joint committee to engage in a discussion on the review and I will adhere to this.

**Deputy Olivia Mitchell:** I thank the Minister for his reply. We discussed this matter on a number of occasions recently, both at the joint committee and elsewhere. I do not intend to

comment on it in detail now. However, when we discussed the outputs for the year it was discovered that the target outputs keep changing. The first target was to introduce a new fund for a number of years but this morphed into a complete re-examination of how the organisation would be funded.

The year began with an increase in betting tax and the intention was that this would fund the horse and greyhound racing industries for the year, with little need for general Exchequer moneys. However, following successful lobbying from the betting industry, the tax has been reduced to 1%. This move was explained away by a statement to the effect that it would be better to seek a new source of funding — from Internet betting, etc. — for the industries involved. I would like to believe the latter was true but the Minister previously indicated that he has considered the matter and discovered it would be almost impossible to arrive at a new funding mechanism. Has any real thought been given to finding a new source of funding or is what is being done a mere exercise in window-dressing aimed at mollifying those who lobby loudest?

It was expected that a tax of 1% would yield between €30 million and €40 million. If the levy is reduced to 1%, from where will this money come? Will it be provided from general Exchequer funds or from the sports budget?

**Deputy Martin Cullen:** All of that money will still come in. The Deputy is referring to the 1%. There was an increase to 2% and then the clawback of the tax occurred. The truth is that I will not know the outcome until the end of the year. The shortfall will be made up by the Exchequer because my Department does not have funding available to meet it. We will be obliged to wait to see what will be the outcome.

In fairness to those involved in the industry, it became clear, following the recent and dramatic change in people's fortunes, economic activity, etc., that the gain would have been quite marginal. It also became clear that, if we had proceeded on the basis originally intended, many small operators would have been obliged to close down and that many people in rural areas would have lost their jobs.

The taxation relating to this issue comes under the remit of the Minister for Finance. Key officials in his Department have been engaged in an examination of the taxation side of this matter for some time. They also have been considering some of the issues to which the Deputy refers. Therefore, two Departments are involved in investigating the matter but the officials from the Department of Finance are taking a strong lead role in respect of the taxation side. They want the issue to be resolved and we are being extremely supportive in assisting them in reaching that point.

**Deputy Mary Upton:** The Minister stated that the review will be published in due course. I had understood it would be published before the end of the current Dáil session. Will the Minister confirm if this will be the case? The review is going to be extremely important, particularly in the context of how we might move forward.

The betting tax was predicated on a figure of 2%. As Deputy Mitchell stated, this was reduced to 1% following strong lobbying. Everyone has a great deal of sympathy for the small bookmakers. However, the key question — the Minister is not going to answer it today — revolves around from where the money to meet the shortfall will come. I accept it is a difficult matter with which to deal, but what is the position with regard to offshore betting? Will it be possible to address this matter?

**Deputy Martin Cullen:** My view is that it must be addressed. There has been an enormous growth in the level of offshore, telephone and Internet betting. I have just highlighted that the

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fundamental difficulty is many of the companies are not based in Ireland and as a taxing authority we do not have the ability to tax in another jurisdiction. That being said, other ways and means are being reviewed as to how we may address this. As I said before, I thought it was in the industry's interest to work with us in coming up with a solution as to what would be a reasonable percentage to the Exchequer, which would comfortably fund the horse-racing industry.

All who work in or are involved in the horse-racing industry, big and small, have a vested interest in seeing this matter resolved. The industry accepts that the Exchequer is no longer going to fund or make up any shortfalls from now. If we are going to have a fund for the next five years, it has to come from the resources that are being gambled within the industry, to replenish that fund on an annual basis.

**Deputy Olivia Mitchell:** I am not sure what the Minister is saying. Is he saying that it cannot be funded by the taxpayer? Yet, he has ceded to the Department of Finance a 1% levy, and this means he will be short €30 million to €40 million in his Department. Is he saying now that the income of the horse and greyhound industry will effectively be halved this year? If so it is a disaster for the economy, never mind the horse-racing industry, given its importance throughout the country, and in terms of bringing in foreign exchange. It is worth some €200 million in direct exports, not to mention the revenue earned from horse training, which is a major source of employment in the country. Is the Minister now saying that the industry's revenue is going to be halved and we are only hearing about this half way through the year?

The Minister says that the Department of Finance is taking the lead on taxation. Of course it is. However, Deputy Cullen is the Minister who is supposed to defend this industry and he has to assert himself at the Cabinet table. Yet, he has let the income be halved with no clear view as to how the revenue will be replaced.

Is the Minister talking about a ringfenced fund in the future if an alternative source of revenue is to be identified? If not, will the Department of Finance take it back into the general Exchequer, even if it identifies a source of funding? Will there be a special fund?

**Deputy Martin Cullen:** The legislation has a specific ringfenced fund and that will be the intention — certainly mine — for the future. I do not know how the Deputy extrapolated from what I was saying, in a general sense, that the whole income of the industry will be halved this year. I did not suggest that at all. I do not know——

**Deputy Olivia Mitchell:** The Minister does not know.

**Deputy Martin Cullen:** The industry is feeling the effects of the economic downturn like everybody else.

**Deputy Olivia Mitchell:** I am talking about the Exchequer, the €67 million fund that is guaranteed and was granted at the beginning of the year.

**Deputy Martin Cullen:** There should still be an income if matters go right, of at least €35 million to €40 million, which would leave a shortfall of somewhere in the region of €25 million or €26 million, but we do not know, as yet, what the outcome of that is going to be, and so I am waiting——

**Deputy Olivia Mitchell:** This means, in effect, that half the revenue is virtually gone, even though it was guaranteed by the Minister.

**Deputy Martin Cullen:** That revenue was based on the assessment last year of increasing the tax.

**Deputy Olivia Mitchell:** The industry did not take away the tax. The Minister agreed to it at the Cabinet table, and now half the revenue the industry was expecting is gone.

**Deputy Martin Cullen:** The point I was trying to make to the Deputy was that it would not have come in as the downturn and the change has been of such a nature that it would not—

**Deputy Olivia Mitchell:** Nevertheless, the Minister is not going to persuade me that a 1% reduction in tax is going to have no impact. Of course it will.

**An Leas-Cheann Comhairle:** The Deputy should please allow the Minister to answer.

**Deputy Martin Cullen:** Of course it will have an impact. I did not say it would not have any impact. However, the impact it would have had would, in effect, have put an enormous number of people onto the social welfare system, thereby moving people out of employment.

**Deputy Olivia Mitchell:** What impact will this have on the industry?

**An Leas-Cheann Comhairle:** Please Deputy Mitchell. I shall allow a final supplementary from Deputy Upton.

**Deputy Mary Upton:** I am seeking a timeframe on the review because that is what we need in order to clarify a number of these questions.

**Deputy Martin Cullen:** I am somewhat in the hands of the experts who are working on this with the Department. I hope it can be finished fairly shortly. My intention, as I said to both Deputies Upton and Mitchell, was to get this back to the committee before the end of this Dáil session. It is still my wish that should happen. I should like to have that discussion because it would be helpful for me.

### **Tourism Promotion.**

46. **Deputy Frank Feighan** asked the Minister for Arts, Sport and Tourism the measures being put in place to address the continued downward trend in inward tourism; and if he will make a statement on the matter. [23645/09]

49. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the option open to him to encourage development in the tourism sector in 2009 with particular reference to competing with other tourist venues; if he will increase or enhance investment in this area; and if he will make a statement on the matter. [23600/09]

56. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the new tourism initiatives planned for 2009 aimed at maintaining Ireland's tourism market share; and if he will make a statement on the matter. [23691/09]

187. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he has examined the effect of the economic downturn on the hotel and catering industry; if he will take steps to address issues arising; and if he will make a statement on the matter. [23818/09]



188. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if consideration has been given to issues expected to have a negative impact on the tourist industry in the course of 2009; if he will issue direction or instruction to address such issues; and if he will make a statement on the matter. [23819/09]

189. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the steps he will take directly or in conjunction with tourist interests with a view to improving the competitiveness of the industry internationally; and if he will make a statement on the matter. [23820/09]

190. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he will make particular policy changes with a view to assisting the tourism industry; and if he will make a statement on the matter. [23821/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 46, 49, 56, 187 to 189, inclusive, and 190 together.

Latest figures from the Central Statistics Office show a reduction of 6.3% in the number of overseas visitors to Ireland for the four months of 2009 compared with the corresponding period of 2008. Overseas visitor numbers for 2008 as a whole were down by just over 2% on the record 2007 performance, although the figure of almost 8 million was the second highest ever.

While any reduction in the number of overseas visitors is disappointing, it must be seen in context. Ireland enjoyed several years of successive growth in visitor numbers, reaching a record of just over 8 million in 2007. Tourism worldwide saw a significant downturn in the second half of 2008 due to the global economic slowdown and loss of consumer confidence. Great Britain, as a source market, was particularly affected with the euro-sterling exchange rate making it extremely challenging to attract visitors to eurozone destinations. However, so far in 2009, we are performing relatively better than many of our European competitors, including Great Britain. For example, figures show a fall of 13% in overseas visitor numbers to the United Kingdom in the first quarter, compared to the reduction of just over 9% in Ireland.

There is no doubt that 2009 will be a very difficult year for tourism globally. Nevertheless, it is important to remember that, despite the downturn, millions of people across the world will still take holidays this year. The industry and the tourism agencies are fighting hard for every bit of this business.

To assist the tourism sector through this current difficult period, an extensive range of marketing, product development, festival and sporting events, training and business supports are being rolled out by the tourism State agencies under the tourism services budget of the Department. For example, despite cutbacks in public expenditure, the core overseas marketing spend has been maintained in 2009 at over €47 million, in recognition of the key contribution which tourism makes to the Irish economy. Tourism Ireland is telling customers in key markets that Ireland is easily accessible and offers great value for money at present, as well as rolling out its new destination campaign, "Go Where Ireland Takes You". I am assured that Tourism Ireland is keeping all of its marketing programmes for 2009 under review to ensure they maintain the flexibility and responsiveness that is required.

On the domestic front, Fáilte Ireland has committed to its largest ever campaign to promote home holidays in 2009, on foot of research indicating that more Irish people will consider swapping their overseas trips for breaks in Ireland. Fáilte Ireland is also working closely with

tourism businesses all over Ireland, supporting enterprises and helping them to achieve real cost savings and efficiencies.

While our businesses and tourism agencies are responding positively to current challenges, it is just as important that the strategic framework for tourism development responds to the changing environment. Accordingly, I established the tourism renewal group, which has been tasked with reviewing and, where appropriate, renewing the current tourism strategy to ensure that it is focused for the short term and, looking further ahead, that the tourist industry is well placed to benefit from the upturn when it comes. I expect the group to report back to me in the near future with recommendations in the form of a framework for action for the period to 2013. I believe the group spoke to the two Deputies as well, if I am correct. Members of the group told me they wanted to do that and I encouraged them to do so.

One of my priorities as Minister is to ensure that the importance of tourism is reflected more widely in relevant policies and programmes. This is recognised and reflected in the Government's policy document, *Building Ireland's Smart Economy: A Framework for Sustainable Economic Renewal*, which makes specific reference to the work of the tourism renewal group and the potential of the tourism sector.

The industry deserves great credit for its commitment to quality in responding to the current challenging economic conditions through more flexible pricing and offering special value offers and packages. I am confident that with the support of the agencies, the tourism sector here has the capacity to manage the current cyclical slowdown and that, looking further ahead, the renewal group's review will help the sector to return to sustainable growth in the medium term.

**Deputy Olivia Mitchell:** I am aware of the ongoing marketing of Ireland and the fact that money has been maintained in this area, and it is all very welcome. However, it is undermined completely by a departure tax. I ask the Minister, as somebody who sits at the Cabinet table, how he could let this happen. How could he let such a totally counter-productive instrument as a departure tax happen to the tourism industry? To spend €70 million on marketing to attract people here and incentivise them to come to Ireland, and then to have this enormous disincentive put on them when they get to Ireland is counterproductive. The Minister told me that other countries have similar taxes, as they do, but in the face of the current downturn in travel and in tourism generally, they are removing those departure taxes, while we are imposing one.

Aer Lingus is taking its US flights out of Shannon Airport and its most recent disastrous announcement is that in its returns for the year it forecasts a loss of €100 million. Aer Lingus puts at least €30 million to €40 million of that down to the departure tax. That is unsustainable. We are down to two short-haul airlines. Aer Lingus no longer does direct bookings from abroad, it will not code share and it is not partnering with other airlines to facilitate direct bookings from anywhere. One cannot get a direct booking into Ireland from anywhere outside the EU virtually.

Is any strategy in place? Is the Minister talking to the Minister for Finance? Is he doing anything to ensure we have competition for the two airlines we have and to rescue Aer Lingus, because it is on a totally unsustainable path, particularly in view of the departure tax? Airlines cannot pass on that departure tax; they must absorb it.

**Deputy Martin Cullen:** Nobody wants any extra tax put in place and tax of that nature does not help the situation. However it is time for us to debunk the travel tax issue. I have spoken to all the travel agents internationally and they have no concern with it. They are far more

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concerned about airlines lashing on charges by the new time for luggage, and God knows what the price of an air ticket is by the time one reaches the airport.

**Deputy Olivia Mitchell:** It is not the airlines but the people who are concerned.

**Deputy Martin Cullen:** That is not a big issue. I would prefer if it were not in place and I would like to see it gone, but I will not accept that the travel tax, as has been raised by some low-cost airlines and Aer Lingus, is the cause of all their travails. It is not true. If it were true, the costs they have put on in fuel surcharges, luggage charges and God knows what else are way beyond the amount of the travel tax. We need to be more rational when we examine this and stop blaming the State for every ill out there.

There has been very substantial readjustment of the tourism budget over the past few months. For the first time ever there has been a major, co-ordinated campaign between Tourism Ireland and the individual airlines where they have put their marketing budgets together and are promoting Ireland very intensively. It seems to be working and we saw its effect in the US yesterday with the fares that have been announced. It is promoting Ireland very intensively. The information I have received is that the market has picked up dramatically in recent weeks. That is because of very intensive discounting and marketing.

**Deputy Mary Upton:** Will the Minister outline some of the specific initiatives that have been taken on internal tourism? I agree with Deputy Mitchell on the tax, which is a very significant problem, despite what the Minister said. Internal tourism will clearly be very important. What initiatives have been taken?

**An Leas-Cheann Comhairle:** A very brief reply from the Minister.

**Deputy Martin Cullen:** I cannot give a brief reply if the Deputy wants that information.

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

**Deputy Martin Cullen:** Tourism Ireland is communicating strongly to consumers in overseas markets that the island of Ireland is a great place to visit, is easily accessible and offers the consumer great value for money. There has been great emphasis on discounting and it is having a very positive impact. Tourism Ireland is spending 66% of its marketing budget in the first half of the year to frontload its marketing campaigns across all markets to secure as much business as possible for the peak and shoulder season. It has invested approximately 40% of its overseas marketing spend in tactical and co-operative marketing activity to stimulate business to the island of Ireland, as I have just highlighted, and to convey the message of great fares, excellent offers from the industry on the ground here and a wonderful holiday experience. It is providing more than 680 platforms and 2,600 promotional opportunities worldwide to the industry so it can present to consumers compelling, bookable offers across the channels.

Deputy Upton asked me about the home market, and Fáilte Ireland will invest more than €3 million with additional industry support for a year-round domestic marketing programme incorporating television, radio, press and outdoor channels to promote awareness of and interest in taking a break this year. Key messages in the 2009 campaign will be the convenience and value of holidaying at home. An additional €4 million will be invested in supporting local and national festivals. This has proved to be enormously successful this year. All the small and large festivals around the country are drawing significantly more people than in years past and

that is having a tremendous benefit in the local economies and areas in which it is difficult to create activity.

*Written Answers follow Adjournment Debate.*

### **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 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; (2) Deputy Leo Varadkar — regarding the ongoing delays with the renewal of the bilateral agreement on adoptions between Ireland and Vietnam, the need for the Minister to assure the House that his Department is now satisfied that a new bilateral agreement will be in place with Vietnam before the summer recess; (3) Deputy Frank Feighan — if the Minister will ensure special needs assistants already in place in both national schools and second level in County Roscommon and County Leitrim will remain in place for September 2009 and whether the Minister is aware every SNA plays a vital role in the classroom and any reduction will be a retrograde step for these pupils; (4) Deputy Mattie McGrath — the refusal of the CEO of the Health Service Executive to meet with the Oireachtas Members of Tipperary South despite many requests to do so to date; (5) Deputy Chris Andrews — to ask the Minister to comment on the steps that are being taken to combat the growing phenomenon of social isolation within urban communities and to outline the measures that are being put in place to ensure people have access to vital social infrastructure in urban areas; (6) Deputy Jimmy Deenihan — the failure of the Government to roll out the national speed camera programme despite the fact that the successful tenderer was approved over 12 months ago; (7) Deputy Joe Costello — the need for the Department of Education and Science to open a book of condolence for the victims of child abuse arising from the revelations of the Commission to Inquire into Child Abuse; (8) Deputy Ulick Burke — the urgent need for the Minister for Health and Children, Deputy Harney to indicate her plans for UCHG since its designation as a centre of excellence for the provision of cancer treatment for the west and north-west areas following the announcement of proposed cutbacks of €15 million; (9) Deputy Michael D. Higgins — an buille tubaistéach do mhuintir na Gaeltachta agus an Gaeilge má dhiultaíonn an Rialtas airgead a chur ar fáil chun nuachtán i nGaeilge a choinneáil ag foilsiú; (10) Deputies Seán Sherlock and Brian O'Shea — plans by Bus Éireann to suspend the Waterford to Cork bus route which caters for people travelling from Dungarvan to Mallow accommodating a number of towns and villages along the way and the fact that the suspension of this service will leave many people without access to vital goods and services as this bus is their means of transport to neighbouring towns; (11) Deputy Joe McHugh — the need to discuss why farmers are liable to pay interest on the full loan amount under the farm waste management scheme, in view of the fact that farmers entered into agreements, which were observed by the farmers, with the Government to have sheds completed by December 2008, and to debate the argument that farmers should be liable to pay interest only on the section of loans that exclude the Government's contribution; (12) Deputy Pádraic McCormack — the HSE proposal for the centralisation of medical card services to Dublin; (13) Deputies Simon Coveney, Mary Alexandra White and Jan O'Sullivan — the treatment of young people with spinal deformity at Our Lady's Hospital for Sick Children, Crumlin, Dublin; (14) Deputy Michael McGrath — the need for the HSE to prioritise the provision of capital funding for the planned new health centre in Carrigaline, County Cork; (15) Deputy Pat Breen

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— anti-social behaviour in Ennis and the need for the Minister for Justice, Equality and Law Reform to clarify if the necessary resources are being made available to the Garda Síochána to deal with recent incidents in the town; (16) Deputy Niall Collins — the need to establish the customs and border pre-clearance facility at Shannon Airport as soon as possible; (17) Deputy Tom Hayes — in light of the serious inconvenience to farmers, and the threat to jobs in the Tipperary area, the need for the Minister for Agriculture, Fisheries and Food to outline his future plans for the Department offices in Tipperary Town, which are centrally located and essential for farmers across a huge agricultural area, as well as providing key highly skilled employment in the South Tipperary; (18) Deputy Fergus O'Dowd — the need to establish an inquiry into the sexual abuse of patients at Our Lady of Lourdes Hospital, Drogheda, County Louth; (19) Deputy David Stanton — to ask the Minister for Education and Science to debate the need for teachers dealing with special needs children under the home tuition scheme run by his Department to have appropriate training and experience especially when teaching very young children with autism and will he make a statement on the matter; and (20) Deputy Jim O'Keeffe — the teacher complement at Darrara Agricultural College, County Cork.

The matters raised by Deputies Simon Coveney, Mary Alexandra White and Jan O'Sullivan, Fergus O'Dowd and Jim O'Keeffe have been selected for discussion.

### Leaders' Questions.

**Deputy Enda Kenny:** How can the Taoiseach justify the withdrawal of medical treatment from critically ill children in Crumlin hospital?

**The Taoiseach:** Of course that is not the case. Regarding a recent case that arose, the wish of the parents is that it would not be discussed publicly. There is no question of any emergency operations required not going ahead. There are issues on paediatrics generally and how we get greater co-operation and integration of services across the three hospital sites in this city. More than €200 million is spent on the provision of those services and it is important that there be full co-operation across the sites so we can get the service levels we would get by doing that. No emergency operations are not being proceeded with.

**Deputy Enda Kenny:** Last week this House unanimously passed a motion, part of which referred to the fact that we wanted to cherish all the children of the nation equally. The case is not as the Taoiseach says. A theatre will be closed from July to December, two theatres and 20 beds will be closed for the summer months of July and August and there will be a serious cutback of outpatient appointments by 8,500. The Taoiseach and I have both visited Crumlin hospital. It is one of the most fascinating and enthralling areas of medicine to see what can be done for very young children. The Taoiseach is aware of the sensitivity and stress this causes to parents from all over the country.

Crumlin has been deemed to be more than efficient by all standards. It has the required personnel, doctors and facilities. Consultants say children could be treated in other places in Dublin and we have evidence of children going to other hospitals out of the jurisdiction where appointments can be arranged immediately. It is a daft monetary policy that the first thing that happens in terms of the HSE and hospitals is that wards close and operations are cancelled while the lives of critically ill children are put at risk with all the stress that goes along with that. I do not believe there are not areas within the HSE that should be a greater priority for saving than this. It seems, based on evidence given to me by people working in the HSE that wastage in some areas is obscene. We have a children's hospital that measures up in terms of



efficiency, standards and quality yet it will be closed down for large sections of this year because of a budgetary overrun. Is the Taoiseach prepared to call in Professor Drumm and his people to advise them that this situation is intolerable? We cannot stand by when critically ill children are not able to be treated in a hospital that has the staff and facilities to do so. The children are placed at risk as a consequence and in some cases they need to be taken to other hospitals where they can be treated. A Government Deputy has described a case from her constituency as shameful and disgraceful. It is not the kind of health system we want. In respect of standing over this decision, is the Government in a position to say that there is no other area within the HSE that should not have been cut first? At the very least if we aspire to cherish all the children of the nation equally, we should not be withdrawing medical treatment from critically ill children.

**The Taoiseach:** I state once again to that there is no question — we have received an assurance — of urgent cases not being dealt with in terms of surgery required or whatever. That is not the case.

**Deputy Simon Coveney:** That is not true I am afraid. I know a constituent of mine who is waiting.

**An Ceann Comhairle:** Allow the Taoiseach to reply, please.

**The Taoiseach:** I also want to make the case that hospitals are delivering more treatments to patients than for the same period last year. The question of wards or beds being closed during the summer is a feature of our acute hospital system. On a yearly basis that happens for various reasons. Specifically on this question of urgent or emergency cases, they are being dealt with and will be dealt with. Obviously there is a range of reasons for certain procedures not proceeding. I do not want to go into any individual case on the matter. I would respect the views of the parents in this particular case.

As I have said, the whole question is about trying to improve co-operation between these three children's hospitals so that we can reduce the administrative overhead and give more money to the front line service. Presumably that would meet with the Opposition's agreement since we have a difficult budgetary situation against which we are operating generally. Over the past five years the budget here has increased by approximately 40%. This year it is approximately 3% down on last year because of the tight budgetary situation, but in fairness to the hospital it has also increased activity levels despite that fact. It is important that we all encourage the ongoing process of engagement that would see a greater degree of that €250 million total spend going to front line services than is the case at the moment by reason of the administrative arrangement that exists in the three hospitals.

**Deputy Olivia Mitchell:** Closing beds and theatres will not improve administration.

**Deputy Eamon Gilmore:** Last February the Minister for Education and Science decided to close down 118 special needs classes in various primary schools. These are classes where children with mild learning difficulties are taken out of the mainstream classes and are then educated in classes with small numbers. It enables them to progress their education and allows the children in the mainstream classes to progress their education at their own pace. Some 40 of the schools concerned appealed the decision to the Minister for Education and Science and yesterday he made a decision which will allow for only ten of those special needs classes to be restored.



[Deputy Eamon Gilmore.]

This is a cause of major concern and anxiety, particularly to the parents of the children in the special needs classes. I met many of them during the campaign for the recent local and European Parliament elections. I visited some of the schools, including some of the classes concerned. I met parents who were able to demonstrate to me the progress their children were making in the special needs classes. They also told me that in many cases they had enrolled their children in those schools because they had the special needs classes to accommodate their needs. They are now faced with their children going back into mainstream classes from September, which is causing anxiety to the parents and children concerned.

The Minister for Education and Science has sought to dress this up as something that is being done for the educational benefit of the children. It is not, of course. It is a cost-saving measure. The amount of money that will be saved is in the overall scale of things relatively small. The issue is now urgent because if it is not resolved before the primary schools close down in a week or ten days time for the summer holidays, it will not be resolved at all. Will the Taoiseach ask the Minister for Education and Science to reverse the decision to close down these special needs classes? While I appreciate the country has financial difficulties, inflicting this kind of additional educational disadvantage on children who, in many cases are also socially disadvantaged and many of the schools concerned are in disadvantaged areas, is unfair and should be reversed. I ask the Taoiseach to have this decision reversed in order to allow these special needs classes to proceed. The amount of money involved is not huge and, I am sure, could be quite readily found from other parts of the education budget or elsewhere.

**The Taoiseach:** Looking at the overall economic situation, we are borrowing €70 million a day to maintain present levels of services against a background in which we are trying to bring about financial stability and this is a process that will be ongoing. It is an argument that can be made all the time, but it is important to point out that in this specific issue the Minister contacted the schools affected by the decision to end 128 special classes for pupils with mild general learning disability of below a certain number of students. That rule had been in place for some time. He invited people affected by the decision to make a submission setting out their case on educational grounds to retain their special classes even though they had dropped below the required number of pupils to retain such classes. I understand in 14 of the 49 schools the decision on appeal has been changed. In 35 of the 49 schools the decision to end special classes remains.

It should be noted that having the children in the mainstream classes is the desire of the vast majority of parents. Thankfully we have seen and are seeing in the more than 3,000 primary schools children with a mild learning disability included in ordinary classes supported by their friends, class teacher and learning support teacher, who can work with particular children on a one to one basis. The curriculum is flexible so that teachers can cater for the needs of children of different abilities. Specifically regarding this position on the numbers of pupils — fewer than nine pupils were in these special classes — the question of a teaching post being available is something that has not been available since 1999. This obviously built up over a long period of time. The Minister has reviewed it and in 14 of the cases he has accepted on educational grounds the case that has been made. The other cases will integrate as with the other 3,000 primary schools.

**Deputy Eamon Gilmore:** I am very disappointed with that reply. I did not seek to raise this issue in a particularly political way. The matter needs to be resolved. There is no educational justification for closing down the special needs classes. The justification at the time was finan-

cial. It was announced in February in the aftermath of budgetary decisions that were made. The saving at the time was estimated to be approximately €7 million. It is probably considerably less than that now given that some of the schools have made some arrangements and we are down largely to the number of schools that have appealed the decision. What strikes me about the list of schools that have been refused is where they are located. They are virtually all located in disadvantaged areas, including parts of Tallaght, Ballyfermot and Edenmore.

**Deputy Olwyn Enright:** Birr.

**Deputy Eamon Gilmore:** The child of somebody who is well off will have the money to hire a speech therapist and additional teachers to get extra help, including grinds. Maybe if they are well off enough they will be sent to a private school. Other children, however, will not get the educational leg-up they need unless it is provided through the State school system. This is their chance. These children are having difficulty in learning. They are getting a higher degree of attention in these circumstances than they would if they were put into very large primary school classes. We all know the difficulty that imposes on them. These children will be left behind largely because they are poor and their parents are not in a position to pay for private tuition like better off parents who live elsewhere.

The amount of money that is being saved is not huge. I suggest that in the long term the State will end up paying a lot more to pick these children up later on. This is at the primary school stage where they learn to read. If they cannot read they cannot learn. They get the opportunity now but if they fall through the cracks at this stage it will cost more for them to pick up at a later stage. In the long run it will cost the State a lot more also. It is something that can be addressed and it does not involve a huge amount of money. I appreciate what the Taoiseach has had to say about the amount of borrowing but it should not be placed at the door of these children who now require this educational assistance. They should not be left behind.

I ask the Taoiseach to have this issue revisited by the Minister for Education and Science. There is no disgrace or discredit in changing the position on this matter. It is needed and is in the children's interests. It is not going to break the bank, so it should be done.

**The Taoiseach:** I do not lay the question of our public finances at the door of these children or any of our children. It is a question of finding a way forward that will be sustainable in future. It comes against a background of much development in this area. I will come back to the specific points the Deputy raised, but I need to make the general point that over 11% of our total education budget, over €1 billion, is being spent in the special needs area, and rightly so. That level of investment particularly in the last ten or 12 years has been very significant. In total, we had 300 special needs assistants in our schools ten years ago, while there are now 19,000 staff in our schools working solely with children with special needs. Some 10,000 of those are special needs assistants. As I said, the figure has risen from 300 just ten years ago. We have quadrupled the number of resource and learning support teachers in our schools, and rightly so. We have brought the question of entitlements for those who are disabled and have difficulties to the centre of how we deliver an education system. Part of that philosophy is about mainstreaming children with disability in our schools. If one looks at the UN conventions in this area in terms of general policy it is all about ensuring that we give effective individualised support measures, providing environments that maximise academic and social development consistent with the goal of education.

The specific issue the Deputy raised concerns a legacy that has built up over time. For educational reasons, the educationalists say that at least nine places should be provided before

[The Taoiseach.]

one provides special classes in schools outside the mainstream environment. There were 128 such classes. The proof of educational grounds being the criterion is that when the Minister invited people to make a further appeal on their particular cases in any particular school, 14 of them were successful. Therefore they were able to make that case on educational grounds and it was acceded to.

With regard to the general policy, people with mild learning disability are mainstreamed in 3,000 schools. However, the Deputy is suggesting that the 35 here should be retained when in fact the whole policy direction is towards mainstreaming into the general class and providing individual supports within that environment. Generally speaking, the vast majority of parents go along with the idea that there is a wider social environment for the development of social skills by doing it that way. That is the context if one looks specifically at the schools mentioned by the Deputy, although I am aware of the point he is making. Of the 119 schools affected, 80 have reduced class sizes either under DÉIS or other previous disadvantaged schemes. Of the 80 schools, 17 will be due an extra post when the pupils in question are divided among mainstream classes. So the loss of a teacher in respect of the special classes is compensated for in moving them into the mainstream class, increasing the pupils in that class and therefore — under the rules that apply — getting an extra teacher in 17 of those schools. The loss of the teaching post in the mild class will be offset by the additional post required to maintain the lower class sizes because of their disadvantaged categorisation. That is the full picture. In this respect, the Minister's response in inviting people to revisit those issues has seen a proportionate response where the educational grounds are established. In the other cases, because of the way the disadvantaged categorisation works, there is the prospect of an extra teacher in the main class environment because of the changeover.

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

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

**Deputy Frank Feighan:** I seek the Adjournment of the Dáil to consider a matter of national importance, namely, the terms of the reference which NAMA has laid down to the banks in terms of making capital available to businesses. These terms of reference are weighed totally in favour of big builders and are excluding small and medium enterprises with the loss of thousands of jobs.

**Deputy Catherine Byrne:** I seek the Adjournment of the Dáil under Standing Order 32 to raise the following issue of national importance, namely, in view of the findings of the Ryan report, to ask the Government to give a commitment to those families who have lost loved ones while in the care of residential institutions named in the report and whose remains were buried in communal graves and to ask the Government to do its utmost to enable these families to have the remains of their loved ones returned for family burial.

**Deputy Andrew Doyle:** I seek leave to move the Adjournment of the Dáil under Standing Order 32 on a specific, important matter of public interest requiring urgent attention, namely, the national crisis in front-line health and social services created by the HSE ban on recruitment or replacement of staff, which has severely impacted on the provisions of essential front-line services.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom cead a lorg rún a mholadh chun an Dáil a chur ar athló faoi Bhuan Ordú 32 chun an ábhar seo a phlé: go bhfuil gá rí-thábhachtach poiblí go ndéanfaí plé práinneach ar the need for the the Government to recognise that to tackle the drugs crisis and associated crime effectively, addiction treatment centres must be ready and available when sought by users; and to take urgent action to reduce the growing waiting lists for methadone treatment — which currently stand at a year or more in four of the country's main treatment centres, and nine months in the Aisling centre in Ballyfermot — by making additional resources available for treatment centres and by increasing the cap on the number of addiction patients a GP can initiate treatment for from 35 to 55, thereby assuring an additional 1,000 drug users are taken off the waiting lists of the centralised treatment providers.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 4, Financial Services (Deposit Guarantee Scheme) Bill 2009 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and that business shall be interrupted on the adjournment of Private Members' business, which is No. 73 — motion re unemployment, to be taken for 90 minutes at 7 p.m., or on the conclusion of No. 4, whichever is the later. The proceedings on Second Stage of No. 4 shall, if not previously concluded, be brought to a conclusion at 7 p.m. tonight.

**An Ceann Comhairle:** There are two proposals to be put to the House. Is the proposal for the Dáil sitting agreed to? Agreed. Is the proposal for dealing with No.4 agreed to?

**Deputy Joan Burton:** This is one of five guillotines that is proposed for this week. We find this unacceptable. This Bill deals with the guarantee scheme for individual depositors, but the Minister published a supplementary miscellaneous provisions Bill on Friday evening. From the Dáil schedule, I understand this Bill will come before the House and be guillotined next week. It provides for the bank guarantee to be extended indefinitely by ministerial order from September 2010. This is a very odd way to do business. We have vital business on banking that is being split into two Bills over two weeks and which will both be guillotined. The deposit guarantee scheme is clear enough, because it was discussed before. However, the twin Bill on extending the bank guarantee by ministerial order is not. It is disgraceful to break up these two Bills, and then subject both of them to guillotines.

We have five guillotines on Bills this week. That is simply not acceptable for the scrutiny of this type of legislation. The bank guarantee is the biggest financial undertaking this country has ever undertaken and it is not good enough to subject it to guillotines.

**The Taoiseach:** I understand that apart from Front Bench spokespersons and Ministers, only two or three people have indicated a wish to speak on Second Stage of the Bill. On that basis, we should be able to complete our business for 7 p.m. this evening.

**Deputy Eamon Gilmore:** So there is no need for a guillotine. Why does the Taoiseach not withdraw it?

**The Taoiseach:** All I am saying is that the level of business that is suggested for the Bill, based on the number of people indicating a wish to speak on it, means that we should finish it by 7 p.m.

**Deputy Eamon Gilmore:** There is no need for the guillotine at all.

Question put: “That the proposal for dealing with No. 4 be agreed to.”

The Dáil divided: Tá, 75; Níl, 65.

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Kelleher, Billy.  
 Kelly, Peter.

Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 O’Brien, Darragh.  
 O’Connor, Charlie.  
 O’Dea, Willie.  
 O’Flynn, Noel.  
 O’Hanlon, Rory.  
 O’Keeffe, Batt.  
 O’Keeffe, Edward.  
 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.

Níl

Allen, Bernard.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Clune, Deirdre.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 Creighton, Lucinda.

D’Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.

Níl—*continued*

Hayes, Brian.	O'Dowd, Fergus.
Hayes, Tom.	O'Keeffe, Jim.
Higgins, Michael D.	O'Mahony, John.
Hogan, Phil.	O'Shea, Brian.
Howlin, Brendan.	O'Sullivan, Jan.
Kehoe, Paul.	O'Sullivan, Maureen.
Kenny, Enda.	Penrose, Willie.
Lee, George.	Perry, John.
Lynch, Kathleen.	Quinn, Ruairí.
McCormack, Pádraic.	Rabbitte, Pat.
McGinley, Dinny.	Reilly, James.
McGrath, Finian.	Ring, Michael.
McHugh, Joe.	Shatter, Alan.
McManus, Liz.	Sheahan, Tom.
Mitchell, Olivia.	Sherlock, Seán.
Morgan, Arthur.	Stagg, Emmet.
Naughten, Denis.	Timmins, Billy.
Neville, Dan.	Tuffy, Joanna.
Noonan, Michael.	Upton, Mary.
O Snodaigh, Aengus.	Varadkar, Leo.
O'Donnell, Kieran.	Wall, Jack.

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

Question declared carried.

**Deputy Enda Kenny:** Has the Government given consideration to an announcement of an independent inquiry into the activities of Dr. Michael Shine? The Taoiseach is aware that—

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

**Deputy Enda Kenny:** I am simply asking whether the Government has given consideration to the announcement of an inquiry into the consequences of the activities of Dr. Michael Shine. We are aware that the Medical Council's fitness to practise committee dealt with this over 17 days, between 17 January and 21 July 2008. Since then, other witnesses have come forward to give evidence. It is a most serious case that deserves a most serious response.

**An Ceann Comhairle:** It will be dealt with on the Adjournment.

**Deputy Enda Kenny:** Does the Minister for Health and Children intend to make a statement on the theft of 15 laptops from the HSE?

**An Ceann Comhairle:** Neither matter is in order, as Deputy Kenny knows well.

**Deputy Enda Kenny:** It is, in so far as—

**An Ceann Comhairle:** It is not in so far as anything.

**Deputy Enda Kenny:** —protocols and the legislation governing this.

**An Ceann Comhairle:** Too tenuous by far.

**Deputy Enda Kenny:** As pointed out by Deputy Naughten, this was due to be reported to the Data Protection Commissioner. Some 580,000 people had their personal details lost in 2008.



**An Ceann Comhairle:** Deputy Kenny can ask about it on Leaders' Questions tomorrow morning. We cannot deal with it now.

**Deputy Enda Kenny:** It shows that this organisation, on which we are spending €16,000 million, still has not learned its lesson.

If I may raise something that is in order——

**An Ceann Comhairle:** Good.

**Deputy Enda Kenny:** ——in the past period, the Government has lost the services and therefore the space of three of their Members, former Deputy Pat The Cope Gallagher, the late, lamented Séamus Brennan and the former member of the Progressive Democrats in the Seanad, Senator Ciaran Cannon. Two of those vacancies have been filled by Fine Gael, Senator Cannon and Deputy George Lee. The Government, having lost those three Members, has not given up any space. The Whip, in examining this, proposes to offer space to Deputy Lee in the Department of Agriculture, Fisheries and Food.

5 o'clock

**Deputy David Stanton:** That is great.

**Deputy Enda Kenny:** It is not good enough.

**An Ceann Comhairle:** That cannot be discussed on the Order of Business, as the Deputy knows well.

**Deputy Paul Kehoe:** There is nowhere else to discuss it.

**Deputy Dinny McGinley:** He could be given the coat room.

**Deputy Enda Kenny:** The Taoiseach should see that everybody here gets their——

**An Ceann Comhairle:** The Deputy has made his point. The Whips will have to discuss that or the Deputy can meet the Taoiseach about it. I cannot have it on the Order of Business.

**Deputy Enda Kenny:** ——facilities for work.

**An Ceann Comhairle:** It is not possible.

**Deputy Enda Kenny:** Deputy Lee has a mandate from 28,000 people and the Government intends to hive him off to the Department of Agriculture, Fisheries and Food.

**An Ceann Comhairle:** Please ask something which is in order so we can move along. I cannot deal with that now so the Deputy can forget about it.

**Deputy Enda Kenny:** We should get this sorted out for Deputy Lee and Senator Cannon.

**An Ceann Comhairle:** I am sure the accommodation can be dealt with by the Whips or somebody else.

**Deputy Enda Kenny:** The Whip has already allocated the space of the late Tony Gregory to Deputy Maureen O'Sullivan.

**Deputy Joan Burton:** It is the amount of harbours in south Dublin.

**Deputy Dermot Ahern:** The new Deputy is to be placed there to extend his level of experience in agriculture.

**Deputy Enda Kenny:** The Minister is welcome back.

**An Ceann Comhairle:** Deputy Kenny should ask a question which is in order. I will have to call on Deputy Gilmore.

**Deputy Enda Kenny:** The Taoiseach might respond.

**An Ceann Comhairle:** He will not, as it is a matter for the Whips.

**Deputy Enda Kenny:** We cannot have this, as the Ceann Comhairle well knows.

**An Ceann Comhairle:** We cannot have this on the Order of Business either.

**Deputy Enda Kenny:** Tell the Government parties to get it sorted.

**Deputy Dermot Ahern:** Deputy Kenny could give Deputy Lee his office.

**An Ceann Comhairle:** The Whips can discuss the sorting out of accommodation.

**Deputy Enda Kenny:** An elected Member is being disenfranchised.

**Deputy Paul Kehoe:** There were other issues.

**Deputy Finian McGrath:** Give him an office.

**An Ceann Comhairle:** Several issues were raised.

**Deputy Paul Kehoe:** Three issues were raised.

**Deputy Eamon Gilmore:** I did not know about this until Deputy Kenny raised the matter.

**An Ceann Comhairle:** Neither did I. That makes two of us.

**Deputy Enda Kenny:** The Ceann Comhairle knows now but is not giving any direction. He should get on and sort it out.

**Deputy Eamon Gilmore:** It seems very unfair. Something should be done very soon.

**Deputy Paul Kehoe:** When we are on the other side of the House, we will put the Government parties out on the side of the street.

**Deputy Brian Lenihan:** I have heard that before.

**Deputy Paul Kehoe:** The Minister will not have time to get his briefcase.

**Deputy Joan Burton:** It is a declaration of war.

**Deputy Dermot Ahern:** It will never happen.

**Deputy Enda Kenny:** They will be there along with the laptops.

**An Ceann Comhairle:** The Deputies can have that discussion later in the evening.

**Deputy Eamon Gilmore:** The report of the commission of investigation——

**Deputy Paul Kehoe:** Fianna Fáil can meet in the bar in Buswell's.

**Deputy Eamon Gilmore:** In July 2007, the Government approved an extension of a year for the term of the commission of investigation into the sexual abuse of children in the Dublin archdiocese, to report by September 2008. It was established in March 2006. When is it expected to report?

**The Taoiseach:** I cannot give a definite time for that as it acts independently of the Government. My understanding is that it is due soon but I do not have a date.

**Deputy Alan Shatter:** I also intended to raise the issue mentioned by Deputy Gilmore. Is the Taoiseach in a position to indicate whether the report will be published before the Dáil goes into recess? There were reports that it was to be published either next week or the following week, towards the middle or end of June. Bearing in mind the matter's seriousness, it may have to be discussed again and it would be most unfortunate if it was published immediately following the Dáil going into recess, as we would not be able to address it until next September.

The all-party motion passed last week contained a provision in which the Government agreed it would look at an amendment to the residential redress board legislation to facilitate individuals who were victims of abuse making application for redress to that board in circumstances other than just "exceptional circumstances", as stated in the legislation. When will the Government make a decision on the matter?

As we are here today, a 74-year-old man is in the High Court trying to get the courts to determine his entitlement to have his claim for compensation made through the redress board. Victims of clerical and institutional abuse should not be placed in a position where they must do battle in the courts with the State or a State agency——

**An Ceann Comhairle:** The Deputy has asked his question. He should move to the next one.

**Deputy Alan Shatter:** ——to have compensation claims addressed. Will the Taoiseach address the matter urgently as it is a simple matter to amend the Bill? Is it intended to make that decision to facilitate the passage of amending legislation in the House before the summer recess? Many people are now affected by the matter and it should not be left over.

Is there an intention on the part of the Government to bring before the House prior to the recess the provisions of a new treaty, which must be approved by this House, between the State and Vietnam with regard to foreign adoptions? There is a substantial difficulty in this area and every Member of this House has met and spoken with distraught people who have been approved for foreign adoption but find themselves in no-man's land.

**An Ceann Comhairle:** Will the Taoiseach respond to those three matters?

**Deputy Alan Shatter:** They are unable to process their foreign adoptions in circumstances where they will be recognised. There is an urgent need to conclude the discussions with Vietnamese authorities and bring the matter before the House. Will the Taoiseach indicate if that will happen before we go into recess?

**The Taoiseach:** I do not know if that matter will have concluded by then but I know the Minister of State, Deputy Barry Andrews, is working hard in that respect with another sovereign government. We are aware of the views and needs of many prospective couples who would

like to adopt and the question arises as to whether we can satisfactorily conclude a renewed agreement with Vietnam. Unfortunately, I cannot give any indication as to when that will be, although it is a priority of the Minister of State with responsibility for children and youth affairs.

On the other matter, I do not determine the publication of reports from those acting independently of the Government. I understand the publication will be soon, although I do not know when it will be published. Whenever it is published, it will be discussed in the House in due course.

With regard to the redress board matter, the implementation plan being drawn up is in respect of the recommendations in the Ryan report and issues raised by survivors' groups are also being considered in the context of the discussions we have begun with them.

**Deputy Alan Shatter:** The redress board matter was not a recommendation of the Ryan commission. It did not address that issue, which was an agreed matter in the motion before this House. It requires a political decision to——

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

**Deputy Alan Shatter:** ——introduce a very brief amending piece of legislation to give a new window of opportunity to the victims of abuse to seek redress.

**An Ceann Comhairle:** The Deputy has had ample opportunity to expand the point.

**Deputy Alan Shatter:** That is not a matter originally indicated as one——

**An Ceann Comhairle:** The Taoiseach has answered so I must move on.

**Deputy Alan Shatter:** ——which the Minister of State, Deputy Barry Andrews, would address. It is a matter of the Cabinet making a decision and I suggest to the Taoiseach that the Cabinet should make that decision and have this important matter addressed in a humanitarian way before we go into recess.

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

**Deputy Alan Shatter:** There is agreement across the House on the issue.

**An Ceann Comhairle:** The Deputy should not have come in again.

**Deputy Richard Bruton:** Is the position of the National Asset Management Agency legislation any clearer at this stage? The interim board has been established, is receiving submissions and progressing with much work. It is unclear when the legislation will come before the Dáil. Will it be before July or will the Dáil be recalled in order to deal with the matter during July? What is the Government's intention at this stage?

**The Taoiseach:** The Minister for Finance has indicated that he is dealing with this as a matter of priority. It is an arduous and complex task and he has indicated the possibility of returning in September, if necessary, to put the legislation through the House as well. It depends on the rate of progress by the end of the month.

**Deputy Brian O'Shea:** The following motion has been on the Order Paper since November last year: "That Dáil Éireann approves the report of the Minister for Defence regarding the services by the Defence Forces with the United Nations in 2007." When is it proposed to give

[Deputy Brian O'Shea.]

Government time to debating this motion approving the services given by our Defence Forces to the UN in 2007?

**The Taoiseach:** The matter could be discussed with the Whips. There are many priorities as we come to the end of this session. I agree that we should take the occasion at some stage to record the House's appreciation of the tremendous work done by the Army in service in the United Nations, the 50th anniversary of which was celebrated last year.

**Deputy Denis Naughten:** When will the health (miscellaneous provisions) Bill be taken in the House? Is the Taoiseach aware that County Roscommon is now the only county in Ireland which does not provide enhanced subvention for elderly people? In light of the hardship this causes to a number of families and individuals——

**An Ceann Comhairle:** If all Deputies begin this type of questioning, we will be all over the place.

**Deputy Denis Naughten:** Will the Taoiseach ensure the Minister for Health and Children deals with this issue and that the people of County Roscommon are treated in the same manner as every other citizen?

**An Ceann Comhairle:** I call the Taoiseach on the first issue raised, the one concerning legislation.

**The Taoiseach:** I understand from the Chief Whip that the Bill is ordered for Report Stage.

**Deputy Joe Costello:** The Government has been in negotiations over the past several weeks with the leaders and Foreign Ministers of the other 27 EU member states on the various texts concerning the Lisbon treaty. We hear about them in the media through leaks. Will the Taoiseach brief the House on the state of play with the treaty before he goes to Brussels on Wednesday evening? From what I understand, he intends to sign up to an agreement on a second referendum on the Lisbon treaty by Friday. Considering the matter is being dealt with prior to any direct reference to the House, will the Taoiseach put something on the record of the House about it?

**An Ceann Comhairle:** I do not believe this is in order without a reference to legislation. However, if the Taoiseach wants to be helpful, he may respond.

**The Taoiseach:** As the Deputy knows, the matter is a question of providing texts to the Council conclusions of December last, which have been discussed in the House. The normal process is for the House to discuss the aftermath of a Council meeting.

