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Visit of Chinese Delegation.

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a cead mile fáilte, a most sincere welcome, to a delegation of the Chinese People’s Political Consultative Conference led by Mr. Du Qinglin, head of the delegation. I express the hope that you will find your visit enjoyable, successful and to our mutual benefit.

Ceisteanna — Questions.

Agreements with Members.

1. Deputy Enda Kenny asked the Taoiseach the estimated staff costs to his Department since May 2008 associated with supports and liaison provided to the Independent Members of Dáil Éireann who support the Government; and if he will make a statement on the matter. [24673/09]

2. Deputy Eamon Gilmore asked the Taoiseach the level of support provided by his Department to Independent Deputies who have committed to support the Government; and if he will make a statement on the matter. [26209/09]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

The support and liaison arrangements in place for the Independent Members of Dáil Éireann who support the Government continue as before. They operate in the context of the political agreements with these Deputies, which are confidential and based on the programme for Government, which incorporates the national development plan, approved Government programmes and annual estimates for capital and current expenditure.

The only staff costs associated with the provision of this support are of an assistant principal in my Department who assists the Government Chief Whip in liaising with these Deputies. As has been the practice for over 11 years, this official meets with the Deputies on a regular basis and arranges to keep them briefed on issues as they arise.

Deputy Enda Kenny: I accept that it is practical politics to enter into arrangements with people who wish to support the Government. However, we do not live in a secret society and
nor should that be the case. In the midst of a national crisis and a recession, secret deals — which were hammered out between the Government and several Independent Deputies — still exist and no one can obtain details relating to them, either through freedom of information requests or by some other means. We were originally informed that the deals concluded with three Independents in June 2007 were worth millions of euro to various constituencies. I can neither confirm nor deny whether that is the case because I do not know the position. The relevant information will not be provided, unless it is in the form of visible evidence of corners of pages containing the signature of the Taoiseach’s predecessor.

In light of the current national crisis and the fact that we all have ideas about how best to get the economy moving again and get people back to work, is the Taoiseach of the view that, for good or ill, it would be appropriate that details of the arrangements be published? Is there any truth in reports which emerged in recent days to the effect that at least two of the Independent Deputies involved have