The specific texts referred to by the Deputy were further discussed this morning and progress has been made on them. Given the nature of these matters, it is not always the case that items are decided in full before a Council meets. That is what we are working towards and various member states have indicated their positions on various aspects of it. We are trying to pull together a position which will have the agreement of all member states. We are continuing to discuss both the substance and status of the texts. It is not logistically possible for me to comply with the Deputy's request. The role of the Executive in this matter is to obtain, in an appropriate format, the legal guarantees set out in the December conclusions and have them incor-

porated in the June Council conclusions, which can then be debated by the House after our return from the summit.

**Deputy Kieran O'Donnell:** Will the Aviation (Preclearance) Bill be fast-tracked through the Dáil before the summer recess, as it has just been passed by the Seanad? It would be timely and important as Shannon Airport could have full preclearance facilities in operation by 29 July and Aer Lingus has reduced its weekly transatlantic flights from 14 to eight. The Government should also use its 25% stake in Aer Lingus to allow the facilities to be put in place.

**The Taoiseach:** The Government's intention all along has been to have the Bill enacted before the summer recess.

**Deputy Kieran O'Donnell:** Will it come before the House before the summer recess?

**The Taoiseach:** There is no other way in which it can be done.

**Deputy James Reilly:** In light of recent findings that 64% of the population is either obese or overweight, the third worst rate in Europe, and a report in this morning's newspapers——

**An Ceann Comhairle:** I am not sure whether this is in order.

**Deputy James Reilly:** A Cheann Comhairle, you have to let me build up to it. Tá sé ag teacht. Is there pending legislation on food labelling? Fast-food outlets in Ireland have formed an alliance and are not prepared to follow the lead of their UK counterparts in putting a calorie counter on their menus.

**An Ceann Comhairle:** A question on the Order of Business must be on specific legislation.

**Deputy James Reilly:** Is there planned legislation for food labelling and other nutritional information? I believe it was promised previously for last year.

**An Ceann Comhairle:** I know, Deputy, but you cannot invent the menu here; you must ask what is on it.

**Deputy James Reilly:** And you, a Cheann Comhairle, dictate the menu. I want to know if the Taoiseach has any intentions relating to the menu.

**Deputy Denis Naughten:** Sometimes it can give one indigestion.

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

**The Taoiseach:** Legislation is not promised in this area but it is a cause for reflection for us all.

**Deputy Pat Rabbitte:** I anticipated that kind of reply. Has the Government accorded any priority to the enactment of the Defamation Bill in this term?

**The Taoiseach:** The Bill is on Committee Stage but I am not aware it is intended to have it completed this term. I will ask the relevant Minister to come back to the Deputy on this matter.

**Deputy David Stanton:** Ireland signed the UN Convention on the Rights of Persons with Disabilities some time ago. In order for it to be ratified, the mental capacity Bill must be enacted. When will the Bill be published, as it has been put off for some time now? Will we see Government proposals on Dáil reform this side of the summer or some time next year?



**The Taoiseach:** The mental capacity Bill will be published later this year. A parliamentary question to the relevant Minister will answer the Deputy's query regarding the convention itself. The second matter will be in the course of the year.

**Civil Liability (Good Samaritans and Volunteers) Bill 2009: First Stage.**

**Deputy Billy Timmins:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for the extent of the civil liability of good samaritans, volunteers and volunteer undertakings.

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

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

Question put and agreed to.

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

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

Question put and agreed to.

**Estimates for Public Services 2009: Message from Select Committee.**

**An Ceann Comhairle:** The Select Committee on Finance and the Public Service has completed its consideration for the Revised Estimate for Vote 10 for the year ending 31 December 2009.

**Financial Services (Deposit Guarantee Scheme) Bill 2009): Order for Second Stage.**

Bill entitled an Act to provide for the making of regulations regarding the amount payable to a person maintaining eligible deposits with a credit institution; to provide for the maintenance of the deposit protection account by the Central Bank and Financial Services Authority of Ireland; to provide for the maintenance by credit institutions of deposits in the deposit protection account; to provide for the amount of the deposit and its variation; to give further effect to Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit guarantee schemes; to amend the Central Bank Act 1942 and to provide for related matters.

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

Question put and agreed to.

**Financial Services (Deposit Guarantee Scheme) Bill 2009: Second Stage.**

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

The Financial Services (Deposit Guarantee Scheme) Bill 2009 is one part of a two-stage legislative package — the other being a complementary statutory instrument which I will make as soon as the Bill has been enacted — to amend and update the Irish deposit guarantee scheme in line with the Government's announcement of 20 September 2008.

The main reforms announced then comprised increasing the statutory limit for the deposit guarantee scheme for banks and building societies from €20,000 to €100,000 per eligible depositor per institution with effect from 20 September 2008; the discontinuance of the co-insurance requirement whereby the depositor bore 10% of the loss up to the statutory ceiling on cover which had a maximum payout of €20,000; and extending the guarantee scheme to apply to credit union savers. These came into effect immediately and, as I indicated then, I would provide the appropriate legislative underpinning as soon as possible afterwards. The purpose of the Bill is therefore to provide the first step in this process.

Deposit protection in Ireland is a new intervention. The Central Bank Act 1989 put in place a deposit protection scheme which involved the Central Bank establishing a deposit protection account and transferring to that account 0.2% of deposits of the licensed banks held by the Central Bank. This was repealed in 1995 when the deposit guarantee scheme was established under the European Communities (Deposit Guarantee Schemes) Regulations 1995, S.I. 168 of 1995. This gave effect to an EU directive under which protection was provided at the minimum level of 15,000 ECU, the forerunner to the euro, and increased to €20,000 from 31 December 1999.

In simple terms, the Irish deposit protection scheme guarantees to compensate depositors, subject to certain limits, when a credit institution fails. It covers deposits held in current accounts, demand deposit accounts and term deposit accounts with credit institutions. The basic intention behind such a scheme is to reassure small and relatively unsophisticated depositors that there is a safety net that will enable them to recover all, or at least most, of their savings in the event of a failure of a credit institution. This reassurance, in turn, helps to reduce the likelihood of a run on an otherwise solvent bank and helps to contribute to the stability of the financial system.

A deposit protection scheme is not, of course, intended to cope with a systemic financial crisis. In such a scenario, government intervention to restore confidence might be necessary, as has been seen both in Ireland and in other countries over the past year. Thus, while deposit protection schemes can be seen as just one part of financial safety net, they can be helpful in protecting otherwise solvent institutions from failure. In the wake of the turmoil that has affected the global financial system in the past two years, there is a general acceptance that deposit protection needs to be enhanced and that information, funding and immediacy of payment are important factors in ensuring the effectiveness of a deposit protection framework by supporting confidence in the banking system.

All institutions authorised by the Financial Regulator to carry out banking activities here are required to become members of the deposit guarantee scheme and in this sense, it is wider than the scheme for the covered institutions. All these institutions must hold a balance in the deposit protection account, which is maintained by the Central Bank and Financial Services Authority of Ireland, CBFSAI. At present, there are approximately 50 such institutions which have been so authorised by the Financial Regulator and the extension of coverage to credit unions will bring in another 419 institutions. The balance in the deposit protection account in the CBFSAI at the end of 2008 was €617 million.

The Government decision last September to increase the guarantee limit from €20,000 to €100,000 was prompted by a number of factors. First, there was the significant uncertainty in international financial markets at that time, which had begun to play on some customers' fears regarding the security of their savings and financial institutions at home. Second, given the passage of time since the guarantee limit was last changed approximately ten years ago and

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the very substantial growth in the number and value of deposits, the case for raising the payout ceiling of €20,000 had been clear for some time. Finally, the case for an increase in the limit had been made by various Members on both sides of this House at that time.

The decision to remove the co-insurance requirement, whereby the depositor carried 10% of the loss on his or her deposit, was a necessary amendment because of the public's heightened sensitivity to the broader savings protection debate, particularly regarding people's fear of losing even a small portion of their savings because of a credit institution becoming insolvent. It was important to remove any incentive for people to withdraw their deposits from credit institutions and to reassure those with relatively small deposits in particular that all of their savings would be protected.

The extension of the scheme's coverage to credit union savers was based on the need to provide a level playing field for all depositors. In this connection, it should be noted that the Irish League of Credit Unions has, since 1989, operated on an all-island basis a savings protection scheme, SPS, for credit unions. To date, it has operated on the basis that it stood ready to provide financial support to any of its member credit unions that got into difficulty. Fortunately, it has never been necessary for the league to carry out that promise, as no credit union has become insolvent and no member of a credit union has experienced any loss of shares or deposits.

Nevertheless, last autumn I had a concern that any difference in the treatment of depositors, as between banks and credit unions, potentially could have been highly damaging for any class of credit institution that was considered by the public at large to have had inferior deposit protection terms. At the time, the Government decided the scheme should be applied to credit unions. It is important to stress that this legislation complements the more comprehensive guarantee made on 30 September 2008 under the credit institutions financial support scheme. That wider guarantee scheme provides a State guarantee for all deposits and certain liabilities of the guaranteed institutions to the extent that they are not covered by existing deposit protection schemes in the State or any other jurisdiction. In short, depositors must first claim from the deposit guarantee scheme and then move on to claim any balance from the credit institutions financial support scheme. Accordingly, notwithstanding the wider scheme to safeguard the banking system, this reform must be furthered in its own right, given the legal requirement for a compensation claim to be made first upon the deposit guarantee scheme. It is also important to emphasise that whereas the credit institutions financial support scheme applies to the seven covered credit institutions, the deposit guarantee scheme applies to all credit institutions authorised in this State and this now includes credit unions, which hitherto did not benefit from statutory deposit protection.

Before describing in detail the provisions of this Bill, I wish to explain the reason there has been some delay in bringing forward the legislation. As we began to draft legislation to give effect to our domestic reforms, the European Commission published a proposal to amend the deposit guarantee schemes directive of 1994. The main elements of the Commission's reforms were, as with our own proposed changes at that time, an increase in the ceiling of payouts and the abolition of the co-insurance requirement option. Other critical reforms announced by the EU in October related to the deadline within which compensation must be made. As our deposit protection arrangements were based on the original European Union directive of 1994, it made sense to cover our domestic changes and those of the EU within a single item of legislation. The Government was of the view that the decision of 20 September 2008 on our domestic changes to our deposit guarantee scheme provided a sufficient safeguard in the

interim period. However, once the EU measure was finalised and published as a directive on 11 March 2009, steps were taken to finalise the drafting of the necessary legislative amendments and to have the Bill published as soon as possible.

One might also mention that the additional time has enabled the Department of Finance to reflect further on aspects of the existing statutory framework and as a result it is proposed to strengthen it by transferring a number of provisions from the statutory instrument of 1995, which is the basis for our deposit guarantee scheme, into primary legislation in the form of this Bill. These changes, on which I will elaborate in a few minutes, will provide greater legal certainty to our general scheme. I now wish to describe the main provisions of the Bill.

Section 2 empowers the Minister for Finance to make regulations prescribing the amount of compensation payable to a person maintaining deposits within a credit institution. Its purpose is to give effect both to our own protection ceiling increase and to the recent European Union amending directive on deposit guarantee schemes. However, it provides the power to prescribe a higher level of coverage up to 31 December 2010 than that set out in the directive. The directive requires member states to increase coverage to €50,000 immediately, with a further increase to €100,000 from 31 December 2010. As I mentioned earlier, our deposit guarantee scheme is set out in secondary legislation, which transposed the original European Union directive of 1994. Without this enabling provision, I would not be able to make legislative provision by statutory instrument for the €100,000 coverage rate announced last September as, at this point, it is outside the scope of the directive.

Section 3 confirms the establishment of the deposit protection account at the CBFSAI and was already catered for by regulation No. 4 of the existing regulations. However, this is an example of a provision that has been incorporated into the Bill to ensure that it has greater clarity and is more safe from legal challenges.

Section 4 empowers the Minister for Finance to prescribe by regulations the amount of the deposit which a credit institution shall lodge to the deposit protection account in respect of its participation in the scheme. It also enables the variation by order of the amount payable by a credit institution or credit institutions or class or classes of credit institution. The current level of contribution is set at 0.2% of a prescribed deposit base. It is not proposed to change that figure at present, having regard to the significant charges already being levied on credit institutions participating in the separate bank guarantee scheme.

Sections 5 and 6 deal with annual recalculation of the amount of deposit and charges on the deposit protection account. They are being transferred from the existing regulations. Section 7 permits the payment of aggregate contributions on behalf of a group or groups of credit unions and is being incorporated to facilitate the existing structure of the movement, as well as the administration of the scheme by the Central Bank, as it will facilitate a bulk payment in lieu of a plethora of small payments by individual credit unions.

Section 8 is being introduced to cater for a position in which, in the event of the insolvency of a credit institution and the funds available in the deposit protection account that funds the deposit guarantee scheme not being sufficient to meet the required payout, the Central Bank might cover the shortfall with its own resources on a temporary basis. However, as European Central Bank rules prohibit such monetary financing other than on a short term and urgent basis, this section provides that the Exchequer will recoup the Central Bank for any outlay within three months. As the deposit protection account was replenished, the remaining credit institutions would repay the Exchequer over time. I intend to introduce an minor amendment to section 8 on Committee Stage. This amendment will make it more clear than was evident in

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the initial draft of this section as published that the Central Bank is not obliged or required to fund any shortfall that may arise in the deposit protection scheme in respect of any payments arising. It may, of course, decide to do so at its own discretion, if a view is taken that it is in the interests of financial stability.

Section 9 deals with offences and penalties and, again, this provision is being placed in primary legislation. Section 10 is the standard provision relating to the laying of regulations before the Houses of the Oireachtas. Section 11 amends the Central Bank Act 1942 in respect of certain technical matters. In addition to setting out the Short Title, section 12 provides that section 4 of the Bill, namely, the amount to be maintained in the deposit protection account in so far as it applies to credit unions, shall come into operation on such day as the Minister may appoint by order. After the passage of this legislation and the necessary statutory instrument, it will be necessary to have further discussions with the credit union movement for their admission into the scheme from an administrative perspective. Credit union savers are, and will continue to be, covered up to the €100,000 compensation limit the Government announced last September.

I wish to emphasise the importance of having this Bill enacted in sufficient time to enable the necessary statutory instruments under the provisions of the legislation to be made. These regulations must be commenced into law by 30 June to meet the European Union's deadline for the transposition of the amending directive. I appreciate the co-operation of Members across the floor in meeting this deadline and I commend the Bill to the House.

**Deputy Richard Bruton:** I would like to share time with Deputy O'Donnell.

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

**Deputy Richard Bruton:** I welcome the introduction of this legislation which has been awaited since the Minister originally indicated his intention to take action in this area. The role of taxpayers in the banking system is being extended gradually. They will have a permanent role in the system as a result of this Bill, as their role will not end when the Government guarantee comes to an end in September 2010.

I am sure the Minister will acknowledge that the need for these measures does not primarily result from the crisis that hit banking systems throughout the world last year. The international banking crisis hit the Irish banking system at a time when its house was far from being in order. People are genuinely appalled at what has occurred. I refer to the failure of the regulatory and banking systems to protect us, for example. It is clear that responsibility for systemic risks to our system had been assigned to the Central Bank. It was plainly marked absent when the time came to contain the property bubble, the single sector banking model that was so prevalent in Ireland and the extension of credit far beyond the deposit base. Our ratio of indebtedness to GNP is 270%. I think the nearest to us is approximately half that figure. We are way out in a league of our own. The Central Bank which should be protecting us in a professional manner has been found wanting. The Financial Regulator, to which the Central Bank was joined at the hip, has also been found wanting in meeting its responsibilities in respect of individual institutions. The practices uncovered in the most notable case, that of Anglo Irish Bank, were plainly wrong, by any standard. It appears that the Financial Regulator was fobbed off with legal advice in the case of some of the wrongdoing at that bank. The regulator did not probe the validity of that advice and failed to escalate some of the evidence of wrongdoing that came to its attention. It was not elevated up the scale. The system failed.



The catastrophic failures in the banks and regulatory authorities are having appalling consequences for ordinary people. The Bill represents a further permanent shift in the relationship between the taxpayer and the banking system. It is all bad news for the taxpayer who is having to take on an extra burden. Everyone wants to know what is on the other side. Where is the *quid pro quo*? People are appalled that such questions have not been answered, more than nine months into the crisis. Ordinary people have not yet seen evidence of new standards, levels of accountability and powers of enforcement. They are frustrated that the Office of the Director of Corporate Enforcement has yet to come to a conclusion on offences that may have occurred. One wonders whether the legislation under which that office operates is up to scratch. As we vote on whether to put another round of responsibilities on the shoulders of taxpayers, we have to ask whether the regulatory system is fit for purpose at this time. Are we able to pursue the wrongdoing that has occurred with sufficient effectiveness? Is our legislation inadequate and in need of change?

I have to say the Government's conclusion on regulation, the sum total of which appears to be that the Central Bank needs to move more centrally into control of regulation, strikes me as totally inadequate. It has come up with institutional change to save everyone's blushes. It was clear that the Central Bank had responsibility for systemic threats. It is now clear to everyone that this was a systemic threat. Everybody knows that the Central Bank did not square up to the threat adequately. We have been told it is to be given a more central role in policing the system, but nothing has happened. It is inadequate that the public has not been honestly told what went wrong. It should be made clear that policies and people failed. We have to be plainer about the fact that these failures were caused by a kind of cosiness. I am sure the Minister will say he has made significant progress in changing the top management and leadership in the banks, but where is the significant change in the Office of the Financial Regulator? I do not think it is sufficient to change the deckchairs on the boat by giving the Central Bank a more central role. As far as I am concerned, the Central Bank was already centrally in charge of these matters. It had a board which was almost common, although it was not entirely so. This response is not adequate. I appreciate that the Minister is mired in the day-to-day management of the issue.

There needs to be a permanent shift in the relationship between the taxpayer and the banking sector. That change should relate not only to the downside, where taxpayers are shouldering the cost, but also to the upside, where taxpayers are shouldering the consequences of the new legal arrangements in place. The public has been appalled by the golden handshakes given to those who have failed. It is frustrated because all it has seen to date is evidence of a cosy system that looks after its own people when they are seen to fail. There is a sense of anger and frustration about the Government's failure to make the sort of changes that are needed. The sort of protection on which we are voting today, like that we agreed last September, was always implicit. The State was always going to come to the rescue of the banking system because it is of such importance to us. However, these commitments go far beyond the protection of limited liability, an enormous and special privilege enjoyed by people in business. We decided that in addition to protecting the people concerned, the taxpayer would, in effect, underpin any bad decisions made by them. The trust implicit in that enormous privilege was plainly abused. Our regulators did not follow the advice of the great Adam Smith who is sometimes credited with being the first economist. I cannot reproduce the exact quote, but he said, in effect, that when business people came together, it was always to conspire against the good of the consumer or the ordinary person. The Financial Regulator did not cotton onto this. It thought the people



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to whom I have referred were part of a nice cosy club. It did not consider the appalling vista that some elements of the banking system might be rotten. We have been failed in that area.

I would like to speak about some elements of the Bill. I am sure we will return to this topic when the NAMA legislation and the legislation to extend the guarantee are brought before the House. Will the Minister indicate what the cost of the guarantee he provided last September has been? We were told that the calculation of the cost was to be based on the premium imposed on our borrowing. Have the sums been done? Do we now know what the premium is on our borrowing? What proportion will be charged? How, in turn, will this impact on the sort of charge that will permanently be imposed under this legislation? I understand there is provision for a deposit requirement to be made. Will this have an ongoing premium charge? What is the aggregate amount we are guaranteeing in all the institutions covered? What is the aggregate value of the deposits for which we are taking responsibility? This is important legislation and the Government had not envisaged this for a long time. While I do not oppose it, we need to enact it with our eyes open and be aware of its long-term cost. To what extent will it still be a feature of added borrowing costs for the State, even in five years time or whatever and how is it proposed we will recoup that or is it proposed that we will recoup it?

I note from the explanatory memorandum that the relationship between the Central Bank and the Central Fund has been introduced to get around an ECB requirement that this sort of protection can only be provided on a short-term and urgent basis. How does the shifting of that liability to the Central Fund overcome that problem? If the liability lies with the State, whether it is in the Central Bank or the Central Fund, it is still a form of financing that, on the face of it, appears to be in breach of what the ECB allows other than on a temporary basis.

While I welcome this legislation, I must express our continuing concern on this side of the House about the Government's broader approach to purchase, on behalf of the taxpayer, all the impaired loans into which the banks entered at a cost of €90 billion. The scale of that commitment, the nature of that black hole and the costs that are involved are a source of great concern to people. Despite the Government's argument that the setting up of National Asset Management Agency is about getting credit flowing, there is a lingering concern on my side of the House that it will be about the banks getting rid of some of their most toxic loans but they will still be in the business of shrinking their balance sheets to preserve their independence from the State for a long time to come not in the business of extending loans. That is the last thing that will be on their minds. They will try to preserve their independence of operation.

That is reason we have favoured an alternative approach, where the State would intervene first and foremost to get credit flowing. The banks should be forced to face up to their bad borrowing. Irish taxpayers should be given time to consider the terms under which they will become involved in this. I would prefer to use the remaining period of the guarantee to tell the banks that they and their professional investors must face up to their responsibilities. There will be a role for the taxpayer to play in time, but it will not be the role of a patsy, taking on his or her shoulders all the lousy stuff and allowing people simply to walk on. There will have to be a fair sharing of the pain. The approach of rushing to set up NAMA, or in the case of Anglo Irish Bank pretending it is a going concern, gives the impression that the shoulders of the taxpayers are broad enough to save everyone but they are not. Taxpayers are in the mire. With our spending €20 billion or €24 billion more than we are raising in tax, taxpayers face an appalling vista just dealing with our own financial problems, let alone being anything but the most careful and prudent in the way we approach problems generated elsewhere in the banking system.

Admittedly, the taxpayer has to stand ready to make sure the banking system does not fail, but he or she is not in a position of saying to professional investors who took risks that they can walk away from those risks unscathed. I worry about what the Government is doing in this respect. I am sure we will have a much more robust debate on this and perhaps much more information from Government on it. It is frustrating to be so far into this debate, for an interim executive to be established and heaps of information to be flowing between the banks and that body and undoubtedly implicit commitments being made on the part of the taxpayer in that process, and yet have only a flimsy eight or ten pages offering any explanation or justification as to why this is the right course of action. That is not good enough for a decision of such enormous potential importance to the Irish taxpayer.

I genuinely worry that this is being made up as we go along. The Dáil must become involved sooner rather than later to ensure there is a public debate based on the Government's best judgment as to why it is doing this and allow us to tease that out before final commitments are made. I worry that over the summer this process will gain increased momentum and that more and more implicit, if not explicit, commitments will be made while we have not had an opportunity to express views or build in the protections the people would expect us, as representing the taxpayers, to seek to insert.

**Deputy Kieran O'Donnell:** This Bill is being introduced against the backdrop of the increase in the deposit protection levels last September in the wake of a failure in bank regulation worldwide and more particularly in Ireland. I welcome this deposit protection scheme because only seven covered institutions are provided for in terms of the overall deposit guarantee as well as certain loans for banks. I welcome that this legislation extends the scheme to credit union savers.

This legislation is being introduced because regulation has failed. People expected to be able to trust the Central Bank, the Financial Regulator and the Government on how the banking system was being regulated. However, that did not come to pass. The Central Bank's role was to examine, as Deputy Bruton said, any systemic threats to the State, our finances, to the way the economy functions and to our monetary stability. If one reads the Central Bank reports dating back many years, certainly in terms of the housing market, it mentioned a problem with the property bubble, but it never said stop and someone needed to say that. It was within the powers of the Governor of the Central Bank to bring in higher capital ratio weighting requirements for loans, particularly developer and housing loans, to ensure that money was loaned prudently. Money was loaned in a fashion such that with any variation in the way the economy was performing the banks would be in trouble. Effectively, banks were getting short-term lending for long-term lending to customers. Once the well dried up on short-term lending, they could not function. The tsunami came with what happened to some of the banks in America but of all the economies in Europe our economy was completely exposed in terms of the way our banking system worked.

When our banking system failed last September the Government put across the key point that it was seeking to increase the flow of credit for small businesses and mortgage holders, but that has not happened. Matters have worsened. Credit has dried up for small businesses and people cannot get mortgages. The Government is now saying that the panacea for all the ills of the banking system is NAMA, which will provide that the Government will take over all the toxic debts of the banks, the related development loans. I have quoted the relevant figures previously. The Minister of State with responsible for housing, Deputy Finneran is present, but

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it is a disgrace that the Minister for Finance is not. Our banking system is in crisis and the Minister is not here to deliberate.

**Deputy Michael Finneran:** He is gone for a couple of minutes.

**Deputy Kieran O'Donnell:** We are debating this only until 7 p.m. The Minister should have been here.

**Deputy Michael Finneran:** He has just left the House for a few minutes.

**Deputy Kieran O'Donnell:** I am glad to hear that.

As the Minister of State will be aware, it is estimated that there is currently enough land zoned for residential purposes to accommodate just short of 1 million housing units. At 50,000 units per year, that is the equivalent of 20 years' supply. Much of that land will end up in NAMA. It will be nothing more than agricultural land. How can NAMA be justified on pure financial and economic grounds? NAMA will have to pay the cost of Government bonds, probably of the order of 5%, and we are looking at a rate of return on the assets that could, according to projections, be as low as 4%. This is a loss-making situation and will not bring about a flow of credit to small businesses or to mortgage holders. As Deputy Bruton said, the banks would continue to shrink their balance sheets even if their toxic and related assets were taken over by NAMA.

We all know businesses are dying on their feet from lack of credit. There is an old saying in business — cash is king. If a business does not have cash it cannot function. Small businesses are the backbone of our economy and employ around 700,000 people throughout the country in cities, towns, villages and rural areas. They provide employment and spending and a flow of funds to other businesses. One of the critical issues at the moment is that businesses are unable to pay each other, which is a knock-on effect of the lack of credit.

Judged objectively, NAMA does not pass the test on two accounts. It does not pass the economic and financial test based on the returns — the cost of buying the asset will outweigh the return — and it does not pass the crucial test of providing a flow of funds to small businesses. We have put forward an alternative model which is different from that of the Government. The bondholders must take a share of the risk because the taxpayer is taking an exorbitant share of the risk at the moment. We suggest the establishment of a national recovery bank which would provide funds to the banks for the specific purpose of ensuring a flow of credit. NAMA is not specific to that purpose; it is about taking non-performing toxic assets from the seven covered institutions and hoping that the performing assets it takes on provide sufficient return to counterbalance the losses on the toxic assets. It is a massive gamble at the taxpayers' expense. The risks are too high and outweigh any of the advantages of NAMA.

The legislation to establish NAMA has yet to come before the House. I ask the Minister to consider the model Fine Gael is proposing. It is a straightforward model based on sound economic principles. We recommend that a national recovery bank be set up to provide funds to the existing banks for good commercial and housing transactions, particularly by homeowners and small businesses. Second, we must ensure that the banks, over the period of the guarantee, up to September 2010, try to deal with their toxic assets. They have the knowledge and are dealing with the people who have the loans. They should find ways of obtaining value for money on these assets. After September 2010, funds should be flowing to small businesses through the national recovery bank and any toxic debts in the existing banks will be left there.

Effectively, they are asset recovery agencies. We would set up good banks from within the existing banks using the good assets that are performing. This would give confidence to the markets in providing funds to the banks, and the national recovery bank will continue to perform its role.

We have a financial crisis such as has never before been seen in Ireland. We must find ways of ensuring that jobs are maintained. A first critical step in this is to ensure banks are providing credit to small businesses. There is no disagreement on that among Government or Opposition; the problem is with the methodology. NAMA is a theoretical model based around freeing the banks of any responsibility in terms of the toxic assets they have created. To use an analogy, we are taking all the toxic assets and burying them in a hole for a period of three or four years — out of sight, out of mind. The danger is that in three or four years the grass will suddenly start to turn brown because of the toxic assets underneath. Certainly, NAMA will provide a window of time in which the toxic assets are unseen, but will it provide funds for small businesses? It will not. It is a short-term solution for the banks but it will result in major headaches in terms of getting the economy moving again and allowing small businesses to recover. I hope the Government will accept this advice in the spirit in which it is given.

The Minister of State gave me to understand that the Minister would be in the House in a couple of minutes. Regrettably, he is not here. I hope he is hearing these deliberations.

**Deputy Michael Finneran:** The Minister will be here when NAMA is being debated, but today we are discussing the deposit guarantee scheme, not NAMA.

**Deputy Kieran O'Donnell:** These are all interlinked and have come about because of the financial crisis and because of a banking crisis caused by a lack of regulation. The Financial Regulator is gone and the heads of all the main banks are gone. Dire mistakes have been made and we need to discuss this in depth.

I will return to the Bill. Section 4, which is important, provides that the Minister will have the power to prescribe the level of deposit to be maintained by the banks in the deposit protection account. The current level of contribution is set at 0.2% of the prescribed deposit base. I ask the Minister to clarify whether this was the level that pertained before 30  
6 o'clock September last and the banking crisis. The Minister stated in his speech: "It is not proposed to change that figure at present, having regard to the significant charges already being levied on credit institutions participating in the separate bank guarantee scheme." I must point out that no higher levies have been placed on the taxpayer in terms of the cost of borrowing to the State because of the guarantees we are providing under the various schemes. I ask the Minister to elaborate on this and to tell the House whether he believes that at 0.2% he is getting value for the taxpayer.

I am a great admirer and supporter of the credit union movement in terms of what it has done for small borrowers and savers throughout the country. I am delighted that the deposit protection scheme applies to savers. The Minister stated: "After the passage of this legislation and the necessary statutory instrument, it will be necessary to have further discussions with the credit union movement for their admission into the scheme from an administrative perspective." I hope this will be concluded in a speedy fashion in order that we can have complete certainty.

I hope the Minister will take the Fine Gael proposals in the spirit they were offered and that funds will flow to small businesses. The National Asset Management Agency is a time bomb. It will not facilitate the flow of funds to small businesses. Instead, it will merely buy time in that the loans in question will be out of sight and, therefore, out of mind. I hope we will have

[Deputy Kieran O'Donnell.]

time to debate the NAMA legislation properly, without a guillotine, when it comes before the House.

**Deputy Joan Burton:** I propose to share time with Deputies Sherlock and Morgan.

**Acting Chairman (Deputy Seán Ardagh):** Is that agreed? Agreed.

**Deputy Joan Burton:** This Bill must be judged as part of an overall banking package which the Minister has proposed on several occasions to introduce. It seems he has now decided, perhaps for tactical and strategic reasons, to split the package into several separate legislative proposals.

The Bill before us was published at the end of May. Last Friday the Financial Measures (Miscellaneous Provisions) Bill 2009 was published. I understand it will be taken in the House next week. The latter will afford the Minister for Finance the right, by ministerial order, to extend indefinitely the infamous bank guarantee of 30 September 2008. There is broad agreement in the House on the provisions in the Bill before us today to guarantee the deposits of ordinary depositors. However, under the scheme introduced in September, the Government undertook to guarantee bondholders and various classes of bond debt in a way which the Labour Party pointed out at the time was deeply reckless and unfair to ordinary taxpayers, yet the Minister will propose next week, in parallel with this Bill, to have a ministerial order power conferred on him and his successor in order to facilitate the extension of the guarantee to bondholders.

Another of the Minister's promises, apparently taken from a proposal made by my party some months ago, was to establish an expert banking commission to reform the Irish banking and central regulatory systems so as to regain the international esteem in which Ireland was once held in financial matters. This esteem was lost during the tenure of the Taoiseach at the Department of Finance and, most especially, during that of Mr. Charlie McCreevy. They acted recklessly in stoking the property market, leading to the current collapse which is causing great suffering for individuals and businesses throughout the State.

Why is the Minister, Deputy Brian Lenihan, bringing forward legislative proposals in a piecemeal fashion when what is required is an overreaching and thorough discussion of the implications of the policy the Government is pursuing to address the problems in the banking system? We were told last week by the chairman of Anglo Irish Bank and the two public interest directors, as well as by the Minister and officials from the National Treasury Management Agency and the shadow NAMA body, that up to €4 billion of taxpayers' money would be required by the bank. The delegates who appeared before the Joint Committee on Finance and the Public Service last week did not deny this. Nor did they deny that the €4 billion would effectively go down the tubes because it was more than likely, given the losses to which the chairman, Mr. Donal O'Connor, confessed at the meeting of the committee, that we were looking at a distressed loan book of almost €29 billion, comprising various loans in difficulty, deterioration and various stages of distress. A recent paper by Professor Patrick Honohan, the foremost authority on this subject, and an article by Cliff Taylor in the *Sunday Business Post* both predicted that the €4 billion being invested in Anglo Irish Bank would almost inevitably be lost.

The willingness to sink money into a bottomless hole at Anglo Irish Bank must be set against the failure to prevent the loss of 1,200 jobs at SR Technics in my constituency which is also the constituency of the Minister for Finance. Every Deputy in the House can point to large-scale job losses in their areas. It is incredible that the Minister and the Taoiseach have brought us



to this pass. They came into the House at the end of September to announce that their bank guarantee scheme was the cleverest thing in the western world and would safeguard the fundamentals of the banking system. We have been living with the consequences of that decision ever since. Our children and grandchildren will have to live with the debt accruing to the State as a consequence. It was clear from the expert testimony given to the Joint Committee on Finance and the Public Service that the NAMA situation is unlikely to work itself out for between ten and 15 years. This and the next generation of taxpayers will pay for the errors made.

From the beginning of 2008 I tabled a series of questions to the Taoiseach, then Minister for Finance, asking the reason the existing bank guarantee scheme was not being revised, updated, enlarged and renewed. On 16 September 2008 I called for the limit applicable under the bank and credit union depositors scheme to be increased to €75,000. The Minister for Finance, Deputy Brian Lenihan, dismissed the idea, even though people were continuously calling radio programmes such as “Liveline” to ask whether their money was safe. This was in the wake of the queues outside branches of Northern Rock. Earlier in the year I asked the Minister’s predecessor about reviewing the deposit guarantee scheme.

**Deputy Brian Lenihan:** For the record, the queues outside Northern Rock were in late 2007. I was not Minister for Finance at the time.

**Deputy Joan Burton:** I had asked about the deposit guarantee scheme in April 2008. The Taoiseach, then Minister for Finance, replied:

I would remind the Deputy that, as I have mentioned in response to previous similar questions, the first and most robust line of defence for depositors must be a well-managed system of prudential regulation and supervision so as to try to minimise the risk that a DGS needs to be activated. Recent assessments by bodies such as the IMF have confirmed that the Irish regime for financial regulation complies with best international practice.

It was apparent that officials in the Department of Finance, under the leadership of the then Minister for Finance, had their heads firmly wedged deep in the sand. When I asked questions earlier, in January 2008, I was told by the then Minister for Finance that everything was rosy in the garden. It is extraordinary that the previous Minister for Finance, his immediate predecessor, Mr. McCreevy, and Fianna Fáil in government have led the country to this pass.

Not only has the system of regulation failed. I accept that the Governor and staff of the Central Bank and Financial Services Authority of Ireland have worked night and day on this crisis. However, over a two-year period prior to the crash questions were asked about this matter in the House. When they came before the relevant committee to answer such questions, the Governor of the Central Bank and Financial Services Authority of Ireland, representatives of the Financial Regulator and the Secretary General and senior officials from the Department of Finance continually stated the fundamentals were fine, that Ireland possessed the best regulated system in the world, etc.

When introducing the Bill today, the Minister indicated that we were now in the best of all possible recovery modes. These matters are being dealt with in a way that is completely delusional. The Minister has presented the Bill as if it is some magnificent achievement. For the average taxpayer, however, it represents confirmation of the fact that this generation and that which will succeed it will be responsible for repaying a national debt of extraordinary proportions.

The Minister has a number of serious questions to answer about NAMA and Anglo Irish Bank. We have been posing questions about Anglo Irish Bank and the regulation of the bank-



[Deputy Joan Burton.]

ing system in general. We were continually informed that all was well and it was indicated to us that asking such questions was somehow not in the national interest and represented a failure to wear the green jersey. What action is the Minister taking in respect of bond holders? The difficulty with Anglo Irish Bank is that because the guarantee given by the Minister was so wide, unilateral and uncontained, the people are up to their necks in hock with international bond holders.

Other parties chose not to question the extent of the guarantee given to the banks. I am not referring to the principle that ordinary deposits should be guaranteed because the Labour Party was the first to suggest the deposit guarantee scheme should be significantly increased. We have been obliged to repeatedly ask the Minister the same question, namely, what is his view of the bond holders? Will he follow the lead of Allied Irish Banks and Bank of Ireland by ordering Anglo Irish Bank to buy back the debt for as little as 60 cent or 40 cent in the euro?

**Deputy Brian Lenihan:** It will be less than that.

**Deputy Joan Burton:** Therefore, the debt will be bought back at approximately 30 cent in the euro.

**Deputy Brian Lenihan:** That will be a commercial decision.

**Deputy Joan Burton:** The Minister has not provided a detailed picture of what will be our liability in respect of Anglo Irish Bank. Nor has he indicated for how long that liability will hang like a millstone around the necks of every man, woman and child in this country.

In the meantime, ordinary businesses cannot obtain money to fund their day-to-day working capital and expansionary needs. Those who wish to start up new businesses or expand existing ones cannot obtain finance either. This is because the focus of the Minister, his Department, the regulatory agencies and the Central Bank and Financial Services Authority of Ireland does not rest on restoring the flow of credit to the ordinary businesses which are the mainstay of employment creation, rather it rests on bailing out those involved with Anglo Irish Bank and — due to the nature of the guarantee — international bond and debt holders. I would be interested in seeing a detailed list of these bondholders, Irish and international. I would also be interested in seeing a list of those who are deposit holders with Anglo Irish Bank. It would be good to discover whether these depositors have loans from the bank and whether recourse might be had to their deposits in order to offset their borrowings.

One Sunday newspaper indicated that an individual, a former managing director and chairman of Anglo Irish Bank, apparently had significant deposits with that institution. Will the Minister confirm the fact that the bank has no recourse to these deposits in offsetting borrowings incurred by the individual to whom I refer? In other words, this person's deposits which amount to several millions are guaranteed by the State and, therefore, cannot be used to cover his loans with the bank. It is clear the taxpayer is being taken for a ride on this matter.

The Minister referred on previous occasions to the architecture of bank reform and indicated an intention to return to the Central Bank and Financial Services Authority of Ireland on many of the direct regulatory functions in this regard. That appears to be borne out in the Bill because the guarantee scheme appears to come within the remit of the Central Bank and Financial Services Authority of Ireland. If that is the case, is the Minister suggesting he will do away entirely with the Financial Regulator? Is the Central Bank and Financial Services Authority of Ireland the best entity to hold responsibility for the guarantee?

The Labour Party suggested some months ago that a banking commission comprising people of national and international repute should be established in order to put in place a system in which we could have faith and which could restore our global reputation. What the Minister is doing is a typical Fianna Fáil trick. He is picking off a range of piecemeal reforms and placing the major one — the renewal of the bank guarantee scheme — under ministerial order and including it in another little Bill that will emerge next week. The Opposition is being presented with only bits of information in order that it will not have a clear idea of exactly what is planned.

What will happen to the savings protection scheme of the Irish League of Credit Unions? On the 0.2% contribution to the existing guarantee scheme — questions about this matter which was also dealt with in an OECD paper relating to moral hazard were asked on previous occasions — the same rate applies to all of the financial institutions covered by the scheme, including the credit unions, regardless of their level of risk. The OECD points out that deposit guarantee schemes are extremely useful in bank crises. As stated, the Labour Party called for the level of the guarantee to be increased long before the Minister even thought of addressing the issue.

**Deputy Brian Lenihan:** It made its call four days before I addressed it.

**Deputy Joan Burton:** The Minister was still maintaining at the time that everything in the garden was rosy. Will he indicate why there is no differentiation of risk among the covered institutions? At present, if I have money to deposit and choose to lodge it with the riskiest institution because it is offering the highest rate of interest, the said institution will only contribute the same amount to the guarantee as other institutions. The OECD has asked why that is the case. I am of the view that this is a reasonable question to put to the Minister and his officials.

Will the Minister indicate in detail what his proposals are in respect of the Irish League of Credit Unions? Does he propose that a single payment be made on behalf of the league or will the position be differentiated?

**Deputy Seán Sherlock:** It is vital that we view this legislation in the context of Directive 2009/14/EC. The changes incorporated within this directive form the basis of the Bill before us. The purpose of the legislation is to mitigate risk, the risk faced by small depositors or working people who rely heavily on the banking system to assist them in their daily lives. It is vital at this time that we insure depositors against a run on a bank or financial institution. Therefore, the provision within the Bill that increases the statutory limit from €20,000 to €100,000 is to be welcomed and necessary, given that a vast number of depositors within a certain age bracket who have contributed to the economy throughout their working lives would have deposits within this range.

The fact that the guarantee scheme is to be extended to include the credit unions is also to be welcomed. However, I too have questions about the credit union movement because the Minister states the current level of contribution is set at 0.2% of the prescribed deposit base. He went on to say there would be further discussions with the credit union movement as regards admission to the scheme from an administrative perspective. Will the Minister, please, tell the House what the nature of the discussions with the credit union movement has been so far? Will he inform us how this will pan out in practical terms for the credit union movement? Because of the disparate nature of credit unions, some practical difficulties will emerge and I am sure they have questions about the Bill which they will expect us, as legislators, to reflect. It is easy to forget, too, that a considerable amount of money is held within credit unions. It would not be equitable, therefore, to exclude them from the ambit of the Bill.

[Deputy Seán Sherlock.]

The current economic environment is uncertain. Thankfully, thus far we have not seen a stampede by ordinary depositors to extract their savings from financial institutions. We must guard against this possibility as the last thing the State needs is a run on the banking system. It is vital, therefore, that a measure of guarantee is provided by the State so as to ensure ordinary people who are normally casualties in any downturn do not stop putting money into the banks. By increasing the deposit protection limit from €20,000 to €100,000 we are at least ensuring individual savings will not be split disproportionately between a wider range of institutions. Liquidity must be preserved within the system. The only way to do this is to ensure there is sufficient money on deposit.

On the matter of moral hazard, the movement of responsibility for this area from the Financial Regulator to the Central Bank has to be explained in greater detail. I have certain reservations about the role of the Central Bank in the last 12 months in overseeing the banking crisis. I remain to be convinced that its warnings, issued in quarterly reports, were adequately articulated. Perhaps it was the case that it was just not being listened to, or perhaps it was not shouting loudly enough about what was going on. Some, more cynically minded, might suggest there was an air of complicity in terms of what was happening throughout the economy for a number of years. The Central Bank, with the Financial Regulator, has been diminished in its role in overseeing the banking structure. However, I am hopeful the Minister will ensure their role in the future will involve vigorous policing of the scheme once it comes into being.

**Deputy Arthur Morgan:** I support much of what is included in the Bill which increases the allowance to a rate which more reflects modern times, removes co-insurance in order that total deposits will be protected, brings credit unions into the scheme and reduces the minimum time period in which depositors will receive their guaranteed deposits. However, I express concern about the sum at which deposit insurance is being set. While the EC directive increases the deposit interest provision to €100,000 from 1 January 2011, we have decided to go with the provision from September 2010, up to which point €50,000 will be the accepted figure in Europe. The reason I make this point is that for a deposit insurance scheme to work it must be credible. For it to be credible, the State has to meet its liabilities if a situation arises where banks begin to default. In this country we are in a constrained fiscal position which is likely to continue into late 2010. While I accept there is a capital asset requirement for lending and to meet this requirement we must have investors in Irish banks, we also have to be realistic as regards what the State can cover in terms of worst case scenarios where we must meet defaulting bank deposits, as well as in best case scenarios where our international borrowing capacity is affected by the State's liability. Increasing deposit insurance to the highest figure months before it is necessary is another example of the Government overshooting with regard to the banks and putting its risky policies ahead of the State's interests.

Financial institutions have to place 0.2% of their deposits in a deposit protection account, or a minimum of €25,400, which is excessive for credit unions, as 0.2% of their deposits would be less than this. Credit unions will end up paying over the odds for this insurance and this minimum figure, if possible within the constraints of EU law, may need to be addressed. However, 0.2% is not a sufficiently high insurance premium and the Government should be arguing for it to be increased in the case of banks. The argument that, in the event of a bank run, a bank's assets would be liquidated and paid to depositors first does not necessarily cut ice as we have seen in recent history. In keeping the insurance premium down, for this reason, one assumes banks will not dispose of their assets in advance of a bank run, or will not engage in any corrupt activity that would reduce their capital base and allow them to default without sufficient assets to liquidate.

This is, after all, an insurance premium from the State. It is protecting banks currently not in public ownership. They are private institutions, with a taxpayer deposit insurance scheme. Banks should pay more for the scheme. We will not get into the figures, but it should be borne in mind that at the end of 2007 there was only €526 million in deposit protection accounts, enough at the time to cover only 26,000 account holders for €20,000 each. Clearly, the figure 0.2% will have to be increased when the banks are functioning again.

**Deputy Michael P. Kitt:** I am sharing time with Deputy Chris Andrews.

I very much welcome what the Minister has done in this Bill and I am aware that it is part of a package of legislative measures to amend and update the Irish deposit guarantee scheme. While I welcome the increase in the deposit guarantee scheme for banks and building societies from €20,000 to €100,000 for eligible depositors and institutions, with effect from 20 September 2008, I also welcome the scheme as it applies to credit union savers. These measures are very important. While previous legislation applied to the seven covered credit institutions, the deposit guarantee scheme applies to all authorised credit institutions in the State, including credit unions which have not benefited heretofore from statutory deposit protection.

In many of my comments I will refer to the credit union movement. In fact, people involved in the credit union movement to whom I spoke did not raise the issues about which other Deputies have talked. One of their concerns was on making representations to the Financial Regulator to relax the requirements of section 35 of the Credit Union Act. Their query was on the loan book and particularly the question of the 20% limit on loans greater than five years. Many credit unions are making representations to the Minister and Financial Regulator on that issue and I hope we will get some progress on it. The credit union movement members say they have options of restructuring the debt, which would put them in breach of section 35, or accepting the reduced borrowing, which will allow arrears to escalate. It is important we see a change in that situation whether by legislation or guidelines from the Financial Regulator.

One of the reasons this has been raised is the importance of the credit union movement. Deputy Sherlock referred to this. One of the difficulties we have in many parts of the country, particularly in rural Ireland, is that for many years even when the economy was in very good shape, financial institutions were closing down throughout the country. Some branches in Dublin and other cities and large towns closed, but most of the closures were in rural areas. Very little publicity has been given to these closures. Local banking services are very customer friendly and have the market intelligence one needs.

It is disappointing to see these closures. Even a mobile bank in Connemara was closed down some years ago. The problem of banks giving out outrageously high mortgages in the past would not have happened if we had more banks available throughout the country. Three years ago I was part of a campaign to persuade the Bank of Ireland to stay in Glenamaddy, County Galway. It was not a successful campaign and Bank of Ireland customers were told to go to Castlerea in County Roscommon. A similar situation happened in another town near where I live in Mountbellew where Allied Irish Banks had a three-day service and then decided to withdraw from the area. These are the situations that put more pressure on credit unions.

I am glad these issues have been addressed in this Bill and that many Deputies have raised them in the House. This is about people having access to banking. If one is to talk about savers, one needs access to banking. The Minister probably knows that in recent times Permanent TSB proposed to close 48 agencies throughout the country, of which eight were in County Galway. When the final decision was made, three branches remained in Galway city and none was left open in the rural areas. An opportunity for savers was gone and the people who owned these premises and provided the agencies put money into providing and refurbishing offices

[Deputy Michael P. Kitt.]

but unfortunately their work was not recognised by these bodies. The outcome of many of these decisions is unemployment. They cannot blame the recession for some of these decisions. Financial institutions are making money. Unfortunately, they would probably say they are not making enough money and that is what it boils down to.

I hope the Minister, through the good people he has on the various institutions can, as well as examining the difficulties people have with loans and savings, also look at closures. ACC Bank's decision to close 16 of its offices nationwide was taken following very little discussion. We probably regret now that we did not have ACC Bank and ICC Bank coming together as State banks in the past when they were moving into other areas. In Tuam, seven jobs will go because ACC Bank is moving to Galway city. The places not affected by the closure of 16 branches around the country will be Galway, Cork, Dublin, Drogheda, Kilkenny, Limerick, Mullingar, Sligo and Waterford. These are fairly large centres and will not suffer but other parts of the country will.

I have written to many of these institutions, including Permanent TSB and ACC Bank, asking why they are carrying out these closures. Banks have made profits. Rabobank was in profit last year. I have received very little response to my representations on trying to keep agencies open. That is why I am raising it in the Dáil. The usual response has been that I should go to my local credit union. That brings us back to why we are putting emphasis on the credit union movement. We are dealing with credit union savers.

I appeal to the financial institutions to be customer friendly. It is very arrogant to say one is closing down an agency and that customers can go to Galway city or the nearest large town. Let us remember those who have no access to public transport who were very happy to deal with a local agent or bank regarding their savings and who, unfortunately, are finding some of these agencies are closing down.

I wish the Minister well with this Bill, which is one of two Bills he will introduce in this area. I hope we reach a situation where more branches are available and we hold the branches we have rather than seeing continual closures and withdrawal of services for those who are keen to have savings. Many of those savers are elderly people who would like to deal with agencies and banks in their own localities.

**Deputy Chris Andrews:** I welcome the opportunity to speak on this matter. Last September, the Government announced that it would increase the statutory limit for the deposit guarantee scheme for banks and building societies from €20,000 to €100,000 per depositor, per institution. Subsequent to the Minister's announcement, the European Commission issued a discussion document on updating the EU directive on deposit guarantee schemes. The European Council and European Parliament passed Directive 2009/14/EC. The changes made in this new directive are incorporated in the Financial Services (Deposit Guarantee Scheme) Bill 2009 and its associated regulations. This Bill will extend and modify cover to all credit institutions in the State and will cover depositors in banks not supported under the Credit Institutions (Financial Support) Act 2008.

The measures announced in the Bill will increase the deposit protection limit to €100,000 from €20,000; remove co-insurance in order that the total of deposits up to €100,000 are protected and not a fraction as in the previous scheme; reduce the minimum time period within which depositors must receive their guaranteed deposit from three months to 20 working days; move the responsibility of this area of financial regulation back to the Central Bank from the Financial Regulator; and extend the protection to depositors and shareholders of credit unions who were not covered in the previous scheme. That has been covered.



I commend the Minister for Finance, who acted very decisively last September on this matter, which was of great concern. Much speculation had been mounting among consumers that Irish bank deposits were not secure, with a number of people going so far as to withdraw their savings, with the consequent difficulties. People were discussing whether their money was safe in the banks. This would have undermined our entire economy. Allowing this to continue unaddressed would have had a serious effect on one or all of our banks, as without the liquidity of deposits banks simply could not function.

The steps taken by the Minister for Finance reassured the public and demonstrated the Government's commitment to ensuring a stable financial system. Measures taken since have shown that commitment. The Minister has acted assuredly and with great clarity. The guarantee offered by the State is among the highest in Europe — I understand only one other country offers a higher guarantee. As we are all aware, Ireland, with the rest of the world, has since found itself in the midst of the worst financial recession in more than 70 years. At national level the Government has taken necessary steps to stabilise the domestic banking system to ensure we have a healthy and sound banking system that meets the needs of the economy. The measures announced in the Bill represent just one of these steps. I note that previous speakers discussed NAMA. While the Opposition is working out the theory of how NAMA works, I have no doubt the Government will ensure NAMA works in practice.

Both at home and abroad changes are taking place in the financial sector in terms of regulatory approach, which is welcome. We need transparency and cannot be rigorous enough in ensuring we have such transparency. We also have improved international co-operation, risk management, etc. This will no doubt lead to a changed, but I hope far more stable and realistic financial sector. It is critical that the lessons of recent months are learned. The measures presented in the budget in April regarding the banking sector will, I am sure, rebuild confidence in our financial system, but it will not happen overnight. By steady management the measures announced in the Bill will assist in that process. I certainly support the Bill.

**Deputy Seymour Crawford:** I appreciate the opportunity to say a few words on the Bill. Obviously, we have been advised for some time that last September's agreement would be given effect in law. I welcomed it in principle and the Fine Gael Party supported the need to guarantee deposits at the time. However, one must ask questions about the role of the Central Bank and the Financial Regulator in the banking fiasco. We used to have good banks, but now the State is investing billions in them.

I wish to raise an issue which, while it may not be completely relevant to the Bill, affects small businesses, farmers and others — their inability to access the necessary finance to keep their businesses going. I have received many calls in recent weeks from people who are under pressure because of income pressures, etc. Back in the 1980s at least the banks would have given them the necessary funding to take account of weather conditions, business conditions, etc. However, that is not the case now. People are finding that small overdrafts are simply no longer available and they find themselves in desperation. Jobs are at stake in areas such as mine. We never attracted a major industry that cost the Government much money. We need something to help small businesspeople and those in the farming sector if we are to retain any employment in areas such as Cavan-Monaghan. I beg the Minister to ensure that whenever he hands over money to AIB, Bank of Ireland or Anglo Irish Bank, he secures a payback agreement that small businesses will be looked after.

**Minister for Finance (Deputy Brian Lenihan):** I thank Deputies for their contributions to the debate. By and large, they supported the principle of the measure before the House. Plainly, deposit protection is an essential tool to have in place in order to reassure depositors that their



[Deputy Brian Lenihan.]

savings are safe. The Government decision last September to increase the guarantee limit from €20,000 to €100,000 was a very important step in ensuring financial stability. There is no doubt that significant uncertainty had been introduced by the performance of the international financial markets at the time. I mentioned earlier that this had played on fears regarding the security of savings in financial institutions.

The deposit guarantee scheme embodied in the legislation before us applies to all credit institutions authorised in the State, including not only the seven covered institutions, but also other main street institutions such as Ulster Bank, Halifax, KBC Bank Ireland, First Active and ACC Bank. It now also includes credit unions which did not previously benefit from statutory deposit protection. Given the scale of the increase in the size of the basic deposit protection envisaged in last September's decision, it was essential to provide a level playing field for the credit unions and the other financial institutions and not put them at a disadvantage. Banks that passport into the State on a branch basis such as Danske Bank trading as National Irish Bank, Northern Rock, Nationwide Building Society Ireland — not to be confused with Irish Nationwide Building Society — and RaboDirect are covered by their home scheme. For example, National Irish Bank is covered under the Danish deposit guarantee scheme.

As I mentioned earlier, the European Commission has embarked on a consultation on possible further amendments to the Community's deposit protection arrangements, with a view to bringing forward further proposals before the end of the year. It is clear, therefore, that, notwithstanding the changes we are considering, this is an evolving story and that we will be revisiting this topic before too long. The purpose of the review is to try to ensure over the longer term the greater effectiveness of the deposit guarantee schemes directive and respond adequately to any deficiencies or risks that may have arisen as evidenced by the current financial crisis. The Commission is required to submit a report and, if appropriate, legislative proposals by the end of 2009. There may well be further changes in our deposit protection legislation in 2010.

I understand the European Union is reviewing the following issues: the possible harmonisation across the Union of deposit funding mechanisms; the appropriateness and modalities of providing coverage for temporally increased deposits, for example, where a person temporarily deposits proceeds from the sale of a house, pushing his or her deposits above the limit; possible models for introducing risk-based contributions; the benefits and costs of introducing a Community-wide deposit guarantee scheme; the effect of offsetting loans against deposits in the event of a bank failure; the harmonisation of the scope of products covered; and the link between deposit guarantee schemes and alternative means of reimbursing depositors such as emergency payout mechanisms.

Academics will undoubtedly say the soundness of the financial system rests upon effective regulation and supervision by independent supervisors, together with adequately high levels of institutional development covering corporate governance, transparency, accountability and deterrence. Developments in the past few years have also highlighted the risks to financial stability if deposit holders are not assured of timely access to their funds in the event of their bank failing. This is the over-riding concern of depositors in regard to a deposit guarantee scheme. Deposit guarantee schemes originated in the United States in the wake of the great crash of the 1920s.

In terms of the EU-sourced reforms in the current package of reforms, the most significant factor is the reduction in the minimum payout period from three months to 20 working days. The achievement of this will require further investment by the banking sector and the credit

unions in order that they can supply depositor data to the Central Bank in good time for it in turn to meet the deadline. All in all, there will be a big challenge for the credit union sector in becoming absorbed into the new regime, but my Department and the Financial Regulator will approach this in a positive and constructive way with the movement's representatives.

Several Deputies spoke about the credit union movement. I have engaged in detailed discussions with the credit unions on how we can implement the deposit protection scheme in their regard. The provisions of the Bill are of sufficient flexibility to allow a number of approaches to be taken. I am sure Members of the House are aware that the question of deposit protection has divided the credit union movement. Some of the larger credit unions disaffiliated from the league on the basis that they were unhappy with the system of internal protection provided by the league and wished to be in a position to deposit with the Central Bank in a direct manner. Clearly, I have the difficult task of reconciling the different views expressed by credit unions and ensuring that in all cases the public interest is protected. However, in my discussions with representatives of the credit unions involved I have endeavoured to devise a solution which will meet the concerns of all concerned and, above all, provide adequate safeguards for depositors. I would welcome further views from Deputies in that regard. Like Members, we frequently receive representations from credit unions and, as Minister, I am in constant discussions with them on the matter. It is important, however, that any system devised is workable, durable and commands the confidence of depositors. The decision to extend deposit protection to credit unions was the correct one because it puts them on an equal footing with banks in regard to the basic level of deposit protection provided. Having regard to the general responsibilities of credit unions, the limit of €100,000 is sufficient to put them on the same footing as other financial institutions for all purposes.

As regards the contributions made to the debate, Deputy Bruton raised the question of funding being shifted to the Central Fund. That is a necessary requirement of the directive which this measure implements. The thinking in the directive is that the State must insist on the industry being levied for any cost occasioned by the guarantee. Therefore, the directive imposes an initial cost on the Exchequer which will be reimbursed through a levy mechanism. That is what is envisaged in the legislation and the directive.

Deputy Bruton then turned to the wider question of the restructuring of the Central Bank and the Financial Services Authority of Ireland, likening it to moving the deckchairs on *Titanic*.

**Deputy Richard Bruton:** I did not say on *Titanic*.

**Deputy Brian Lenihan:** I am sorry. That is an official summarisation. I apologise; I was unable to be in the House for the Deputy's contribution.

Deputy Burton also touched on what was, in her view, the failure of the Central Bank and the regulatory authorities to anticipate the crisis which has engulfed us. There are two distinct issues in the reform of the Central Bank and the financial regulatory system. One concerns the personnel who staff the system, while the other concerns the legal framework. The far more important issue is that of the personnel who staff the entities because it is decidedly a question of men and women, rather than measures. We must ensure that whoever takes over the position of regulator is a person who can ensure the regulatory system will be robust and can command confidence in the future.

The legal changes which will be necessary are to make the system more streamlined, transparent and efficient. The Government has been considering these changes for some time. The Taoiseach made an announcement about them earlier this year and I will be making a further announcement later this week about what is envisaged. However, the crucial point is that while the position of regulator must be independent, it must be accountable to a commission which

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can hold it to account. In addition, any Central Bank commission which will be presided over by a governor, as is the practice in every country in Europe, will have to hold to account an independent regulator and a director of central banking functions. It is my view also that we must examine how the Oireachtas can hold such a commission to account in the performance of its duties. We must also examine what is evolving in Europe in terms of European supervision of our regulatory system. Whether additional national supervision is required is a question that will have to be examined by the Oireachtas in any amending legislation. There are grave questions that have to be analysed here; it comes back to the old maxim, “Who guards the guardians?” These are issues we will have to address in considering any such legislation.

Deputy Bruton asked about the percentage of depositors fully covered by the new limit. It is expected that the vast majority of private depositors will be fully covered. It is difficult to be more specific, given the lack of data on the amounts held by individuals in banks.

**Deputy Richard Bruton:** Does the Minister know what the value of the deposits is?

**Deputy Brian Lenihan:** I do not have precise information on the value of deposits and their combination in banks. However, I do remember last September acquiring more specific data on this question before recommending to the Government the decision made at that stage. I will undertake to furnish the Deputy with such information as we can gather in that regard.

Deputy O'Donnell wandered into the land of NAMA and the Fine Gael magic bank, as I choose to call it. I do not want to wander down that laneway with him this evening because the matter does not arise on Second Stage of this legislation. There is a big difficulty with the Fine Gael recovery bank in that one does not get money from the European Central Bank unless one advances collateral for it. Fine Gael has not demonstrated any collateral available, whereby €2 billion can generate €50 billion.

**Deputy Kieran O'Donnell:** It is not about that. The Minister will find that in France and other European countries they are covered.

**Deputy Brian Lenihan:** That is why I call it a magic bank. It is not a realistic proposition. It has been dealt with by many commentators and is not a runner. The sooner the Deputy faces up to this the better.

**Deputy Kieran O'Donnell:** What about NAMA?

**Deputy Brian Lenihan:** We will have plenty of time to discuss NAMA which is the only show in town.

**Deputy Richard Bruton:** The Minister will not receive many bouquets for it.

**Deputy Brian Lenihan:** Deputy Burton often feels I pick on her and accuse her of being irresponsible. I find some of Fine Gael's comments about debt and defaulting on bonds far more irresponsible than anything the Labour Party has advocated in the House. In fact, the Labour Party has made a case for adopting an old-fashioned nationalisation approach which can claim some reputable academic support, whereas the Fine Gael proposal is just bizarre.

**Deputy Richard Bruton:** The Minister should listen to what is being said.

**Deputy Brian Lenihan:** It is a Lehman's bank type of proposal which involves a default. It is unsustainable as regards the development of the banking sector. It may provide a fig-leaf, whereby Fine Gael can freely criticise the Government on these matters.

**Deputy Kieran O'Donnell:** How will the Minister get a return on NAMA?

**Deputy Brian Lenihan:** I can assure Deputy Bruton that the day he walks into the Department of Finance the fig-leaf will be removed.

Deputy Burton broadly welcomed the Bill. I was not aware of the fact that she had raised the issue with the previous Minister. She sees some sinister reason in the fact that the Bill has been separated from other legislation dealing with financial matters. The Bill implements the directive; it is normal practice to implement a directive in a Bill of this type. We have consolidated some of the statutory instruments involved in the legislation and I can assure the Deputy there is no sinister motive for it. I certainly never saw the guarantee given subsequently on 29 September as the cleverest move in the world. I simply saw it as an indispensable step towards maintaining confidence in the banking system. Most European countries have implicitly or explicitly guaranteed banks. The fundamental question that arises in connection with the guarantee concerns the fact that the Government decided it could not let a bank fail — at least, a bank of systemic importance could not be permitted to fail. That is the position of the European Central Bank and also the position of the Government. It is relevant to the current discussion about Anglo Irish Bank. One of the key lessons to which Galbraith and others drew attention regarding the 1929 financial crisis was that if a government permitted a bank to fail and insisted on bank failure as a remedy to solve difficulties in the banks, the shock wave in the economy would be far greater than the shock wave already being felt in the course of a recession. Anyone who studies the 1929 depression or world recessions where bank failure was accepted as an axiomatic solution to a banking crisis will see that the shock wave in those economies was far in excess of anything we have seen in the current economic crisis.

**Deputy Joan Burton:** Our unemployment figure is much worse. That has been the real shock in the economy.

**Deputy Brian Lenihan:** If the Deputy is advocating a 31% unemployment rate — the rate in the United States during the great depression after the failure of the banks — fair enough.

**Deputy Joan Burton:** I am not advocating anything.

**Deputy Brian Lenihan:** That was the rate of unemployment during the great depression in the United States.

**Deputy Joan Burton:** It is a consequence of the Minister's actions.

**Deputy Brian Lenihan:** I showed the Deputy the courtesy of not interrupting her while she made many tendentious comments. I am seeking to reply to them in general terms. In 1929 there was a 31% unemployment rate in the United States as a result of a government decision to let banks fail. Were we to decide, for example, that Anglo Irish Bank should be allowed to fail — as has been advocated implicitly by some — the effect would be an immediate liability on the State of €64 billion.

**Deputy Kieran O'Donnell:** That is a misinterpretation.

**Deputy Joan Burton:** What about the Government guarantee to bondholders?

**Deputy Brian Lenihan:** I will deal with bondholders in a moment. Were we to repeal——

**Deputy Joan Burton:** The Minister was reckless with the guarantee.

**An Leas-Cheann Comhairle:** Please allow the Minister to conclude.

**Deputy Brian Lenihan:** There would be an immediate liability on Ireland of €64 billion, with incalculable consequences for the funding of the national debt and the position of other banks.

When we speak about bondholders, let us distinguish between those about whom we are talking. There is a fundamental distinction between subordinated debt holders who have no particular advantage under the guarantee in the case of Anglo Irish Bank and senior debt holders in other financial institutions who fund the State and other banks and in respect of whom the matter of default cannot be raised.

**Deputy Joan Burton:** The Minister should give us the figures.

Question put and agreed to.

Committee Stage ordered for Wednesday, 17 June 2009.

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

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### **Unemployment Levels: Motion.**

**Deputy Willie Penrose:** I move:

“That Dáil Éireann:

- recognises that getting the economy back on track must be the number one priority and that this requires urgent action to retain and create jobs, to assist struggling businesses and those attempting to establish new enterprises and to ensure that those currently unemployed have the skills required to get back into employment;

noting that:

- 402,100 people are now unemployed;
- 195,100 people have lost their jobs in the year to the end of April;
- viable small and medium enterprises are continuing to close because they cannot access credit;
- provisions for retraining and up-skilling of unemployed workers and those in vulnerable sectors of the economy have been totally inadequate;
- the lack of urgency with which proposed jobs cuts at key employers such as Dell, Waterford Crystal and SR Technics have been met has resulted in jobs that may have otherwise been saved being lost; and
- escalating unemployment has resulted in a sharp fall in revenue from income tax while the social insurance fund is at a risk of running out by the end of the year, in part due to the pressure on it from welfare payments to those out of work;

calls on the Government to take urgent action to stem the jobs haemorrhage and put people back to work through, in particular:

- the establishment of a national investment bank to invest in our own future and help create jobs including by ensuring access to credit for small business;

- the fast tracking of business start-ups by creating one-stop enterprise business points to bring together funding, expertise and advice for entrepreneurs who want to start new businesses or grow existing ones;
- taking Eircom into public ownership to provide a suitable platform for investment in broadband;
- measures, including tax breaks, to assist employers to retain workers in employment and to take people off the dole;
- providing support for Irish manufacturers and producers to export to markets outside the US and Britain including language and regulation support;
- setting up a ‘Bridge the Gap’ work experience scheme for graduates and apprentices;
- helping people working part-time to train in their time off through an ‘Earn and Learn’ scheme; and
- launching a skills drive for people who have lost jobs and those in vulnerable sectors of the economy, including tax back for full-time study and measures to get early school leavers back into education.

This motion, in the name of the Labour Party and Sinn Féin Members, recognises that getting the economy back on track must be the number one priority, and that this requires urgent action to retain and create jobs, to assist struggling businesses and those attempting to establish new enterprises, and to ensure those currently unemployed have the skills required to get back into employment.

Some commentators have suggested that the current crisis is not as bad as that in the 1980s. They are wrong, because in the 1980s we had a halt to the modest economic growth of the late 1970s and most people had not experienced prosperity. It was also possible for the unemployed to emigrate, as the UK and the USA were growing rapidly. We had release valves. In its current state of panic, the Government is trying to blame the global economic recession for all our problems, but most people, like those we met while canvassing, understand that the policies pursued by the Fianna Fáil-led Government over the past decade have left us ill-prepared for the current crisis. I do not wish to lecture the House about economic theory, but every first-year student of economics learns that in managing the economy, Government policy should be counter cyclical. This means that in a boom period, the Government dampens the boom by controlling spending and, if necessary, by increasing taxation.

People on the ground could not believe that in two budgets introduced within six months of each other, not one pro-enterprise incentive or initiative was brought forward. Since the time of Charlie McCreevy, the policy of “If I have it, I spend it” meant that the Government fuelled the boom, and now that the boom is over, the cupboard is almost bare. The few bones left must be used to prop up the banks, whose irresponsible lending has contributed so much to the current crisis. At a time when banks should be lending to support existing and new businesses, they are unwilling to do so. Notwithstanding their assurances to the contrary, all the signs are that they are unwilling to do so, as they hoard capital in order to deal with the crisis caused by irresponsible lending.

We should not forget that about 250,000 small businesses across this State provide up to 750,000 jobs. These are often the backbone of the infrastructural fabric of many of our rural villages and towns. Many small businesses that are members of the Small Firms Association or



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ISME have had varied experiences dealing with the banks, and many are now on the brink of failure due to the lack of credit which is the lifeblood of business. We are all aware that small and medium sized enterprises are the engine room of the economy. Some of the banks are even refusing to pass on the reductions in interest rates. People on the streets outside and Members in here are asking what happened to the billions invested by the Government as part of the recapitalisation plan. Who benefits from this massive injection? It is not filtering down to small businesses that are crucial to the economic well being of the country, and to many places throughout rural Ireland.

In putting down this motion, we are reminding Fianna Fáil of a fact its leaders seem determined to ignore, namely, that there are now 400,000 people on the live register, and the number is rapidly climbing towards 500,000. The pace of deterioration in the number of people signing on is truly frightening. In May 2009, the seasonally adjusted live register reached 402,100, which is up by 195,100 or 97% in only 12 months. The increase in the previous month was 13,500. It is widely expected that the live register will reach 500,000 or more by the end of the year. Behind those figures lie other disturbing statistics. For example, there are some 85,000 people aged under 25 on the live register.

We know that not everyone on the live register is without work, but the fact remains that unemployment is spiralling. The ESRI estimate that the unemployment rate will reach 17% next year. Based on that estimate, it is clear that more than 500,000 people will be on the live register by the end of this year. Quite frankly, that is an appalling vista. To have that many people without work, with all the human cost that goes with it, is an economic and social calamity. There is the loss of income, the threat to the family home, the loss of skills and capacity within the economy, and the sheer frustration for people who simply want to work. Any of us who knocked on a door during the recent election campaign will realise that this is what is annoying people. Be they mothers, brothers, sons or daughters, grandparents or parents, everybody is concerned. Yet in the face of this crisis, we have seen little or no response from the Government. We have seen urgency in dealing with the banking crisis, and we have seen action on the public finances, but we have seen no urgency and no coherence in dealing with the jobs crisis.

What has happened to the so-called jobs summit that was promised for the spring of this year? What has the Government done to either stimulate economic activity, where that can be done, or to provide more work and training options for the unemployed? Where is the beef? The answer is to be found in an annex to the budget. There are a mere 16,000 extra training places. There is a proposal for a pilot “earn and learn” scheme, with a total of 277 places. There is a proposal for a graduate placement scheme, that will have 2,000 places. Yet there are 85,000 people under 25 on the live register. The scale of this response simply does not match the scale of the problem.

What we need is a concerted drive to offer opportunities to people who have no work. This is not just a matter of providing people with something to do, even though that is important. It is a vital part of any viable strategy for recovery. Behind every unemployment statistic is a human being, often with a family, a mortgage and everything else that goes with that.

The motion before the House calls on the Government to treat this issue urgently and seriously. It is not an optional extra. It is vital. The motion calls for a number of measures to be taken to offer opportunities to people on the live register. It also calls for the establishment of a national investment bank that would raise finance to fund investment in infrastructure and to act as a banker to small business. That is absolutely essential to get credit flowing and to sustain viable businesses. We are actually closing down the opportunity for small businesses to

expand, due to the lack of credit. This cannot continue. Bank executives are going around pretending they are doing this, that and the other for small businesses. Who do they think they are fooling? Money invested in infrastructure projects will act as a stimulus to the economy and create much needed employment.

Despite all the billions that have been committed to the banks, by far the biggest issue being raised with Deputies by small business is the problem of credit. This is reflected in the Central Bank figures, which show that in the past two months, lending to business has fallen by approximately €1 billion per month. A national investment bank would also have the capacity to lend to businesses and could draw on funds available from the European Investment Bank to do so. We have only drawn a pittance from the huge funds available there. Let us show the people the importance of Europe and the European Investment Bank, and how they can contribute to revitalising industry, to sustaining jobs and businesses, and to giving them an opportunity to expand. After all, the small businesses employing four, five or six people fall off the radar and it is only those losing 50 or 100 jobs that have become the focus of attention. Across the country, small businesses are closing and these are essential. Many of them are family businesses and families will go to the very end to preserve, sustain and retain those businesses. They will literally put their houses on the line, yet the banks will not even remortgage their houses. They are in a triple loop and they cannot get out of it. The Minister has an obligation to unravel this and make sure that credit gets through to those businesses.

We believe that appropriate and worthwhile start-up grants should be made available to people who are unemployed and wish to start up new businesses. A small business rates relief scheme, which would be based either on floor size or turnover, or a combination of both, should now be introduced and thereby enable many of our small businesses to survive this very challenging economic environment. That is Labour Party policy and was passed at the Labour Party conference.

Thousands of jobs have been lost in the construction industry, yet the schools building programme — for which money has been already allocated — is incredibly slow, with more than 40,000 pupils languishing in prefabs. The Department of Education and Science seems to take years even to approve a new school, not to mind build one. I welcome the commencement of the insulation scheme, which was first proposed by the Labour Party, but which is too limited in its scope, in so far as a key component of any such scheme for our elderly would be the inclusion of the replacement of windows and doors as they contribute to the preservation of heat in much of the housing stock. More than 40% of our houses were built prior to 1963 and there is not a hint of insulation in any of them. The Labour Party would encourage renovation and improving energy efficiency for older houses and this could be done by reducing the level of VAT for improvement works and reducing or removing VAT on insulating materials if the Government was really committed to this. We have offered a significant number of new ideas to tackle the current crisis, and I repeat them here.

I am sick of reading right-wing commentators every week. The latest to join the chorus is Mr. David Quinn. He is obviously nettled by the fact that the Labour Party and other left-wing candidates made substantial gains in the local elections. He came out with the usual claptrap, attacking the Labour Party, but saying nothing about the right-wing philosophy he espouses and articulated for the past number of years. Where has that left us? He does not pay much attention to the human cost of such economic policies. We have articulated policy at party conferences and in the House, as have other parties. We are not afraid to demonstrate that they are workable policies.

We have a sorry tradition of allowing the unemployed to languish on the dole queue, with little hope of further training or work experience. We still have a Victorian poor law attitude

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to the unemployed, and more effort is made to prove that the unemployed person is idle rather than try to get the person back into the labour force. We must learn from schemes in other EU countries where efforts are made to ensure unemployed workers, particularly young workers, do not become detached from the labour force. We must immediately set about fundamentally reforming the back to work supports, such as the back to work enterprise allowance, and all lead-in times for the determination of eligibility should be eliminated.

The welfare system should be about preventing, rather than promoting, long-term unemployment. We have had some tokenism in the budget. There are now 242,871 more people on the live register than in May 2007, when this Government came to power, representing a cost of €4.8 billion to the Exchequer. Would we not be better off redirecting the money to ensure the misery visited upon homes throughout the State is alleviated? There is a precedent in place whereby people who have received statutory redundancy are already permitted to avail of these schemes immediately, so the principle is already accepted.

We must formulate the use of career breaks and flexible working arrangements. Career breaks are rarely offered to employees outside the public service. We need to devise a scheme that provides incentives to employers to offer career breaks or flexible working arrangements, while providing employees with legal entitlements to their jobs back and security on other issues when that leave ends.

We must significantly increase training places via FÁS, VECs and the institutes of technology. Colleges of further education are losing teachers and have to turn away young people who are going straight from school into unemployment. VECs and ITs are ready and willing to provide many more training places if they are given funding. The last area in which cutbacks should be considered is education and training.

Regarding social welfare, why not allow employers who are in a position to provide a worthwhile job, but whose financial position prevents them from doing so, to top up the rate of the jobseeker's benefit or jobseeker's allowance of those who wish to be in employment and ensure the top up would bring the individual's income up to a good wage? We must be innovative and show flexibility in the new circumstances.

It is time to increase the VAT exemption level for those who supply services from its current threshold of €37,500 up to €65,000. Similarly, the exemption figure for the supply of goods must be increased from its current low threshold of €70,000 to €125,000. The complexities of VAT would require a small business to employ a bookkeeper for a half day each week, which is another burden on small businesses. The Government has strangled companies and small businesses with unbelievable levels of regulation. It is time to simplify the process by ensuring a unitary style form is made available which satisfies all the criteria for submission to the various governmental bodies and agencies.

The role of the county enterprise boards, and their contribution to employment creation at the micro level, is very important and needs to be recognised. We are committed to expanding the functions and job creation capacity of county enterprise boards and to giving them greater flexibility and more discretion to enable them to contribute to employment creation. The stricture whereby they can only grant aid a business with up to ten jobs will be removed under a Government with Labour Party participation. We would also allow a wide range of start-up grants and a loosening of eligibility criteria.

In the Forfás report of 2007, Towards Developing an Entrepreneurship Policy for Ireland, a major problem in the area of entrepreneurship policy was identified. While one cannot deny that the Government is investing in programmes that aim to develop and encourage small businesses and entrepreneurship, too many agencies, bodies and Departments are involved in

this area. The Department of Enterprise, Trade and Employment supports entrepreneurs and start-up businesses. The Department of Education and Science is responsible for the delivery of entrepreneurship education and training. The Department of Community, Rural and Gaeltacht Affairs is responsible for *Údarás na Gaeltachta*, the Leader programme and area partnerships. The Department of Arts, Sport and Tourism is responsible for the development of tourism enterprises through *Fáilte Ireland*. The Department of Justice, Equality and Law Reform is responsible for regulating residence and work visas for third country citizens and issuing business permissions. The Department of Finance is responsible for overseeing the fiscal incentives for enterprise establishment and equity investment such as the seed capital and business expansion schemes. The Labour Party commits to bringing all the above responsibilities under the remit of one Minister, who will have control of a single Department and will perform the activities carried out by a variety of Departments. The Department with responsibility for entrepreneurship policy would be responsible for delivering various initiatives that have an impact on entrepreneurs and the environment in which they operate in a cogent and cohesive manner.

**Deputy Seán Sherlock:** I refer to the taking into public ownership of Eircom. It was reported in the newspapers at the weekend that yet another private equity firm, Permira, has expressed an interest in taking over Eircom. The others are CVC Capital Partners Limited and STT. The asking price for Eircom is approximately €100 million but the debt mountain is in the region of €3.8 billion. If a private equity firm takes over Eircom lock, stock and barrel, I am not convinced we will see an increased rate of broadband penetration in this country. I am not convinced this would be the most effective way of ensuring the broadband provision and capacity required in order to make this country competitive with regard to rates available in Japan. A private equity firm will not ensure the rate of penetration will allow us to compete with other countries. They would concentrate on the most profitable areas and would not ensure the rural economy or society would be served in such a scenario.

The Labour Party sought to take Eircom into public ownership to ensure there is another suitable platform for investment in broadband. If we are to bail out banks, I do not see why we will not enter the fray and take Eircom in charge to ensure all rural exchanges that need to be upgraded are upgraded. There would be a multiplier effect and a positive net benefit to the rural economy. It would ensure some income is derived from other users through the unbundling of the local loop. It is important to debate this. It is not right to hand it over to private equity firms.

The current taxation regime has included increases to taxation and some will argue they were necessary. As a short, sharp solution we are increasing taxation on income and that is also stifling the economy because people are not spending. Are we not concentrating on ensuring greater efficiencies in public expenditure? Today I received the reply to a parliamentary question I tabled on the amount spent by the HSE on legal fees between 2006 and 2009, inclusive. The response was that, between barrister and solicitor bills, approximately €8.6 million has been spent in legal fees by the HSE to date.

The reason I was prompted to put down the question was because of a young couple who had to send a child to hospital and thought they were covered under private health insurance. It transpired that they were not covered and they were pursued vigorously for €5,000. I would hazard a guess that it probably cost the State a multiple of that €5,000 to pursue the family for those costs.

The point is that there must be a greater analysis of how we can achieve greater savings without adversely affecting people on lower incomes. It can be achieved with a little lateral thinking.

**Deputy Arthur Morgan:** I welcome the opportunity to bring forward once again a joint motion with Deputy Willie Penrose and the Labour Party on the issue of unemployment, the most important matter facing us today. We have been compelled to put down a motion because the Government's response to the crisis has been totally inadequate and it appears it needs to be forced to act on the matter.

The motion demands action from the Government to halt growing unemployment and get Ireland back to work. It highlights the extent of the crisis we are facing and its implications for the public finances, and sets out a number of straightforward steps which must be taken to get the economy back on track.

Figures released by the CSO at the start of this month reveal unemployment has surpassed 400,000, which represents 402,000 families with all the social, family and financial commitments that we understand. This is, without doubt, the biggest challenge facing the State and tackling it must be the Government's primary priority. Those who have lost their jobs over the past 18 months are waiting for a Government response but losing all hope that it is capable, or willing, to act to retain and create jobs.

Almost 200,000 people have lost their jobs since the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, took up her position. She should be ashamed of this but she seems almost oblivious to the depth of the jobs crisis we face. Does she even realise that in her own county of Donegal 18,000 people are now unemployed? Where is the job creation strategy and supports for struggling small and medium-sized enterprises, SMEs? With all the money poured into the banks, why are small businesses still denied access to credit?

Not surprisingly, the public does not have confidence that the Minister has a grasp of her brief or the resolve required to address the jobs crisis. The public sees a Minister and Government bereft of proposals to get this country back to work. The Government has been compared to a rabbit caught in headlights; the worse things get, the fewer moves it makes to address the problems. The Minister must explain to the House exactly what she has been doing in the year since she took up her position.

I come from a small business background and understand the pressures facing small family enterprises, which are good employers that want to create employment in the local community but whose backs are against the wall due to the lack of access to credit and the high cost of doing business. I understand the frustration at the Government's response to the current economic crisis. Like them, I know that if we are to stem the rising tide of unemployment, it is crucial that Government supports existing enterprises which provide employment.

We all know people who have lost their jobs in construction, retail, manufacturing and other sectors. The growth in unemployment over the past year has been astounding, hitting the 400,000 mark for the first time at the start of this month. Even those of us who repeatedly warned of the dangers inherent in the over-dependence on the construction sector and the need to protect workers in vulnerable sectors of the economy have been shocked at the speed at which unemployment has risen.

We are facing an economic crisis of unparalleled proportions caused by Government mismanagement and made worse by Government inaction. Other countries are also facing severe economic difficulties, but none are to the same extent as here. Economic mismanagement by the Government has meant we were the least prepared among our EU counterparts to deal with a global economic downturn.

Contrary to what Fianna Fáil argued, particularly in the run-up to the 2007 general election, the economy was not based on solid foundations. Policies pursued by Fianna Fáil-led Governments have undermined our ability to ride out an economic downturn. We can take as an



example the privatisation which led to Eircom and its effect on the roll-out of broadband, or how the dependence on fair weather taxes has resulted in an unprecedented collapse in Exchequer revenue.

Every day, more people are losing their jobs, and even when they do the Government is not ready to help them. People are forced to queue for hours on the streets to sign on the dole and waiting times for the processing of unemployment assistance applications are unacceptably long for people struggling to pay bills and mortgages. Why can more staff not be transferred from other sections within the Department or from other Departments to ensure that people are treated in a dignified manner? Why has there been no action to address the plight of the thousands of construction workers denied benefits because they were coerced into describing themselves as self-employed by unscrupulous subcontractors?

Getting the economy back on track must be the main priority. No SME should be shutting down because it cannot access credit and no business should be failing to increase its exports because of a lack of knowledge of regulations or language in the country to which it seeks to export. No potential entrepreneur should be sitting on his or her hands because the funding expertise or advice is not there to bring their idea to fruition and no worker should be prevented from accessing alternative employment because he or she has been unable to access retraining or up-skilling.

Action is required to retain and create jobs and assist struggling businesses and those attempting to establish new enterprises. It is vital that Government intervention ensures that those who are currently unemployed will have the required skills to get back into employment. It is possible to do this. The Government often accuses Opposition parties of not putting forward constructive proposals but that is not the case with this issue.

Earlier this year, Sinn Féin brought forward an 80-point job creation plan entitled *Getting Ireland Back to Work: Time for Action*, which we believe has the potential to help retain and create jobs. Did the Minister read that proposal or any of the ideas put forward by any of the other Opposition parties? The plan included the establishment of a jobs retention fund to subsidise workers and SMEs struggling to keep their employees. We propose that this fund should be time-limited and be implemented in conjunction with an increased revenue and labour inspectorate. The subsidy should apply to each individual job and be no greater than €200 per week or 20% of the wage, and it should be reviewed after six months.

We are also calling for a body to be set up to actively pre-empt job losses by going into companies where jobs are in jeopardy to troubleshoot and offer advice, similar to the functions carried out by the Industrial Credit Corporation in the 1980s. The ICC was a publicly funded source of credit for Irish companies. There is a generation of people who have never managed a business during a recession but there is a generation which has done so. New businesses could do with advice and expertise to get through the period.

It has become clear that a change in the law regarding the leasing of commercial property is needed to allow tenants seek a rent review in order to reduce rent paid as economic circumstances change. Viable retail outlets are being put out of business due to the excess rents they are forced to pay.

We must ensure access to high-speed and low cost broadband. This should be effected, as proposed in the motion, through the renationalisation of Eircom. I agree entirely with the earlier sentiments of Deputy Sherlock in that we must renationalise Eircom to ensure all parts of this State have efficient broadband rather than just those parts which are profitable to a particular private company. There should be a particular focus on the agri-food sector, which



[Deputy Arthur Morgan.]

can and should be boosted with the immediate introduction of improved country of origin requirements. Anomalies relating to sell-by dates for imported produce must also be addressed.

There is a strong case for using the public sector and direct public employment to kick-start the economy. This makes sense now in the same way as the US works progress administration did in the 1930s. That programme stimulated the US private sector during the Great Depression by focusing on tangible improvements to roads, highways, streets, bridges, public buildings, parks, reviving forestry and rural electrification. Areas that could be focused on now would include energy efficiency measures, infrastructure, including tourism infrastructure, and the roll-out of high-speed broadband.

The current economic crisis offers an opportunity to reshape the State. We need to be coming out of this crisis with the infrastructure, skills and public services that will put us at the top of competitiveness rankings and that will deliver improved quality of life for all our citizens. They are entitled to nothing less. We should be focusing on using this time to invest in the delivery of essential labour-intensive infrastructure and prioritising investment in key areas in which we have a competitive advantage on the international stage such as renewable energy.

Priority must also be given to our education system, a key to our future economic recovery. School buildings, in which there was disgraceful under-investment during the Celtic tiger years, should be made a priority. A minimum of 150 schools building projects should enter the architectural and planning stage each year, to allow them proceed as quickly as possible to construction phases. In 2007, €119.5 million was allocated to the summer works programme. This should be repeated in 2009 and maintained until 2013. The national insulation programme should be expanded to cover 100,000 homes by the end of February 2010 and 150,000 in subsequent years, creating the potential for 12,000 jobs by the end of 2010.

Sinn Féin proposes local authority and public sector construction service and procurement contracts be adjusted to create a level pitch for small businesses to tender. Breaking tenders into smaller pieces allows contractors with less significant turnover to tender for work. By not doing so, procurement contracts are going overseas to those with the capacity for tendering for larger jobs. Many Members know of local school extension projects not going to contractors in their constituencies because they do not have the turnover threshold to compete with outside contractors.

Crucially we need to fast-track business start-ups and create one-stop enterprise business points to bring together funding, expertise and advice for entrepreneurs who want to start new businesses or grow existing ones. We need to create a sales Ireland strategy to help Irish firms access export markets outside the US and Britain and to help Irish firms looking to set up manufacturing businesses with the potential to compete with our largest imports, including research and development funding.

Almost 90% of exports from the State come from foreign-owned multinationals. Foreign-owned firms import over 86% of the materials they use, bypassing Irish firms. Sinn Féin's job creation plan includes proposed supports for Irish manufacturers and producers to reach economy of scale, including on an all-Ireland basis, enabling them to compete with cheaper products both abroad and domestically through investment in new technology and production methods. We need supports for Irish manufacturers and producers to access export markets outside the US and Britain, including language and local regulation support with the increased use of Irish embassies to access local market knowledge and management personnel. It would also make good economic sense to give tax credits to companies which source Irish raw materials as opposed to importing them. Again, this matter has been flagged to the Tánaiste and Minister for Enterprise, Trade and Employment but she has ignored it.

Each sector of the economy needs to be examined with those with the potential for expanding employment identified and targeted. The requirements of businesses need to be identified to ensure they make it through the current economic crisis. We need a plan to expand jobs in sectors such as agrifood, tourism, green technologies and the knowledge economy. We must never return to a dependence on unsuitable economic activity such as was the case with the building boom of recent years. The Government must take responsibility for the wasted potential of those years as young people left school without completing their education to take up jobs in the construction sector. It must ensure these people get back into the education they will need if they are to get back to work.

The potential exists to get the economy back on track. We have skilled, energetic workers, innovative would-be entrepreneurs eager to establish new businesses that will create employment in their communities and unmatched renewable energy resources. A job creation strategy that can harness that potential is needed. We must do what we did not do during the Celtic tiger era. We cannot afford to lose a generation of young people to emigration as was the case in previous times of recession. Generational emigration was part responsible for holding back the economic development of this State by decades. This will happen again if the Government continues to fail to act. Skilled educated young people will not be prepared to accept a future on the dole queue.

Backbench Deputies in both Government parties should consider their positions carefully before voting for the Government amendment to this motion. Voting with the Government is effectively telling the 402,000 unemployed that its response to their plight is adequate. Such a vote, however, condemns them to a future on the dole queues with no hope of getting back into employment.

The economy can be got back on track. Jobs can be saved and created. Ireland can be got back to work. There are 402,000 good reasons for doing so. If we do not start solving the employment crisis, we will not be able to address the black hole in the public finances. Having 402,000 people out of work means less tax receipts going to the Exchequer and more payments out of the social insurance fund.

Will the Tánaiste and Minister for Enterprise, Trade and Employment act on the proposals put forward by Sinn Féin and the Labour Party during the course of this debate? If she, in particular, and the Government are not up to this challenge, they should step aside.

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I move amendment No. 1:

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

“commends the Government for its management of the economy and the public finances by implementing policies which will lay the foundation for a return to prosperity and which are aimed at stabilising and revitalising the banking system, restoring sustainability to the public finances, underpinning employment creation, assisting those in search of work or in need of training and further developing a green, clean, higher technological economy;

notes in particular:

- the approval of the European Commission and support from the European Central Bank for our recovery strategy;

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- our underlying economic strengths which include world-class modern export industries, a pro-business environment and a flexible labour market; and
- our significant international competitive advantage ranking Ireland as:
  - 1st for real corporate taxes;
  - 1st for investment incentives;
  - 1st for foreign investor freedom;
  - 1st for skilled labour;
  - 3rd for flexibility and adaptability of people; and
  - 4th for labour productivity;

acknowledges Government actions in support of activation and training through:

- its €1 billion funding for a range of labour force measures which will assist those who have lost their jobs;
- the doubling of capacity in job search support, training and work experience programmes;
- the Work Place Programme which includes special provision for graduate placement;

and

- special arrangements for over 3,600 redundant apprentices;

re-affirms its support for Government actions aimed at the enterprise sector through:

- the creation of a €100 million Enterprise Stabilisation Fund;
- the establishment of a Credit Supply Clearing Group to address the credit supply issue;
- implementation of the Smart Economy Strategy;
- the roll-out of the National Broadband Scheme; and
- policies aimed at reducing energy costs in the economy.”

I wish to share time with the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Conor Lenihan.

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

**Deputy Mary Coughlan:** I apologise that I may disappoint Deputy Morgan in not adhering to his final request.

**Deputy Arthur Morgan:** Unfortunately, the Tánaiste has already disappointed me by her inaction.

**Deputy Mary Coughlan:** The global economy is facing a sustained and unprecedented economic challenge. Every economy in the developed world is struggling to cope with the global economic storm, exacerbated by credit constraints and prolonged by a decline in consumer and investor confidence.

Ireland is not immune to those challenges, which are impacting negatively on growth and employment. Domestically, as the recession which commenced during 2008 deepens further, GNP is projected to experience its sharpest decline on record, contracting by 8%. As a result, a cumulative loss in national income of around 13% is expected between 2008 and 2010. However, as the expected international recovery gains momentum and the sharp shock in residential housing output passes through, Ireland's economic growth rate is expected to turn positive by 2011.

In the interim, we must continue to pursue appropriate policies to position the economy to benefit from the global recovery when it eventually emerges. Our labour force continues to be highly skilled and flexible. We continue to invest in education at all levels to ensure the skills demanded by our increasingly knowledge-intensive economy are available. We are also demonstrating wage flexibility in both the public and private sectors, a significant achievement which many countries wish to emulate. There are also adjustments in work practices and other labour market costs are changing in order to safeguard employment.

Our economy remains flexible and resilient and this will facilitate an adjustment to reflect the prevailing environment. For its part, the Government remains committed to providing a pro-enterprise environment and to maintaining our relatively low tax burden on business. It also is maintaining capital spending at a high level by international standards. This will allow it to continue its investment in productive infrastructure, which will help enhance our competitiveness. Through implementing the correct policies now, our recent progress will be safeguarded and our future prospects will be secured. The European Commission has endorsed the measures the Government has taken in its recovery strategy and it also has the support of the European Central Bank. These non-partisan bodies recognise the extent and appropriateness of the measures the Government has taken to bring the public finances under control.

The Government has a proven track record of managing a successful and vibrant economy. The measures it has taken in recent months are designed to address our present difficulties and to ensure a return to sustainable economic growth and the creation of more employment. The Government is committed to continuing to take the necessary difficult decisions to achieve this goal. However, one must not forget that the economy still retains many of its underlying economic strengths. These strengths are borne out by the recently published World Competitiveness Yearbook of 2009. It is encouraging to note from this report that Ireland's strengths lie in its continuing attractiveness for investment. It is first for real corporate taxes, investment incentives, foreign investor freedom and skilled labour, third for flexibility and adaptability of people and fourth for labour productivity.

In spite of the difficult economic environment in which we currently operate, the underlying strength of the Irish economy is clearly evident when one considers its trade performance and the continued impressive success of its exporters. Last year, Ireland's trade surplus was a very healthy €21.4 billion. This was a very impressive performance, especially when one takes account of the deep global recession and the adverse exchange rate between the euro and the currencies of our two largest export markets, namely, the United States and Britain. If the experience of recent years has taught us anything, it is that trade is the cornerstone of Ireland's economic success and trade undoubtedly will be the instrument by which Ireland positions itself to benefit from the future global upturn. Even in these difficult times, many of our export-orientated companies continue to excel. It therefore is clear that we must build on these

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strengths and use them to our advantage to ensure the Irish economy is well positioned to benefit when an improvement in the global economy takes place.

While Ireland still retains many areas of competitive advantage, one also must acknowledge that the global economic downturn has had significant implications for its economy as a whole. This is most evident in the sharp rise in unemployment which has been experienced. Although the live register figures continue to rise, the monthly rate of increase has been abating since February. In addition, despite the major downturn in the economy, last month more than 16,500 people left the live register because they found work. In the past year, almost 145,000 people left the live register because they secured employment. This is a positive trend that shows there still are jobs available and that the Government activation measures are assisting the unemployed to develop their skills and to secure employment.

In response to the increasing numbers of people on the live register, I am working closely with my colleagues, the Minister for Social and Family Affairs, Deputy Hanafin, and the Minister for Education and Science, Deputy Batt O’Keeffe, to ensure that appropriate responses are developed and put in place to meet the up-skilling needs of those who are losing their jobs or facing uncertain employment prospects. My Department alone is investing €1 billion in the provision of a range of labour force measures that will provide training and work experience opportunities to assist those who have lost their jobs. FÁS employment services, together with the local employment services, have put in place measures to double the capacity to cater for the rise in referrals from the Department of Social and Family Affairs. The implementation of such measures has increased the annual referral capacity to 147,000 persons in 2009. These measures and others represent a significant step in meeting the huge challenge of supporting the unemployed.

In a difficult employment climate such as that which we face at present, the importance of training and education is vital for everyone within the workforce. The impact such opportunities can have for those who are out of work and who seek to rejoin the labour market cannot be overstated. I have almost doubled the number of activation training and work experience places provided by FÁS to 128,000 to assist individuals through the provision of education and training opportunities. This is a substantial increase from the 66,000 places that were available at the end of last year. Specifically, there are additional training places on short courses available to the unemployed. The courses are designed to be flexible in responding to individual training needs in the development of new skills and competencies. These places are specifically tailored to individuals who wish to add to their existing skills level and improve their prospects of re-entering the labour market.

In addition, in the supplementary budget the Government announced its intention to establish a programme that will provide valuable work experience to individuals who are unemployed and who have had limited experience to date. My colleague, the Minister for Social and Family Affairs, Deputy Hanafin and I jointly launched the work placement programme on 2 June last. This programme will provide 2,000 individuals who have been unemployed with a six-month work experience placement. Under this programme there are two streams, each consisting of 1,000 places. The first stream is for graduates who before this year have attained a full award at level 7 or above on the national framework of qualifications and who have been receiving jobseeker’s allowance for the last six months. The second stream is open to all other individuals who have been receiving jobseeker’s allowance for the past six months. Under this stream, 250 places are being ring-fenced for those under 25 years of age. As a result of the co-operation and dialogue between the Departments of Enterprise, Trade and Employment and Social and Family Affairs, the scheme has been innovatively designed to allow participants on



both streams of the programme to continue to receive their existing social welfare entitlements from the Department of Social and Family Affairs for their duration on the programme. I believe this scheme will work and there is great enthusiasm to participate in it. Assuming it works, neither Deputy Hanafin nor I will be found wanting in respect of increasing the availability of places. We will learn from the first 2,000 individuals to ensure the outcomes will be beneficial to the clients.

In a further initiative, on 2 June my colleague the Minister, Deputy Hanafin, and I launched the short time working training programme. This new initiative offers individuals the opportunity to receive training that suits their specific requirements. In respect of individuals who are on short-time working, this programme will provide two days training a week for 277 workers over a 52 week period. Again, this is a pilot programme to ascertain how this will work and whether it will do the job as it should. This issue was raised in a previous debate in this House and the Government will be forthcoming in analysing the outcome of this training programme on its completion. Support for jobs and for those who have unfortunately lost their jobs, remains at the centre of our collective efforts. This is the reason we must be imaginative and must break new ground in intervening to sustain jobs. At present, the Government is examining possible new approaches regarding the retention in employment of people who are in danger of becoming unemployed. This is currently being discussed with the social partners.

Since the beginning of 2008, there has been a significant contraction in activity in the construction sector. This contraction has been accompanied by a substantial reduction in the numbers of people employed in that sector. This has had a severe impact on individuals who are currently undertaking an apprenticeship. The Government is fully aware of the difficult situation in which such redundant apprentices find themselves. This is the reason the Government is committed to assisting redundant apprentices to gain employment as soon as possible in Ireland or abroad in order that they may complete their apprenticeships. I have introduced a wide range of measures designed to help alleviate the present situation by enabling 3,600 redundant apprentices to further their apprenticeships this year. The measures include the putting in place by FÁS of a measure whereby apprentices who are made redundant can progress to the next off-the-job training phase in the education sector. This means they do not need to do their on-the-job phase and can go directly to the next off-the-job phase. Moreover, FÁS has introduced an employer-based redundant apprentice rotation scheme to provide support for employers to provide on-the-job training to 500 redundant apprentices when they have released their employed apprentice to a scheduled phase 4 and phase 6 off-the-job training phase in the institutes of technology. In addition, ESB Networks has agreed a programme with FÁS to provide on-the-job training to eligible redundant electrical apprentices at phases 5 and 7. This programme will provide 400 places over a period of 18 months. The institutes of technology are providing an 11-week certified training programme to 350 redundant apprentices who have completed their phase 4 training but to whom another training opportunity is not available.

The key to overcoming our rising unemployment levels is to provide the necessary support to the enterprise sector to create employment. This Government has always displayed a strong commitment towards assisting the continued development of our enterprise sector. In the supplementary budget, the Government made provision for capital investment in enterprise of more than €500 million, through IDA Ireland, Enterprise Ireland, the county and city enterprise boards and Science Foundation Ireland. In doing so, the Government prioritised investment in the most productive sectors of our economy and invested in the creation of jobs by cementing the foundations of export-led recovery and growth. As part of this investment, the Government has established a €100 million enterprise stabilisation fund. The fund, which is administered by Enterprise Ireland, aims to help viable but vulnerable internationally trading

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companies to survive the current global downturn by supporting their efforts to reduce costs and gain sales in overseas markets and to sustain employment. Sustainable economic recovery will be driven by enterprises that are focused on increasing their exports of innovative products and services in global markets. Companies from all sectors are seeking support. The main issues of concern are the sterling exchange rate, the loss of sales, funding from the banking sector, competitiveness, construction industry and energy prices.

Enterprise Ireland has been engaging with various companies under the enterprise stabilisation fund. It is working intensively with 60 companies to develop definitive project applications to the fund with a view to releasing such funding as soon as practicable. I have met representatives of a number of companies that have expressed an interest in the stabilisation fund. Some of the companies have made successful applications under the fund. I am encouraged by the interaction between Enterprise Ireland and the companies in question. I advise the House that the fund can also be used to assist *Údarás na Gaeltachta* companies.

The silo approach of the development agencies has definitely gone. There is now a great deal of interaction between them all. I told the House some time ago that we are involved in an economic war. We need to work together, rather than having a silo approach. The development agencies have a role in achieving traction within the economy. The work of those who are involved in the enterprise stabilisation fund will contribute to the stabilisation of vulnerable companies. That will be determined on the basis of market failure only. I am aware that access to finance is a concern for small and medium sized enterprises at start-up and development phases. The key message being transmitted by everyone involved in business and enterprise is that access to working capital is an abject frustration. That message has been articulated on the floor of this House and at today's meeting of the Select Committee on Enterprise, Trade and Employment. I accept that we need to stabilise the public finances and put in place a viable and functioning banking sector. We have articulated that frustration. We appreciate that difficulties exist. It is expected that NAMA, if it fulfils its role in a fundamental way, will allow the banking system to lend to businesses and facilitate the taking of risks once more.

My Department's agencies have met the relevant banks in recent times. As a result, some people have been seconded from Enterprise Ireland into the banks. That has been mutually beneficial. I will have a key focus on ensuring that small and medium sized enterprises can access the money that has been made available through the European Investment Bank. Such enterprises should be able to use the seed capital mechanisms that were agreed under the recapitalisation scheme. The relevant agencies, those representing business and tourism interests and the banks should be able to work together through the clearing house that is being chaired by my Department and supported by the Department of Finance. Additional resources will become available when the Department of Finance's investigation into the availability of credit has been completed. We will see some traction on this issue at that stage. That is a key consideration for everyone in business.

When we investigated the substantial concerns that have been expressed about export credit insurance, it was clear that the issue at stake was not necessarily export credit insurance, although that is important in itself. We discovered that the fundamental difficulty being encountered by businesses in this area related to credit insurance. Over recent months, we have seen a considerable contraction in the availability of credit insurance. It was on that basis that we decided to work with Forfás. I am aware that the Chairman of the Joint Committee on Enterprise, Trade and Employment believes that Forfás does a good job, and rightly so. Forfás has been able to put a number of options together to allow us to further develop the availability of credit insurance. We have been able to reduce the time it takes to go to tender, luckily, as

a result of the extraordinary nature of this situation. That is allowing us to work through the risk analysis that is needed if we are to have a functioning credit insurance scheme and to minimise the exposure and risk of the taxpayer, which is incumbent on everyone in this House in light of the lessons that were learned 20 years ago.

I do not suggest that export credit insurance is not important, it is very important. I hope lessons can be learnt from the previous incarnations of this scheme. The approach taken at this time should be targeted and focused. Contrary to what has been said in this debate, over recent months we have examined what other EU member states are providing in this area. They are finding it very difficult and expensive, unfortunately. That will not deter me from making progress on the issue of the availability of credit, finance and credit insurance.

These are difficult times. We could choose to deal with this in an adversarial way. More importantly, we can adopt good ideas and initiatives. A number of the proposals that were made by Opposition Deputies during the Private Members' debate on the issue of activation have been taken on board, some of them on a pilot basis. We are trying to ensure we do not have a difficulty with dead weight. In particular, we are trying to ensure that what does work will work well. I commend the amendment to the House.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan):** It is clear that the future of the Irish economy lies in the continued development of the high value-added sectors of our economy. Sectors such as information and communications technology, biopharmaceuticals and the green economy, which are characterised by cutting-edge innovative developments, will be the key drivers of our future economic growth. The Government is committed to developing one of the world's leading knowledge-based economies. It introduced its framework for sustainable economic renewal, Building Ireland's Smart Economy, last December in response to the much more challenging economic environment. This document sets out a clear roadmap for Ireland's move back to economic growth and prosperity. Investment will focus on areas in which we can build on our existing strengths, address our weaknesses and make ourselves ready to grasp the opportunities that will be presented when the upturn in the global economy begins. The action areas and points within this framework are a combination of existing policies, on which the Government will build, and new actions that will drive the restructuring of the economy. This combination is important because a principal objective of the framework is to reprioritise the business of Government and refocus resources in a manner that will hasten economic renewal. The Cabinet economic renewal committee, which is chaired by the Taoiseach, is responsible for driving the implementation of the framework. We should be aware that the successful implementation of the framework will not merely result from the policy measures and investments that are put in place by the Government — a national effort will be required to meet crucial short-term challenges. The Government is working with the social partners on the implementation of this framework, which is consistent with the principles and visions that underpin Towards 2016 and uses the well established mechanisms of the social partnership process.

In view of the huge potential for the green economy to help Ireland to meet its economic and environmental challenges, the Government gave a commitment in the framework strategy to establish a high level group on green enterprise. I am glad this commitment has been achieved. The high level group that has been established is chaired by Mr. Joe Harford, who has a strong track record at the highest level in multinational and indigenous cutting-edge enterprises. The many opportunities for Ireland in the green enterprise sector are continuing to grow and develop. Therefore, it is essential that Ireland adopts a proactive approach to developing its expertise and realising its full potential in this area. The establishment of the

[Deputy Conor Lenihan.]

high level group, which will map our Ireland's potential in this area and produce an urgent action plan, will greatly assist Ireland in accessing this lucrative market.

As Minister of State with responsibility for science and technology, I am particularly pleased that the rate of the research and development tax credit was increased from 20% to 25% in budget 2009. This tax credit provides an effective incentive to companies to increase research and development and complements the various direct research and development grant supports, which are also available through various agencies of the State. It is a signal success of recent years that in the past ten years the amount of money spent in this economy and society on research and development has tripled and represents 1.66% of our GDP. The hope and intention, notwithstanding the downturn, is to increase this figure to 2.5% of GDP by 2013. This will not be an easy target to achieve but it is one that is well worth striving for because it is only through research and development and growing the spend and the collaboration between the universities, industry and the State, through its various agencies, that we will provide secure and highly qualified employment for our citizens in the future.

The increase in the research and development tax credit means that Ireland is now an even more attractive location for research and development. This will encourage more firms to establish a presence here and it will also lead to the expansion of companies that have already located here. There is a direct substantial linkage between what we spend on research and development and what we get by way of inward investment. This year alone, 40% of the new IDA gains were research and development related or technology related. Last year, the figure was 43%. There is a clear demonstrable link between what we do and what we spend in terms of taxpayers' money but also private sector money. There is direct substantial link between that spend in research and development and our ability to leverage and gain more investment from overseas into Ireland.

Broadband is a key piece of infrastructure for the smart economy and is critical to the development of digitally traded services. At present, almost 90% of the small and medium-sized enterprise sector has broadband, but we need to increase this take up rate. The Government is committed to ensuring that Ireland has a comprehensive and high quality broadband network. We will shortly publish a policy paper which will set out the strategic framework for the development of high bandwidth networks. To date, the Government has taken several actions to further develop Ireland's broadband. These include the launch of the national broadband scheme which aims to provide broadband to areas not currently served by the end September 2010; Project Kelvin, which will bring international telecoms connectivity at competitive prices to the north west and Border counties by 2010; and the establishment of a working group to progress the requirement that new buildings install fibre connections at the construction stage, as fibre is currently the most future proofed way to provide high bandwidth networks and installation at the new build stage is much cheaper than retrofitting.

As Eircom is a private company which is currently undergoing a sales process, the Government has no direct involvement in this process but it recognises the continued strategic importance of Eircom to the telecoms sector in Ireland. My colleague, the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, has stated that public ownership of Eircom is not on the agenda. In developing our telecoms infrastructure and transitioning to high band width services, investment in Eircom infrastructure will be key and any potential purchasers of the company should recognise the requirement for a long-term strategic approach to ownership with a focus on the high band width services required to support the digital economy.

Another central pillar of any modern economy is the availability of competitively priced energy. The Government is committed to exploring the cost of energy in Ireland and to reducing its cost where possible. However, it is important to acknowledge that significant progress has already been made in reducing the cost of energy in Ireland. For example, the Commission for Energy Regulation lowered electricity prices for all customers by 10% on 1 May and gas tariffs by an average of 12% for domestic and small and medium-sized enterprise gas customers from 1 May. All electricity users are currently benefiting from direct subsidies totalling €567 million. These direct subsidies were being used to prevent major increases in electricity prices in 2008 as international fossil fuel prices soared and to accelerate the delivery of the benefits of falling gas prices to consumers, ahead of the normal tariff decision due in October 2009.

The Government took a major step forward in increasing competition within our energy markets through the introduction of the single electricity market. This reform has led to a significant expansion of generating capacity by major international utilities. As a result of the single electricity market, we have witnessed the introduction of enhanced competition with the entry of two new suppliers, which has led to discounts ranging from 10% to 20% for companies in the small and medium-sized enterprise market who choose to switch suppliers.

The Government is currently exploring a variety of other measures to tackle the cost of energy in Ireland. For example, the North-South Single Electricity Market Committee, which governs the operation of the all-island wholesale electricity market, will soon publish for consultation a fundamental review of tariff methodologies. This review will present a number of options for discussion, which include modifying the tariff year to allow for more frequent price reviews and to allow energy suppliers greater flexibility in pricing. The annual review of regulated tariffs for the period 2009-2010 will commence in the summer, with the publication by the end of July of the Commission for Energy Regulation's proposed electricity and gas tariffs that will apply from 1 October 2009. The Commission for Energy Regulation is also about to commence work on a five-year review of network expenditure. This review will take account of prevailing economic circumstances and projections for electricity demand in assessing the capital investment programmes of ESB and EirGrid from 2011. The review will also drive ESB and EirGrid to make greater efficiencies in operational and capital expenditure, thus driving down costs to all consumers.

The Government has been proactive in ensuring that Ireland undergoes the necessary remedial measures so that we will be in a robust position to benefit from an upturn in the global economy. We have put in place the building Ireland's smart economy framework, which provides us with the necessary roadmap to guide our development over this turbulent period. Ireland continues to possess a pro-business environment, which is characterised by a highly skilled and flexible labour force.

The Government has put in place several measures to promote the development of the green sector of our economy, the continued roll-out of high-speed quality broadband and we are continuing to address our energy costs. I am confident that the measures highlighted by the Tánaiste and I this evening will ensure Ireland overcomes our current difficulties and that we emerge a stronger and more resilient economy in the future. Nothing more starkly demonstrates our ability to react and adapt to the new international circumstances than the figure which was pointed to recently by some economic commentators that we had experienced a 4% drop in wages and salaries in this economy. That indicates we have a flexible pro-market workforce and that we can adapt to the competitive challenge that lies ahead.

**Deputy Leo Varadkar:** I wish to share time with Deputy Clune.



**An Leas-Cheann Comhairle:** Some 20 minutes are available in this time slot tonight but 22 minutes are available in total in this slot.

**Deputy Leo Varadkar:** Deputy English will resume tomorrow.

**An Leas-Cheann Comhairle:** That is agreed.

**Deputy Leo Varadkar:** I compliment Deputies Penrose, the Labour Party and Sinn Féin on allowing us to discuss this most important issue to the public at present. The live register stands at 400,000 and includes people who are unemployed and underemployed, which is just more than 12% of the workforce. It puts us in a different position from what we were in even two years ago. Ireland is now a high unemployment country. Within the eurozone only Spain and perhaps Belgium, although that is questionable, have a higher level of unemployment. That is a turnaround for a country that had low unemployment not that long ago. Other states, including the United States, Canada, Australia, New Zealand, Israel and Singapore, have a lower rate of unemployment than us. While all countries in the western world at least are facing the impact of the global downturn, it is clear few countries are suffering as badly as Ireland.

The worse aspect of unemployment is its social consequences. They must last longer and well beyond the end of a statistical recession. They particularly relate to exclusion from society and from the labour market. That is why it is important during this period that we do everything we can to keep as many people in employment as possible. Once people enter the cycle of unemployment and welfare dependency, it is almost impossible to get them out of it and it can take generations to break that cycle.

To get the economy moving again and to restore employment, there are a few things we need to do. Essentially, there are five key pillars to the policies Fine Gael puts forward. The first is the repair of the financial system. We have different views from those of the other parties on how that should be done. The second is fixing the budget, which we believe should be primarily done through reducing spending, although some tax increases will also be necessary. We do not believe that relying predominantly on taxes will get us out of recession; in fact, it may even make it worse. Neither do we agree that we can borrow our way out of recession. Borrowing is just the deferral of tax increases and spending cuts, probably much worse ones. Essentially, it sends the bill for this economic crisis to our children, which is something we cannot support.

We also need to reduce costs and support businesses. This means targeting the key costs: labour, energy, regulation and taxation, the latter mostly in the form of VAT and travel taxes. We must also continue to invest in the future, which is what the Government has not done. Capital spending has been cut back hard. We understand why this had to be done, but there were alternatives, including the use of the National Pensions Reserve Fund to create new State enterprises and using that money to invest in infrastructure. We will not become competitive again if we do not continue to invest in the infrastructure we need for the future.

We need Government action to protect people — not to protect jobs but to protect people from unemployment. Some of the ideas that have been put forward in this Chamber include the establishment of a graduate internship programme and a change in the training system so that FÁS, instead of being a provider of training, becomes a buyer of training, giving people training vouchers which they can use to buy training from whomever they want, whether it is FÁS, the VEC sector, the institutes of technology or universities.

Another suggestion was something we should have done a long time ago but did not, which is to reform the social welfare system. We spend €20 billion per year on social welfare in

Ireland, much more than other European countries, even though we have far fewer pensioners. We now have more people unemployed but we cannot deliver social justice or social protection with that money. We need to consider remodelling our welfare system by merging it with the tax system to end all disincentives to engage in work, and by moving towards a system of flexicurity, similar to those in the Netherlands and Denmark, in which people who lose their jobs retain a portion of their income in unemployment benefit provided they participate in either training or community service. This would mean enhancing protection for people but ending the system in which the State pays people more than €5 per hour to do nothing at all. This is something we cannot continue to do.

I am broadly supportive of the motion, although with one or two caveats, which I will come to in a minute. There is a strong case for a national investment bank — which we call a national recovery bank — capitalised by the State and funded by the ECB. It is largely the same concept. That is needed because it will take NAMA a long time to sort out the balance sheets and credit will not flow to business until that happens. Nationalisation will not sort out the balance sheets; nationalisation plus NAMA will be required to do that. In the interim we need some mechanism to extend credit to business and this can best be done through a national recovery bank of this type.

I support the ideas put forward by the Labour Party and Sinn Féin about one-stop enterprise business points. That is the kind of thing our local authorities should be doing. We should merge all the different local structures — county enterprise boards, city enterprise boards and development boards — into enterprise units within local authorities. It is a great shame we have left enterprise out of local authorities. We need to have a new focus on enterprise at local authority level.

Fine Gael does not agree with taking Eircom into public ownership, largely because this would mean nationalisation of Eircom's massive debt of €3.8 billion. We have had enough nationalisation of debt in this country. We have seen how much Anglo Irish Bank has cost us since its nationalisation, and we would be entering into the same territory by nationalising Eircom. There is an alternative which has been proposed many times, including by Eircom itself: that it be split into retail and wholesale arms, with the wholesale arm carrying Eircom's infrastructure. That could be combined with the Government MANs and the existing networks that are in Government control, such as those of Iarnród Éireann, ESB and Bord na Móna. The State could then take a significant equity share in that company and thus provide the new wholesale company with funds to invest in broadband. This is the idea of Broadband 21 from our NewERA document, and it is achievable. I do not think any of us honestly believe that Eircom will be re-nationalised, but the proposal we are putting forward could be carried out.

I agree with the measures proposed to retain workers in employment and to support Irish manufacturers and producers in exporting to markets outside the USA and the UK through language support. Such measures could be useful. In addition, the "Bridge the Gap" work experience idea could work very well. We need to make a commitment to apprentices that they will be able to finish their apprenticeships no matter what. What is missing from the motion — this lessens it somewhat, although I do not think it is deliberate — is competitiveness. The key to restoring employment growth in Ireland is to make it competitive again. The recession of the 1980s ended in 1983 — from 1983 onwards we had growth, although we did not have jobs. We did not start creating jobs again until 1994, for a number of different reasons. I fear we are heading that way again. I believe the recession will end next year and that by the second or third quarter we will be back in growth, but we will not have jobs. Until we have jobs the public finances will not be improved and we will continue to pay higher taxes, take

[Deputy Leo Varadkar.]

pay cuts and see people lose their jobs, even though the recession will be over. People will not understand this, but the reason is obvious, we need to become competitive before we can have employment growth, and that means reducing the cost of doing business, improving Government bureaucracy and continuing to invest in infrastructure.

The Government amendment deserves comment. It commends the Government on its management of the economy. That is a difficult one to swallow for almost anyone with a thinking brain. It also commends the Government on its management of the public finances. This is a Government that has borrowed €10 billion this year already, three times as much as it borrowed in the first half of last year. We may, after the UK, have the biggest Exchequer borrowing requirement in the western world — it may even be larger than that of the UK. There is not much to be proud of there in terms of the public finances. The Minister of State opposite me is Deputy Conor Lenihan, whose brother doubled the national debt in one year alone. It took a previous Government led by this party five years to do that. By the time Deputy Brian Lenihan is finished in office I expect he will have tripled the national debt. For the Government to commend itself on such management of the public finances is hard for us to take. The Government also commends itself on stabilising and revitalising the banking system, which is a little premature.

Our significant international competitive advantage is mentioned in the amendment and was also mentioned by the Tánaiste in her speech. She also mentioned that Ireland is ranked first in terms of real corporation tax, investment incentives and foreign investor freedom. This comes from the IMD World Competitiveness Yearbook 2009, which was published some weeks ago. The Tánaiste was being very selective in what she quoted from the report and I wonder whether she actually read it, because the yearbook actually reduced our competitiveness ranking from 12th in the world to 19th. It is one thing to pick out the good bits, but it is more than a little disingenuous to ignore the overall figure. It is a little like failing one's leaving certificate but saying one got a C in art and a D in pass Irish.

Our competitiveness is continuing to decline, although the fall in wages means that this will turn quite soon. However, much more needs to happen before we can become competitive again. Another disappointing aspect of the Government amendment is the mention of the enterprise stabilisation fund. It is not yet clear how much money is even being disbursed and it will be interesting to see how much is disbursed and when.

I thank the Labour Party and Sinn Féin for tabling this motion. There is no question that unemployment is the most important economic and social problem facing the State in the coming years. Our priority as politicians must be to find solutions by agreeing on a strategy to bring the country out of recession and back to employment growth. In the meantime, we need to introduce a mechanism to protect people who lose their jobs, which will continue to be the case for the next year or two. The likelihood is that there will be a prolonged period of high unemployment, for which I do not think we are prepared.

**Deputy Deirdre Clune:** This important motion focuses on job creation and protection and the importance of positioning this State for the recovery that will undoubtedly happen. We must ensure we have a workforce that is fit and able to match that recovery. As Deputy Varadkar argued, our economy must be returned to the high level of competitiveness we previously enjoyed.

The most important concern for people at this time is retaining their jobs. For those who have lost their jobs, the concern is where they will find new employment. The public is looking

to this House for leadership in this area but is finding little evidence of it. The reaction of the Government to the deficit in the public finances has been to increase taxes, particularly those applying to low and middle-income earners. There was no mention in the April budget of prioritising job protection and creation. Nor was there support for small business, the lifeblood of our economy. This increased taxation has resulted in reduced consumer spending, which puts further pressure on small and medium enterprises throughout the State.

Every day we hear of further job losses. Many of those affected have been in their jobs for a considerable time. Many of the businesses obliged to reduce staff numbers have a strong record of trading and providing services. Now, however, they are unable to access funding from the banks to allow them to continue in business. This is a theme that arises consistently. We have all had representations from local businesses which have been refused requests for credit, whether for small or relatively large amounts. I have received representations from Cork Chamber of Commerce, for example, and from the owners of small and medium enterprises in my constituency outlining the difficulties they face in accessing credit. The Tánaiste has outlined this evening and previously how she intends to ensure capital is made available to small businesses. The reality, however, is that there has been no progress in this regard and many such businesses are obliged to let employers go. This in turn adds to the Government's woes in terms of the public finances.

Unfortunately, we seem on target to reach an unemployment level of 17% by the end of the year. This is a frightening statistic, equivalent to one in five out of work. A significant aspect of this is youth unemployment, with the rate of unemployment of under 25s doubling in 12 months, from 43,000 at the end of May 2008 to some 85,000 at the end of May 2009. This week students in third level institutions throughout the State are receiving their examination results. Those who have qualified with degrees and diplomas are wondering what the future will hold for them. The 55,000 leaving certificate students who are completing their examinations are similarly concerned, as are their parents, as to the best way to target their energy and resources in the coming years.

Many of those who have lost their jobs in recent months have finished school or college in the last ten or 15 years. Many have substantial financial commitments, including large mortgages and the cost of caring for young children. For those who lose their jobs, their world is falling apart. Many commentators have compared the current downturn to the situation in the 1980s. In reality, however, an aggravating factor now is that the level of personal debt is much higher than it was the past. This is an important issue to bear in mind.

I agree with Deputy Varadkar that proposals for retraining and up-skilling those who are unemployed are vital. I met recently with representatives of the FÁS regional office in Cork. That office is working closely with young people who have completed their apprenticeship training programme in order to ensure they secure a position, some in the United Kingdom and some in Germany. Impressive work is being done in this regard. However, FÁS officials say it is a major concern that there are no employment prospects for many of those who have completed their training.

Small and medium-sized enterprises employ some 800,000 people in the State. Aside from ensuring access to credit, there are many ways in which they can be assisted and supported. My party has completely different proposals from the Government on how we should move forward in this regard. The notion of a national recovery bank which can be established immediately to ensure the flow of funding to small businesses is something I entirely support. I hope that proposal will be implemented sooner rather than later. It is a positive initiative which has support from Members on this side of the House and from outside the House.

[Deputy Deirdre Clune.]

The Minister for Finance has admitted that the decision to increase the VAT rate in the last budget from 21% to 21.5% was a mistake. Yet he has not taken the opportunity to correct it. Fine Gael has put forward proposals to reduce VAT in order to provide a stimulus to economic activity and to encourage spending. The statistics show there is a significant lack of confidence on the part of consumers, with spending substantially reduced. We must increase consumer confidence and thus assist businesses in the services sector by reducing the VAT rate without delay.

The travel tax introduced in the October budget has been shown to have reduced confidence among the travelling public. Last week we learned that Aer Lingus is to reduce the frequency of its transatlantic flights from Shannon and Dublin. The chief executive officer, Mr. Dermot Mannion, revealed he had written to the Government on three occasions requesting the abolition of this tax. As a small island nation, we depend on a comprehensive air transport service. This is equally important in attracting tourists and in facilitating those in this State who depend on air travel to conduct their business. In The Netherlands, a similar tax was abolished as quickly as it was introduced because it immediately improved to be a disincentive to travel.

The Tánaiste referred earlier today at the meeting of the Select Committee on Enterprise, Trade and Employment to the importance of the reports from the National Competitiveness Council, and explained how she channels those reports through her Department and through the Government. The press release from the council last January focused on the issues that must be addressed. The importance of improving our cost competitiveness cannot be overestimated. High energy costs will continue to be a major concern for businesses, as referred to by previous speakers.

The report of the National Competitiveness Council also referred to education, which is of vital importance if we are to position the State for economic recovery. This is of relevance to the remit of the Minister of State, Deputy Conor Lenihan. The council's report called for a strong focus on improving performance in mathematics, science and information technology skills, with a recommendation that action be taken to encourage the take-up of higher level mathematics at leaving certificate level. However, having questioned the Minister for Education and Science, Deputy Batt O'Keeffe, on this issue, it is clear he has no intention of taking action in this regard. It will be important to encourage students to take up the subjects of mathematics, science and information technology skills, particularly if the Government's smart economy strategy is to be implemented. I hope the Minister of State will take that point on board and ensure that action is taken in respect of this matter across a range of Departments.

Debate adjourned.

### **Estimates for Public Services 2009: Messages from Select Committees.**

**An Leas-Cheann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of Votes 19, 20, 21, 22 and 23 for the year ending 31 December 2009; the Select Committee on Enterprise, Trade and Employment has completed its consideration Vote 34 for the year ending 31 December 2009; the Select Committee on Transport has completed its consideration of Vote 32 for the year ending 31 December 2009; and the Select Committee on Foreign Affairs has completed its consideration of Votes 28 and 29 for the year ending 31 December 2009.



## Adjournment Debate.

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### Hospital Services.

**Deputy Simon Coveney:** I am disappointed the Minister is not present to take this matter, particularly in view of the fact it has been raised by Deputies from three different parties, one of which is in government. I do not normally comment in detail on health policy or health cases. I usually leave that to my party's spokesperson on health. However, what is happening at Our Lady's Children's Hospital, Crumlin, is such a disgrace that as many people as possible must see to it that the cases of the individuals affected by ward and theatre closures are raised. There is also an obligation on all Members to speak for their constituents when they are directly affected by what is taking place at the hospital.

It is not an exaggeration to say that keeping five and six year old children who have complicated, painful and severe spinal deformities and who require surgery on waiting lists for up to six months, or indefinitely in some instances, is a form of State-imposed child abuse. I do not make that comment lightly and I am particularly aware of the debate that took place in this House in the past seven days.

I wish to focus on the case of Conor Coughlan, a young boy from my constituency, who is seven years of age. Due to the fact that his spine is S-shaped and he is a growing child, Conor had what are referred to as "growing rods" inserted into his back on 17 April 2008. Essentially, these steel rods are inserted into one's back in order to try to straighten one's spine. On 13 November 2008, those rods were extended. Conor had been informed that as he grows, the rods will have to be extended. He was due to have them extended again last month. However, when his parents contacted the hospital they were informed he should return in November, one year after the rods were previously extended. This was despite the fact the rods are supposed to be extended on a six-monthly basis.

The Taoiseach recently stated here that necessary emergency surgeries in Crumlin are not being affected by cutbacks. It may well be the case that there is a need to identify further efficiencies at the hospital and that the staff to patient ratios do not compare well with hospitals in other jurisdictions. If we need to bring about change in this regard, that is fine. However, such change should not be achieved at the expense of five and six year old children who face enough challenges without being asked to wait six months for vital surgery. These children have deformed spines and a series of other complications that could be solved through the carrying out of basic operations provided by highly skilled professionals at Our Lady's Children's Hospital, Crumlin. The latter cannot carry out such operations as a result of ward closures and a lack of availability of theatre time there and at other locations.

I am glad Deputy White is also raising this matter. I appeal to her party, which has significant influence over the major party in government, to be brave and to take a stand on this issue. Children and their families are relying on people such as Deputy White to take a stand.

**Deputy Mary Alexandra White:** I am raising the tragic case of Jamie Murphy because I want to obtain the facts. Jamie and her family are constituents of mine in lovely Graiguenamanagh in County Kilkenny. This little girl suffers from spina bifida and scoliosis, and she requires an extremely delicate operation to address the latter. The Murphy family were informed that their daughter would have the necessary operation. A few days later, however, they were informed that, due to cutbacks, ward closures and problems with intensive care units, it would not be

[Deputy Mary Alexandra White.]

performed. Jamie's parents are very clear in their understanding of what was said during their conversation with her consultant.

I wish to be seek information on two matters. First, has this little girl's operation been deferred as a result of severe limitations on the service from a resource point of view? Second, if this is not the case and if Jamie is fit enough for this difficult surgery, when will she have her operation. If Jamie's operation is considered an emergency and has been deferred as a result of resource constraints, then that is a shocking indictment of our society and how it cares for children who are very ill. The hallmark of a civilised society is how it cares for the old, the young and children who are very ill.

It may be the case that conflicting signals are emanating from Our Lady's Children's Hospital, Crumlin. In such circumstances, I want its representatives and Jamie's parents to sit down together in order to chart a way forward for her. Jamie should have her operation as soon as possible. I am well aware that there are many children like Jamie. Recession or no recession, we must care for those in need. Jamie Murphy is a little girl in need.

This case is extremely distressing. I met Jamie's parents and I am aware that they are extremely stressed with regard to her health. I cannot and will not accept the cancellation of Jamie's surgery, particularly if the latter is considered an emergency and also if the decision not to proceed was due to resource constraints.

**Deputy Jan O'Sullivan:** It costs a great deal of money to treat and operate on children who are seriously ill. Many of them spend months, even years, in hospital. The parents of four such children — Jamie Murphy, Dakota Rudd, Jack McNiffe and Sarah Dorney — are so desperate that they allowed them to be photographed by the media this week. As public representatives, we all know their heartbreaking stories and we have heard about many more from families who have contacted us.

How can such children be the victims of the country's financial problems? This is the worst of all cutbacks. No civilised society would delay treatment for children who are seriously ill. Like Deputy Coveney, I am disappointed the Minister for Health and Children, Deputy Harney, is not present. However, I call on her to intervene and to provide the money required by Our Lady's Children's Hospital, Crumlin, which is over-budget because it is responding to the needs of sick children. It is frequently very expensive to cater for such needs.

The priority in this instance must be the children. I accept that belts must be tightened, that budgets must be controlled and that major reforms must be introduced with regard to certain aspects of health spending. However, the question of children's health should not be an area where such considerations apply. This is an issue on which the Minister must be for turning.

Our Lady's Children's Hospital, Crumlin, requires in the region of €9.3 million this year to maintain its services. Management at the hospital made severe cutbacks last year in order to balance the books. Despite this, the hospital still managed to increase its caseload. Management has made cuts where possible but it has now been forced to close at least one ward and an operating theatre and to reduce the number of front-line staff. The direct result of this is obvious — sick children must be placed on longer waiting lists. It is estimated that 3,000 fewer children will be seen this year.

The sum of €9.3 million is a tiny fraction of the €15.957 billion that will be spent on health services this year. Surely 3,000 children are more important than most of the items covered under that budget.

They are more important than outside advisers and spin doctors and layers of management. What is the point in having a Minister for Health and Children if she cannot intervene on an issue such as this? She must use her political authority and insist that the funding required is diverted to Crumlin hospital and that it is spent to address the needs of these children.

I have before me a quotation from a parent of one of those children in Monday's *Irish Daily Mail*: It states:

How can they do this to children? It is one thing loading taxes on adults — we can complain, children can't. Our Lady's Hospital is the only centre in the country for many of the services provided there — how can you cut the only services available in the country? It's going too far.

**Minister of State at the Department of Health and Children (Deputy John Moloney):** At the outset I must apologise that the Minister for Health and Children, Deputy Mary Harney, cannot be here this evening.

**Deputy Jan O'Sullivan:** She should be here.

**Deputy John Moloney:** She cannot be here this evening, and I am standing in for her by way of making a response.

Hospital care for children is provided in Dublin at three hospitals, Our Lady's Children's Hospital, Crumlin, Temple Street Children's University Hospital; and the National Children's Hospital, Tallaght. Each hospital funded by the HSE is required to deliver services within the financial allocation provided. The priority of the HSE and hospital management is to ensure that services for children at the hospital are maintained at an optimum level. The HSE is fully aware of the financial challenges being faced by the hospital. It is involved in ongoing discussions with hospital management regarding its 2009 financial allocation and service plan. The priority is to ensure that services are maintained at an optimum level.

In common with all hospitals, Our Lady's Children's Hospital, Crumlin is faced with the challenge of delivering a high quality service to its patients, while remaining within budget. The hospital is committed to providing the full level of services that it promised in its service plan for 2009. The top priority will be to protect patient care.

**Deputy Simon Coveney:** That is rubbish. That is what the staff want to do, but they are not being allowed.

**Deputy John Moloney:** That is the commitment given and I accept and believe it.

It has proven necessary for Our Lady's Children's Hospital, Crumlin to take measures to stay within budget. However, the hospital has confirmed that it is committed to delivering on the full level of its service plan commitments for 2009.

**Deputy Jan O'Sullivan:** How can it?

**Deputy John Moloney:** The hospital is committed to that. I am not suggesting that the Government is covering up for decisions taken. I am making the point that the hospital has committed and confirmed that it can live up to its service plan for 2009.

So far this year, Crumlin hospital has delivered more treatments to patients than for the same period last year. In the first four months of 2009 there were 3,704 treatments for children as in-patients and 5,095 as day cases — up by 234 over 2008. The allocation to Crumlin for 2009

[Deputy John Moloney.]

is €139.6 million, an increase of some 39% over the last five years. This includes a reduction of 3% this year over 2008, in line with the budgetary constraints facing the entire public sector and the wider economy. A particular challenge for the hospital is that it has been operating at some 91 posts above its employment ceiling — it employed 1,641 people whole-time equivalents at the end of April compared with its ceiling of 1,550. This is contributing to the current financial difficulties.

**Deputy Simon Coveney:** While I am aware he did not write his script, does the Minister of State believe that this is an answer with which the parents will be happy?

**Deputy John Moloney:** I take account of the concerns the Deputies are reflecting on behalf of the families, and I want to respond as honestly as I can. I must come back to the point, however, that the hospital is committed to working within its service plan and I believe it will do so.

Either way, the HSE is working closely with Our Lady's Children's Hospital to achieve an agreed programme of savings, totalling €6.5 million this year. The main focus of these savings will be on non-pay areas of expenditure and on protecting front line services to the maximum possible extent.

The way to provide the best possible tertiary care most cost effectively involves the creation of one single national paediatric hospital, alongside a major teaching hospital, bringing together all the medical and nursing expertise for complex conditions. The concept of bringing together all three present services is widely accepted. It is therefore entirely appropriate that we should now move towards that model of care in terms of closer integration and co-operation in the medical areas and in the most cost effective use of resources.

In 2009 the Government will provide over €250 million for the running of three paediatric hospitals in Dublin. We can achieve significant cost savings if services and practices are more closely integrated across the three hospital sites, even before the new national paediatric hospital has been completed. With this in mind, the HSE is pursuing ways in which services across the three hospitals can best be co-ordinated, to avoid unnecessary duplication and to achieve savings that can be put back into patient care. For example, the three children's hospitals in Dublin have agreed and developed a model for the development of a joint department of paediatric surgery. The clinical network across the three hospitals will make the best use of the resources that are available and will ensure a single system of care. The early retirement of an orthopaedic consultant in Cork has increased pressures on the scoliosis waiting list at Crumlin. The National Treatment Purchase Fund has identified a number of cases from the waiting list for treatment at Cappagh Hospital. Further cases are being reviewed.

In addition, discussions are ongoing with the three paediatric hospitals with regard to the provision of orthopaedic services generally and in particular the treatment of children suffering from scoliosis. The hospital has reiterated that no child has been denied access to emergency life saving surgery due to its break-even programme.

**Deputy Simon Coveney:** It has to be life saving.

**Deputy John Moloney:** I would not belittle that statement, as it is very important to be able to assure parents that talk of cutbacks are not relevant where it is a matter of life that is at stake.

**Deputy Jan O'Sullivan:** These are extremely ill children.

**Deputy John Moloney:** I accept that, but it is also important to nail down the specific commitment in that regard.

The hospital's medical team continues to prioritise each patient on the basis of clinical need.

**Deputy Simon Coveney:** I accept that, the consultants are excellent but they do not have the resources.

**Deputy John Moloney:** I do not want to be adding to the response as prepared but it is fair to emphasise that the hospital has said it can remain within its service plan and deliver on the commitments in that.

The hospital does not discuss — I take the points raised by Deputy White — individual patient cases due to confidentiality agreements with the patient and family. I understand that the family in the case mentioned here today have asked the hospital to respect its privacy and not release information in relation to the case. The funding and provision of the best standard of complex hospital care for children will continue to be a priority for the Government.

### **Sexual Abuse Inquiry.**

**Deputy Fergus O'Dowd:** This is a very serious issue. The findings of the Medical Council against Mr. Michael Shine, following its fitness to practise committee investigation in respect of nine male patients was that in the case of three patients he had abused his professional position by:

. . . making sexual advances to each of these patients; making indecent suggestions and/or behaving indecently to each of these patients; assaulting/indecently assaulting these patients; undertaking inappropriate and/or improper medical examinations and/or treatments of each of these patients; failing to treat each of these patients with due dignity and respect; breaching the trust inherent in the doctor/patient relationship; and bringing the medical profession into disrepute.

The committee found Mr. Shine guilty of professional misconduct in respect of each allegation set out above.

The story did not begin or end with those nine allegations. It appears to go back a long time, almost 30 years, when Mr. Shine first began working in Our Lady of Lourdes Hospital, Drogheda. We in Fine Gael are backing a call by Dignity 4 Patients for a full independent inquiry and are proposing terms of reference to investigate how complaints against Mr. Shine were dealt with over the period of his work as a consultant in Drogheda, by the hospital, the Garda, the Director of Public Prosecutions, the HSE — or the health board at the time — and the Department of Health and Children. We believe, notwithstanding the fact that further complaints have been made to the Garda, that a statutory inquiry can, and has, proceeded in the past during criminal investigations. Such an inquiry, held under the Commissions of Inquiry Act 2004, is held in camera and witnesses are compelled to give evidence. The Ryan inquiry was carried out while criminal investigations were taking place, so there is no reason why this inquiry cannot proceed immediately. We believe that it can keep working, notwithstanding the fact that criminal investigations are proceeding.

This is a harrowing experience for all those males abused by Mr. Shine. It has shocked the country because if it went on for 30 years, who knew about it and why did they not act? What happened when, in 1995, the former health board gave 60 complaints to the Garda? Why were they not all prosecuted in full? What was going on? Very serious players in the HSE and the



[Deputy Fergus O'Dowd.]

community and the victims have raised serious concerns about the delay in the process, the fact that there appeared to be no action and the fact that gardaí did not tell other people who made complaints that they had numerous other complaints. People were left in utter isolation and have suffered greatly as a result.

We want transparency in the amount of money set aside by the hospital and the health board. A sum of €2 million was originally set aside to deal with legal issues and actions that might arise against the Medical Missionaries of Mary. That fund now stands at approximately €4 million. While compensation is not the most important issue, it is important that victims are vindicated in their right to privacy and not to be abused and it is important that some method of compensation is found in this case.

There is deep unease that abuse was allegedly inflicted over 30 years. In this inquiry we need to ensure that the perpetrator is jailed, the victims can tell their story and get closure on the case and this never happens again. Whatever recommendations come from the statutory inquiry should ensure the processes and the skilled professionals who have the extra professional knowledge that is required to deal with cases of sexual abuse, are in place. This happens in other countries but has not yet happened here. I urge the Minister to take on board what I have said.

**Deputy John Moloney:** Again, I apologise to Deputy O'Dowd that the Minister, Deputy Mary Harney, is not available this evening. In 1995, the Irish Medical Council instigated a fitness to practise inquiry but this was delayed pending the outcome of separate legal proceedings, including criminal and judicial review proceedings. Following a Supreme Court judgment in July 2008, the Medical Council recommenced an inquiry and, on 25 November 2008, formally notified the Minister of its decision to remove the name of the consultant from the medical register. The Medical Council made its decision after considering the report of its fitness to practise committee, which found the person concerned guilty of professional misconduct in respect of three out of the nine allegations made by male patients.

In 1995, a review of the hospital's response to the allegations against the consultant was conducted by an independent review group chaired by Dr. Miriam Hederman O'Brien. The review group recommended that common written protocols for dealing with allegations of sexual abuse by members of staff be introduced and applied in all health care institutions. The Trust in Care guidelines, which were published in 2005, deal with the recognition, prevention and management of cases of abuse.

In line with the review group's recommendations, a chaperone system and an intimate examination protocol and procedure has been put in place in the hospital concerned. The review group emphasised the importance of having a complaints system in place to deal with allegations of sexual abuse. A regional complaints policy and procedure is in place for the former north eastern health board. Statutory delegated complaints officers are also in place in the hospital.

A staff support service, staff care, is available to all staff in the hospital on a confidential basis. The Hederman O'Brien review has helped inform the development and updating of policy in this area. This learning has been given practical effect through, for example, the publication of the Children First guidelines, the establishment of the Office of the Ombudsman for Children and the Office of the Minister of State with special responsibility for children and youth affairs and the implementation of the Children Act 2001.

It is clear, therefore, that the issues raised by this case have been the subject of extensive review and action by the Medical Council, the 1996 review and the initiatives taken since then

in relation to protecting children. In these circumstances, the Minister has indicated that she does not propose to establish a further inquiry.

**Deputy Fergus O'Dowd:** That is disgraceful.

**Deputy John Moloney:** Instead the Minister believes that our focus should be on supporting those affected and ensuring that every possible protection is given to vulnerable people in the future. I have been informed by the Minister for Justice, Equality and Law Reform that gardaí are continuing to investigate complaints relevant to this case, and the investigation has the assistance of members of the Garda national bureau of criminal investigation. I am also informed that appropriate liaison arrangements are in place between gardaí and complainants and groups representing the complainants. The Minister for Justice, Equality and Law Reform has already urged victims to come forward to the investigation team to make statements of complaint.

The Government has taken a range of measures through legislation to deal with child abuse, including the Child Care Act 1991, the Protection for Persons Reporting Child Abuse Act 1998 and the Sex Offenders Act 2001. Children First, the national guidelines for the protection and welfare of children, was published in September 1999. These are national, over-arching guidelines that apply to all individuals and agencies that deal with children. The key message of the Children First guidelines is that anyone who works with, has responsibility for or comes into contact with children should be aware of the signs of abuse, be alert to the possibility of abuse and be familiar with the basic procedures to report their concerns.

It is very important to ensure that appropriate counselling is available to all those who have been in contact with the HSE or the hospital following the recent Medical Council inquiry. The HSE has made arrangements for counselling support for all those who have been in contact with it following the recent Medical Council inquiry using the national counselling service. Over 100 people have made contact with this service and it will continue to be made available as required. The need for additional support will be monitored by the HSE. The Minister and the HSE are anxious that all former patients of the consultant are made aware of the free counselling support that is available.

The HSE has assigned co-ordinating responsibility for these matters to the area manager for consumer affairs in the north east, who will continue to liaise as required with former patients and support groups. The support group, Dignity 4 Patients, has been advised by the HSE on how to make an application for funding under the Health Act 2004 and for national lottery funding. The Minister, Deputy Mary Harney, has indicated publicly that a meeting is being arranged with the group Dignity 4 Patients. I would like to emphasise the Government's commitment towards the protection of the most vulnerable in our society.

### **Agricultural Colleges.**

**Deputy Jim O'Keeffe:** I make a special plea on behalf of the farming community of the south west following an approach made to me by a number of farming families there. As everybody knows, dairying is the centrepiece of farming activities in the south. County Cork has one third of our dairy production and in the wider context, two thirds of the entire dairy production for the country is in Munster.

The primary educational centre for the dairy industry is the college at Darrara, near Clonakilty, in west Cork. This college is in the heartland of the dairy industry with four major co-ops in my constituency nearby, with many others throughout the entire south west. My colleague, Deputy Michael Creed, recently described it as an engine of the commercial agri-

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culture sector. The college has done a magnificent job over the years and there has been significant investment over that time, no doubt helped by the support of my former colleague, former Deputy Joe Walsh, who came from Clonakilty.

If we believe in the future of the agricultural industry, there must be great emphasis on practical agricultural education for young farmers. This brings me to the point of this motion on the Adjournment. The recent rationalisation changes have been announced by Teagasc, but the demand for places in Clonakilty Agricultural College is greater than ever and there is major concern among farming families that the college will not be able to accommodate that demand. The college took in 76 new applicants last year from a total application list of upwards of 100. Already this year there are approximately 130 applications with an expectation that this will rise to 200 before the college term begins.

The rub is that on current indications there will be fewer teaching staff next year than this year. There will be a principal, five teaching staff plus two technicians and one job-sharing technician to cover the college’s entire student population. The issue is whether the extra demand can be accommodated which is why I am making this special plea to the Minister of State. I am not interested in the business of status but rather the practical nuts and bolts on behalf of the farm families and the parents of young applicants who are already fretting about the problem and concerned that their family members, the young farmers of the future, will not be able to go there.

This issue was recently addressed in the Oireachtas Joint Committee on Agriculture, Fisheries and Food and when the chairman of Teagasc, Professor Gerry Boyle, gave evidence it was clear that his heart was in the right place. In seeking to assure Deputy Creed, who raised the issue, he stated that no student would be turned away because of the rationalisation exercise. He described Clonakilty as the regional educational centre for the south west and spoke about the progress that would be made there. He made it clear that what is being done in Clonakilty would enhance the stature of the college. It is not the stature that I am concerned about. I am concerned for the farm families and what will happen to the young farmers of the future.

The bigger demand is probably attributable to the lack of apprenticeships and jobs from builders etc. There is more of an emphasis on farming for the future. In a way we are back to the future. I firmly believe that farming will be one of the engines from the point of view of exports and otherwise that will help to lift us out of the current recession. It would be totally shortsighted to ignore the pool of young farmers in the country — of course I am mainly concerned about the south west and the dairy industry — and not give them the practical agricultural education they need. We are talking about an investment in the future. I make this special plea to the Minister of State not to turn them away.

The current teacher complement will not be able to cope with the demand. Action is needed now so that the college can make the necessary plans to accommodate the demand, if not in full, as far as possible. While the Minister of State’s heart will probably be in the right place, I want a commitment that will allow the college to plan the next academic year to accommodate the great demand now pressing in on top of it.

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen):** Gabhaim buíochas leis an Teachta Jim O’Keeffe as ucht an méid atá ráite aige agus as ucht deis a thabhairt dom freagra a thabhairt ar an ábhar tábhachtach seo.

The Government fully recognises the importance of agricultural education and training for the development of the agriculture and food industries. This is reflected in the commitment,

contained in the programme for Government, to “invest in our Agricultural Colleges and restructure the environment through which they are supported”. Due to its important role in supporting the Government’s strategy for the agrifood sector, Teagasc receives substantial Exchequer resources each year to enable it to provide first-class training, research and advisory services. The total funding provided by the Department to Teagasc for non-capital purposes has increased significantly in recent years, from €82 million in 2000 to an average of €137 million in the years 2007 to 2009. While this year’s allocation to Teagasc of €132 million is inevitably somewhat less than the previous two years, due to the necessary curtailment of public finances, it is nevertheless a substantial amount and an indication of the Government’s continuing commitment to supporting the agrifood sector and recognition of the important role of Teagasc in that regard.

I am glad to say that in recent years we have also been able to provide very substantial extra funding to Teagasc for capital development purposes. This has enabled Teagasc to commence a major capital investment programme with a particular focus on the development of research centres of excellence.

Currently, Teagasc delivers its education and training programme through a network of eight colleges, 80 local Teagasc centres and the Teagasc e-college. It is, of course, entirely a matter for Teagasc and its board to prioritise its activities and to allocate its resources in accordance with these priorities. In this regard a review of college infrastructure, undertaken for Teagasc by an outside consultancy body, was finalised last year and agreed by the Teagasc authority. Arising from this review the authority will be making decisions on priorities in terms of future capital expenditure.

I understand that Teagasc is fully committed to the development of the college in Clonakilty as a first class educational facility. More than €4 million has been invested in upgrading the student and farm facilities since 2001. Earlier this year the dairy herd from Mellows was transferred to Clonakilty and it is planned to bring the herd up to 200 cows in the near future. It is also planned to carry out a comprehensive applied dairy research programme in conjunction with the Moorepark research centre. This, along with increased utilisation of the facility for extension and demonstration activities, will ensure the viability of Clonakilty and enhance the overall student experience.

I understand that the college currently has a staff complement of five teachers, a principal and three technicians, and that Teagasc is exploring the possibility of redeploying some advisory staff to Clonakilty.

Within the various colleges and at a local level, Teagasc provides a wide range of education and training courses targeted at young people planning to embark on careers in farming, horticulture, in the equine industry or forestry, and adult farmers wishing to acquire a skill set or training in a particular area. Further education and training courses are available in agriculture, horticulture, forestry and horses at the agricultural and horticultural colleges. In addition, higher level education courses in agriculture, horticulture, agribusiness, agricultural mechanisation and equine studies are provided jointly with institutes of technology.

All of Teagasc’s education and training programmes are accredited within the national framework under the National Qualifications Authority of Ireland. I was pleased to see that there was a very significant increase in college enrolments in the current academic year, which augurs well for the future of the Irish agrifood sector. I am sure that Teagasc will ensure that education and training are provided in the most effective and efficient manner in the years ahead. I am satisfied that Teagasc, with the ongoing support of the Department, can deliver through its integrated research, advisory and education and training programmes, the inno-

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vation and technology transfer necessary for the sustainable development of the agrifood sector.

**Deputy Jim O’Keeffe:** I hope we will now see action on the ground to accommodate all these extra applicants.

**Deputy Tony Killeen:** Tá an Teachta sásta.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 17 June 2009.



## Written Answers.

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

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*Questions Nos. 1 to 15, inclusive, answered orally.*

*Questions Nos. 16 to 38, inclusive, resubmitted.*

*Questions Nos. 39 to 46, inclusive, answered orally.*

### **Arts Funding.**

47. **Deputy Seán Sherlock** asked the Minister for Arts, Sport and Tourism the planned potential investment in the area of the arts in the forthcoming years; and if he will make a statement on the matter. [23604/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Government Policy on the Arts is set out in the Programme for Government and further elaborated in my Department's Statement of Strategy.

My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

In forthcoming years, it is my aim to continue to implement this policy directly through my own Department and to support the Arts Council in its role, working within the financial and other resources available to me.

As the Deputy is aware, under the Arts Act, 2003, the Arts Council is the principal agency through which Exchequer funding is channelled to the arts. It is a statutorily independent body and autonomous in its day-to-day operations.

In addressing the issue of future arts investment, it is necessary to be aware of the transformation over recent years of the increases in the arts funding base and in arts infrastructure which has been provided by way of consistent Exchequer funding.

For instance, since 2002, funding for the Arts Council has increased by 54% from €47.67 million in 2002 to €73.35 million in 2009. Over the period, these investments have helped to transform the profile and appreciation of the arts, to bring them centre stage and make them alive for everyone to enjoy. This expenditure has allowed the Arts Council to fulfil significant elements of its functions, namely, of stimulating public interest in the arts; promoting know-

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ledge, appreciation and practice of the arts, and assisting in improving standards in the arts. The Council has also been facilitated in re-organising itself so as to able to deliver a focused, comprehensive, efficient and strategic service to its clients, audiences and partners nationwide.

My Department has a direct role in the provision of capital grants for arts infrastructure. The Arts and Culture Capital Enhancement Support Scheme (ACCESS) is designed to assist in the provision of high standard arts and culture infrastructural projects. These projects enhance access to all aspects of the arts throughout the country. The programme has been widely acknowledged as a significant intervention in the provision of high quality arts and culture infrastructure. Since 2004 amounts to the value of almost €109m have been paid in respect of arts infrastructure.

Facilities funded to date include integrated arts centres, theatres, galleries, studios and creative and performance spaces. In this manner the Department provides the bulk of capital funding for building and refurbishing arts facilities around the country, while the Arts Council provides the ongoing revenue support for many of the facilities.

Taken together, the expenditure and facilities outlined stand as testament to the Government's commitment to this vital sector for society.

### **Sports Capital Programme.**

48. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism the timeframe for the completion and publication of the review of the sports capital programme; and if he will make a statement on the matter. [23692/09]

63. **Deputy Seán Sherlock** asked the Minister for Arts, Sport and Tourism the number of persons in his Department employed in processing sports capital grants; the status of these employees; when he expects the review of the sports capital programme to be completed; if he will confirm that no external consultants are employed on this project; and if he will make a statement on the matter. [23609/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 48 and 63 together.

The number of staff in the sports capital grants section of the Department is 14. These are all established civil servants.

Two expenditure reviews of the Sports Capital Programme have been carried out to date. The first covered the period 1988-1998 while the second covered the period 1999-2002. Copies of these reviews are available on the Department's website [www.dast.gov.ie](http://www.dast.gov.ie).

Work on the National Sports Facilities Strategy, which will provide an improved policy platform for any future rounds of the Programme, is at an advanced stage of preparation in my Department. It is my intention to publish the strategy once it has been completed and considered by the Government.

Following a competitive tendering process external consultants were employed, in 2007 and 2008, to provide advice in relation to the preparation of the facilities strategy referred to above.

*Question No. 49 answered with Question No. 46.*

*Question No. 50 answered with Question No. 45.*

### Ministerial Appointments.

51. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism if he has ratified the reappointment of the chief executive officer of the Irish Sports Council for the next five years; and if he will make a statement on the matter. [23690/09]

57. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism if he will confirm that there are seven vacancies arising on the Irish Sports Council as of 1 July 2009; the steps being taken to fill these vacancies; the criteria being laid down in respect of these appointments; and if he will make a statement on the matter. [23689/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 51 and 57 together.

I would like to refer the Deputy to priority question number 39 of today.

### Tax Code.

52. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism the recommendations he has made to the Department of Finance with regard to the artists' tax exemption scheme in view of the fact this scheme covers artists, for which he has responsibility; and if he will make a statement on the matter. [23606/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The operation of the Artists Exemption scheme is a matter for the Revenue Commissioners under the terms of the Taxes Consolidation Act 1997.

The original intention of the legislation was, inter alia, to create an environment in which the Arts could flourish and to encourage Irish artists to remain here rather than going abroad to earn their living.

I fully support this scheme, which is in operation now for 40 years, and will facilitate such reviews as are necessary to improve its efficiency and streamline its operation so as to maintain the legislation's original intentions for the benefit of artists and their work.

The Scheme marks Ireland out as unique in Europe in the context of its support for its artists.

### Arts Funding.

53. **Deputy Michael D. Higgins** asked the Minister for Arts, Sport and Tourism if he will provide a commitment that funding to the Arts Council will not be further reduced in view of the cuts suffered by that organisation during the past nine months; and if he will make a statement on the matter. [23602/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** As Minister for Arts, Sport and Tourism I am committed to securing the best possible funding for the Arts Council and the arts sector generally. Future funding for the Arts Council will be addressed in the context of future Estimates processes. The Deputy will be aware that the Government must balance competing demands from every part of our economy and society.

My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

By any standards the Arts Council has seen sizeable increases in its funding from the Exchequer in recent years. Since 2002, its allocation increased by 54% from €47.67 million to €73.35 million in 2009. These significant amounts have transformed the arts landscape, by facilitating increased access to and participation in the full spectrum of art forms throughout

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the country. It is of vital importance that the Arts Council, which administers this funding, do so in a manner that maintains participation and access to all art forms. This level of support affirms my commitment and that of the Governments to the important work carried out by the Arts Council.

The Government also recognises the importance of the Arts sector's contribution to the economy especially in the area of employment. In 2005, there were 48,000 employed in the cultural sector in Ireland. This number represented 2.5% of the total workforce in 2005. I believe that the Government's sustained support has resulted in a firm foundation to the arts sector that I believe will assist it in facing future challenges.

In relation to further funding for the Arts sector and the Arts Council in particular I will be endeavouring to ensure that adequate funding is provided for this very important sector. However, in that context it must be recognised that the Government is facing severe challenges in relation to public expenditure levels.

### **Departmental Staff.**

54. **Deputy Jan O'Sullivan** asked the Minister for Arts, Sport and Tourism if, in view of the reduction in funding to his Department, he will reduce the numbers employed in his Department; and if he will make a statement on the matter. [23608/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** In keeping with its corporate objective to allocate resources in line with key objectives, as set out in its Statement of Strategy 2009-2011, the Department keeps its staffing requirements under constant review. The recent incentivised Early Retirement, Career Break and Shorter Working Year Schemes, aimed at reducing public service numbers, are currently being implemented in the Department. The core sanctioned staff of the Department, including the National Archives, is 174. At 31 May 2009 the number of staff working was 163. The staffing situation will be monitored in light of the uptake of these schemes.

### **Sports and Recreational Development.**

55. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he, by way of policy, encouragement or direction can influence the preparation in terms of investment, training or coaching with the focus on international events such as the 2012 Olympics; and if he will make a statement on the matter. [23601/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Irish Sports Council (ISC), which is funded by my Department, has statutory responsibility for encouraging the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport. In this regard the ISC works in partnership with the Irish Institute of Sport, the Olympic Council of Ireland, the Paralympic Council of Ireland and the relevant national governing bodies of sport in the preparation of Irish athletes for the Olympic and Paralympic Games and other International events.

The ISC established a review group to examine the preparations and performances at the 2008 Beijing Games in order to prepare for the 2012 London Games. The overall aim of the review was to make recommendations to the ISC in respect of structures, programmes and investment policy that should be pursued based on the outcomes of the 2008 Olympic and Paralympic Games. The Olympic Council of Ireland (OCI) have also carried out a review of the performance of Irish Athletes at the Beijing Games.

Since the completion of the 2008 Beijing Games I have completed a series of meetings with a number of the key stakeholders involved in the support of our elite athletes to discuss how we can best build on the success we had in Beijing and the supports required in terms of coaching, programmes, facilities and funding to ensure the optimum performance of Irish athletes at the London 2012 and other international events. I have also met with representatives of the Irish Sports Council and the Olympic Council of Ireland to discuss their views on the existing high performance structure and I have suggested improvements for the London 2012 Olympics including the targeting of a small number of Olympic sports in an effort to win more medals.

*Question No. 56 answered with Question No. 46.*

*Question No. 57 answered with Question No. 51.*

### **Tourism Promotion.**

58. **Deputy Bernard Allen** asked the Minister for Arts, Sport and Tourism his views on whether the structure of the organisations leading the tourism industry are best designed to deliver the strategic direction required during the current economic downturn; and if he will make a statement on the matter. [23613/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Department of Arts, Sport and Tourism's role in relation to tourism lies primarily in the area of national policy providing the strategic direction required. Its remit is to support the growth of a competitive and sustainable tourism industry, enhancing its contribution to national economic and social goals, through the development, implementation and influencing of a range of policy actions and programmes by the Department, its Agencies and other Government Departments, in consultation with industry partners.

The tourism agencies, operating under the aegis of the Department, have been established to deal with the administration of that policy.

There has been a major reform of Irish tourism structures in the last decade with the setting up of Tourism Ireland and Fáilte Ireland. Reform of the function, role and operational aspects of regional structures was the most recent element of that reform process.

Fáilte Ireland was established under the National Tourism Development Authority Act 2003, following the amalgamation of Bord Fáilte Éireann and CERT, to encourage, promote and support tourism as a leading indigenous component of the Irish economy. Its primary functions are the development of quality tourism product, domestic tourism marketing, tourism standards, enterprise support, capability building and human resource development for the tourism industry. Fáilte Ireland makes a vital contribution to the tourism industry in Ireland in delivering on its various functions. The period from 2003 to 2008 has seen an 80% rise in domestic holiday expenditure, from €575 million to €1.028 billion. In addition, substantial new tourism product has been rolled out, the grading and classification systems for all categories of accommodation, including hotels, has been updated and many trainees have been skilled to a high standard to enable them to deliver a quality customer service to holidaymakers in Ireland.

As part of the Good Friday Agreement, tourism was designated an area for cooperation under the North-South Ministerial Council. In December 1998, the parties to the Agreement decided that a publicly owned limited company would be established by the Northern Ireland Tourist Board and the then Bord Fáilte Éireann to carry out functions related to the promotion of tourism to the island of Ireland. The company, Tourism Ireland Limited, was formally incorporated on 11 December 2000.



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The Company is accountable to the North South Ministerial Council with funding for its operations being provided by the Department of Enterprise, Trade and Investment in Northern Ireland and by the Department of Arts, Sport and Tourism in the South. The primary remit of the company is to promote the island of Ireland as a tourist destination in overseas markets.

Tourism Ireland is generally regarded as being highly effective, by its international peers as well as the tourism industry on the island. The company works closely with Fáilte Ireland, NITB, and the tourism industry in delivering its remit.

In summary, Tourism Ireland's role is to maximise the number of visitors coming to the island of Ireland from overseas while Fáilte Ireland's role is to ensure that the tourism experience in the South is to the highest possible standard. I am satisfied that both organisations have key complementary roles to play in sustaining the valuable contribution of tourism to Ireland's economy.

Turning to the regional level, five Regional Tourism Authorities passed resolutions during the summer of 2006 to dissolve. The staff, property and responsibilities of these authorities were subsumed into Fáilte Ireland with new Regional Tourism Development Boards being established in each area.

The five Regional Tourism Development Boards published their Regional Development Plans for the years 2008-2010 in late 2007. The plans provide a road map so that all key players can effectively contribute to the further development of sustainable and economically beneficial tourism in their region. They also define the priorities for each region's product and service development, destination marketing, and enterprise development in the period 2008-2010.

In the case of Dublin, an autonomous body — Dublin Tourism — remains in place. This is in recognition of Dublin's position as a capital city competing with other European cities for city break visitors. Within the context of the wider changes at regional level, the Memorandum and Articles of Association of Dublin Tourism were substantially altered to address corporate governance issues, to clarify its future role and its relationships with Fáilte Ireland. It is now a subsidiary of Fáilte Ireland.

Shannon Development is the Regional Tourism Authority for the Shannon Region which includes Clare, Limerick, North Tipperary and South Offaly. However, the Region, as is the case with other regions, has a Regional Tourism Development Board. This Board works closely with the executive of Shannon Development and the main Board of Shannon Development on tourism matters. The Department of Arts, Sport and Tourism provides funding to Shannon Development to fund promotional and tourism related activities throughout the Shannon Region, although the bulk of its funding is provided through its own resources income.

Dublin Tourism and Shannon Development also published Regional Development Plans for the years 2008-2010 during 2008. I am satisfied that the seven Regional Boards are delivering on their remit to develop regional tourism and that their plans are providing the framework to enable them to do so.

All of these organisations are aware of the need to ensure maximum value for the money received from the Exchequer and this is reflected in the close cooperation between the agencies in their operations as well as in their business planning.

Given the performance of the tourism industry in recent years I am satisfied that the institutional framework for delivering services to the industry has served us well. At the same time, it is important that the strategic framework for tourism development is flexible enough to respond, if necessary, to the changing economic environment and in this regard the tourism framework is the subject of regular review to ensure it is fit for purpose.

### **Departmental Programmes.**

59. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism the status of the ACCESS programme; when the roll-out of the ACCESS 2 programme will be completed; if he will launch a new round of this programme as announced by his predecessor 12 months ago; and if he will make a statement on the matter. [23610/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Arts and Culture Capital Enhancement Support Scheme (ACCESS) is a key element in the Government's regional arts strategy and has greatly improved access to and participation in the arts for large numbers of people nationwide. The scheme has been widely acknowledged as a significant intervention in the provision of quality cultural spaces. In this regard, my Department has taken a direct role in relation to the provision of capital grant-aid for the arts and culture infrastructure throughout the country in recent years.

Facilities funded to date include integrated arts centres, theatres, galleries, studios and creative and performance spaces. In this manner my Department provides the bulk of capital funding for building and refurbishing arts facilities around the country, mainly in the not for profit sector, while the Arts Council provides the ongoing revenue support for many of the facilities.

Under the first round of ACCESS, announced in 2001, funding of €43m was provided to the promoters of 40 arts and culture projects. The majority of these projects were for the provision of new art centres and most are now open and operational.

In April 2007 a second round of ACCESS funding was announced and a total of €32m was offered to the promoters of 67 projects nationwide. The primary focus of the second round of the scheme is the refurbishment and enhancement of existing arts and cultural facilities.

In May 2008 a further 13 projects were allocated €10.2m in funding under the ACCESS II scheme bringing the total allocations under ACCESS II to €42m.

Given the current economic climate it is not possible to say when further funding schemes will be announced in respect of Arts Capital projects during 2009. Almost €20m is allocated for arts capital investment in 2009, all of which will be expended on existing commitments under earlier rounds of the ACCESS schemes.

### **Tourism Promotion.**

60. **Deputy Brian O'Shea** asked the Minister for Arts, Sport and Tourism if dedicated funding is being provided from his Department towards promoting cultural tourism in 2009 and beyond; and if he will make a statement on the matter. [23605/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** As I informed the Dáil on 3 March, I met with the heads of fifteen State tourism agencies, State arts bodies, and the cultural institutions, on 11 February, to begin the work of further developing the cultural tourism market. This was the first step in putting in place an initiative to further develop the potential of cultural tourism.

This initiative will build, in the first instance, on cooperation and synergy between the bodies and institutions under the aegis of the Department of Arts, Sport and Tourism. I wish to set in train a programme of specific actions, by these bodies, that will enable Ireland to more effectively market cultural tourism and address the needs of overseas and domestic tourists who wish to experience Ireland's cultural and artistic resources. It is not envisaged that such actions will necessarily require additional funding as existing general resources and programmes are likely to be capable of being employed to support the objectives of this initiative.

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A high level Steering Group has been established to identify actions that will benefit Ireland's attractiveness as a destination for cultural tourism, and set in place the steps necessary to achieve these actions, by the end of 2009. I am informed that, to date, the Steering Group has encouraged and facilitated a closer level of co-operation between the National Cultural Institutions and Dublin Tourism, that will provide practical benefits in the future marketing of those Cultural Institutions that are based in Dublin. The Steering Group is also working to assist and facilitate a promising new cultural event, that will combine the existing resources of numerous artistic groups to create an event of scale which will be a tourism attraction in its own right.

In 2009, the Department of Arts, Sport and Tourism and its agencies are providing funding from within their existing general resources and programmes for the promotion of cultural tourism under a number of headings.

Fáilte Ireland continues to operate the Festivals and Cultural Events Initiative, the objective of which is to expand regional tourism through festivals and cultural events. The management of this Initiative is a day-to-day matter for Fáilte Ireland. In addition the Arts Council has been asked to continue to prioritize its support for festivals.

The Department is providing substantial funding towards Culture Night, which is being extended this year to a number of additional centres around the country. In addition, the funding for the Regional Museums Scheme is being focused on cultural tourism.

### **Departmental Reports.**

61. **Deputy Ruairí Quinn** asked the Minister for Arts, Sport and Tourism the progress that has been made since the publication of the Art and Education report on achieving the goals as stated by the report; the cost of this report; and if he will make a statement on the matter. [23611/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I refer the Deputy to previous replies on this issue. This matter was also addressed in a debate held on 26 May last in the Seanad where it was raised as an adjournment matter.

As outlined in the course of that debate, when the Art and Education Report "Points of Alignment" was finalised, the Department held a number of meetings with the Arts Council and the Department of Education and Science to examine how best the recommendations in the report could be progressed, taking account of the public expenditure constraints at that time. A range of proposals was considered but it was not possible to reach agreement on the scale of the vision enshrined in the report. Since then the budgetary difficulties have become acute and it is evident that new cost-increasing measures must be deferred for the foreseeable future.

The Points of Alignment Report was undertaken under the auspices of the Arts Council and therefore the cost of the Report is a matter for the Council.

### **Visa Applications.**

62. **Deputy James Bannon** asked the Minister for Arts, Sport and Tourism his views on whether visa costs and arrangements are acting as a disincentive to tourists extending their travel itinerary to Ireland; if he has had discussions with the Department of Justice, Equality and Law Reform in relation to this issue; and if he will make a statement on the matter. [23612/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** As the Deputy will be aware, immigration policy is primarily a matter for my colleague the Minister for Justice, Equality and Law Reform and its implementation is a matter for the relevant authorities, including the Garda National Immigration Bureau and the Irish Naturalisation and Immigration Service.

The Department of Foreign Affairs is currently responsible for setting visa fees. However, the Deputies will be aware that, under the terms of the Immigration, Residence and Protection Bill currently before the Oireachtas, this responsibility would move to the Department of Justice, Equality and Law Reform. I am advised that the cost of visas for Ireland is broadly in line with costs internationally and is a necessary charge to cover the cost of processing the visa application.

New and Developing Markets, such as India and China, are potentially of significant importance to Irish tourism. Visitors from these markets stay twice as long as the average holidaymaker, have the highest spend per visit, have a higher propensity to travel throughout the island of Ireland, and make significant economic contributions to many elements of the tourism sector. Indeed, I understand that Tourism Ireland is currently in the process of establishing a new Asian hub office, which will be based in the UAE, to manage the Middle East and Asian markets.

Obviously, to fully exploit the opportunities presented, Ireland needs to be competitive on all fronts. Visitors from these countries typically require visas to enter Ireland. I am advised that the ability of potential visitors to secure the necessary visas in an efficient and cost-effective manner, when compared with our competitor destinations, is an important element of our competitiveness.

Tourism Ireland, which is responsible for marketing the island of Ireland overseas, conducted a review of New and Developing Markets, including India, China and 17 other markets. This review, completed in late 2007, highlighted the potential for increased tourism from Asia and the Middle East and set significant targets — to attract a total of 475,000 visitors from New and Developing Markets by 2013.

Tourism Ireland has been in communication with my Department with some ideas for discussion in respect of the implementation of immigration policy and issuing of visas, insofar as this impacts on the promotion of inbound tourism. My Department in turn has engaged with the Department of Justice, Equality and Law Reform in relation to these issues.

The Deputy will appreciate that migration and border controls are complex and sensitive, affecting not only tourism of various kinds but also labour market policies and inward investment within the overall context of sovereignty. However, I am confident that, working in partnership, the immigration authorities and the tourism bodies can ensure that the visitor experiences of Ireland compare with any of our competitors.

*Question No. 63 answered with Question No. 48.*

### **Proposed Legislation.**

64. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism when he expects to bring legislation before Dáil Éireann regarding the amalgamation of bodies under his remit as announced in budget 2009; and if he will make a statement on the matter. [23607/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I refer the Deputy to my reply to Questions Nos. 92, 109 and 316 on 28th of April 2009. I can assure the Deputy that progress commensurate with the complexity of this issue and the effluxion of time since that very recent question is being made.

### Services for People with Disabilities.

65. **Deputy David Stanton** asked the Taoiseach if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23591/09]

**The Taoiseach:** Taxi companies used by this Department and State Agencies under the aegis have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users. The table contains details of the amount expended by the Department and by agencies under the aegis of the department on taxi hire from 2008 to end May 2009.

Taxi Hire Cost	2008	2009 (Jan-May)
	€	€
Department of the Taoiseach	74,929	23,081
Organisational Review Programme	476	368
NESDO	10,629	1,415
National Forum on Europe	5,852	959
Ireland Newfoundland Partnership	826	225
Taskforce on Active Citizenship	17	0.00
Tribunal of Inquiry (Moriarty)	65	0.00
Central Statistics Office	19,895	7,297

### Grant Payments.

66. **Deputy John McGuinness** asked the Tánaiste and Minister for Enterprise, Trade and Employment the grants awarded to companies (details supplied) in County Kilkenny by her Department over the past five years. [23484/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Grants are not provided by my Department. Provision of grants is made by the Industrial Development agencies under the aegis of my Department and is a day-to-day operational matter for those agencies. I do not have any role in the day-to-day operational matters of the agencies.

### Redundancy Payments.

67. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a redundancy payment will issue to a person (details supplied) in County Tipperary. [23490/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department have examined the matter and I am pleased to inform the Deputy that the redundancy payment has been processed and payment of the claim is expected to issue this week.

### Work Permits.

68. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in relation to a person (details supplied); if the decision will be re-examined; and if she will make a statement on the matter. [23509/09]



**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** This application was refused on the grounds it is current Government policy to issue new work permits for highly skilled, highly paid positions or for non-EEA nationals who are already legally resident in the State on valid employment permits or where there is an officially recognised scarcity of workers of a particular type or qualification. Furthermore, newspaper advertisements for 3 days in both local and national newspapers were not submitted in support of the application. Having examined an appeal, the Appeals Officer upheld the original decision in this case and the fees were refunded to the applicant. In these circumstances it is not possible to re-visit this application.

However, should the prospective employer or employee wish to submit a new application following all the relevant procedures it will be considered on its merits.

### **FÁS Training Programmes.**

69. **Deputy Mary Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will review the decision to withdraw the return to education funding provided by FÁS; the reason this funding was withdrawn in the first instance; if her attention has been drawn to the impact that this will have on community employment scheme participants; and if she will make a statement on the matter. [23517/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am advised by FÁS that the funding arrangements for CE participants in education is under review.

### **Job Protection.**

70. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the job protection measures she will introduce; and the proposed changes to social welfare entitlements that will result. [23300/09]

71. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to use social welfare funds to support people in employment who are at risk of losing their job. [23277/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 70 and 71 together.

The Government is, with the Social Partners, currently exploring possible measures in order to support people in employment who are at risk of losing their jobs.

### **Redundancy Payments.**

72. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position of workers at a company (details supplied) in County Kilkenny. [23564/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Under the Redundancy Payments Acts, 1967-2007, employees who have two years continuous service with an employer, are aged 16 years or over and are in employment which is insurable for all benefits under the Social Welfare Acts, have a statutory entitlement to a redundancy payment from their employer in the event of being made redundant.

Redundancy payment entitlement is two weeks wages for each year of service plus one bonus week. For the purposes of redundancy calculation the current statutory ceiling on the weekly wage is €600. A redundancy calculator is available on the website of the Department of Enterprise, Trade and Employment at:

<http://www.entemp.ie/employment/redundancy/calculator.htm>

[Deputy Mary Coughlan.]

Where an employer proposes to create collective redundancies s/he must, under the Protection of Employment Act 1977 (as amended), give the Minister for Enterprise, Trade and Employment written notice of his proposals at the earliest opportunity and at least 30 days before the first dismissal takes effect. The Act also provides that an employer contemplating collective redundancies must, with a view to reaching an agreement, consult the representatives of the employees affected.

A collective redundancy means the dismissal for redundancy reasons over any period of 30 consecutive days of at least: (a) five persons in an establishment normally employing more than 20 and less than 50 employees. (b) ten persons in an establishment normally employing at least 50 but less than 100 employees. (c) ten percent of the number of employees in an establishment normally employing at least 100 but less than 300 employees. (d) thirty persons in an establishment normally employing 300 or more employees.

Employees are also entitled to minimum notice in accordance with the provisions of the Minimum Notice Act 1973 to 2001. This provides that every employee who has been in the employment of his/her employer for at least 13 weeks is entitled to a minimum period of notice before that employer may dismiss him or her. The minimum notice period varies from one to eight weeks according to length of service as set out in the table. An employer who is unable to provide the appropriate notice may pay notice in lieu to employees.

Employees who are unable to obtain their correct redundancy payment and/or minimum notice entitlement may refer a complaint to the Employment Appeals Tribunal and the relevant complaint form is available to download from their website at [www.eatribunal.ie](http://www.eatribunal.ie) or on request from the National Employment Rights Authority on 1890 80 80 90.

Minimum Notice

Length of Service	Minimum notice
Thirteen weeks to two years	One Week
Two to five years	Two Weeks
Five to ten years	Four Weeks
Ten to fifteen years	Six Weeks
More than fifteen years	Eight Weeks

### Services for People with Disabilities.

73. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the taxi companies used by her Department and State agencies under the aegis of her Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by her Department and State agencies on taxi hire in 2008 and to date in 2009; and if she will make a statement on the matter.

[23584/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department operates a taxi account with National Radio Cabs for the transport of officials of the Department/Offices of the Department on official business. This taxi account was set up as a result of a public tendering process in accordance with Public Procurement Guidelines.

National Radio Cabs has a fleet of 982 taxis. 88 of their taxis are accessible for people with disabilities and wheelchair users, which is 8.96% of their fleet.

The amounts expended on taxi hire by the Department and the Offices of the Department in 2008 and to date in 2009 are as follows:

2008 — €56,238;

2009 (to date) — €9,082.

The above figures do not include expenditure where taxis other than National Radio Cabs are used by officials of the Department/Offices of the Department while on official business in Ireland or abroad; it would be impossible to supply this information in the time available.

The use of taxis by officials of my Department/Offices of my Department is constantly kept under review by the Department and in light of the current economic situation officials of the Department/Offices of the Department have been urged to curtail where possible their use of taxis for official purposes and to use public transport facilities whenever possible.

I am not in a position to provide the information sought by the Deputy in relation to the State Agencies under the control of my Department as such information falls within the day-to-day administration of the State Agencies concerned.

### **Proposed Legislation.**

74. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will change the law in order that separate accounts for Ireland would be produced by overseas multiples whose operations here exceed a certain minimum; and if she will make a statement on the matter. [23719/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Companies in Ireland are free to establish and organise themselves in the most suitable form to promote and run their businesses, provided that they comply fully with relevant national and EU legislation.

The requirements regarding the preparation and publication of the accounts of limited companies and groups are determined by the First, Fourth and Seventh EU Company Law Directives and by the EU IFRS Regulation. These requirements are largely reflected in the Companies Act 1963, the Companies (Amendment) Act 1986 and the European Communities (Companies: Group Accounts) Regulations 1992, as amended. The EU Eleventh Company Law Directive, implemented as the European Communities (Branch Disclosures) Regulations, 1993, addresses the requirements applicable to branches of EEA companies. Irish subsidiaries of EEA companies can submit the audited group accounts of their parent to the Registrar of Companies instead of their own individual accounts provided certain conditions are met. EEA companies that have an Irish branch are required to submit only the company accounts to the Registrar of Companies. Irish companies that are subsidiaries of EEA companies and which are themselves parent companies need not produce consolidated accounts provided certain conditions are met. There are similar provisions for subsidiaries of non-EEA companies. In such cases the consolidated accounts of the EEA or non-EEA group must be submitted to the Registrar of Companies.

I think that a sector-specific disclosure regime such as that suggested in the question would be open to accusations of discrimination and, were it to be required generally in the economy, it could have unforeseen consequences in terms of business costs and attracting foreign direct investment. I have no plans to change the law in this regard.

### Company Buy-outs.

75. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason she and the Industrial Development Authority did not support the proposed management buy out at a company (details supplied). [23762/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The provision of financial support to individuals or companies is a matter for which the Enterprise Agencies have direct statutory responsibility. It would not therefore be appropriate for me to comment directly on individual cases such as the one raised in the question.

In the meantime, I have kept in close touch with the developing situation at SRT, with a view to maximising employment opportunities at the plant, and following a series of contacts with both the company and Government interests in the United Arab Emirates. I am pleased to record that on Thurs 4th June, SR Technics indicated they had now in fact agreed in principle to sell the bulk of its aircraft maintenance operations at Dublin Airport to Dublin Aerospace Ltd. an Irish company. I am hopeful that this company's proposal will result in the recommencement of an MRO (Maintenance, Repair and Overhaul) business at Dublin Airport. The full support of the State development agencies has been made available to all interested parties including Dublin Aerospace Ltd with a view to providing every possible assistance.

### State Agencies.

76. **Deputy James Reilly** asked the Tánaiste and Minister for Enterprise, Trade and Employment the staffing levels at an organisation (details supplied) in County Dublin at 30 April 2007; the current staffing levels at this branch; the proposals she has to increase resources there; and if she will make a statement on the matter. [23771/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The staffing of FAS offices is a day-to-day management matter for FAS.

### Redundancy Payments.

77. **Deputy Michael Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a person (details supplied) in County Mayo will receive the redundancy rebate payment. [23772/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department has received by post an application for statutory redundancy in respect of one of the individuals in question. I understand that the second individual has just recently been made redundant and the company has been advised to complete this application online.

I must advise the Deputy however that there is currently a significant backlog in dealing with redundancy rebate applications. The Redundancy Payments Section of my Department is currently dealing with rebate claims submitted online in December and those submitted manually in November. All correctly completed Redundancy claims filed online are given priority and claims are processed in order of receipt.

### Community Employment Schemes.

78. **Deputy Michael McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding a query in relation to eligibility to participate in a community employment scheme (details supplied). [23785/09]

**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. 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. Persons in receipt of Jobseeker's Benefit can normally apply for Jobseeker's Allowance when their contribution-based payment is exhausted. This would maintain the continuity to make up the 12-month eligibility period.

#### **State Agencies.**

79. **Deputy Michael McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on providing a public forum, through a website or other means, for new and emerging businesses to act as a shop window for new, innovative product and service ideas. [23790/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The enterprise support agencies, such as Enterprise Ireland and the County and City Enterprise Boards, provide assistance and support for new and emerging businesses which are developing new, innovative product and services ideas. Such assistance would include advice on the promotion and development of the business, including web-based promotion and trading.

In promoting Ireland's enterprise culture at home and abroad, I and my agencies will continue to cite individual companies as best examples of innovative product manufacturers or service providers.

#### **Work Permits.**

80. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in relation to the case of a person (details supplied); if this application can be re-examined; the options that are available now; if the person may for a new work permit; and if she will make a statement on the matter. [23810/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Having examined an appeal, the Appeals Officer overturned the original decision in this case and a Work Permit has issued on the 15 June 2009.

#### **Tax Code.**

81. **Deputy Michael McGrath** asked the Minister for Finance if the gain made on a financial product (details supplied) is treated as income for the purposes of the income levy. [23471/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that the income levy does not apply to tracker bonds. These products are currently subject to Deposit Interest Retention Tax (DIRT) at 28% on the interest paid on the date of the maturity payment.



### Customs and Excise Seizures.

82. **Deputy Thomas P. Broughan** asked the Minister for Finance the amount of cigarettes and tobacco products seized by customs and excise at Dublin Airport for the years 2005, 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [23476/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the amounts of cigarettes and tobacco products seized by Customs at Dublin Airport for the years 2005 to 2008 and 2009 to date are as set out in the following tables. Table 1 relates to cigarettes and Table 2 to other tobacco products. The data for 2009 in Table 2 include a seizure at Dublin Airport cargo terminal of 1.47 kilograms of chewing tobacco.

Table 1: Cigarettes

Year	Number of detections	Quantity (sticks)	Estimated Retail Value	Total Duties evaded
			€	€
2005	1,531	18,339,229	6,299,525	5,043,288
2006	1,957	22,775,662	7,823,440	6,263,307
2007	2,542	38,796,520	13,326,605	10,669,043
2008	3,197	37,923,877	13,804,291	11,073,772
2009 (to 31 May)	1,337	14,458,571	6,090,673	4,847,236

Table 2: Other Tobacco Products

Year	Number of detections	Quantity Seized (Kg)	Estimated Retail Value	Total Duties evaded
			€	€
2005	72	429	122,694	92,394
2006	64	254	72,644	54,704
2007	113	785	244,510	169,065
2008	201	1,685	543,918	418,217
2009 (to 31 May)	99	2,155	773,128	609,779

### Departmental Staff.

83. **Deputy Joan Burton** asked the Minister for Finance his plans to extend the recently announced career break scheme for civil servants to staff employed in the public service; and if he will make a statement on the matter. [23538/09]

**Minister for Finance (Deputy Brian Lenihan):** In the Supplementary Budget 2009, I said that consideration would be given to the early extension of the incentivised career break scheme and the shorter working year scheme to other appropriate areas of the public service, as part of the Government's efforts to achieve a reduction in spending on the paybill. My Department wrote to the Personnel Officers in all Government Departments on 5th May 2009 informing them they should arrange for the implementation of these or similar arrangements by bodies under the aegis of their Department, where appropriate, in consultation with the relevant Vote section of my Department.

In this context, I understand that it is proposed to extend the schemes to the local government and education sectors, where appropriate, shortly. In relation to the health sector I under-

stand that processing of applications under the incentivised career break scheme and the incentivised early retirement scheme in that sector has been temporarily suspended because of a directive from health sector unions to their members not to co-operate with various necessary flexibility measures.

### Services for People with Disabilities.

84. **Deputy David Stanton** asked the Minister for Finance if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23586/09]

**Minister for Finance (Deputy Brian Lenihan):** The amount spent on taxis by my Department and the State agencies under its aegis in the years 2008 and 2009 year to date are set out in the following tables. Officers of my Department who find it necessary to use taxis in the course of their work are not restricted to any firm or individual and consequently the Department does not have the information requested by the Deputy in respect of taxis and accessibility for people with disabilities. In relation to the bodies under the aegis of my Department where contracts are in place with taxi companies, the percentage of their fleet catering for people with disabilities ranges from 5% in relation to the company used by the Special EU Programmes Body to 40% in relation to the company used by the State Laboratory.

Spend by the Department of Finance on taxis for 2008 and to date in 2009

2008	2009 to Date
€80,690	€16,109

I am informed by the various agencies under the remit of my Department that the following amounts were spent on taxis in the years 2008 and to date in 2009.

Office	2008	2009 to date
	€	€
Valuation Office	1,103	423
Commission for Public Service Appointments	537	46
Public Appointments Service	2,906	737
Office of the Revenue Commissioners	80,988	25,189
State Laboratory	3,721	919
Office of Public Works*	6,485	1,063
National Treasury Management Agency	34,138	14,333
Special EU Programmes Body**	£459	£682

\*The Office of Public Works have advised that in addition to these payments, taxi fares claimed through the travel system are included in a “Public Transport” category. While the figures include taxi fares it also includes payments such as train and bus fares. Taxi fares are not easily identifiable in isolation. The total amounts for public transport are as follows:

2008 — €171,332;

2009 — €29,347.

\*\*These figures are in pound sterling and the amounts do not all relate to funding from the Department of Finance, as costs are either split 50/50 with the Northern Ireland Department of Finance and Personnel, or funded by EU Programmes.

### **Pension Provisions.**

85. **Deputy Joan Burton** asked the Minister for Finance if his attention has been drawn to the cases whereby former public servants, in particular those at University College Dublin or other institutions of higher education, could have their pension subject to the pension levy; and if he will make a statement on the matter. [23694/09]

**Minister for Finance (Deputy Brian Lenihan):** The pension-related deduction is calculated by reference to remuneration. Remuneration is defined at section 1 of the Act as emoluments to which Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 applies or is applied and payable by or on behalf of a public service body to a public servant for his or her services as a public servant. This definition includes non-pensionable pay, including overtime, acting-up allowances and benefit-in-kind. The deduction is not chargeable on pension income received by an individual. Any individual whose pension income is subject to the deduction should take the matter to the body paying the pension in the first instance.

86. **Deputy Richard Bruton** asked the Minister for Finance his views on allowing owners and managers to tap into their own personal pension funds as security for loan to support the survival of their business through the present crisis. [23716/09]

**Minister for Finance (Deputy Brian Lenihan):** The rationale for giving tax relief for contributions to various types of retirement savings products is to encourage and promote savings over the long term in order that individuals will have an adequate replacement income in old age. A pension fund is not a “rainy day” fund in the normal sense of that term. Emerging demographic indicators point to increasing numbers of people living longer, with a longer period spent in retirement than previously. Any proposal, however well intentioned, that would allow pre-retirement access to retirement savings could significantly reduce the quantum of pension savings available to those individuals in old age.

Revenue approval of pension schemes is given on the basis that a scheme can only provide “relevant benefits” as defined by Section 770 of the Taxes Consolidation Act 1997. This means, essentially, that benefits may only be paid at the point of retirement (usually from age 60) or on earlier death. In addition, the legislative provisions under which the Revenue Commissioners may approve a retirement benefits scheme would appear to prohibit the assignment of the benefits of a pension scheme for the purpose set out in the Deputy’s question. I have no plans to amend these various provisions.

### **Tax Code.**

87. **Deputy Richard Bruton** asked the Minister for Finance if there has been a change in the practice of monthly collection of PAYE and PRSI by the Revenue Commissioners; and if this has implications for the timing of monthly flows into the Exchequer. [23717/09]

**Minister for Finance (Deputy Brian Lenihan):** With the exception of small and medium businesses authorised by Revenue to make their PAYE/PRSI payments quarterly, the due date for the payment, by employers, of PAYE/PRSI covering the PAYE/PRSI for any given month is the 14th of the following month; for example the PAYE/PRSI for the month of June is due for payment to Revenue by an employer by July 14th.

The Deputy will be aware that in my Budget Statement on 14 October last I announced that I would be providing a general extension to the then existing deadlines for filing returns and paying tax where those returns and payments are made via the online systems. A general extension where a customer both pays and files electronically has been implemented by

Revenue. In the case of monthly payments of PAYE/PRSI the time limit of the 14th of the month following a given month referred to, has been extended to the 23rd. This change has been effective since January 2009.

There are no implications from these changes for the timing of monthly flows into the Exchequer.

88. **Deputy Richard Bruton** asked the Minister for Finance if she will make provision that married one income pensioners can arrange that they will be able to receive relief at source from the new levy if their income is less than €40,000 and not have to seek a refund at the end of the year. [23721/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that the income levy legislation provides for an exemption for individuals aged 65 or over where their income does not exceed €20,000. Married couples, where one or both are aged 65 years or over and whose combined income does not exceed €40,000, are also entitled (notwithstanding that one spouse may have income in excess of €20,000) to make a claim to Revenue after the end of the tax year for a refund of any income levy deducted.

This combined €40,000 married couple exemption can only be given after the end of the tax year as it would not be possible for an employer or pension provider to know during the course of the year whether or not all of the requirements necessary for the exemption to apply have been met. This would include knowing, for example, if the person or their spouse had turned 65 in the tax year, if they had other income sources and the aggregate income from these sources, if there had been a change in employment circumstances or if there had been a change in marital status during the year.

Income levy is deducted on a non-cumulative basis and the basic unit of taxation for the levy is the individual; it does not allow the same flexibility as the cumulative PAYE system in dealing with aggregate income from different sources or the income of married couples. I am informed by the Revenue Commissioners that it would not be possible to put in place a reliable structure (i.e., one that would not leave open the possibility of significant underpayments) that would allow employers or pension providers to grant the combined €40,000 exemption at source, during the tax year, to married individuals aged 65 or over.

I am assured that the Revenue Commissioners will process income levy refund claims as quickly as possible when they are received after the end of the tax year and will conduct a targeted publicity campaign aimed at encouraging pensioners to claim a refund if they consider they may have overpaid the income levy.

### **Consumer Debt.**

89. **Deputy Joan Burton** asked the Minister for Finance his views on the launch of the Irish Banking Federation and the Money Advice and Budgeting Service operational protocol on consumer debt settlement; his views on whether this may require, or could be improved by, a legislative footing; and if he will make a statement on the matter. [23739/09]

**Minister for Finance (Deputy Brian Lenihan):** I welcome the agreement between the Irish Banking Federation and the Money Advice and Budgeting Service Operational Protocol on consumer debt. The Operational Protocol will enable MABS and the IBF continue to work together effectively when dealing with debt problems of personal debtors who approach the MABS Service for assistance.

As the Deputy will be aware, the Minister for Social and Family Affairs provides a non-profit public service counselling service through the Money Advice and Budgeting Service

[Deputy Brian Lenihan.]

(MABS) at her Department. MABS is a national, free, confidential and independent service for people in debt or in danger of getting into debt. In 2009, almost €18 million has been provided to assist MABS with its workload.

The Deputy may wish to note that there are a number of important initiatives in place at this time to assist consumers who have fallen into debt or are in danger of falling into debt.

The Financial Regulator's Consumer Protection Code (CPC), was a major step in promoting the interests of consumers. It obliges the regulated entities that it covers to act in the customer's best interests, to seek appropriate information about the customer, to ensure that the products and services provided are suitable for the consumer, to treat their customers fairly and have adequate procedures in place to handle complaints. The CPC also sets out requirements that a regulated entity must contact the consumer as soon as it becomes aware that a mortgage account is in arrears and that it must have in place a procedure for handling accounts in arrears. It is best practice for lenders to agree a remedial action plan with a borrower where it detects arrears starting to emerge and to try and assist the borrower to manage his or her financial commitments and not allow the situation to worsen. These obligations are additional to the statutory prior information and warnings required under the Consumer Credit Act 1995.

In addition, the Recapitalisation Programme announced on 11 February 2009 includes a new Code of Conduct for Mortgage Arrears, which has been issued by the Financial Regulator and came into force on the 27 February 2009. The new Code applies to mortgage lending activities to consumers in respect of their principal private residence in the State and is mandatory for all mortgage lenders registered with the Financial Regulator including so-called "sub-prime lenders". Under the mortgage arrears code where a borrower is in difficulty the lender shall make every reasonable effort to agree an alternative repayment schedule. Under the Code consideration should be given on a case-by-case basis to alternatives such as deferral of payments, extending the term of the mortgage, changing type of mortgage, or capitalising arrears and interest. In any case, lenders will not commence legal action for repossession until after six months from the time arrears first arise.

Furthermore, as part of their recapitalisation scheme, A.I.B. and Bank of Ireland will not commence court proceedings for repossession of a principal private residence until after 12 months of arrears appearing where the customer continues to co-operate with the banks.

The Financial Regulator has prioritised the provision of information for consumers about the potential risk of excessive debt and has also drawn attention to the need for consumers to choose the right type of loan for their needs. It has also developed a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of financial products.

I believe that the above initiatives provide substantial safeguards and assistance to consumers who experience difficulty in meeting their loan commitments.

### **Government Contracts.**

90. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which payment has issued to main contractors in respect of Government contracts; if delays have occurred which have resulted in failure by such contractors to meet their commitments to sub contractors; if any assessment has been due to determine the number of such who have gone into liquidation as a result; and if he will make a statement on the matter. [23824/09]

**Minister for Finance (Deputy Brian Lenihan):** Responsibility for payments under public works contracts rests with the individual contracting authority. It is a matter for each con-



tracting authority to ensure that all payments are made in a timely manner in compliance with the Late Payment in Commercial Transactions Regulations, 2002 or as may be specified in the contract. Enquiries regarding specific payments should be directed in the first instance to the contracting authority concerned and, if necessary, to its parent Department.

#### **Health Services.**

91. **Deputy Michael McGrath** asked the Minister for Health and Children if she will request the Health Service Executive to review the cut in home help hours for a person (details supplied) in County Cork. [23469/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

92. **Deputy Michael McGrath** asked the Minister for Health and Children if she will request the Health Service Executive to reverse the cut in home help hours in respect of a person (details supplied) in County Cork in view of the circumstances that apply. [23470/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

93. **Deputy Michael Ring** asked the Minister for Health and Children when physiotherapy will be provided in respect of a person (details supplied) in County Mayo. [23472/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Inter-Country Adoptions.**

94. **Deputy Martin Ferris** asked the Minister for Health and Children if she has received recent communication from the Vietnamese Government regarding the interim arrangement on adopted children. [23479/09]

105. **Deputy Dan Neville** asked the Minister for Health and Children if she will make a statement on a matter (details supplied). [23519/09]

110. **Deputy Leo Varadkar** asked the Minister for Health and Children if, regarding the ongoing delays with the renewal of the bilateral agreement on adoptions between Ireland and Vietnam, she will provide an assurance that a new bilateral agreement will be in place with the Vietnamese authorities ahead of the summer 2009 recess; and if she will make a statement on the matter. [23546/09]

113. **Deputy Róisín Shortall** asked the Minister for Health and Children the position with regard to the bilateral adoption agreement between Ireland and Vietnam; and if, in view of the expiration of the existing agreement and the risk it poses to parents seeking to adopt in Vietnam, she will ensure that steps are taken to renew this agreement. [23554/09]

114. **Deputy Emmet Stagg** asked the Minister for Health and Children further to Parliamentary Question No. 189 of 26 May 2009, if there has been progress on the interim agreement requested by the Department of Foreign Affairs on 22 May 2009. [23556/09]

118. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position in relation to the bilateral agreement between Ireland and Vietnam; the progress on same in the past four to six weeks; and if she will make a statement on the matter. [23569/09]

120. **Deputy Michael Creed** asked the Minister for Health and Children the progress she has made with regard the implementation of an interim inter-country adoption agreement with Vietnam; and if she will make a statement on the matter. [23698/09]

127. **Deputy Catherine Byrne** asked the Minister for Health and Children when a new bilateral agreement with Vietnam will be signed to allow for adoptions between Ireland and Vietnam to proceed; her views on the position prospective parents are in as a result of the fact that the previous agreement was not renewed on time; and if she will make a statement on the matter. [23730/09]

128. **Deputy Olwyn Enright** asked the Minister for Health and Children if she will confirm whether the Vietnamese authorities have been in contact with her since her request regarding an interim agreement between Ireland and Vietnam; if she has been in contact with the Vietnamese authorities seeking a response; and if she will make a statement on the matter. [23732/09]

129. **Deputy Seán Sherlock** asked the Minister for Health and Children the status of the interim bilateral agreement with Vietnam as requested by Ireland on 22 May 2009; and if she will make a statement on the matter. [23733/09]

130. **Deputy Deirdre Clune** asked the Minister for Health and Children the position in relation to the negotiations regarding an adoption agreement with Vietnam; the stage these negotiations are currently at; the staff involved in these negotiations; when it is hoped to conclude this agreement; when adoptions will be allowed to proceed between these two countries; and if she will make a statement on the matter. [23734/09]

131. **Deputy Deirdre Clune** asked the Minister for Health and Children the reason for the delay in conducting a bilateral adoption agreement with Vietnam; the steps that will be taken to resolve these difficulties; when this agreement will be concluded; if this agreement will be concluded before the Dáil summer recess; and if she will make a statement on the matter. [23754/09]

149. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the proposed new agreement with Vietnam in relation to adoption regulations; if she has contracted the Vietnamese Government in regard to this matter; if so, the result of negotiations; her views on correspondence (details supplied); and if she will make a statement on the matter. [23930/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 94, 105, 110, 113, 114, 118, 120, 127 to 131, inclusive, and 149 together.

The process on this matter has been on-going for many months now and the dialogue with the Vietnamese Authorities is continuing. Many deputies have sought guarantees and specific timeframes for the conclusion of a new agreement with the Socialist Republic of Vietnam. I must reiterate my previous remarks on this point.

At this juncture, all options, including an interim inter-country adoption agreement, are actively being pursued by the Government to allow for the conclusion of discussions on a strengthened bi-lateral agreement and to facilitate continuity of the strong and positive relationship between both jurisdictions. It is not possible for me to either give a timetable or anticipate when discussions on the agreement will be finalised.

Discussions on a new bilateral agreement remain live and the request regarding the negotiation of an interim arrangement has been made. It is now a matter for the Vietnamese authorities and, as such, it would be improper for the Government to seek to influence or interfere with this decision-making process. My officials are in constant contact with the Department of Foreign Affairs and with the Embassy on the ground in Hanoi. As late as last Friday, my colleague the Minister for Foreign Affairs was in direct contact with the Vietnamese authorities regarding the matter.

I was informed by the Department of Foreign Affairs on Friday last that Helping Hands Mediation Agency's mediation licence has been revoked. The Government had requested that the mediation licence for Helping Hands be suspended rather than revoked in light of ongoing discussions on a bilateral agreement. In the absence of an intercountry adoption agreement, the Vietnamese Government was not in a position to make any exception to the granting of a licence to Helping Hands. As a consequence, 20 applications, which are currently in Hanoi, will be returned to the applicants. These applicants were not given referrals before the May 1st deadline. This is obviously disappointing news for all concerned. I advised the representative groups on this development on Friday last. The families involved have also been contacted by the Helping Hands Mediation Agency. The reinstatement of the Helping Hands licence is necessary to facilitate adoptions from Vietnam. The Irish Government is actively trying to establish the status of the request for an interim agreement and the associated licensing requirements.

Despite this development, I must emphasise that all families who have already received a referral in respect of a child from Vietnam will continue to have their application processed to conclusion and will be supported by the Helping Hands Mediation Agency in that process.

I realise that the pending Dáil summer recess is causing concern with fears being expressed that Government business will be suspended until the Dáil reconvenes in late September. This is not the case. I have already advised all of the interested parties of my willingness to travel to Hanoi to support the successful conclusion of these discussions, if that is deemed appropriate. That remains the position. The uncertainty surrounding this process has caused stress and anxiety to applicants/prospective adoptive parents. This is something I am acutely aware of and any information that comes to hand continues to be shared without delay.

I remain completely committed to concluding discussions on the text of the bi-lateral intercountry adoption agreement with the Socialist Republic of Vietnam. I have explained the reasons for the renegotiation of the existing agreement. My policy objective is the protection of children. I want to provide the best possible assurances around international adoption and to improve standards for children and the families who apply to adopt from abroad. This is in line with the Government's commitment to ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

#### **Nursing Home Subventions.**

95. **Deputy Mary Upton** asked the Minister for Health and Children the action she will take regarding concerns of a person (details supplied) in relation to nursing home subvention; and if she will make a statement on the matter. [23489/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Vaccination Programme.**

96. **Deputy Mary Upton** asked the Minister for Health and Children the total and individual

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cost of the measles, mumps and rubella vaccinations administered to fourth, fifth and sixth year students in April and May 2009 in response to a mumps epidemic; and if she will make a statement on the matter. [23491/09]

97. **Deputy Mary Upton** asked the Minister for Health and Children the number of doctors, nurses and clerical staff assigned to all measles, mumps and rubella vaccination teams here during the recent vaccination programme; the number of days work involved for each team; the number of man hours required to complete the vaccination programme; and if she will make a statement on the matter. [23492/09]

98. **Deputy Mary Upton** asked the Minister for Health and Children the cost of mileage and subsistence incurred by staff assigned to the measles, mumps and rubella vaccination teams for the duration of the recent vaccination programme; and if she will make a statement on the matter. [23493/09]

99. **Deputy Mary Upton** asked the Minister for Health and Children if other vaccination programmes had to be delayed or suspended as a result of the roll out of the recent measles, mumps and rubella vaccination programme for second level students arising from the mumps outbreak; and if she will make a statement on the matter. [23494/09]

100. **Deputy Mary Upton** asked the Minister for Health and Children the research that was carried out before the decision was taken to administer the measles, mumps and rubella vaccine to students during the recent mumps epidemic; if a study was carried out to determine if the epidemic had peaked or was continuing to rise; and if she will make a statement on the matter. [23495/09]

101. **Deputy Mary Upton** asked the Minister for Health and Children the reason the measles, mumps and rubella vaccine was not administered in September 2008 to second level students in response to the mumps outbreak, and as recommended by the World Health Organisation; her views on whether the timing of the administration of the vaccine was the most appropriate and effective; and if she will make a statement on the matter. [23496/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 96 to 101, inclusive, together.

As this is a service matter it has been referred to the HSE for direct reply.

#### **Mental Health Services.**

102. **Deputy Róisín Shortall** asked the Minister for Health and Children the location and number of primary care teams that have been established; the location and number of community mental health teams that have been set up; if the current employment embargo is affecting the composition of those teams established; the way this compares with the commitments made in Towards 2016 and A Vision for Change; and if she will make a statement on the matter. [23497/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Government commitment under Towards 2016 was for the establishment of 300 Primary Care Teams by 2008; 400 by 2009; and 500 by 2011. The HSE has identified a requirement for 530 Primary Care Teams and 134 Health and Social Care Networks to be developed by 2011 as part of its four year Transformation Programme.

The roll out of Primary Care Teams and Networks will be achieved by assigning existing staff working in primary, continuing and community care services to Teams and Networks, and the employment of new staff through funding allocated for this purpose. Additional funding of €52m in total has been provided to the HSE since 2002 for team development.

In relation to the development of community mental health teams, Towards 2016 included a commitment to the development of high-quality community-based mental health services in accordance with the recommendations of the Report of the Expert Group on Mental Health Policy, *A Vision for Change*. The Report estimates that 332 community mental health teams are required to deliver the proposed community-based mental health service. Each multi-disciplinary team will include the core skills of psychiatry, nursing, social work, clinical psychology and occupational therapy. To implement this, substantial change is required in the organisation and delivery of mental health services and current resources need to be reallocated and remodelled to fund the new structure.

The moratorium on recruitment and promotion does not apply to allied health professionals such as speech and language therapists, physiotherapists, occupational therapists and social workers or to medical consultants, clinical radiologists, behavioural therapists or counsellors. In fact, these will be increased in order to support the delivery of integrated services to groups like the elderly, children at risk and people with a disability. The HSE also intends, as part of its overall Transformation Programme, to redeploy into community services a significant number of staff from acute hospitals and corporate functions. The steps necessary to give effect to this are currently being finalised.

Details relating to the location and number of Primary Care Teams and Community Mental Health Teams, is a service matter and has been referred to the HSE for direct reply.

#### **Adoption Services.**

103. **Deputy Seán Barrett** asked the Minister for Health and Children the reason potential adoptive parents who have completed the Health Service Executive preparatory adoption courses are compelled to wait for in excess of six months without a social worker being assigned to their cases to assess their applications and written homework; and if she will make a statement on the matter. [23501/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

#### **Health Services.**

104. **Deputy Mary Upton** asked the Minister for Health and Children the actions she will take regarding the concerns of a person (details supplied) in Dublin 6W; and if she will make a statement on the matter. [23516/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

*Question No. 105 answered with Question No. 94.*

#### **Health Service Funding.**

106. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children when a decision will be made to release the funding required to allow commencement of the building of a primary, community and continuing care centre (details supplied) in County Dublin; and if she will make a statement on the matter. [23533/09]



**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive is currently adjusting its Capital Plan to take account of 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.

#### **National Treatment Purchase Fund.**

107. **Deputy Pat Rabbitte** asked the Minister for Health and Children when a person (details supplied) in Dublin 24 will have an operation; if the National Treatment Purchase Fund will pay for the procedure; and if she will make a statement on the matter. [23540/09]

**Minister for Health and Children (Deputy Mary Harney):** The management of waiting lists generally is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply. The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

#### **Health Services.**

108. **Deputy Deirdre Clune** asked the Minister for Health and Children the support services available to people with severe intellectual, emotional or behavioural difficulties once they reach the age of 18 years; her plans to review, improve or provide additional funding to these services; and if she will make a statement on the matter. [23544/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

109. **Deputy Deirdre Clune** asked the Minister for Health and Children if she will review the support services that will be made available to a person (details supplied) in County Cork who has reached the age of 18 years; and if she will make a statement on the matter. [23545/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

*Question No. 110 answered with Question No. 94.*

#### **Health Service Staff.**

111. **Deputy Róisín Shortall** asked the Minister for Health and Children the steps she is taking to ensure that there are enough community welfare officers recruited to deal with the increase in the demand for this service. [23286/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

#### **Medical Cards.**

112. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the position regarding the impact the proposed centralisation of processing of medical cards will have on applicants in County Louth and the staff who are currently employed doing this work including com-

munity welfare officers and clerical staff; the way the service will be improved by removing local knowledge and local expertise; and if she will make a statement on the matter. [23551/09]

**Minister for Health and Children (Deputy Mary Harney):** Up to the start of this year, medical card and GP visit card applications were processed in the 32 local health areas. However, under the Health Service Executive's 2009 Service Plan, the processing of all medical card and GP visit card applications will transfer to the Executive's Primary Care Reimbursement Service (PCRS) in Dublin. The change is being implemented on a phased basis and has commenced with the PCRS processing all medical card applications for persons aged 70 or over.

The HSE has advised my Department that there are no plans to close any of the local health offices and these offices will continue to deal with queries of a general nature about the medical card scheme and will provide any assistance needed with the application process. However, the process will involve a reassignment of existing human resources within the HSE.

Under the new arrangements, the HSE will be aiming for a turnaround time of 15 days or less for all medical card applications. Emergency applications will be dealt with immediately with a card issuing within 24 hours. People whose income exceeds the income guidelines but have a case to be considered on medical or hardship grounds will continue to have their application considered by the PCRS.

Since medical card applications will all be processed centrally, this will result in a more consistent and transparent approach being applied.

This is an example of the type of innovation signalled in the Transforming Public Services Programme announced by the Taoiseach last November. It demonstrates how improved services can be delivered within the more limited resources available in a way which meets the needs of citizens in a modern society.

As the Deputy's question refers specifically to the position in County Louth, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter, and to have a reply issued directly to the Deputy.

*Questions Nos. 113 and 114 answered with Question No. 94.*

### **Departmental Funding.**

115. **Deputy Michael McGrath** asked the Minister for Health and Children the level of funding being provided to an organisation (details supplied) in County Cork; the details of the funding provided for suicide prevention programmes in Cork City and County. [23563/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As this is a service matter the question has been referred to the HSE for direct reply.

### **Hospital Waiting Lists.**

116. **Deputy John Deasy** asked the Minister for Health and Children if her attention has been drawn to the delays at a hospital (details supplied) in Dublin 12 regarding operations for children who suffer from scoliosis; if she will investigate the case of a child; and if she will make a statement on the matter. [23565/09]

**Minister for Health and Children (Deputy Mary Harney):** Our Lady's Children's Hospital Crumlin has reiterated that no child has been denied access to emergency life saving surgery due to the hospital's financial breakeven programme. The hospital continues to prioritise each patient on the basis of clinical need. As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Cancer Screening Programme.**

117. **Deputy Joe Carey** asked the Minister for Health and Children further to the commitment received by this Deputy during an Adjournment debate of 29 April 2009 regarding the roll out of BreastCheck to County Clare that the indicative date was June 2009, the specific date in June 2009 the service will be operational in County Clare; and if she will make a statement on the matter. [23567/09]

**Minister for Health and Children (Deputy Mary Harney):** I am very pleased to say that the process of extending BreastCheck to County Clare has commenced. The necessary consent letters were issued to eligible women in the first screening areas within the past week and invitations/appointments for screening are expected to be issued from early July.

The Programme will ultimately offer screening to the approximately 8,000 women aged between 50 and 64 in the county. I welcome the progress that has been made in this regard.

*Question No. 118 answered with Question No. 94.*

### **Services for People with Disabilities.**

119. **Deputy David Stanton** asked the Minister for Health and Children if the taxi companies used by her Department and State agencies under the aegis of her Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by her Department and State agencies on taxi hire in 2008 and to date in 2009; and if she will make a statement on the matter. [23588/09]

**Minister for Health and Children (Deputy Mary Harney):** My Department does not have a contract with any particular taxi company. Taxi services are obtained by departmental staff as required. If a wheelchair accessible taxi is required, this will be requested when a taxi is being called for.

The amounts spent by the Department of Health and Children on taxis for the years 2008 and to date in 2009 are €15,238 and €5,425 respectively. The expenditure on taxis by bodies under the aegis of my Department is an operational matter for the bodies in question and my Department does not routinely compile or hold this information.

*Question No. 120 answered with Question No. 94.*

### **Medical Cards.**

121. **Deputy Michael Ring** asked the Minister for Health and Children when a medical card will be issued to a person (details supplied) in County Mayo. [23699/09]

**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.

122. **Deputy Michael Ring** asked the Minister for Health and Children when a medical card will be issued to a person (details supplied) in County Mayo. [23700/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Health Services.**

123. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding

a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [23705/09]

**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.

### **Influenza Incidence.**

124. **Deputy Ciarán Cuffe** asked the Minister for Health and Children her views on the international increase in swine 'flu cases; the progress in preparing for the possibility of a pandemic; and if she will make a statement on the matter. [23708/09]

**Minister for Health and Children (Deputy Mary Harney):** A public health alert was received from the World Health Organisation on 24th April 2009 indicating that human cases of influenza type A(H1N1) had been identified in the USA and Mexico. At that time the WHO pandemic alert level was at phase 3. On 11 June the WHO raised this alert level to phase 6 which in effect declares an influenza pandemic. Pandemic means that an influenza virus, new to humans, has appeared, is spreading and is causing disease in many parts of the world. Level 6 means that there is increased and sustained transmission in human population. The WHO assessed the severity of the current pandemic as moderate.

My Department and the Health Service Executive have been preparing for some years for the possibility of a pandemic being declared. On receipt of the alert from WHO my Department activated the National Plan for pandemic influenza which was put in place in January 2007. The plan was accompanied by a Guidance Report developed by the Pandemic Influenza Expert Group which was further updated in April 2009 and this guidance is currently being followed. In line with the plan the following governance structures were put in place:

- The National Public Health Emergency Team (NPHE), which manages the health system response to a public health emergency continues to meet as required.
- The Pandemic Influenza Expert Group is continuing to provide public health and scientific advice on preparedness and control measures to the NPHE.
- The Inter-Departmental Committee on Pandemic Planning which coordinates the inter-sectoral response to a potential pandemic meets as required.
- HSE national and regional crisis management teams are meeting regularly to coordinate HSE preparedness and response measures.
- My Department and the HSE participate in regular teleconference meetings with the European Centre for Disease Control, public health officials in other European Member States and the WHO.

The following measures have also been taken:

- Enhanced surveillance in hospitals and in the community.
- Regular updates for healthcare professionals and the public.
- Provision of antiviral drugs to cover 47% of the population, some of which has been distributed through public health departments to facilitate treatment of initial cases.
- The HSE, in association with the Department, has finalised advance purchase agreements to procure 7.7m doses of pandemic vaccine.

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- Frequently Asked Questions are updated daily on my Department's website and that of the HSE.
- Travel advise is updated daily on the Department of Health and Children and the Department of Foreign Affairs websites.
- A coordinated communications strategy is in place which includes regular press briefings.

I am satisfied that we in Ireland are well prepared to deal with the current threat from this virus.

### **Hospital Services.**

125. **Deputy Denis Naughten** asked the Minister for Health and Children the timetable for the delivery of her commitment announced in July 2008 on the retention of services at Roscommon County Hospital; and if she will make a statement on the matter. [23712/09]

**Minister for Health and Children (Deputy Mary Harney):** It is essential that we prioritise patient safety and quality and that we organise and manage services accordingly. The priority is to provide safe services as close as possible to where people live. Ensuring patient safety is of paramount importance, so that people can have confidence in the services and that the best possible patient outcomes can be achieved.

In the past, Roscommon County Hospital and Portiuncula Hospital Ballinasloe have operated independently, with two consultant general surgeons in each hospital. The difficulties faced by Roscommon and Portiuncula in maintaining surgical services independently, and the need for closer co-operation between them, were highlighted by the former Comhairle na nOspidéal in March 2006. Advances in clinical care and ever-increasing levels of specialisation mean that the present model of care faces important practical difficulties, which must be addressed.

In the light of these factors, the best way of retaining and developing services at Roscommon and Portiuncula hospitals is for these hospitals to work closely together and for both to work with University Hospital, Galway. The HSE has advised that it is proceeding with the proposal for a Joint Department of surgery and Anaesthesia at Roscommon County Hospital and Portiuncula Hospital, Ballinasloe.

The HSE has advised that interviews have taken place for two Consultant Surgeons to be based at Portiuncula Hospital with sessional commitments to Roscommon County Hospital. The first post is being filled with effect from 1 July 2009. A candidate has been recommended for the second post and the necessary documentation is currently being processed. A third Consultant Physician with a special interest in respiratory medicine is to be appointed at Roscommon County Hospital. This post will have sessional commitments at Portiuncula Hospital and University Hospital, Galway. Interviews have been held and a candidate has been recommended.

Interviews have recently been held for a replacement post of Consultant Physician with a special interest in endocrinology at Roscommon County Hospital and with sessional commitments to Portiuncula and University Hospital, Galway.

### **Health Services.**

126. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 87 of 16 December 2008, the progress made regarding this situation; and if she will make a statement on the matter. [23713/09]



**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

*Questions Nos. 127 to 131, inclusive, answered with Question No. 94.*

132. **Deputy John McGuinness** asked the Minister for Health and Children the arrangements the Health Service Executive has put in place to provide ongoing care in the case of persons (details supplied) in County Kilkenny; and if she will make a statement on the matter. [23766/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Departmental Funding.**

133. **Deputy John McGuinness** asked the Minister for Health and Children if approval will be given to funding on the basis of their application in respect of the meningitis trust for 2010; and if she will make a statement on the matter. [23768/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred it to the HSE for direct reply.

#### **Adoption Services.**

134. **Deputy Michael D. Higgins** asked the Minister for Health and Children the measures she suggests in order to update and improve the process of adoption here. [23777/09]

135. **Deputy Michael D. Higgins** asked the Minister for Health and Children the measures she proposes, notwithstanding the importance of properly vetting all potential adoptive parents, her plans to speed this process up; and if she will make a statement on the matter. [23778/09]

136. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she will suggest improvements to the system of adoption here in which, as is currently the case, persons seeking to make a complaint against the adoption process in which they are involved have to do so with those who have the final say over the eventual success or failure of the person's application for adoption having full knowledge of the complaint leading to a situation whereby the person who has a complaint remaining silent; and if she will make a statement on the matter. [23779/09]

137. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she will confirm reports that persons charged with assessing couples or individuals who have applied to adopt children on average make 12 such assessments annually despite recommendations that 20 such assessments be conducted per social worker; if there is scope to improve same; her views on whether such a move would shorten the average time it takes for an adoption to be finalised; and if she will make a statement on the matter. [23780/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 134 to 137, inclusive, together.

Requests for assessment for inter-country adoption are continuously increasing. The "Study on Inter-country Adoption Outcomes in Ireland", undertaken by the Children's Research Centre, Trinity College, between December, 2004, and April, 2007, and commissioned by the Adoption Board, revealed that Ireland has one of the highest rates for inter-country adoption in Europe. It is against this background that the Office of the Minister for Children and Youth

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Affairs is continuing to work to create the appropriate legislative, policy and administrative frameworks that will ensure a well regulated regime of adoption. Its aim is to support the children for whom adoption services are devised and provided and to protect prospective parents. A family that wishes to adopt should be recognised beforehand as being able to promote, safeguard and support the development and well-being of a child in need of adoption in a lasting manner.

The Deputy refers specifically to the numbers of assessments that might be conducted annually by individual social workers. The figures he refers to were estimated in 1999 having regard to practices at that time. It must be acknowledged that the increasing numbers of children adopted from abroad create additional pressures on intercountry adoption teams within the Health Service Executive. This is because these same teams provide post-adoption reports to sending countries, at the request of those countries, and with the agreement of the adoptive parents. This is an important component in the willingness of countries to consider Irish applicants for adoption. It is estimated that, on average, over 25% of social workers time is now taken up with the preparation of such reports.

The development of standards for the assessment of applicants for inter-country adoption has been advanced through the conjoint working of the Adoption Board, the Office of the Minister for Children and Youth Affairs and the Health Service Executive. This work was based on a report commissioned by the Department of Health and Children and submitted to Government in June, 1999, entitled “Towards a Standardised Framework for Inter-country Adoption Assessment Procedures”. The standardised framework which emerged from that process in 2000 was founded on evidence-based practice and developed with the assistance of international agencies in the field. The implementation of this framework is continually under review by all parties as intercountry adoption practice and experience continues to evolve and with particular regard to the new statutory framework likely to emerge from the recently published Adoption Bill, 2009.

The Deputy suggests that there is an inadequate opportunity for persons who have complaints about the adoption assessment process to have their complaint considered fairly. I must reiterate that any person has the opportunity make complaints at a number of levels including, firstly at local level with the assessing social worker and manager as well as through the HSE standardised complaints procedure. As regards, the application itself, the decisions made by social workers are reviewed by a supervising social worker and thereafter by a local adoption committee. Following that all cases fall to be considered by the Adoption Board. In cases where an application is not recommended by the local adoption committee, the applicant(s) will always be offered a hearing by the Board when it considers their application.

The Adoption Board is an independent statutory authority with quasi-judicial functions relating to the making of adoption orders and the issuing of declarations of eligibility and suitability in respect of applications to adopt from abroad. I am satisfied that there is an opportunity for any person to have their case heard in a fair and impartial manner by the Board under the law. I would advise the Deputy to encourage any person who has concerns about the process to make those concerns known through one of the channels I have referred to above.

I acknowledge that persons applying for inter-country adoption are experiencing delays as regards waiting times for assessment and that there are also concerns regarding the standardisation of the service across the country. The Adoption Bill, which has now passed all stages in the Seanad, provides for a new regime for the accreditation of a range of agencies providing adoption services. This modernised regime more fully recognises the phenomenon of inter-country adoption and makes provision for the accreditation of agencies to provide both assess-

ment services or mediation services. The Bill also proposes changes to the regulation of the activities, management and financial arrangements of such agencies. If enacted, there will be opportunity for the development of new agencies to assist in the reduction of waiting times in those areas where the waiting times are longest.

#### **General Medical Services Scheme.**

138. **Deputy Michael McGrath** asked the Minister for Health and Children if a product (details supplied) is provided under the general medical scheme. [23784/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Health Services.**

139. **Deputy Denis Naughten** asked the Minister for Health and Children the 200 locations of proposed new primary care centres; the location of the 80 due to open by the end of 2010; the nine locations to open by the end of 2009; and if she will make a statement on the matter. [23786/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to a service matter it has been referred to the Health Service Executive for direct reply.

#### **Hospital Staff.**

140. **Deputy Joe Costello** asked the Minister for Health and Children if she will explain the embargo on staff in two hospitals (details supplied); the number of staff in each institution that are affected by the embargo; the effect of the embargo on admissions; and if she will make a statement on the matter. [23788/09]

**Minister for Health and Children (Deputy Mary Harney):** In order to implement savings measures on public service numbers, the Government introduced a moratorium on recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade with effect from 27 March 2009 to end 2010. A HSE circular has issued which gives effect to the Government decision in the public health services and other specific aspects of the employment control framework for the health services.

The HSE will be focussing on the scope that exists within the health services for reorganising and restructuring of work in order to minimise the impact on essential service delivery. The redeployment and reassignment of existing staff will also support the reorientation of care from hospitals to the community and to facilitate the development of integrated care. It is seeking a high level of flexibility from staff and unions to achieve this.

The Government decision has been modulated to ensure that key services are maintained insofar as possible in the health services, particularly in respect of children at risk, older people and persons with a disability.

In addition, the employment control framework specifically exempts the following front line grades in the health sector from the moratorium: Medical Consultants, Speech and Language Therapists, Occupational Therapists, Physiotherapists, Clinical Psychologists, Behaviour Therapists, Counsellors, Social Workers, and Emergency Medical Technicians. The framework actually allows for a growth in the number of those posts within the overall approved employment ceiling (111,800 wtes) for the health sector. The framework also includes provision for the creation of 225 new development posts this year for cancer and disability services. In addition, special provisions apply in relation to Clinical Engineering Technicians, Dosimetrists, Physi-

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cists, and Radiation Therapists, which are specialist grades under the National Cancer Control Programme.

The focus on these key grades is in line with existing Government policy on the prioritisation of certain development areas, for which significant funding has already been provided. The overall result will be to assist in the reorientation of health employment to services delivered in primary and community care.

The issue of the effect of the moratorium on staffing and administration in the two hospitals in question has been referred to the HSE for attention and direct reply to the Deputy.

#### **Health Services.**

141. **Deputy Joe Costello** asked the Minister for Health and Children if her attention has been drawn to the case of a person (details supplied). [23789/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As this is a service matter the question has been referred to the HSE for direct reply.

142. **Deputy Denis Naughten** asked the Minister for Health and Children if she will publish the Prospectus report on critical care services; the reason for the delay in publishing the report; and if she will make a statement on the matter. [23792/09]

**Minister for Health and Children (Deputy Mary Harney):** The Review in question was commissioned by the Health Service Executive in order to inform plans for the organisation and delivery of adult critical care services within the acute hospital system. I understand that the report is being finalised at present. A decision on publication will be made when the report is completed.

#### **Hospital Waiting Lists.**

143. **Deputy Denis Naughten** asked the Minister for Health and Children the current no show rates for outpatient appointments at each hospital; the reasons for no shows; if the time delay between the issuing of the appointment and the date of the appointment itself is a contributory factor; and if she will make a statement on the matter. [23793/09]

144. **Deputy Denis Naughten** asked the Minister for Health and Children the current outpatient waiting list for each speciality at each acute hospital; and if she will make a statement on the matter. [23794/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 143 and 144 together.

The HSE is taking a number of steps to improve the delivery of hospital out-patient services. The Executive is engaged in a significant exercise with the objective of validating public outpatient lists and streamlining the processes for access to and management of appointments. The Executive's 2009 National Service Plan specifies targets which include increasing the number of new patients seen by every consultant each month and achieving a reduction in the ratio of new to return attendances at out-patient departments.

I have referred the particular issues raised by the Deputy to the HSE for direct reply.

#### **Health Services.**

145. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [23799/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As this is a service matter it has been referred to the HSE for direct reply.

#### **Services for People with Disabilities.**

146. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the consultation that she has had with the Department with responsibility for disabilities regarding persons with disabilities who have reached the age of 18 years and have no education or training places assigned to them; if provision will be made for the needs of these people as a matter of urgency; and if she will make a statement on the matter. [23801/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The provision of rehabilitative training to persons with a disability who have reached 18 years of age is the responsibility of the Department of Health and Children and the Health Service Executive.

With regard to the specific issue of availability of day places, the Department of Health and Children and the HSE are aware of the particular needs of school leavers in September 2009. The HSE, through its occupational guidance service, has been working with schools, service providers, service users and families to identify the needs of young people with disabilities who are approaching completion of their second level education. The needs of these individuals may be addressed through one or more of the following services: health funded rehabilitative training, health funded day services, FÁS funded rehabilitative training, FÁS funded vocational training and approval to extend education placement for a specified period of time. Plans are being finalised by the HSE in each local health office with service providers to address identified needs for health funded day services or rehabilitative training. Some funding may be available within the context of the HSE’s service plan to provide additional capacity in the event that existing services are not in a position to accommodate an individual’s service requirements. The HSE and the Department of Health and Children will monitor the outcome of this process to ensure that, in as far as possible, the needs of each individual young person with a disability leaving school in 2009 will be addressed.

#### **Health Services.**

147. **Deputy Bernard Allen** asked the Minister for Health and Children the number of persons awaiting eye tests in the Cork City and Cork County area; the average waiting period and the number of persons awaiting sanction for spectacles; and if her attention has been drawn to the fact that some people have been waiting since at least January 2009 to receive a decision on their application. [23802/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy’s question relates to service matters it has been referred to the Health Service Executive for direct reply.

#### **Hospital Waiting Lists.**

148. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath who is awaiting an angiogram at St. James’ Hospital, Dublin admitted for same; and if she will make a statement on the matter. [23828/09]

**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.

*Question No. 149 answered with question No. 94.*



### State Airports.

150. **Deputy Thomas P. Broughan** asked the Minister for Transport if he has been fully briefed by the Dublin Airport Authority on their proposals of cutbacks of up to €55 million at the DAA; his views on proposals by the DAA to offer staff €20,000 to take a career break of up to five years; and if he will make a statement on the matter. [23502/09]

**Minister for Transport (Deputy Noel Dempsey):** As I indicated in my reply to Question No. 75 of 26 May 2009 issues relating to business matters generally and employment levels in particular at the three state airports are day-to-day commercial matters for the Dublin Airport Authority (DAA) in which I have no statutory function.

As also indicated in my previous reply, I know that following the announcement of its annual results for 2008, which saw a drop in Group profit of 28% from 2007, the DAA has been reviewing all aspects of its business, with a particular focus on costs, including capital development and operational expenditure. As part of this process, I am aware that discussions have commenced between the DAA and the unions representing DAA staff on a major cost recovery programme. I understand that the programme is to be company wide applying to Dublin, Cork and Shannon Airports.

The reality is that the world wide economic downturn has had a seriously negative impact on the aviation industry generally and this in turn has severely affected the financial position of the DAA with a significant decline in traffic at the three State Airports.

### Cycle Facilities.

151. **Deputy Thomas P. Broughan** asked the Minister for Transport when he expects the key objectives of the national cycling policy framework will be rolled out; when the Sutton to Sandycove cycle track will be finished; his views on reports that the 22 km cycle track may cost €7 million per kilometre to build; and if he will make a statement on the matter. [23503/09]

**Minister for Transport (Deputy Noel Dempsey):** The key objectives under Ireland's first National Cycle Policy Framework (NCPF) are to create a culture of cycling in Ireland and to achieve a 10% share of the travel market for cycling by 2020. I have already commenced delivery of actions under the NCPF, including National Bike Week, which is taking place this week, and through approval of demonstration projects such as the delivery of premium cycling infrastructure in Galway City. I currently have a number of worthwhile proposals in other local authority areas under active consideration.

Insofar as the Sutton to Sandycove route (S2S) is concerned, my Department has been meeting Dublin City Council specifically on this issue and in relation to a number of other premium cycle routes which I am anxious to progress.

I have previously expressed my concern to Dublin City Council about the potential cost of proposals that are emerging in relation to the S2S. I am particularly concerned in relation to any expectation that the provision of premium cycling infrastructure along this route must necessarily involve very substantial costs associated with design approaches which are not appropriate to the current economic circumstances or are primarily related to coastal protection works, as may be evident from figures such as are referred to in the Question.

Both the Minister for the Environment, Heritage and Local Government and I have pledged funding of €5 million for this route and other infrastructure between now and the end of 2010 but this is dependent on a cost effective solution focused on the cycle route itself.

**State Airports.**

152. **Deputy Olivia Mitchell** asked the Minister for Transport the number of slots available at Heathrow Airport, London, available to Aer Lingus at the time of the Aer Lingus sale; the number that are available and in use at present; and if he will make a statement on the matter. [23511/09]

153. **Deputy Olivia Mitchell** asked the Minister for Transport the number of Heathrow slots owned by Aer Lingus at the time of its sale by the Government which have been the subject of a disposal transaction in the period to date; if, in each case, shareholders were informed as required by legislation; if he was required under the legislation to make a recommendation to the Department of Finance; and if he will make a statement on the matter. [23512/09]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take questions 152 and 153 together.

At the time of the Aer Lingus IPO the company had rights to 23 daily slot pairs at Heathrow and this remains the case. Arrangements to safeguard against any disposal of Heathrow slots were built into the Company's Memorandum and Articles of Association at the time of the IPO and any change to the Memorandum and Articles would require a special resolution. There has been no such resolution proposed since the IPO.

Decisions in relation to the utilisation of slots at Heathrow, including the leasing of slots, are a commercial matter for Aer Lingus.

154. **Deputy Olivia Mitchell** asked the Minister for Transport if the Aer Lingus decision to open a second base outside of the Republic of Ireland has impacted on its ability to meet the criteria for connectivity of Dublin, Cork or Shannon with Heathrow Airport, London, as outlined in his statement laid before the Dáil Eireann at the time of the Aer Lingus sale; and if he will make a statement on the matter. [23513/09]

**Minister for Transport (Deputy Noel Dempsey):** Aer Lingus has opened two new bases outside the Republic of Ireland since the IPO in 2006. A base at Belfast was opened in early 2008 and a new base at Gatwick opened in spring 2009. The development of new bases outside Ireland by Aer Lingus is entirely a commercial matter for the Board of the company. The exploitation of new business opportunities by Aer Lingus is to be encouraged, particularly where it helps ensure the future viability of the Company.

The level of connectivity of Dublin, Shannon or Cork to Heathrow has not been significantly affected by the development of bases outside Ireland. While the Shannon-Heathrow route was temporarily suspended in 2008, it was reinstated earlier this year and the Company recently announced plans to acquire additional slots and base an A320 aircraft at Shannon, which will facilitate an increase in Shannon Heathrow services from 2 flights per day to 3 flights per day. It is understood that Aer Lingus is seeking to improve timings to facilitate enhanced connectivity to and from Heathrow.

**Public Transport.**

155. **Deputy Seán Barrett** asked the Minister for Transport if, arising from his reply to Parliamentary Question No. 324 of 9 June 2009, he will explain the terms on which a licence could be granted to a company (details supplied) to operate bus passenger services between Dalkey and Dublin Airport; the reason the company appealed such terms; the company's submission to his Department and its proposed significant changes to its service; the new terms

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for the grant of a licence presented by his Department to the company; and if he will make a statement on the matter. [23550/09]

**Minister for Transport (Deputy Noel Dempsey):** As I advised the Deputy in my previous reply of 9th June 2009, the company to which the Deputy refers was advised by my Department on 26th May 2009 of the new terms on which a licence could be granted in respect of the operation of the services in question, following an appeal by the applicant concerned in which the applicant amended its original application. A response to my Department's letter is still awaited.

In accordance with long standing practice, details of all applications received in my Department remain confidential between the applicant and my Department until a final decision has been made.

My Department is waiting to hear from the applicant. If the applicant declines the offer, my Department will move to consider an application from another operator to provide similar services.

156. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on the commitment in the programme for Government to move existing Dublin Bus and Bus Éireann fleets to a 5% bio-diesel blend and a 30% bio-diesel blend in their new buses; and if he will make a statement on the matter. [23552/09]

**Minister for Transport (Deputy Noel Dempsey):** A number of pilot initiatives have taken place both in Dublin Bus and Bus Éireann in relation to more sustainable fuels for its fleet.

The commitment in the Programme for Government relating to biofuels has been superseded by the more ambitious targets for transport as set out in the Government's Smarter Travel policy, launched by me in February, 2009. Specifically, in relation to public transport fleets Smarter Travel proposes that all public transport providers will prepare a plan for fleet replacement based on the most sustainable vehicle and fuel type. The actions in Smarter Travel are to be implemented over a twelve-year period. In relation to new technology the immediate focus of Government policy at the moment is to prepare a plan to deliver the 10% target for electric vehicles by 2020. Nevertheless, progress is also being made on sustainable technology in relation to Dublin Bus and Bus Éireann. Last year I provided significant funding for the purchase of a hybrid electric double-deck bus, which is being trialled by Dublin Bus at the moment. In addition, my Department is carrying out research of international practice relating to sustainable bus fleets. I would envisage progress on fleet replacement plans in 2010.

#### **Service for People with Disabilities.**

157. **Deputy David Stanton** asked the Minister for Transport if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23592/09]

**Minister for Transport (Deputy Noel Dempsey):** I understand from the firm that provides taxi services to my Department that 10% of its fleet are wheelchair accessible. The cost of taxi services provided to my Department was €23,737 in 2008 and €6,487 in 2009 (to date). Insofar as the agencies under the aegis of my Department are concerned, the arrangements for the procurement of required taxi services are matters to be dealt with directly by the agencies concerned.

### **Rail Network.**

158. **Deputy Seán Sherlock** asked the Minister for Transport his plans to re-open the Youghal to Midleton railway line in County Cork; if so, the cost and the timescale for the project; and if he will make a statement on the matter. [23714/09]

**Minister for Transport (Deputy Noel Dempsey):** Proposals for the reopening of closed railway lines are a matter for Iarnród Éireann to consider in the first instance. There is no plan to reopen the line from Midleton to Youghal in the short to medium term, and the project is not included in Transport 21. However, I understand that the Cork County planners have preserved the existing railway line for the potential reopening of the railway at some point in the future.

### **Marine Safety.**

159. **Deputy Jimmy Deenihan** asked the Minister for Transport when the new ICCS equipment will be installed at Valentia coast guard station, County Kerry; and if he will make a statement on the matter. [23763/09]

**Minister for Transport (Deputy Noel Dempsey):** Irish Coast Guard officials are in discussion with the Office of Public Works concerning planning arrangements for the commissioning and installation of an Integrated Communications System (ICS) at Valentia and Malin Head Marine Rescue Coordination Sub-Centres.

### **Garda Investigations.**

160. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied) in Dublin 9. [23531/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the incident referred to by the Deputy was fully investigated and an investigation file submitted to the law officers who directed no prosecution. I am further informed that investigating Gardaí contacted the person concerned and informed him of the outcome of the investigation.

161. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); and if he will make a statement on the matter. [23557/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Commissioner that the matters referred to by the Deputy were the subject of a full investigation by An Garda Síochána and an investigation file was submitted to the DPP who directed there should be no prosecution in the case.

Since being informed of this decision the person referred to has indicated he wishes to make a further statement which is currently being taken by investigating Gardaí. When the statement and any ancillary enquiries are completed a further file will be submitted to the DPP for directions.

As you are aware I have no role in the investigation, prosecution or trial of alleged offences. This is a long standing principle of our system of justice. The role of the Gardaí is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the DPP. The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the DPP.

### Asylum Applications.

162. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the application for residency in the case of a person (details supplied) in Dublin 22; who submitted further documentation to his Department; and if he will make a statement on the matter. [23570/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to Parliamentary Question No. 320 of Tuesday, 31 March 2009, and the written Reply to that Question.

The person concerned applied for asylum on 31 January 2008. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 9 March 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered, under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

### Citizenship Applications.

163. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a naturalisation application will be reviewed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23571/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in December 2006.

The Minister has the power to grant certificates of naturalisation to applicants who comply with certain conditions under the Irish Nationality and Citizenship Act, 1956, as amended. Section 15A of the Act provides that the Minister may grant a certificate of naturalisation to the non-national spouse of an Irish citizen if, among other things, the applicant has been married to that citizen for a period of not less than three years.

On examination of the application submitted by the person concerned it was determined that she had not been married for three years at the date of application, therefore her application was deemed ineligible. The person in question was informed of this in a letter issued to her on 8 January, 2007. It is open to the person concerned to lodge a new application if and when she is in a position to meet the statutory requirements.



164. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to the application for family reunification in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [23572/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the INIS (Irish Naturalisation and Immigration Service) of my Department that the person in question made an application for Family Reunification in respect of his wife in May 2008.

This application was forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. This investigation is complete and the Commissioner has forwarded a report to the INIS. This application will be considered by the INIS and a decision will issue in due course. At present, applications are taking approximately twenty-four months to process.

#### **Services for People with Disabilities.**

165. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23589/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Given the large number of agencies and associated bodies attached to my Department, which include the Court Service, An Garda Síochána and the Irish Prisons Service, as well as more than twenty other smaller agencies, it is not possible to provide accurate or comprehensive details in respect of this expenditure for these bodies.

I can also inform the Deputy that approximately 10% of the vehicles available from the taxi companies used by my Department are accessible for people with disabilities.

#### **Residency Permits.**

166. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for residency in the case of a person (details supplied) in County Leitrim; and if he will make a statement on the matter. [23693/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** There is currently no application pending in my Department for residency in the case of the person whose details were supplied. If an application for asylum has been made by the person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

#### **Citizenship Applications.**

167. **Deputy Seán Ó Feargháil** asked the Minister for Justice, Equality and Law Reform his views on the case of a person (details supplied) in County Kildare; if this person has received permission to continue to remain in the State; the position with regard to the naturalisation of this person; and if he will make a statement on the matter. [23782/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person to whom the Deputy refers was granted permission to remain in the State on 13 December 2005 for a period of two years under the IBC/05 Scheme.

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Citizens of Romania who were granted permission to remain under the IBC/05 Scheme, such as the person in question, are not required to apply for renewal of that permission. Such persons may continue to work without the need for a work permit and set up a business without seeking the permission of the Minister. Officials in the Citizenship section of my Department have informed me that there is no record of an application for a certificate of naturalisation from the person mentioned.

### **Garda Deployment.**

168. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if he will delegate responsibility for investigating the cause of road traffic accidents where there are fatalities and injuries to the Garda Síochána traffic corps units; and if he will make a statement on the matter. [23795/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The allocation of Garda resources throughout the country, including personnel, together with overall policing arrangements and operational strategy, is a matter for the Garda Commissioner and senior Garda officers. Such allocation is continually monitored and reviewed and this ensures that optimum use is made of Garda resources and the best possible Garda service is provided to the general public.

I am informed by the Garda authorities that traffic collisions are investigated in accordance with traffic collision investigation policy. In accordance with the policy, a forensic collision investigator attends the scene of every fatal road traffic collision, as well as other collisions which may prove fatal or result in life-threatening injuries.

Local Garda management has overall responsibility for the investigation of fatal traffic or serious personal injury collisions. In this regard, it is the responsibility of the District Officer to establish a structured investigation team and draw upon the expertise of appropriate personnel, including the traffic corps, uniformed and detective personnel and the Divisional forensic collision investigator, to allow for the investigation of such incidents. In appropriate cases, it may be decided to appoint a senior investigating officer to take charge of the investigation.

I am further informed that An Garda Síochána has a Collision Prevention Programme, the purpose of which is for the relevant stakeholders, including An Garda Síochána, the National Roads Authority, the local authorities and the Road Safety Authority, to proactively contribute to improving road safety, including maintenance and engineering works where appropriate, to reduce the numbers of fatal and serious injury road traffic collisions on Irish roads.

### **Asylum Applications.**

169. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the status of the application for subsidiary protection by a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [23798/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 13 October 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 17 January 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised

within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were received on behalf of the person concerned at that time.

The person concerned also made an application for permission to remain in the State on the basis of being a parent of an Irish citizen child, born in the State before 1 January 2005, in accordance with the revised arrangements announced by my predecessor on 15 January 2005, commonly referred to as the IBC/05 scheme. The person concerned did not satisfy the criteria under the revised arrangements and was notified of this decision by letter dated 11 August 2005.

On 15 December 2004, the person concerned made an application for permission to remain in the State on the basis of his marriage to an Irish national. Following consideration of this application the person concerned was informed, by letter dated 22 April 2009, that his application was refused for reasons set out in that letter. That letter also informed the person concerned that, in accordance with Section 3 of the Immigration Act 1999 (as amended), the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered, under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

Due to the high volume of cases on hands, it is not possible to say when the outstanding application of the person concerned will be finalised. However, the Deputy can be assured that there will be no avoidable delay in having the case of the person concerned processed to completion.

### **Proposed Legislation.**

170. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will make changes to the Criminal Justice (Miscellaneous Provisions) Bill in order to allow sports people to practice their sport. [23806/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Criminal Justice (Miscellaneous Provisions) Bill 2009 is scheduled for Committee Stage on 18 June 2009.

The proposals in this Bill relating to the control of firearms are primarily concerned with public safety and the modernising of the licensing system. As I have said previously, my proposals will not impinge adversely on the activities of the vast majority of licensed firearms holders in this country: I recognise that those firearms holders pursue their legitimate interests in a law abiding way.

[Deputy Dermot Ahern.]

The Bill does contain, however, a de facto ban on handguns because the Government has made it clear that it does not wish a handgun culture to take hold here. Handguns are inherently different because they are easy to conceal, can often discharge a large number of bullets rapidly and feature so frequently in gun rampages. I also intend to specifically prohibit a form of target shooting known as practical or dynamic shooting. This type of shooting involves firearms being used in simulated combat or combat training and is anathema to most target shooters. In so far as it is akin to police and military tactical training it is an undesirable activity not rooted in any tradition in Ireland and one which should not have any place in our society.

I met with the Firearms Consultative Panel last week. It is clear that there are some medium and longer term strategic and developmental issues for shooting sports in Ireland and I intend to write to the Minister for Arts, Sports & Tourism in relation to a number of the points raised.

### **Garda Investigations.**

171. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if action was taken, further to reply to Parliamentary Question No. 231 of 17 October 2006; and if he will make a statement on the matter. [23823/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the matter was the subject of a Garda investigation, but that no offence was disclosed.

### **Human Rights Issues.**

172. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs his views on the series of economic, diplomatic and legal proposals by the European Parliamentary Caucus on Burma for the European Union to address the imprisonment of Aung San Suu Kyi in Burma; and if he will make a statement on the matter. [23525/09]

173. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs his views on a global arms embargo against Burma, a commission of inquiry into crimes against humanity against ethnic minorities in eastern Burma and the introduction by the EU of targeted financial sanctions including on insurance, financial, transactions, banking and investment and adding the judges and prosecutors involved in Aung San Suu Kyi's trial case to the EU visa ban list; the steps that he is taking with its partner states in the EU and UN to achieve these objectives; and if he will make a statement on the matter. [23526/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 172 and 173 together.

As Deputies will be aware, and as stated previously in this House on many occasions, the Government is deeply concerned about the situation in Burma and plays an active role in international efforts to bring about positive change there. The decision of the Burmese regime to put Aung San Suu Kyi on trial on the most spurious of charges, further compounds the already bleak situation in that country, where repression against members of the opposition, the ethnic groups and the population at large continues unabated and human rights and fundamental freedoms are systematically denied.

The international community has worked hard to assist the delta region to recover from the devastating effects of Cyclone Nargis, which struck in May last year. Much remains to be done and the country's economy continues to decline in the face of mismanagement and corruption.

More than 2,100 political prisoners are serving sentences in deplorable conditions, many on questionable charges.

The authorities are pushing ahead with plans to hold elections next year on the basis of a discredited Constitution, elections which, if they are not opened up fully to the opposition and to all ethnic groups, will have no credibility or legitimacy. Efforts by the international community, including those by the UN Secretary General personally and his good offices mission, to secure the release of political prisoners and the launching of a process of national dialogue and reconciliation have been fruitless so far. Ireland has long been in favour of strong international action against the Burmese regime, including sanctions and an arms embargo. We would be strongly supportive of mandatory UN sanctions and regret very much that there remains insufficient consensus among Security Council members to allow formal, enforceable, UN sanctions and an arms embargo to be imposed on the regime. In the absence of UN sanctions, which would be legally binding on all UN members, we favour imposing, maintaining and extending EU sanctions on Burma. We have been proposing a strengthening of EU sanctions in response to the action taken by the regime against Aung San Suu Kyi. As a result of pressure from us, and other like-minded Member States, the EU is currently examining ways in which sanctions could be reinforced. One of the measures being examined is to extend the EU visa/travel ban to include judges who have been responsible for the imposition of extremely severe sentences on pro-democracy advocates. If Aung San Suu Kyi is sentenced for the charges currently facing her, we will also be arguing for similar treatment for any judges involved in her case.

I have a great deal of sympathy with the points raised by the European Parliamentary Caucus on Burma in March this year and other appeals from them. The Caucus has called on EU governments to reiterate that the military dictatorship's planned 2010 elections and Constitution are unacceptable in their current form, and to support the National League for Democracy and other democratic forces' proposals for genuine dialogue and reform. We are already doing this, including, through the provision of support to the National Coalition Government of the Union of Burma (NCGUB) and other opposition and ethnic groups in their efforts to prepare a common platform for dialogue with the regime.

Regarding the call from the Caucus for the EU to work towards a global consensus for a global arms embargo, I have made clear my wish to see an arms embargo in place against the Burmese regime and my regret that it has not been possible so far to gain UN Security Council or sufficiently broad support for such an initiative.

The Caucus has also called on the EU to consider carefully targeted economic sanctions, including targeted financial sanctions, and sanctions stopping European companies providing insurance in Burma. The EU is currently reviewing ways in which EU sanctions can be strengthened in response to the action which is being taken against Aung San Suu Kyi and I would expect proposals such as those put forward by the Caucus to be examined in that context. I am also supportive of the Caucus call on the EU to continue increasing humanitarian assistance in Burma, and to do more to challenge restrictions on aid delivery imposed by the regime. More recently, following the recent arrest of Aung San Suu Kyi, the Caucus has issued a direct appeal to UN Secretary General, Ban Ki-moon, to intervene personally to try to secure the release of Aung San Suu Kyi and other political prisoners. I fully support this call. I very much hope that the Secretary General will succeed in his efforts to visit Burma soon and that he will be able to achieve progress on the issue of prisoner releases and the broader political agenda, including the elections, while he is there.

### **Foreign Conflicts.**

174. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs the action being



[Deputy Thomas P. Broughan.]

taken at EU and UN level to address the ongoing war and humanitarian crisis in the Democratic Republic of Congo; and if he will make a statement on the matter. [23527/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The international community is closely following the situation in the Democratic Republic of the Congo (DRC) as the country recovers from the effects of the brutal 1996-2003 civil war. I very much regret that, while much of the country has achieved a degree of stability, several localised conflicts have continued, in particular in the east of the country. These conflicts have in many cases been characterised by an appalling degree of brutality, with large-scale attacks on the civilian population and widespread sexual violence. The humanitarian situation in eastern DRC, where more than a million people have been forced to flee their homes due to the effects of ongoing conflict, remains a cause of deep concern. The international community is working to promote a negotiated end to the conflicts which persist, to address immediate humanitarian needs, and to develop the capacity of the Congolese state to protect its people.

The United Nations has sought to enhance stability in DRC through the work of MONUC, the UN's largest peacekeeping mission. MONUC is mandated to protect civilians and humanitarian personnel; to carry out disarmament and demobilisation of armed groups; to train the DRC security forces; and to support the strengthening of democratic institutions and the rule of law. Ireland and our EU partners strongly support MONUC, and have welcomed the UN Security Council's decision to authorise the reinforcement of the mission to allow it to meet more effectively the challenges it currently faces. Ireland contributes three members of the Irish Defence Forces to MONUC as military liaison officers.

At a political level, the UN Secretary-General has appointed the former Nigerian president, Mr. Olusegun Obasanjo, as his special envoy to address the challenges to peace and security posed by the continued presence and activities of armed groups in eastern DRC. Talks in Nairobi convened by Mr. Obasanjo in cooperation with the facilitator appointed by the African Union, the former Tanzanian president Mr. Benjamin Mkapa, have led to the integration of former rebel fighters into the DRC armed forces.

The EU has also been active in supporting efforts to address ongoing instability in the DRC. The EU's Special Representative for the Great Lakes region, Mr. Roeland van de Geer, leads the EU's efforts to assist in stabilising eastern DRC, and has played a key role in supporting the work of the UN and AU facilitators. Two missions are currently active in DRC as part of the European Security and Defence Policy: The EU has also been active in supporting efforts to address ongoing instability in the DRC. The EU's Special Representative for the Great Lakes region, Mr. Roeland van de Geer, leads the EU's efforts to assist in stabilising eastern DRC, and has played a key role in supporting the work of the UN and AU facilitators. Two missions are currently active in DRC as part of the European Security and Defence Policy: EUSEC, a Security Sector Reform mission supporting the Congolese authorities in the key task of providing advice and assistance for security sector reform, and EUPOL, a policing mission monitoring, mentoring and advising the Congolese police. These missions underline the EU's commitment to the Congolese people and the importance of consolidating the rule of law, security and stability in the DRC.

The EU is the largest humanitarian donor to the DRC, and in 2009 has allocated €45 million through its humanitarian assistance office (ECHO) to address the needs of vulnerable populations there. Overall, ECHO hopes to provide assistance to 1.5 million people over the course of the year. The UN also plays a major role in addressing humanitarian needs in DRC. Agencies such as UNICEF, UNDP and the WFP have large programmes in DRC and the UN Office for the Coordination of Humanitarian Affairs is playing a vital role in the coordination of the

humanitarian response. Funding for these vital humanitarian interventions is provided directly through the agencies as well as via the Pooled Fund operated by the UN Humanitarian Coordinator and the UN Central Emergency Response Fund. For our part, Ireland has allocated more than €4 million in humanitarian funding to the DRC in 2009 via the UN administered Pooled Fund and through our NGO partners. Our total humanitarian support to the country since 2006 amounts to over €26 million.

### Services for People with Disabilities.

175. **Deputy David Stanton** asked the Minister for Foreign Affairs if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23587/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Following a tender process, the Department currently has contracts with two Dublin taxi firms.

Both companies fully comply with the Taxi Regulator guidelines. While these firms do not have a set minimum percentage of wheelchair accessible vehicles, both have a significant proportion of accessible vehicles, 11 percent in the case of one company and 15 percent in the case of the other.

The information requested by the Deputy on the amount expended by my Department on taxi hire in 2008 and to date in 2009 is as follows:

Location	2008	2009 (Jan-May)
	€	€
Headquarters	269,750	79,254
Missions Abroad	174,803	56,577

The figures for Headquarters show expenditure on taxis by the Department in both Limerick and Dublin, as well as expenditure incurred by officials of the Department travelling overseas on official business. Therefore not all the amount shown is expended with the two companies under contract. The figures for the Department's 75 missions abroad (Embassies, Consulates and other offices) show expenditure on taxis by officers to these missions.

The Department of Foreign Affairs taxi policy is based on the principle that taxi use by officers should only take place where it is clearly required for the conduct of official business, and only where public transport is not otherwise available or feasible. In view of the particular nature of the Department's work, it will, inevitably, require continued use of taxis. The Department's expenditure on taxi usage is monitored and was recently the subject of an internal review. This has resulted in a reduction in the use of taxis, as reflected in the figures above. I am confident that the Department will continue to make savings over the course of the current year.

### EU Treaties.

176. **Deputy Joe Costello** asked the Minister for Foreign Affairs his proposals for a second referendum on the Lisbon treaty; and if he will make a statement on the matter. [23704/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** At its meeting last December, the European Council undertook to address the concerns of the Irish people on the Treaty of Lisbon by way of legal guarantees and other assurances.

[Deputy Micheál Martin.]

It was agreed that this work should be finalised by mid-2009. With the agreement of the Czech Presidency and our partners, it is intended to complete this work later this week at the European Council on 18-19 June. If the Government is fully satisfied with the outcome of this work, we have committed to seeking ratification of the Treaty by the end of the term of the current European Commission, which is expected to leave office at the end of October. For Ireland to be in a position to ratify the Treaty, the approval of the people will need to be sought in a referendum.

In the run-up to the European Council, the Government has been taking this work forward in a series of meetings at official and political level with our EU partners and with the EU institutions. The Taoiseach has been in contact with his European colleagues and I had intensive discussions with the 26 other Foreign Ministers in Luxembourg yesterday. We will have further engagement with colleagues in the immediate run-up to the European Council, stressing throughout, our need for legally robust guarantees.

Our partners continue to be supportive of our efforts to secure an agreement that will provide necessary reassurance on the issues that arose during last year's referendum campaign. When it is agreed, this important package of guarantees will provide an excellent basis for a referendum later in the year.

### **Swimming Pool Projects.**

177. **Deputy Terence Flanagan** asked the Minister for Arts, Sport and Tourism if he will respond to queries (details supplied); and if he will make a statement on the matter. [23537/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Under the Local Authority Swimming Pool Programme, which is administered by my Department and which has been closed to new applicants since July 2000, grant aid to a maximum of €3.8 million is provided to Local Authorities towards the capital costs of new swimming pools or the refurbishment of existing pools, subject in both cases to the total grant not exceeding 80% of the eligible cost of the project or, in the case of projects located in disadvantaged areas, 90% of the eligible cost. Proposals must comply with the standards set out in the Department's "Procedures for the Planning, Approval and Financing of Swimming Pools and Technical Guidelines."

Under the Guidelines there are four principal stages in a swimming pool project following the submission of a feasibility study. These, in order of progress, are: Preliminary Report; Contract Documents; Tender and Construction. Grant-aid is allocated only when tenders have been approved for the project and is capped at the time of allocation. The Department and its technical advisors, the Office of Public Works, evaluate each stage and local authorities cannot proceed to the next stage of a project unless prior approval issues from the Department of Arts, Sport and Tourism.

Where a project is being undertaken by an organisation other than a local authority, the proposal must be considered, supported and submitted by the relevant local authority. Before supporting a project, the local authority would have to be satisfied that the proposal was viable, that the balance of funding required to complete the project was available and that the project, when completed, would have a satisfactory level of public access. The Local Authority is responsible for making satisfactory arrangements for the management and maintenance of the facility.

My Department has been in discussions now for a number of years with Galway County Council regarding the grant aiding of a swimming pool in Loughrea. The current proposal is that Galway County Council following a procurement process selected a local developer who

would construct the pool on a site provided by the County Council and in return would make the pool available to the public in Loughrea for an agreed number of hours per week and at entrance prices comparable to other public pools in Galway. As part of this plan the Council applied for a grant of €1.7m from the Local Authority Swimming Pool Programme towards the construction of the pool.

Legal advice provided in the context of the consideration of the proposal from Galway County Council was considered and on the basis that the provision of a pool at Loughrea for a grant of €1.7m under the Local Authority Swimming Pool Programme constituted good value for money, in that the public will be guaranteed an agreed number of hours at reasonable charges, I decided to approve the grant on 21 May 2009 and Galway County Council has been advised accordingly. Under the current round of the Programme, the question of the location of public swimming pools is essentially a matter for local authorities. Projects are considered on a case-by-case basis and consideration is given to such issues as to whether the area is classified as disadvantaged, the number and geographical spread of projects within and between counties, the viability of the project, particularly in relation to operational and maintenance issues, overall funding package for the project, technical details and the Department's annual estimates provision for the Programme.

There were two proposals for the construction of a swimming pool in North East Dublin. The Skerries project, for which my Department received a Preliminary Report in 2001, was to have been a Public Private Partnership between a private developer and Fingal County Council. On 26 March 2009 my Department received a letter from the County Manager of Fingal County Council stating that this proposal was terminated in late February due to the collapse of the market for the residential element of the proposed scheme. It was also stated that Fingal County Council's priority now was to locate the pool in Balbriggan in preference to the option of building it in the original location in Skerries.

The present proposal is for Balbriggan RFC in conjunction with a private company to build a swimming pool on the club grounds at Balrothery. The private company who would supply most of the funding for the project would operate the pool and thus require a reduced grant under the Local Authority Swimming Pool Programme. Again an agreed number of hours for the public at reasonable charges would be agreed with the Local Authority and guaranteed in a tripartite Deed of Covenant and Charge between, the Minister for Arts, Sport and Tourism, the Local Authority and the Private Company.

A Preliminary Report for the proposal was received recently and forwarded to my Department's technical advisers, the Office of Public Works, for technical examination. The OPW replied on 26 May 2009 stating that the proposal was sound but that the Local Authority and the Department would have to be satisfied that the tender process would be transparent and fair. The Local Authority is at present considering this aspect of the proposal.

Once this matter is clarified satisfactorily the Preliminary Report can be approved leaving the way open to Fingal County Council to submit Contract Documents for approval and subsequently the Tender Report, at which stage the grant can be approved.

### **Services for People with Disabilities.**

178. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23579/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I understand that 9% of the cars operated by the main taxi company used by the Department are wheelchair accessible. This company also has a policy of encouraging its drivers when changing their vehicles to take the accessibility issue into consideration. The amount spent by the Department on taxi hire in 2008 and to date in 2009 is set out in the table:

Year	Amount
	€
2008	23,425
2009 (to date)	7,365

Expenditure on taxis is kept under constant review in the Department and under the terms of the Department's Travel and Subsistence Expenses Policy, officials may only avail of taxis in circumstances where no other form of transport is available or suitable. The taxi companies used by the agencies under the aegis of my Department is a day to day matter for the agencies themselves.

### **Sports Capital Programme.**

179. **Deputy Jan O'Sullivan** asked the Minister for Arts, Sport and Tourism if capital sports grants will be available for clubs in RAPID areas; and if he will make a statement on the matter. [23800/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Under the Sports Capital Programme, which is administered by my Department and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Since 1998, over €725 million has been allocated to over 7,400 projects across the country. No decision has been made on the timing of future rounds of the Programme.

### **Grant Payments.**

180. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the number of applications for grant aid from the proceeds of the national lottery or otherwise for the construction or operation of sporting, recreational facilities or centres involved in the promotion or development of the arts in County Kildare in each of the past five years to date in 2009; the degree to which previous years expenditure will be matched in 2009; and if he will make a statement on the matter. [23811/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The number of applications for grant aid for the construction or operation of sporting or recreational facilities and/or centres involved in the promotion or development of arts in County Kildare in each of the past five calendar years and to date in 2009 is as set out in tabular form below.

The funds provided in each of the years in question, including the current year, are as set out in the Estimates and Outturns for the Department's Vote.

### **Sports Capital Programme.**

181. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the expenditure on sporting or recreational facilities, indoor or outdoor, in each of the past five years to date in 2009; the extent to which works were funded from the proceeds of the national lottery



or otherwise; the degree which funding from the national lottery will be available for such works in 2009; and if he will make a statement on the matter. [23812/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Sports Capital Programme, which is part-funded from the proceeds of the National Lottery and administered by my Department, is the primary vehicle for Government support for the provision of sports facilities and equipment in this country. The table sets out the information requested by the Deputy.

Year	Expenditure
	€ (000)
2008	60,137
2007	63,720
2006	60,053
2005	56,782
2004	80,597

€56 million has been provided in my Department's vote in the 2009 Estimates to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities. The distribution of the proceeds of the National Lottery is a matter for the Minister for Finance.

182. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he will indicate the extent to which he expects to meet the requirements in terms of provision of sporting and recreational facilities, indoor and outdoor, on foot of applications on hand to date in 2009 or previous years; the degree to which he expects to meet in full, withhold or defer the relevant funding in 2009; and if he will make a statement on the matter. [23813/09]

183. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent of funding available to his Department for the provision of major or minor sporting and recreational activities and facilities here in 2009 from the proceeds of the national lottery or otherwise; the way this compares with previous years; and if he will make a statement on the matter. [23814/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 182 and 183 together.

€56 million has been provided in my Department's vote in the 2009 Estimates to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities. It is expected that all of this funding will be distributed to sports clubs and organisation who have been allocated funding under previous rounds of the Sports Capital Programme.

In 2008, €58m was provided in that year's estimates to cover payments made from the C1 sub-head. In 2007 the corresponding figure was €63.092m. No decision has been made on the timing of the next round of the Sports Capital Programme.

#### **Departmental Bodies.**

184. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the number of bodies, groups or agencies accountable to his Department; the role and function of each in the context of the economic downturn with particular reference to the optimum use of funding

[Deputy Bernard J. Durkan.]

for maximum impact on the development and promotion of the arts now and in the future; and if he will make a statement on the matter. [23815/09]

185. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he has issued instructions or directions to the Arts Council or similar groups or bodies under the aegis of his Department to ensure adequate development and promotion of the arts in the current economic climate; and if he will make a statement on the matter. [23816/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 184 and 185 together.

Responsibility for the promotion of the arts at all levels throughout the country is devolved primarily to the Arts Council. Under the Arts Act 2003, the general functions of the Council include the following:

- to stimulate public interest in the arts;
- to promote knowledge, appreciation and practice of the arts;
- to assist in improving standards in the arts. The Arts Council is a statutorily independent body, funded by my Department and independent in its day-to-day operations, including in relation to its funding decisions.

186. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if, arising from the economic downturn, he has issued instructions or given direction to groups or bodies under the aegis of his Department with a view to identifying the steps that might be taken to assist in the current climate; and if he will make a statement on the matter. [23817/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** In response to the current fiscal circumstances the Department has emphasised and will continue to emphasise to agencies under its aegis the importance of making every effort to maximise return on investment while minimising any negative consequences for output delivery. In accordance with Government policy, the Department has issued instructions to agencies with regard to reducing expenditure on consultancy fees by 50 per cent, reducing professional fees (for example, legal, architectural and engineering services) by 8 per cent, and reducing procurement costs generally also by 8 per cent. In addition, the agencies have been asked to implement the moratorium on recruitment and promotion, the incentivised early retirement Scheme and, where appropriate, the incentivised schemes for career breaks and the shorter working year to reduce staff numbers.

*Questions Nos. 187 to 190, inclusive, answered with Question No. 46.*

191. **Deputy Edward O’Keeffe** asked the Minister for Arts, Sport and Tourism if he will confirm the body to whom an organisation (details supplied) can apply for grant aid. [23825/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Arts Council is the appropriate body to which this application should be made. Under the Arts Act, 2003, one of the general functions of the Council is to promote knowledge, appreciation and practice of the arts.

#### **Security of the Elderly.**

192. **Deputy Edward O’Keeffe** asked the Minister for Community, Rural and Gaeltacht

Affairs when payment will issue to an organisation (details supplied) in County Cork in respect of the purchase of monitoring alarms for 2008. [23483/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** An application in respect of 46 alarms was received from this group in 2008 and a payment in full of €13,224 issued on 6 November 2008. This was the only application received from the group in 2008. An application was received from the group on 15 April 2009 after the Scheme had been suspended on 7 April. As with all applications received after this date, the application was returned to the applicant group.

### Údarás na Gaeltachta.

193. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cé mhéad réamh-mhonarchana atá i gceantar na Gaeltachta Láir agus cad é an líon daoine atá fostaithe i ngach ceann acu. [23001/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Tuigim ó Údarás na Gaeltachta go bhfuil réamh-mhonarcha amháin ag an eagraíocht i gceantar na Gaeltachta Láir. Dírim aird an Teachta ar an bhfreagra ar Cheist Dála Uimh. 437 de 9 Meitheamh 2009 maidir leis an líon daoine atá fostaithe sa cheantar.

### Bóithre Áise.

194. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an méid iomlán airgid atá ceadaithe do bhóithre áise i nDún na nGall don bhliain seo, cad iad na bóithre atá le deisiú agus cad é an deontas atá ceadaithe do gach bóthar. [23002/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Tá deontas de €34,588 ceadaithe ag mo Roinn i 2009 chun íoc as na costais bhreise a bhain le seacht gcinn déag de bhóithre áise a ceadaíodh faoi Scéim na mBóithre Áise i 2008. Tá sonraí faoi na bóithre sin sa tábla leis seo.

Suíomh	Méid ceadaithe 2008	Deontas breise 2009
	€	€
Carraic Mac Giolla Choill, Doire Beaga	13,000	1,500
Sráth na Corcra, Doire Beaga	4,800	1,150
Machaire Chlochair, Doire Beaga	20,625	1,875
Dún Lúiche, Gaoth Dobhair	7,237	6,763
Baile Lár, Doire Beaga	10,200	1,800
Luinniagh, Doire Beaga	9,100	4,550
Coitín, Doire Beaga	3,500	900
Bun an Leaca, Doire Beaga	2,730	570
Bun an Leaca, Doire Beaga	3,120	510
Cnoic Mhóra, Clochán Liath	11,760	2,240
Bóthar An Ghleanna, Anagaire	3,200	650
Beal na Cruite, Ceann Caslach	3,000	850
Rann na Feirste, Anagaire	8,330	1,520
An Sruthán, An Fál Carrach	9,600	4,400
Glais Dobharchú, Mín Lárach	13,000	1,900
Mín a' Chladaigh, Mín Lárach	3,250	1,250
Leac Liath, Na Gleannta	18,000	2,160

### Services for People with Disabilities.

195. **Deputy David Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23581/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The percentage of taxis that are accessible for people with disabilities is a matter for the Commission for Taxi Regulation and I have no statutory function in the matter. As I indicated in my response to Parliamentary Question Number 447 of 9 June, the latest information available to me on expenditure by my Department on the use of taxis in 2008 and to date in 2009 is as follows:

2008 — €23,672;

2009 to date — €7,151.

Similarly, details as communicated to my Department, of expenditure during the same periods by agencies funded from my Department's Vote Group are as follows:

Agency	2008	2009 to date
	€	€
Western Development Commission	1,673	519
Waterways Ireland*	210	173
Oifig Choimisinéir na d'Teangacha Oifigiúla **	286	168
Commissioners for Charitable Donations and Bequests	427	117
Foras na Gaeilge	3,971	1,275
Údarás na Gaeltachta***	4,796	1,219
Tha Boord ò Ulster-Scotch	STG£87	STG£42

\*Any associated sterling costs were converted at annual average spot rate.

\*\*An independent statutory office.

\*\*\*Based on computer printout.

### Social Welfare Code.

196. **Deputy Chris Andrews** asked the Minister for Social and Family Affairs the action she will take to protect vulnerable tenants on rent supplement who are being taken advantage of by their landlords by not granting them a reduction in rent commensurate with the reduced rent supplement and allowance since 1 June 2009. [23518/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** There are currently over 88,200 people in receipt of rent supplement, an increase of 48% since the end of December 2007. The recent Supplementary Budget provided that the weekly minimum contribution payable towards rent be increased from €18 to €24 a week, with effect from 1 June 2009. The Supplementary Budget also provided that payments currently being made to existing rent supplement tenants be reduced by 8% from the same date. Other changes in the Supplementary Budget provided for new maximum rent limits to take effect from 1 June 2009, to reflect the general reductions in private sector rent levels.

The most recent data published by the CSO, shows that rents in the private sector have fallen by almost 11% since November 2008 and by almost 20% in the past year. It is essential

therefore that state support for tenants who form a substantial section of the rental market, does not give rise to inflated rental prices.

Existing recipients of rent supplement were advised by letter in advance of the change being made to their rent payment from 1 June 2009. Each letter advised of the reductions being applied to that individual's rent supplement payments it also advised that if the recipient wanted to talk to their landlord to seek a reduction in rent, the Department's letter could be shown to a landlord as evidence of the provisions in their rent supplement payment. Landlords were advised through advertising in national and provincial newspapers of the general reduction in rent supplement payments.

Given prevailing rental market trends and availability of rental properties, landlords were asked in the advertising to respond positively to tenants who present the Department's letter seeking a reduction in rent. A number of organisations representing landlords and tenants were contacted and advised of the changes to the rent supplement. Each letter advised of the reductions being applied to that individual's rent supplement payments it also advised that if the recipient wanted to talk to their landlord to seek a reduction in rent, the Department's letter could be shown to a landlord as evidence of the provisions in their rent supplement payment. Landlords were advised through advertising in national and provincial newspapers of the general reduction in rent supplement payments. Given prevailing rental market trends and availability of rental properties, landlords were asked in the advertising to respond positively to tenants who present the Department's letter seeking a reduction in rent. A number of organisations representing landlords and tenants were contacted and advised of the changes to the rent supplement scheme.

Under the Residential Tenancies Act 2004, once a tenancy is at least a year old and where the rent has not been reviewed in the previous twelve months, the tenant is entitled to ask a landlord to review the rent in payment where the tenant feels that the rent exceeds the market rate for the property. While tenants may be contractually obliged to pay the rent agreed to in their lease, it is expected that landlords will decrease the rent in recognition of the fact that rents have fallen generally and that there are now a large number of vacant rental properties nationally. In this climate, it is expected that people should be able to get accommodation at the appropriate rental level if a landlord is unwilling to reduce the rent in any particular case. Disputes between landlords and tenants about any aspect of rent or the return of a deposit may be referred to the Private Residential Tenancies Board.

Community Welfare Officers have discretion to provide assistance where exceptional circumstances exist in any individual case. Officers have been advised that support, appropriate to the circumstances of the particular case, may be provided to rent supplement tenants for up to two months, while alternative accommodation is being sourced within the existing rent limits.

### **Social Welfare Benefits.**

197. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo will be approved and awarded the one parent family payment in view of the fact that all requested information has been submitted. [23530/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The application for one-parent family payment from the person concerned is currently with a Social Welfare Inspector, whose investigations are ongoing. On completion of enquiries a decision will be made and she will be notified of the outcome. The Social Welfare Inspector is awaiting additional documentation requested from the applicant. Under Social Welfare legislation decisions in relation



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to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

198. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in Dublin 3. [23547/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** There are currently over 88,200 people in receipt of rent supplement, an increase of 48% since the end of December 2007. The recent Supplementary Budget provided that the weekly minimum contribution payable towards rent be increased from €18 to €24 a week, with effect from 1 June 2009. The Supplementary Budget also provided that payments currently being made to existing rent supplement tenants be reduced by 8% from the same date. While tenants may be contractually obliged to pay the rent agreed to in their lease, it is expected that landlords will decrease the rent in recognition of the fact that rents have fallen generally and that there is now a large number of vacant rental properties nationally.

Rent supplement for the person concerned was reduced by €13 a week from 1 June 2009. This reduction comprised an increase of €6 a week in the minimum contribution payable towards rent and a reduction of €7 a week in rent supplement payment in line with the 8% reduction announced in the Supplementary Budget.

The most recent data published by the CSO show that rents in the private sector have fallen by almost 11% since November 2008 and by almost 20% in the past year. It is essential therefore that state support for tenants who form a substantial section of the rental market, does not give rise to inflated rental prices. Other changes in the Supplementary Budget provided for new maximum rent limits to take effect from 1 June 2009, to reflect the general reductions in private sector rent levels.

Each existing recipient of rent supplement, including the person concerned, was advised by letter in advance of the particular change being made to their rent supplement payment from 1 June 2009 and this communication can be shown to landlords as evidence of the revised rent supplement in payment in individual cases. Landlords were advised through advertising in national and provincial newspapers of the general reduction in rent supplement payments. A number of organisations representing landlords and tenants were contacted and advised of the changes to the rent supplement scheme.

In the current climate, where there is a large number of vacant rental properties, it is expected that people will be able to get accommodation at the appropriate rental level. Community Welfare Officers have discretion to provide assistance where exceptional circumstances exist in any individual case. Officers have been advised that support, appropriate to the circumstances of any individual case, may be provided to rent supplement tenants for up to two months, while alternative accommodation is being sourced within the existing rent limits.

199. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when jobseeker's allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23573/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned applied for Jobseeker's Allowance on 6 April 2009. The application is currently with a Social Welfare Inspector for investigation and he will be notified of the outcome as soon as possible.

200. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when unemployment assistance or unemployment benefit will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23574/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned applied for jobseeker's allowance from 26 January 2009. He had been self-employed and was asked to submit details concerning his self-employment. When his reply was received it was decided to call him for interview which was scheduled for 15 April 2009. He did not attend for interview and did not contact the Department regarding the appointment; consequently his claim was closed on 28 April 2009. The person concerned applied again for jobseeker's allowance on 14 May 2009 and stated that he was self-employed on a part-time basis. Details in relation to his self employment have been sought and his claim will be processed on receipt of this information.

#### **Services for People with Disabilities.**

201. **Deputy David Stanton** asked the Minister for Social and Family Affairs if the taxi companies used by her Department and State agencies under the aegis of her Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by her Department and State agencies on taxi hire in 2008 and to date in 2009; and if she will make a statement on the matter. [23590/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department has a contract with National Radio Cabs for the provision of a taxi service in the Dublin area. The company has indicated that it has 960 taxis in its fleet, 88 (9%) of which are wheelchair accessible. I understand this company encourages its drivers when changing vehicles to take accessibility issues into consideration. It operates a waiting list for those wishing to join the company and gives preference to wheelchair accessible vehicles. Expenditure on taxi services by the Department in 2008 amounted to €46,151 and to date in 2009 (to 31 May) is €14,311. Taxi services are availed of by the Department only where it is considered to be absolutely necessary and the use of such services is monitored closely within the Department.

#### **Social Welfare Benefits.**

202. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if she will investigate the way income was calculated for a person (details supplied) in County Mayo, and where the means figure came from. [23740/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned was in receipt of farm assist at the weekly rate of €317.90. Her payment was based on a personal rate of €204.30, a qualified adult allowance of €135.60 and a qualified child allowance of €26.00 less weekly means of €48.00, derived from income from a holding. Following a review, a Deciding Officer has assessed her weekly means at €110.00 from 16 June 2009. Her means are derived from an increased income from a holding and capital. This decision will entitle her to a weekly farm assist payment of €255.90. It is open to her to appeal this decision and a form for this purpose has been issued to her. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

203. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare has had their disability allowance stopped; and if she will make a statement on the matter. [23757/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Disability Allowance is a weekly Allowance paid to people with a specified disability who are aged over 16 and under 66. The disability must be expected to last for at least one year and the allowance is subject to a medical assessment, a means test and a habitual residency test.

The person concerned was awarded Disability Allowance with effect from 21 April 1999. On 22 May 2009 my Department was informed that the claimant had left the State to go to the United Kingdom. Disability Allowance is not payable for any period in respect of which the claimant is resident away from the State except where the person is pursuing approved second or third level courses of education outside the State under the Back to Education Allowance Scheme, while receiving medical treatment or when they go on holidays for a period not exceeding three weeks. Notification of a pending absence must first be given to the Department. As the person concerned had already left the State before notification of her absence was received her payment was stopped on 22 May 2009.

On 9 June 2009 the person concerned informed the Department that she had returned to Ireland and asked for her Disability Allowance payment to be restarted. Her Disability Allowance payment was recommenced on 17 June 2009. A letter issued to the person concerned on 11 June 2009 requesting her to forward details of the length of time that she had spent in the United Kingdom and to date no reply has been received. When these details are received the person will be paid any outstanding monies, if due, having regard to the length of time she was absent from the State.

204. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23822/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on behalf of the department by the community welfare division of the Health Service Executive. Mortgage interest supplement provides short-term support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

Where two people enter into a joint mortgage agreement there is an obligation on both parties to meet repayments, as agreed with the financial institution. Where the person seeking assistance is a joint mortgage holder, a mortgage interest supplement payment is generally considered in respect of half of the interest on the mortgage. The Executive has advised that it awarded a mortgage interest supplement to the person concerned based on the full interest payable on the mortgage from May 2008 to March 2009. Following a review of entitlement, it came to light that the loan in question was a joint mortgage. Payment to the person concerned was suspended pending clarification on the details of the mortgage. The Executive has advised that it has now re-instated payment of mortgage interest supplement to the person concerned, based on 50% of the interest payable on the loan and taking account of reduced interest rates. The person concerned was advised of her right to appeal this decision to a designated appeals officer of the Executive. To date no such appeal has been received by the Executive.

#### **Service for People with Disabilities.**

205. **Deputy David Stanton** asked the Minister for Defence if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount

expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23582/09]

**Minister for Defence (Deputy Willie O’Dea):** The proportion of taxis accessible by persons with disabilities is a matter for the Taxi Regulator. One of the taxi companies which serves the requirements of my Department is recommended on the website of the National Disability Authority. If a taxi is required by a person with a disability from my Department, this would be stated at the time that the booking is made. The amounts expended by my Department and the Defence Forces on taxi hire in 2008 and from January to May 2009 are set out in the table:

Year	Amount
	€
2008	87,395
Jan-May 2009	26,791

#### **Defence Forces Property.**

206. **Deputy Seán Power** asked the Minister for Defence his views on the provision of parking bays at various locations on the Curragh, County Kildare, in view of the number of people who use the plains and the benefits of providing proper parking rather than destroying the grasslands. [23744/09]

**Minister for Defence (Deputy Willie O’Dea):** Section 7 of the Curragh Bye-Laws, 1964 (S.I. No. 7 of 1964) states that “a person shall not (unless authorised by the Minister to do so) bring or drive a vehicle over the Curragh other than on a public road or a road open to the public.” The issue of providing parking bays has been raised at a meeting between my officials and the Military Authorities and a submission is awaited from the Military Authorities to allow further consideration of this proposal.

#### **Water and Sewerage Schemes.**

207. **Deputy John McGuinness** asked the Minister for the Environment, Heritage and Local Government if the service land initiative for Castlecomer, County Kilkenny, will be approved; the timeframe involved in the process; and if he will make a statement on the matter. [23485/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Castlecomer Sewerage Scheme was approved for funding under the Serviced Land Initiative Sub-Programme of my Department’s Water Services Investment Programme 2007 — 2009 in December 2008. Following a review of the Serviced Land Initiative, I informed Water Services Authorities in April 2009 that all existing approvals for schemes in the sub-programme, where contractual commitments had not already been entered into, were withdrawn. However, I also informed Water Services Authorities that it was open to them to make a case to my Department for the continuation of any approved scheme where contracts had not already been signed and where the scheme was considered necessary for the proper development of the area it would serve. Kilkenny County Council has made such a case in respect of the Castlecomer scheme, which is currently under examination in my Department.

#### **Water Quality.**

208. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Govern-

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ment if he is satisfied that in the provision of the new regional water supply for north Clare, all microbiological and chemical parameters as per the EU Drinking Water Directive show improvement from old source to new source; and if he will make a statement on the matter. [23499/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The provision of new public water supplies and their operation, maintenance and management to ensure compliance with quality standards is the responsibility of each local authority, and of Clare County Council in the case of Clare schemes.

Under the European Communities (Drinking Water) (No 2) Regulations, 2007, local authority drinking water supplies are subject to supervision by the EPA and I have no direct function in the matter.

**Register of Electors.**

209. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the percentage of the number of persons on the register of electors who have indicated that their details can be used for a purpose other than electoral or other statutory use; the reason behind the statutory requirement that electors must provide such an indication; and if he will make a statement on the matter. [23504/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In response to concerns expressed about uses of the register of electors and following consultation with the Data Protection Commissioner, the Electoral (Amendment) Act 2001 provided for an edited version of the register in addition to the full register.

The relevant provisions are aimed at ensuring that the full register is used solely for electoral or other statutory purposes, while permitting registration details to be used for other purposes, through the edited register, with the consent of the persons concerned. The edited register, therefore, contains only the names of persons who have no objection to their details being used for purposes other than electoral or other statutory purposes.

The edited register provisions came into force on 1 November 2004 and it is an offence, under section 13A of the Electoral Act 1992, to use the full register except for electoral or other statutory purposes.

The percentage of electors on the edited register at 15 February 2009 was 8%.

**Maritime Heritage.**

210. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government the position regarding the excavation, recording and recovery of the late intact medieval wreck of international significance discovered in the River Boyne in Drogheda in 2007 (details supplied); if a conservation programme has been put in place; if he will issue a post-excavation report on the vessel; if he will put this vessel on display in Drogheda; and if he will make a statement on the matter. [23505/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Detailed recording of the wreck and its cargo has been completed by my Department and the timbers are being protected. Archaeological analysis and related research is ongoing and a detailed report will be published by my Department on completion.

Arrangements for longer term curation and display of the vessel are a matter for the National Museum of Ireland.



### Register of Electors.

211. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local Government the number of additions that were made to the voting register in each of the county council areas in the past few weeks before the most recent local and European elections; if he is satisfied that these additions are made in a proper and safe manner; his views on whether there is a need for better scrutiny on whether the newly registered person is a long term resident at the address provided; and his further views whether it is difficult to justify large numbers advising that they are registered in a single bedroom flat; if he has any proposals to safeguard the electoral system; and if he will make a statement on the matter. [23514/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

Authorities were required to publish the Final Register for 2009/10 by 1 February 2009. Individuals not on the Register can avail of the supplement to the Register up until 15 days before the next polling day. Returns received from registration authorities by my Department indicate that over 72,000 names were included on the supplement to the Register before the recent elections. Details are set out in the following table:

Register Supplement Figures for European, Local and Dáil By-elections 5 June 2009

	Number
<i>City Councils</i>	
Cork	935
Dublin	9,387
Galway	924
Limerick	1,138
Waterford	838
<i>County Councils</i>	
Carlow	782
Cavan	1,622
Clare	2,600
Cork	4,067
Donegal	3,174
Dún Laoghaire-Rathdown	1,384
Fingal	1,029
Galway	2,563
Kerry	2,410
Kildare	2,165
Kilkenny	1,945
Laois	2,392
Leitrim	1,840
Limerick	3,136
Longford	1,915
Louth	1,031
Mayo	3,934
Meath	1,658
Monaghan	2,247

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	Number
North Tipperary	2,292
Offaly	1,510
Roscommon	1,746
Sligo	1,688
South Dublin	1,561
South Tipperary	2,205
Waterford	1,190
Westmeath	2,359
Wexford	1,539
Wicklow	1,240
Total	72,446

Electoral law provides that each application for entry to the supplement to the Register must be signed in the applicant's local Garda station in the presence of a member of the Garda Síochána, who must first be satisfied as to the person's identity before signing, dating and stamping the form. The Garda may request photographic or other identification. Where the applicant is unable to go to the local Garda station, and sets out the reason in writing, the form can be signed in the presence of an official of their registration authority. Again, photographic or other identification may be required.

If neither option is viable due to physical illness or physical disability, the application form must be accompanied by a medical certificate.

I consider that the current arrangements strike a reasonable balance between having a flexible supplement facility and, at the same time, ensuring that there are adequate measures in place to counteract any possible abuse.

#### **Private Rented Accommodation.**

212. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government if funding will be made available to the Private Residential Tenancies Board in order that the backlog of disputes will be tackled; and if he will make a statement on the matter. [23542/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Private Residential Tenancies Board (PRTB) was established as an independent statutory body in September 2004 and its principal functions are in the areas of:

- The registration of private rental tenancies;
- The resolution of disputes between tenants and landlords;
- The provision of information, assistance and advice to the Minister on the private rental sector.

The Board receives funding from my Department by way of annual grant and it also retains a portion of the fees that it receives for the registration of tenancies under Part 7 of the Residential Tenancies Act 2004. Four sevenths (4/7) of these fees are retained by the PRTB to assist in funding its operations and three sevenths (3/7) are allocated to local authorities to support the discharge by authorities of their functions in relation to the Housing (Standards for Rented

Houses) Regulations 2008, the Housing (Rent Book) Regulations 1993 and 2004 and other provisions of the Housing Acts related to private rented accommodation.

During 2007, the PRTB received almost 1,500 dispute applications for determination, and slightly in excess of that in 2008. Partly as a consequence of the Board's success in ensuring registration compliance, and the resulting large workloads arising, it is acknowledged that the processing times for dispute resolution are not yet optimal. This situation has arisen due to a combination of the huge increase in demands in line with the expansion of the sector and the quasi-judicial process involved which can be time consuming, particularly when it comes to issues such as court actions. It is however important to note that while the PRTB provides dispute resolution services, less than 1% of all registered tenancies seek to avail of the PRTB's dispute resolution mechanisms. This indicates that a healthy and stable landlord-tenant relationship prevails in the vast majority of tenancies.

In response to the large and ongoing volume of work involved, my Department approved a request from the Board of the PRTB for the recruitment of an additional 14 permanent staff in 2008, to bring the permanent staffing complement from 26 to 40. This has been of significant benefit to the Board in dealing with the administrative work associated with the processing of dispute cases.

In addition, the PRTB has taken a number of other initiatives to optimise its throughput of dispute cases, including the introduction of a system of paper based adjudications on a trial basis. Early indications are that these initiatives are helping to speed up the dispute resolution process. In the longer term, an automated document management system will also be introduced by the PRTB as part of their recently adopted ICT strategy, the roll-out of which has now commenced and which, I understand, the PRTB expect to have implemented by the end of 2010. This should also yield staffing and process efficiencies for the organisation in general and expedite the processing of dispute cases in particular.

I am satisfied that the Board has a clear strategic approach to reducing its disputes cases backlog and that sufficient resources are now in place to allow the PRTB to discharge its functions efficiently and effectively.

### **Services for People with Disabilities.**

213. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government when funding of the disability extension scheme will be made available to Cork City Council for local authority housing; and if he will make a statement on the matter.  
[23561/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** In accordance with the arrangements set out in my Department's Circular Letter N16/06, Housing Management Initiative — Direct Control for Local Authorities over Internal Capital Receipts, responsibility for carrying out works to local authority dwellings to meet the needs of disabled persons resides with individual local authorities. Since 1 January 2007, local authorities have direct control over Internal Capital Receipts received from the sale of local authority dwellings, to be used primarily for planned maintenance programmes and the improvement of housing stock, including the provision of necessary adaptations or extensions for people with a disability.

In the case of grants for adaptations or extensions to private housing, allocations totalling €2,112,500 for 2009 were notified to Cork City Council under the Housing Adaptation Grant Schemes for Older People and People with a Disability, the Mobility Aids Grant Scheme and the old Disabled Persons and Essential Repairs Grant Schemes on 7 May 2009.

### **Residential Tenancy Disputes.**

214. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will respond to a query (details supplied). [23562/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Residential Tenancies Act 2004 introduced a new regulatory framework governing private rented residential accommodation and it provided for, inter alia, the registration of private rented residential tenancies, the cheap and speedy resolution of disputes between parties to such tenancies and the establishment of the Private Residential Tenancies Board (PRTB) to discharge a range of functions relating to these matters.

The Act specifies the grounds and the standard notice periods relating to the termination of a tenancy and it also specifies the rights of parties to a tenancy, and certain other persons, to refer to the Board for resolution any matter relating to the tenancy in respect of which there is a dispute between them, including a dispute about the proposed termination of a tenancy which is the subject of a written lease.

Information as to how to apply for dispute resolution by the PRTB is available on the Board's website, [www.prtb.ie](http://www.prtb.ie), or can be requested by writing to the Board at O'Connell Bridge House, D'Olier Street, Dublin 2 or by emailing [disputes@prtb.ie](mailto:disputes@prtb.ie).

### **Services for People with Disabilities.**

215. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23585/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand from the company used by my Department to provide taxi services that 9% of its fleet is wheelchair accessible, which enables the company to provide such taxis when required. Expenditure for the Department on taxis amounted to €73,459 in 2008, and €23,906 to the end of May 2009. Details in relation to expenditure by bodies under the aegis of my Department are an operational matter for the body concerned.

It is my Department's policy that public transport should be used wherever possible for travel in the course of official business. Accordingly, staff have been directed that taxis should only be hired where no suitable public transport is available and expenditure in this area is being closely monitored.

The Department also launched a Workplace Travel Plan in October 2008 to encourage greater use of sustainable transport options in the conduct of official business. The Plan aims to ensure: that use is made of public transport, to the greatest possible extent, in the course of official business; that walking/cycling to meetings within reasonable distance is encouraged and that taxis are used only where absolutely necessary.

### **Local Authority Procurement.**

216. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if local authorities are obliged to tender for legal services; and if he will make a statement on the matter. [23718/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Local authorities employ a variety of approaches in relation to obtaining legal services. Some local authorities employ legal professionals who are recruited in accordance with public sector recruitment rules. Other local authorities retain the services of a solicitor. Decisions in this context are a matter for individual local authorities having regard to their own circumstances and the appropriate public procurement procedures.

#### **Planning Issues.**

217. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the legal obligation of a council to set an adequate bond in respect of a developer to be able to ensure the completion of an estate; and the options open to the council when an estate remains unfinished and the bond is inadequate. [23722/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Planning authorities are empowered under section 34 of the Planning and Development Act 2000 to attach conditions to a planning permission requiring the giving of adequate security for the satisfactory completion of the proposed development.

There is no legal obligation on a planning authority to attach such conditions to a planning permission. However, as stated in the reply to Questions 60 and 63 of 11 June 2009, my Department has consistently advised planning authorities that it is essential that planning permissions for residential development are subject to a condition under which an acceptable security is provided by way of bond, cash deposit or otherwise so as to secure satisfactory completion. The amount of the security, and the terms on which it is required to be given, should enable a planning authority, without cost to itself, to complete the necessary services in a residential estate (including roads, footpaths, water mains, sewers, lighting and open space) to a satisfactory standard in the event of default by the developer.

My Department's advice in relation to bonds was most recently stated in the June 2007 Development Management Guidelines for Planning Authorities and in the February 2008 policy guidance in relation to the Taking in Charge of Estates. This guidance emphasised the desirability of imposing planning conditions in relation to phasing of larger residential developments to the effect that a developer must complete the provision of roads, public lighting, open spaces, etc. which are necessary for, or ancillary to, the completed residential units in a particular phase, before commencing the next phase of an overall development.

If a residential estate has not been finished properly in accordance with the conditions attached to the relevant planning permission, a planning authority should in the first instance take enforcement action under the Planning Acts aimed at compelling the developer to execute the required completion works.

If enforcement action is unsuccessful in compelling the completion of the development, a planning authority should then call in the relevant security and have the works completed.

In the event that security is inadequate to finish the services to the required standard, and the residents request that the estate be taken in charge, the planning authority should, in accordance with policy guidance issued by my Department, complete the outstanding works as and when resources, and priorities in relation to other estates awaiting taking in charge, permit.

218. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the responsibility in law of the Building Control Unit to act against a developer who fails to build to adequate standards; and the options open to councils to take enforcement action to deal with defects in one or a number of houses. [23723/09]



**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The Building Control Act 1990 assigns primary responsibility for complying with the Building Regulations to the owners and builders of buildings. Responsibility for enforcement of the Regulations is vested in the 37 local Building Control Authorities, who are empowered to carry out inspections of buildings, issue enforcement notices for non-compliance with the Regulations and initiate Court proceedings, where appropriate.

The Building Control Act 2007 contains provisions, inter alia, to strengthen the enforcement powers of local Building Control Authorities, which are operative since 1 March 2008. Building Control authorities were given the option to bring summary prosecutions for all building code offences in the District Court, rather than by way of prosecution on indictment by the Director of Public Prosecutions in the Circuit Court. Authorities also have wider powers to make application to the High Court or the Circuit Court to secure Orders where buildings do not comply with the requirements of the Building Regulations. The maximum penalties for breaches of the Regulations have been substantially increased under the Act, from €800 (punts) to €5,000 on summary conviction; from €150 (punts) to €500 in respect of each day on which the offence is committed after summary conviction; and from €10,000 (punts) to €50,000 on conviction on indictment.

Moreover, Building Control Authorities are able to recoup costs incurred in taking enforcement action and to obtain the benefit of fines resulting from summary prosecutions brought by them.

**Waste Management.**

219. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government the amount of waste food produced by supermarkets per year for the past three years; and the percentage of this waste which goes to landfill. [23745/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested is not collated by or available in my Department. The Environmental Protection Agency compiles the National Waste Report and the most recent report in respect of 2007 is available on its website, [www.epa.ie](http://www.epa.ie).

**National Parks.**

220. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government the reason he is allowing non-competitive practices on the lakes of Killarney, County Kerry (details supplied); and if he will make a statement on the matter. [23748/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A certain number of boatmen were already operating non-restricted routes on the lakes of Killarney (including Ross Castle to Muckross House) when the State acquired the Kenmare Estate from the McShain family in 1979. In the interest of competition, my Department has since provided for additional licences to operate fixed routes and it is open to any person to compete by public tender to operate on these routes.

Killarney National Park, including its lakes, is managed primarily for nature conservation purposes in accordance with national, EU and international policies and obligations. The number of licences issued to operate commercial boating on the lakes is subject to ongoing review and takes account of these policies and obligations.

**Planning Issues.**

221. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local

Government the present planning status of a wind farm (details supplied) in County Galway in view of the findings of the European Court of Justice on 3 July 2008, that Ireland had breached its obligations under European Law in respect of environmental impact assessment which should have been sought from the developer before planning permission was granted; and if he will make a statement on the matter. [23760/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In its judgment of 3 July 2008, the European Court of Justice found, inter alia, that development consents given for a wind farm development and associated works at Derrybrien, Co. Galway, were not preceded by environmental impact assessments which conformed to the requirements of Council Directive 85/337/EEC.

My Department has had discussions with the European Commission concerning Ireland's response to this judgment, and appropriate provision will be made in the Planning and Development (Amendment) Bill 2009 under which the status of developments encompassed by this judgment will be addressed in a manner to be agreed with the Commission.

I have no function in the determination of the current planning status of the wind farm in question.

#### **Recycling Policy.**

222. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government if, in relation to Bray recycling centre, County Wicklow, he has received a reply from the council following his correspondence earlier in June 2009; the details contained in that reply and his views on same; when the persons will return to work in the recycling centre; and if he will make a statement on the matter. [23761/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department has been in correspondence with Wicklow County Council over several weeks regarding the recycling facility at Bray.

Wicklow County Council has outlined to the Department the challenging financial position it faces and the need to make savings in all areas of its operations. In light of its particular difficulties, and to assure continuity of the recycling service in Bray, provision of a sum of €1,559,485 for Wicklow County Council has been made under the Waste Recycling Capital Grants Scheme, to be used to fund leasing of the Recycling facility up to December 2013.

The staffing of the facility remain a matter for the local authority.

#### **Water Fluoridation.**

223. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government his views on whether fluoridation of water poses a threat to the environment; the status of the Fluoride (Repeal of Enactments) Bill 2002 introduced by him; if passing of that Bill remains a non-negotiable demand on the part of his party in relation to future service in Government as stated by him on 7 February 2002; and if he will make a statement on the matter. [23776/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 526 of 20 November, 2007. The commitment in the Programme for Government to a study on total fluoride intake in the population is a matter for the Minister for Health and Children and the HSE.

[Deputy John Gormley.]

The Water Quality (Dangerous Substances) Regulations 2001 prescribe water quality standards in relation to certain substances, including fluoride, in surface waters.

In its 2005 report on implementation of the Regulations, the EPA indicated that the potential anthropogenic sources of fluoride include fluoridation of public water supplies, leakage of mains water from drinking water distribution systems and municipal waste water treatment plants. Potential waters at risk include those downstream of drinking water and waste water treatment plants and areas where there is significant leakage from drinking water distribution systems. However, the EPA report indicated that in respect of 415 monitoring stations covering rivers, lakes and tidal waters there were just three exceedances of the standard for fluoride.

### **Departmental Programmes.**

224. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he will report on the national smart meter rollout; when the current pilot phase will end and the national rollout begin; the type of smart meter that is being used in the pilot programme; and if he will make a statement on the matter. [23536/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The rollout of a national Smart Metering Programme is progressing in line with the commitment in the Government's Energy Policy Framework and in the Programme for Government. The Smart Metering Programme is a central component of the strategy to significantly enhance management of energy demand and to achieve greater energy efficiency through the use of cutting-edge technology.

The current pilot phase of the programme is critical to informing, from all perspectives, the development of the programme as a whole. This is a highly complex technological project and the trials are essential to ensure that the optimum and most cost effective technology and systems are identified for implementation of a national smart meter programme.

The electricity element of the pilot phase was launched on 15 September 2008. The results of the pilot will inform both the timing of a national roll out and the technology to be adopted. It is important to have a trial that captures seasonal changes in usage for peak demand management purposes. The pilot phase for the electricity element of the smart meter trial is expected to be completed at end December 2010 and the outcome should be a fully informed decision on the most suitable model of smart meter(s)/IT system(s), tariffing structure, communications system and demand stimuli, all of which works effectively and has the capability to deliver the anticipated benefits of smart metering in the Irish market.

The pilot phase encompasses two strands: a technology trial, which is testing a number of advanced metering systems and their associated IT and communications infrastructure, and a customer behaviour trial, which will determine the potential of smart meters to achieve measurable change in consumer behaviour.

The technology trial will examine metering functionality and supporting information and communications systems. There are many challenges involved in developing a metering system for Ireland that will reflect the dispersed nature of our population and, as a result, the electricity network. This trial will involve the installation of up to 8,000 meters. Installation of the first 2,000 meters for technology testing is due to commence in July 2009.

Participants for the customer behaviour trial are being selected to ensure that the sample is representative of Ireland's electricity consumers both in terms of usage profiles and geographical spread. The number of participants needed for the electricity customer behaviour trial is 6,000. To date, the response has been very positive with sufficient numbers recruited to enable

the residential element of the trial to proceed. Installation of electricity meters for this strand of the pilot phase is almost complete with 5,364 residential and 595 SME meters installed at 8 June.

Four metering systems are being trialled in electricity element of the pilot phase. These metering systems were selected through a procurement process undertaken by ESB Networks for the pilot — there will be a new tendering process for any national roll out. The successful tenderers were Elster, Sagem, and Trilliant.

The specifications of these metering systems will allow the testing of a range of functions, including, interval metering reading, time of use tariffing and the use of In Home Display devices, which, in turn, can facilitate demand management and increased energy efficiency. They will also provide reliable quality data on actual energy use which will inform better service to consumers through better fault monitoring and outage recording, power quality monitoring, reduced theft and losses and improved network planning.

The gas element of the Smart Metering Pilot Programme is also being progressed. 1,975 customers are expected to participate in Gas Customer Behaviour Trials. A further 750 meters will be installed to facilitate the Gas Technology Trials. Customers for the Gas Customer Behaviour Trial are expected to be recruited by end July 2009. The trial period will begin in June 2010 and is expected to continue until May 2011.

As part of the pilot phase, a cost benefit analysis is being undertaken which will inform the decision as regards the timing of a national roll out. An interim analysis will take place in 2010 with the final analysis, to include the results of the gas trials, to be completed by mid 2011.

#### **Services for People with Disabilities.**

225. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23580/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department operates an account for the services of a taxi operator that has confirmed that approximately 15 to 20% of its entire fleet is made up of vehicles that are accessible for people with disabilities and wheelchair users. The service provided includes pre-booking of a suitably accessible vehicle.

The issue of taxi use by the State agencies is a day-to-day operational issue for each of the agencies concerned. I have no function in that regard.

The details in relation to the cost to my Department for taxi services in 2008 and 2009 was set out in the reply to Parliamentary Question No. 544 on 9th June 2009.

#### **Alternative Energy Projects.**

226. **Deputy Phil Hogan** asked the Minister for Communications, Energy and Natural Resources if he will introduce a regulatory regime for the development and operation of geothermal energy here; when legislation to give effect to such a regime will be presented to the Houses of the Oireachtas; the progress being made in this regard; if his attention has been drawn to the necessity for a clear regulatory structure to facilitate the development of this sector of alternative energy; and if he will make a statement on the matter. [23747/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I am conscious of the need to make maximum advantage of the potential of the fast growing geothermal energy sector and encourage investment while also introducing a suitable and proportionate level of Regulation in consultation with industry and other stakeholders.

My Department and the Geothermal Association of Ireland are co-hosting a workshop today, Tuesday 16th June 2009, to examine options for developing a regulatory framework for geothermal energy in Ireland. The proposed legislative approach for enabling development of the sector in Ireland will also be outlined.

Invitees have been selected from a range of public and private sector bodies with experience in the development of geothermal energy, and will include participation from Northern Ireland. Complex legal issues arise in regard to geothermal energy and my officials are actively engaging with the Office of the Attorney General in this regard. I also expect to receive the recommendations of the Geothermal Working Group in the next few weeks.

I can assure the Deputy that it is my intention to bring forward legislative proposals on geothermal energy at the earliest opportunity. I am determined, however, to ensure that such proposals will be appropriate for the purpose.

#### **Salmon Hardship Fund.**

227. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he will expedite the audit of the Lough's agency, in order to enable the Agency to make its 2009 salmon hardship fund payments to salmon farmers here; if his attention has been drawn to fact that the salmon fishing season begins on 16 June 2009; and if he will make a statement on the matter. [23764/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have no function with regard to the audit of the Loughs Agency which is a matter for the Office of the Comptroller and Auditor General and the Northern Ireland Audit Office. I understand that payments will issue in compliance with State Aid Notification rules as soon as both Offices are satisfied.

I am informed that the salmon fishing season in Lough Foyle commenced on 15th June and will run to 31st July, under the Foyle Area (Close Seasons) Regulations 1999 and the fishery will operate in accordance with the suite of Foyle Area salmon fishing regulations made by the Foyle Carlingford and Irish Lights Commission.

#### **Departmental Regulations.**

228. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources if he will provide this Deputy with a copy of regulations (details supplied). [23807/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** Regulations sought by the Deputy are available through the Government Publications Sales Office and relevant bylaws are published in the *Iris Oifigiúil*. Copies of a these instruments are available on the Department's website at the following address [www.dcenr.gov.ie/Natural/Inland+Fisheries+Division](http://www.dcenr.gov.ie/Natural/Inland+Fisheries+Division).

#### **Grant Payments.**

229. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food if the plans



concerning the REP scheme application submitted by a person (details supplied) in County Tipperary have been investigated; and when payment will issue to the applicant. [23473/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The REPS 4 application for the person named was received on 7th April 2009. Under EU Regulations, payment on any individual REPS 4 application for 2009 cannot be made until completion of administrative and area checks on all applications received up to the closing date of 15 May 2009. At that stage 75% of the payment to each individual participant can be released, with the balance being payable when the last of the on-farm inspections for the year has taken place.

#### **Tax Code.**

230. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food if the 2% income levy will be deducted from a forestry payment of a person (details supplied) in County Cork. [23481/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Revenue Commissioners have informed my Department that the annual forestry premium is subject to the income levy. The person referred to by the Deputy should contact his local Tax Office for further information on his particular situation.

#### **Aquaculture Licences.**

231. **Deputy Brendan Kenneally** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in issuing an oyster one shellfish licence to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [23488/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person in question currently holds an aquaculture licence which is valid to 30 November 2011. He has applied for another aquaculture licence for an area adjacent to his existing licensed site.

The area for which the existing licence was granted and the area for which the additional licence has been now been sought lie within a designated Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 site). As such any applications will require to be considered in the context of ongoing discussions between my Department, the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government and the EU Commission on the issue of aquaculture activities in Natura 2000 sites generally.

My Department, together with the National Parks and Wildlife Service, is currently in the process of finalising, with the EU Commission, a plan to deliver compliance of aquaculture activities in Natura 2000 sites with the EU Birds and Habitat Directives. This plan is designed to provide for the continued operation of existing activities while at the same time undertaking a comprehensive data collection programme that will enable all new and renewal applications to be appropriately assessed for the purpose of ensuring compliance with these Directives.

#### **Grant Payments.**

232. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position regarding a person (details supplied) in County Wicklow who has sold entitlements to the single farm payment; if this will be finalised in order that payment will be awarded; and if he will make a statement on the matter. [23508/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application was received on the 15 May 2009 requesting the transfer of 14.32 Standard National Reserve entitlements from the person named to another farmer by way of sale.

The application was processed on the 11 June and the person named was notified in writing of the successful outcome of the application.

### **Services for People with Disabilities.**

233. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23578/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department has accounts with a number of taxi companies given its geographic spread. I am informed that for each company engaged, approximately 10% of vehicles are accessible for people with disabilities.

Expenditure for taxis in 2008 was €86,171, while €26,133 has been spent by the Department to date in 2009. These figures comprise payments both to the firms with whom my Department has accounts and taxis used by my officials as part of normal work related travel arrangements in Ireland and abroad.

The use of taxis by agencies under the remit of my Department is an operational matter for the agencies themselves.

### **Farm Waste Management.**

234. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan will have an inspection; when they will be awarded the farm waste management grant; and if he will make a statement on the matter. [23598/09]

**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 decision will be made as soon as possible.

235. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be awarded payment under the farm waste management scheme; and if he will make a statement on the matter. [23696/09]

**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 decision will be made as soon as possible.

#### **Rural Environment Protection Scheme.**

236. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be approved and awarded REP scheme four in view of the hardship being caused. [23742/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The REPS 4 application for the person named was received on 11th February 2009. Under EU Regulations, payment on any individual REPS 4 application for 2009 cannot be made until completion of administrative and area checks on all applications received up to the closing date of 15 May 2009. At that stage 75% of the payment to each individual participant can be released, with the balance being payable when the last of the on-farm inspections for the year has taken place.

#### **Dog Breeding Industry.**

237. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food his views on whether a dog breeding business which has at least 700 breeding stock is a farming enterprise; and if he will make a statement on the matter. [23746/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Dogs are not considered farm animals and my Department has no direct responsibility in regulating dog-breeding establishments.

My Department is drafting an Animal Health and Welfare Bill which aims to update existing legislation in the area of health and welfare to ensure that the welfare of all animals, including non-farm animals, is properly protected. The Bill will also provide for the consolidation of responsibility for the welfare of all animals, including dog welfare, within my Department.

#### **Grant Payments.**

238. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food Further to Parliamentary Question No. 386 of 19 May 2009, if he will re-issue the application form to the applicant; and if he will make a statement on the matter. [23753/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The relevant application form has now been reissued to the person in question.

239. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their suckler cow premium. [23756/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has 24 animals for consideration under the 2008 Suckler Welfare Scheme but information required to facilitate payment has not been received in my Department. A pre-weaning form issued on 2 July 2008, and to date, the completed form has not been received for processing. A further pre-weaning form issued on 11 June 2009 In addition on 14 November 2008, a letter issued requesting clarification and information from the person named. In respect of three of the animals on which payment was sought To date, no reply has been received.

### **Agriculture Appeals.**

240. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a meeting will be held for a person (details supplied) in County Mayo. [23770/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My officials have no record of a request for a meeting from either the person named or her planner. A full inspection on her farm was carried out on 20 August 2008. During the course of this inspection, areas of non-compliance with the terms and conditions of the scheme were noted.

A letter detailing the areas of non-compliance and the consequent penalties issued on 22 September 2008. This letter indicated to the person named that she could appeal the decision within 10 working days.

No appeal was received, and consequently a further letter issued to both the person named and her planner on 29 October 2008 confirming that the penalties would be imposed. This letter also notified the participant of her right to appeal to the Agriculture Appeals Office. I understand that no such appeal has been received by the Appeals Office.

### **Grant Payments.**

241. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the position regarding suckler payments for farmers whose animals are removed from the herd for disease purposes, particularly tuberculosis; and if he will clarify if the computer software system place in his Department is sufficiently upgraded to facilitate this payment to farmers in these circumstances. [23775/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Under the Suckler Welfare Scheme, animals, which are officially removed under permit for disease purposes may qualify for payment, provided they otherwise comply with the Terms and Conditions of the scheme. The computer software system is being upgraded and the changes to facilitate these payments will be in place shortly.

### **Pigmeat Sector.**

242. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the funds paid to pork primary processors, to secondary processors, wholesalers and retailers as a result of the recall of pork and bacon products; and if he will make a statement on the matter. [23787/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Pigmeat Recall Scheme is only open to primary and secondary processors of pigmeat, incorporated in Ireland. To date, my Department has paid a total of €17 million to primary processors and €34 million to secondary processors. In addition, a sum of €4.2 million has been paid to renderers for destruction of affected product.

### **Grant Payments.**

243. **Deputy Mary O'Rourke** asked the Minister for Agriculture, Fisheries and Food if he will review the case of a person (details supplied) in County Westmeath who seeks payment under the suckler welfare scheme. [23809/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has 20 animals, including I twin birth, for consideration under the 2008 Suckler Welfare Scheme. Payments have issued in respect of 7 animals. My Department issued letters in

November 2008 and May 2009 requesting additional information in respect of 12 of the remaining animals. The queries involve the late registration of calves, the non-return of sire details, and missing information for the calving, calf docility and calf quality surveys. An officer from the Suckler Herds Section of my Department has contacted the person named and the case will be reviewed when all the information has been examined.

#### **Farm Waste Management.**

244. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food if he will arrange to have an inspection carried out at the farm of a person (details supplied) in County Cork. [23826/09]

**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 decision will be made as soon as possible.

#### **Rural Environment Protection Scheme.**

245. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Westmeath has not been awarded their REP scheme payment to date, despite the fact that they have been subject to audit and inspections in this matter; if steps will be taken to award payment; and if he will make a statement on the matter. [23829/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment will issue within the next 10 days.

246. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Westmeath who applied for the REP scheme from 1 December 2007 and is due €9,481 has not been awarded same to date; if payment will be awarded without further undue delay; and if he will make a statement on the matter. [23830/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named submitted an adjusted plan on 9th June 2009 addressing deficiencies in the plan he had previously submitted. This plan will now be subject to administrative checks and if it is found to be satisfactory will be processed for payment.

247. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Westmeath is eligible and can participate in the REP scheme four programme; and if he will make a statement on the matter. [23832/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named finished his REPS 3 contract in June 2009 and my Department has no record of an application from him to join REPS 4. It is open to him to apply to participate in REPS 4, but as the closing



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date of 15 May for receipt of applications in respect of 2009 has passed, any valid application received from him cannot have a start date earlier than 1st January 2010.

### **Educational Requirements.**

248. **Deputy John McGuinness** asked the Minister for Education and Science if an exemption from the requirement to have Irish will be granted in the case of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [23487/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I received representations from the Deputy on 9th June last. The criteria for appointment of Special Needs Assistants specifies that the minimum requirement necessary for appointment is an award of Grade D (or pass) in Irish, English and Mathematics in the Intermediate Certificate/Junior Certificate or Day Vocational Certificate Examination or in an examination of equivalent standard.

Boards of Management of schools are the employers of all staff, including SNAs, employed in schools. State funding of any SNA position is granted on the basis of agreed recruitment policies and guidelines being adhered to by Boards of Management and these being applied in a fair and consistent manner in all cases. The minimum educational standard required for these positions is based on the needs of the SNA post generally across all schools and it is not open to schools to deviate from this standard in individual cases. In such circumstances, the Deputy will appreciate that it would be inappropriate for me to grant an exemption from such a standard requirement in individual cases.

### **Schools Recognition.**

249. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a school (details supplied) in County Kildare will be granted permanent recognition by his Department; the requirements this school needs to fulfil in order to gain permanent recognition; if his attention has been drawn to the fact that the failure to grant recognition has resulted in the denial of retention planning permission by Kildare County Council; his policies regarding the creation of a new gaelscoil in the Curragh; and if he will make a statement on the matter. [23506/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers is recognised by my Department. In common with all schools, when initially established, the school was granted temporary recognition to allow it to demonstrate its viability and this temporary recognition remains in place. During its period of temporary recognition, accommodation remains the responsibility of the Patron. My Department has recently written to the school confirming its status to assist it with its appeal to An Bord Pleanála for retention on its current premises.

With regard to the criteria for permanent recognition, my Department is guided by a Commission on School Accommodation (CSA) Report produced in 2004 on the “Criteria and Procedures for establishing and maintaining provision through the medium of Irish in second level schools”. The report recommends that for an Irish Medium school to be recognised, it must have:

- An initial first year projected enrolment of 30 pupils;
- A projected average first year enrolment of 40 pupils over six years;
- A projected total enrolment of 250-300, six years after opening;
- Suitable accommodation; and

- Compliance with Section 10 of the Education Act, 1998.

The school to which the Deputy refers has a current enrolment of 105 pupils which falls short of that needed for permanent recognition. In the circumstances, earlier this year, my Department extended the school's temporary recognition for a further three years to allow it the opportunity to develop further.

#### **Departmental Correspondence.**

250. **Deputy Brendan Howlin** asked the Minister for Education and Science if he will make a decision on the appeal submitted by a person (details supplied) in County Galway and supported by this Deputy in a letter to him dated 29 April 2009 and acknowledged by his Department; if he will expedite a decision on this appeal; and if he will make a statement on the matter. [23528/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** A reply has issued to the candidate referred to by the Deputy in respect of his appeal from the Higher Education- Equity Of Access Unit of my Department.

#### **Special Educational Needs.**

251. **Deputy Thomas P. Broughan** asked the Minister for Education and Science if he will confirm that the required funding has been provided for the National Braille Production Unit in order to produce specialised books and other essential materials for students at a school (details supplied) in Dublin 9; if he will further confirm that there will be no reduction in critical teaching staff at this school from September 2009; and if he will make a statement on the matter. [23535/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** My Department has advised the National Braille Production Centre (NBPC) that an allocation of €1,150,000 has been made available to the Centre in 2009. The NBPC has written to my Department seeking additional funding and my officials will be in further contact with the Centre in this regard.

The Deputy will be aware of the Government's commitment to ensuring that all children with special educational needs including those with a visual impairment can have access to an education appropriate to their needs. Special schools and special classes for pupils with a visual impairment have a reduced pupil teacher ratio of 8:1 and enhanced levels of capitation are payable. There are no proposals at this point to amend the pupil teacher ratio of 8:1 at present.

#### **Schools Accommodation.**

252. **Deputy Emmet Stagg** asked the Minister for Education and Science further to Parliamentary Question No. 453 of 26 May 2009 if his attention has been drawn to the fact that a crisis exists in relation to places for September 2009; the action he will take to resolve this issue; and if he will make a statement on the matter. [23555/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I am pleased to inform the Deputy that my Department has given sanction to the school to which he refers for the provision of 4 extra classrooms to cater for its needs for next September. The school has been informed of this decision.

As the Deputy has been previously advised, the Forward Planning Section of my Department is currently identifying the areas where significant additional accommodation will be needed at primary and post-primary level for the coming years. Factors under consideration include

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population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors, decisions will be taken on the means by which emerging needs will be met within an area.

Any further accommodation needs for the area in question will be fully considered in this context.

### **Special Educational Needs.**

253. **Deputy Joe Carey** asked the Minister for Education and Science if he will approve the application of the board of management of a school (details supplied) in County Clare; and if he will make a statement on the matter. [23559/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In light of the Budget 2009 decision my Department has now published a circular for schools which sets out how the new arrangements will operate for the allocation of language support teachers from September 2009. The circular sets out a structured and transparent approach for the operation of the alleviation measures that were announced in the budget for schools that have a significant concentration of newcomer pupils. The alleviation measures mean that these schools can qualify for up to 4 language support posts with the possibility of additional posts also being approved through the independent staffing appeals mechanism.

Schools can now apply to my Department in the normal way for language support posts. These posts are approved on a provisional basis initially and will be confirmed in September 2009 following receipt from the schools of actual enrolments of pupils requiring language support. It is estimated that notwithstanding the budget measures there will be approximately 1,500 language support teaching posts in our primary and post-primary schools in September 2009. By any standards this is a very significant resource and the challenge will be to ensure that it is used to maximum effect.

Additional supports are provided for children in primary schools who do not meet the qualifying criteria for the appointment of full-time teachers in the form of grant aids for the employment of part-time English language support teachers. 443 schools have benefited from this type of financial support in the current school year.

254. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if a review or increase in home tuition grant will be arranged in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23568/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the home tuition scheme provides a grant to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting an educational placement and to provide early intervention for pre-school children with autism.

The maximum allocation of 20 hours per week has been sanctioned for the child in question.

### **Oideachas Trí Gaeilge.**

255. D’fhiafraigh **Deputy Brian Hayes** den Aire Oideachais agus Eolaíochta cén beartas atá ag an Roinn Oideachais agus Eolaíochta maidir le scoileanna a bhíonn ag múineadh trí Ghaeilge sa Ghaeltacht; agus an ndéanfaidh sé ráiteas ina thaobh. [23576/09]

256. D'fhiafraigh **Deputy Brian Hayes** den Aire Oideachais agus Eolaíochta an dtacaíonn sé le scoileanna lánGhaeilge sa Ghaeltacht, nó an é mian agus polasaí na Roinne go mbeadh sruthanna Béarla ag feidhmiú iontu; agus an ndéanfaidh sé ráiteas ina thaobh. [23577/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Tógfaigh mé Ceisteanna 255 agus 256 le chéile.

Faoi théarmaí Alt 6 den Acht Oideachais, 1998 tá oibleagáid shainiúil ar an earnáil oideachais cuidiú leis an nGaeilge a choinneáil mar phríomhtheanga an phobail i limistéir Ghaeltachta. Éilíonn an tAcht chomh maith go gcuirfí chun cinn riachtanais teanga agus chultúrtha mac léinn ag féachaint do roghanna a dtuismitheoirí. Chuige sin is é beartas mo Roinne gur trí Ghaeilge sa mhéid is féidir é a sholáthrófaí oideachas i limistéir Ghaeltachta.

Is amhlaidh, de bharr riachtanas agus cúinsí daltaí aonair agus mianta ráite na dtuismitheoirí, nach mbíonn ar chumas scoileanna áirithe feidhmiú de réir an chaighdeáin bharrmhaith is inmhianta agus go mbíonn orthu cur chuige níos solúbtha a ghlacadh chucu féin. Le blianta beaga anuas ach go háirithe, tá sruthanna imirce tar éis dul i bhfeidhm ar scoileanna Gaeltachta le heisimircigh ag filleadh ar ais agus le daoine as lasmuigh den Ghaeltacht ag teacht chun cónaithe inti. Os mar seo atá féadann sé bheith riachtanach cur chuige dátheangach a chleachtadh i gcomhair ranganna áirithe nó i gcomhair mac léinn áirithe i ranganna ar leith le tréimhse ama. Nuair a tharlaíonn sé seo is í an aidhm atá leis ná feabhas a chur ar chumas teangeolaíoch an mhic léinn teagasc a fháil trí Ghaeilge agus í a úsáid.

Is mian le mo Roinnse leanúint le tacaíocht a thabhairt do scoileanna dá leithéid agus iad ag déileáil leis an athrú deimeagrafach trí na deontais breisithe agus na liúntais múinteora a íoctar do scoileanna sa Ghaeltacht a choinneáil.

#### **Service for People with Disabilities.**

257. **Deputy David Stanton** asked the Minister for Education and Science if the taxi companies used by his Department and State agencies under the aegis of his Department have a minimum percentage of taxis which are accessible for people with disabilities and wheelchair users; the amount expended by his Department and State agencies on taxi hire in 2008 and to date in 2009; and if he will make a statement on the matter. [23583/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** My Department has accounts with three taxi companies. On average approximately 12% of the companies' fleets are accessible for people with disabilities and wheelchair users.

The amount spent on taxis by my Department in 2008 was €26,996.34. The amount spent to date in 2009 is €9,482.81. Taxis used by my Department's officials are strictly for business purposes and staff are required to ensure that every effort is made to minimise the use of taxis.

Use of taxis and expenditure on taxis by agencies under the aegis of my Department is a matter for the individual agencies.

#### **Higher Education Grants.**

258. **Deputy David Stanton** asked the Minister for Education and Science when the new reckonable income figures and grant rates for higher education grants will be published, whether reckonable income includes the amounts payable under the income levy, public service pension levy and other levies; and if he will make a statement on the matter. [23599/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Criteria for the 2009 maintenance grant schemes are under review at present. Decisions on the 2009 schemes will be announced as soon as the process is completed.

### **Inquiry into Child Abuse.**

259. **Deputy Joan Burton** asked the Minister for Education and Science the position regarding the disposal of documents relating to the Ryan commission's recent report into child abuse at institutions; and if he will make a statement on the matter. [23695/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I wish to advise the Deputy that, as stated by me in this House on Friday last that under the Act, decisions on the Commission's records are a matter for the Commission. However, my Department has received assurances from the Commission that no action will be taken on these documents for some time. The Government supports the desirability of preserving, in so far as possible, these records for posterity.

### **Special Educational Needs.**

260. **Deputy Bobby Aylward** asked the Minister for Education and Science if approval will be given to an application for a full time special needs assistant in respect of a pupil (details supplied) in County Carlow. [23702/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOS), is responsible for processing applications from primary and post primary schools for special educational needs supports including special needs assistants. The NCSE operates within my Department's criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

### **School Staffing.**

261. **Deputy Lucinda Creighton** asked the Minister for Education and Science if he will reverse the decision made to reduce the number of special needs teachers from five to two at a national school (details supplied) in Dublin 6; and if he will make a statement on the matter. [23703/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I understand that the Deputy's office has confirmed that his question refers to special need assistant support in the school. As you 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 to primary and post primary 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](http://www.ncse.ie). I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

### **Irish Language.**

262. **Deputy Ruairí Quinn** asked the Minister for Education and Science his plans to revise the circular governing pupil exemptions from participating in Irish in schools; if there was consideration in recent years to reduce the age of exemption from 11 years to ten years of age;



if this proposal will be implemented in the near future; and if he will make a statement on the matter. [23706/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** There are two circulars issued by my Department which provide for exemptions from the study of Irish as a subject for limited specific circumstances. As part of the primary school curriculum Irish is a compulsory subject. Department Circular 12/96 applies to primary schools funded by my Department and sets out the conditions under which exemption from the study of Irish may be granted to primary students.

The same criteria apply to granting of exemptions at post-primary level, under Departmental Circular M10/94. Exemptions granted within the stated criteria to a student in a State funded primary school will be carried forward to their post-primary school.

In recent years, my Department has given some consideration to consolidating and updating these circulars. All aspects of the current arrangements are under consideration including the element raised by the Deputy and the intention is to consider the matter on a comprehensive basis rather than isolate any one aspect of the existing arrangements. Therefore revised circulars are unlikely to issue until consideration is complete including consideration of applicability to Gaeltacht schools that has arisen in the context of a case due to be heard in the High Court early next month.

#### **Early Retirement Scheme.**

263. **Deputy Ruairí Quinn** asked the Minister for Education and Science if the incentivised scheme of early retirement, announced in the supplementary budget of 7 April 2009, will apply to teachers in the primary and secondary school sectors; the number of expressions of interest or applications for this scheme which have been received by both civil servants within his Department and by teachers working in schools; and if he will make a statement on the matter. [23710/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Incentivised Scheme of Early Retirement for public servants over 50 years of age was announced in the Budget in April this year. It does not apply to teachers for two reasons.

Firstly, primary and post-primary teachers are not subject to the recent moratorium on recruitment which applies to most other parts of the public service. Instead, the number of teacher and Special Needs Assistant (SNA) posts will be capped at the overall aggregate number of such posts actually in place in schools after the new school year has begun in September 2009, based on the agreed Staffing Schedule for 2009/10 and other existing policies for determining teacher and SNA numbers. If the posts were not filled, it would be detrimental to the educational interests of students and the exception to the moratorium reflects this.

Secondly, The Early Retirement Scheme is aimed at civil and public servants who retire before the age of 60 and whose superannuation options are limited to receiving their entitlements at preserved pension age or, for people aged over 50, immediate payment of pension benefits subject to an actuarial reduction. It is not being applied to sectors who have fast accrual of service (eg An Garda Síochána, Prison Officers and the Army) or for those who have other preferential pension benefits such as the 55/35 year rule for teachers. Under the 55/35 year rule a teacher, other than a new entrant appointed after 1 April 2004, who has reached the age of 55 years and has at least 35 years of actual pensionable service, may retire voluntarily. There is no actuarial reduction in benefits and credit for certain pre-service training is given in order to assist teachers to reach the 35-year threshold for retirement. To date, my Department has received 15 applications under the new incentivised retirement scheme.

### Home-School Liaison Scheme.

264. **Deputy Willie Penrose** asked the Minister for Education and Science if he will take steps to ensure that a person (details supplied) in County Longford is retained and employed in their current position; and if he will make a statement on the matter. [23728/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Home School Community Liaison coordinator posts are provided on a full time or shared basis between schools. Due to the nature of the work of HSCL coordinators, which focuses directly on the salient adults in children's educational lives, coordinators must be deployed to do full-time liaison duties only to avoid any potential conflict of interest. The role also requires the flexibility to be available to families, for home visitation, attending meetings and inservice and undertaking school staff development without having the restrictions of a timetable.

Following a full review of the allocation of HSCL posts and clustering arrangements under DEIS ( Delivering Equality of Opportunities in Schools), the Action Plan for Educational Inclusion in 2008, HSCL posts are allocated to schools on the basis of their levels of disadvantage and enrolment, having regard to geographic proximity or 'association' (where children from the same family attend different schools. ie boys and girls or primary and post primary aged siblings). In a small number of cases, coordinators may be shared between schools that do not have family links, however, this is to ensure that the coordinators are deployed to do home school community liaison duties only.

The coordinator to which the Deputy refers is employed as a permanent whole time teacher by a Vocational Education Committee as a full time HSCL coordinator. Following the 2008 HSCL review, this school is no longer entitled to a full HSCL post, based on its size and level of disadvantage. The VEC have been advised that the HSCL post should now be shared between two of its schools and it is a matter for the VEC to deploy this teacher in accordance with the terms of her contract with the VEC.

### Institutes of Technology.

265. **Deputy Brian O'Shea** asked the Minister for Education and Science the position regarding the application of Waterford Institute of Technology for upgrading to the university of the south east; and if he will make a statement on the matter. [23729/09]

**Minister for Education and Science (Deputy Batt O'Keefe):** The position is that applications have been received from three higher education institutions for designation as Universities; Waterford Institute of Technology, Dublin Institute of Technology and Cork Institute of Technology. The issue of university designation does not just affect the institutions and the regions from which applications have been received; it also impacts on the future structure of the higher education system throughout the country. The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole as well as the regions where they are based. I have asked the strategy group on higher education to report to me before the end of the year with a two-decade roadmap for the development of the sector.

That group is now critically examining the roles and relationships of higher education institutions so that the system can deliver the levels of efficiency, performance, innovation and growth that will optimise Ireland's 'smart' economic recovery and social development. There are no plans to advance any of the current applications for university status before the strategy group completes its work.

### Schools Building Projects.

266. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position on the new permanent school for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [23735/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that, following a review of the tender report, it is expected that a Design and Build contract will be placed by County Dublin Vocational Education Committee, as patron of the school in question, with the preferred bidder in the near future.

267. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position on the new permanent school for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [23736/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy may be aware, I announced last February that the school in question was to progress to architectural planning. Officials from my Department will be touch with the patron of the school shortly, in relation to progression of the project.

268. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position on the new permanent school for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [23737/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy may be aware, I announced last February that the school in question was to progress to architectural planning for the provision of a new permanent school building. Officials from my Department will be touch with the school authority shortly, in relation to progression of the project.

269. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position on the new permanent school for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [23738/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy may be aware, I announced last February that the school in question was to progress to architectural planning for the provision of a new permanent school building. Officials from my Department will be touch with the school authority shortly, in relation to progression of the project.

### Special Educational Needs.

270. **Deputy Michael Ring** asked the Minister for Education and Science the position on a special needs assistant for a person (details supplied) in County Waterford; and if this special needs assistant will not be withdrawn. [23741/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports including special needs assistants. The NCSE operates within my Department’s criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

### **Schools Building Projects.**

271. **Deputy Andrew Doyle** asked the Minister for Education and Science the status of the review of the application for grant aid for major capital works in respect of a school (details supplied) in County Wicklow; and the expected date of decision on the application. [23743/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers applied to my Department for large scale capital funding in August 2008. This application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a Band 2 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 my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

### **Special Educational Needs.**

272. **Deputy Ruairí Quinn** asked the Minister for Education and Science if, following the appeal by the principal in letters to him on 22 February 2009 and on 1 May 2009, he will reconsider the decision to remove a mild general learning disability class at a school (details supplied) in County Dublin; and if he will make a statement on the matter. [23749/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has considered the additional information submitted by the school in question in support of its request to retain the special class for mild general learning disability. I am pleased to advise the Deputy that my Department has permitted the school to retain the special class for the 2009/2010 school year.

### **Schools Refurbishment.**

273. **Deputy Joe McHugh** asked the Minister for Education and Science if funding will be available for schools for complete attic and wall insulation during the summer months; and if he will make a statement on the matter. [23752/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As I indicated previously I have introduced a new €20 million scheme to improve roof and cavity wall insulation levels in school buildings across the country. The devolved energy efficiency scheme, which is being implemented with the help of Sustainable Energy Ireland, allows schools to apply for funding on a once-off basis to upgrade the fabric insulation in attics and the external cavity walls of their buildings. My Department is providing 100pc grant-aid for these projects which can be carried out over the quiet summer months. The new scheme for schools is an extension to the €80 million Summer Works Scheme I announced on the 7th May last.

The purpose of the scheme is to improve the energy efficiency of our older schools. These measures will make buildings more comfortable, cut energy costs and contribute to the Government’s national targets of reducing carbon dioxide emissions. The scheme is significant considering that close to 75pc of a school’s energy consumption is on heating and hot water, with the remainder on lighting and other small-power appliances. New schools built in recent times are now over twice as energy efficient as best international practice.

To expedite claims and streamline the application process for the scheme, an on-line application form, frequently asked questions and other guidance documents for schools are on [www.energyeducation.ie](http://www.energyeducation.ie). I am pleased to inform the Deputy that in the region of 400 schools

have applied for funding to date. It is expected that approval letters will issue in respect of valid applications in the near future.

274. **Deputy John McGuinness** asked the Minister for Education and Science if an application for a capital grant under the emergency works scheme will be approved in the case of a school (details supplied) in County Kilkenny; and if he will expedite the positive decision. [23765/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that an application from the school in question for heating works has been approved by my Department and the school management has been informed of the decision.

275. **Deputy Olivia Mitchell** asked the Minister for Education and Science the reason an application by a school (details supplied) in Dublin 14 for the summer works scheme was rejected ; if this school will be accommodated for building works under any other available building scheme; and if he will make a statement on the matter. [23773/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The application for Summer Works Scheme funding from the school to which the Deputy refers was not successful because the works were deemed by my Department not to be absolutely necessary at this point in time. The school may appeal this decision if it wishes. Alternatively, it is open to the school authority to use its annual Minor Works Grant to carry out the works, provided this funding is not needed for more urgent works. It will also be open to the school to apply for funding under the Summer Works Scheme 2010. I will be announcing details of this Scheme later this year.

#### **Special Educational Needs.**

276. **Deputy Mary Wallace** asked the Minister for Education and Science if consideration has been given to the provision of an autism unit in a town (details supplied) in County Meath; if he will verify the reason that there is no autism unit or autism class. [23774/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports including the approval of special classes for autism. The NCSE operates within my Department’s criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

#### **Schools Building Projects.**

277. **Deputy Seán Ó Fearghail** asked the Minister for Education and Science if he is satisfied with the manner and pace at which the second bundle of public private partnership schools is progressing; if he would agree with this Deputy that the process has proven to be unacceptably slow; his plans to streamline the process for future PPP bundles; if the final tenders for the second bundle of schools have been received; and if he will make a statement on the matter. [23783/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware all projects undertaken by my Department must be offered to the market in accordance with EU and National procurement guidelines and are subject to the local authority planning process.



[Deputy Batt O’Keeffe.]

In relation to projects being procured via the public private partnership process additional negotiations are required post tender stage to ensure that all aspects of the 25 year contract are agreed. The current challenging financial environment has also impacted on the timeframe for completing the PPP process. Taking all these matters into consideration I am generally satisfied with the progress of the 2nd Schools Bundle.

In order to ensure that projects are delivered as soon as possible I have met with the National Development Finance Agency (NDFA) and discussed how the process could be streamlined. A meeting has been arranged between officials in my Department and the NDFA to consider this matter further. In relation to the 2nd Bundle of schools I am pleased to inform the Deputy that tenders for this bundle are due to be returned to the NDFA on 1st July 2009.

### **Residential Institutions Redress Scheme.**

278. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 650 of 9 June 2009, the reason his Department is unable to furnish a copy of the requested information immediately; if this information has ever been compiled since the indemnity deal was first agreed; if it will be possible to complete the conveyances without, *inter alia*, summaries of the discount achieved by the State and the values of each site. [23796/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Following receipt of the Deputy’s question on 9 June my Department examined how pursuant to the agreement and relevant protocols, account was taken of grants or other payments in arriving at final valuations for the purpose of property transfers under the agreement. This initial examination has raised questions as to whether such adjustments to market valuation were made in the case of properties where they might have been applicable. A full review is being undertaken of the valuation process applied for each property involved including the application of protocols relating to grants paid. This review will be overseen by the external Chairperson of the Department’s Internal Audit Committee, Mr Bill Cunningham former senior partner, PWC. I will inform the Deputy of the outcome of the review.

### **School Staffing.**

279. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 654 of 9 June 2009, if he will provide details of the outcome of the appeals hearings involved once they become available; and if he will make a statement on the matter. [23797/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information which the Deputy has requested in relation to the outcome of appeals considered by the Primary Staffing Appeal Board for staffing in the 2009-2010 school year is set out in the table. Four of the unsuccessful applicant schools were subsequently allocated a post by my Department based on their projected enrolment for September 2009. It is open to any Board of Management to submit an appeal under certain criteria to an independent Appeal Board. Details of the criteria for appeal are contained in the staffing schedule, Circular 0002/2009 and Circular 0015/2009 — Meeting the needs of pupils learning English as an Additional Language. Both circulars are available on my Department’s website.

The Appeal Board meets in May, June and October each year to consider cases submitted. Appeals must be submitted to Primary Allocations Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from Primary Allocations

Section or on my Department's website. The Appeal Board operates independently of the Department and its decision is final.

Number of Appeals Considered by the Primary Staffing Appeal Board for posts in the 2009-2010 School Year

County	Number of Appeals Heard	Number of Appeals Upheld	Number of Appeals for which Additional Information is being sought
Carlow	1	1	0
Cavan	1	0	0
Clare	7	1	0
Cork	14	5	2
Donegal	5	1	1
Dublin	45	29	3
Galway	14	3	1
Kerry	10	4	2
Kildare	4	2	0
Kilkenny	0	0	0
Laois	1	1	0
Leitrim	2	0	0
Limerick	4	1	0
Longford	0	0	0
Louth	5	5	0
Mayo	5	0	1
Meath	2	0	1
Monaghan	2	2	0
Offaly	3	0	0
Roscommon	2	0	0
Sligo	3	1	0
Tipperary	5	2	1
Waterford	3	1	0
Westmeath	4	3	0
Wexford	5	1	0
Wicklow	1	0	0
Total	148	63	12

### Schools Building Projects.

280. **Deputy Brian Hayes** asked the Minister for Education and Science the number of schools at primary and secondary level which are currently at each stage of the school building programme; the breakdown by band of the number of schools waiting for buildings; and if he will make a statement on the matter. [23803/09]

281. **Deputy Brian Hayes** asked the Minister for Education and Science the number of schools at primary and secondary level which were at each stage or band of the school building programme in 2007 and 2008; and if he will make a statement on the matter. [23804/09]

282. **Deputy Brian Hayes** asked the Minister for Education and Science the proportion of his capital budget which will be spent at primary and secondary levels on band one projects in 2009; the breakdown of the budget expended on same in 2007 and 2008; and if he will make a statement on the matter. [23805/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 280 to 282, inclusive, together.

The numbers of school projects at each respective stage of architectural planning in June 2008 and June 2009 and their allocated band ratings are contained in the tabular statement. In the time available to answer these questions it was not possible to compile and verify similar information for June 2007.

The proportion of the 2009 capital allocation which will be expended on band one projects in 2009 will depend on the progress of individual projects to tender and construction and the speed of construction for projects on-site. However, I can inform the Deputy that my Department has profiled an expected spend of €165m on major primary school projects for 2009 and a further €80m on major post-primary projects. A further €80m has been allocated to the 2009 Summer Works Scheme.

To date in 2009, expenditure on band 1 projects at primary level has amounted to €19.38m and at post-primary level expenditure on band 1 projects has amounted to €13.29m. In 2008, my Department spent €230.65m on major primary projects of which €118.34m was on projects completed in 2008 which had a band 1 rating.

In 2008, my Department spent €81.73m on major post-primary projects of which €4.2m was on projects completed in 2008 which had a band 1 rating. In 2007, my Department spent €144.23m on major primary projects of which €54.81m was on projects completed in 2007 which had a band 1 rating. In 2007, my Department spent €111.67m on major post-primary projects of which €18.55m was on projects completed in 2007 with a band 1 rating.

Projects in Programme by stage and band rating

Primary June 2009

	Band 1	Band 2	Band 3	Band 4
Stage 1	31	37	1	1
Stage 2a	27	30	0	1
Stage 2b	6	12	0	0
Stages 3 and 4 (Tender & Construction)	22	12	0	0

Post-Primary June 2009

	Band 1	Band 2	Band 3	Band 4
Stage 1	3	26	0	2
Stage 2a	3	22	0	1
Stage 2b	2	2	0	1
Stages 3 and 4 (Tender & Construction)	5	1	0	0

Primary June 2008

	Band 1	Band 2	Band 3	Band 4
Stage 1	72	21	0	0
Stage 2a	20	30	1	0
Stage 2b	11	20	0	1
Stages 3 and 4 (Tender & Construction)	43	33	0	0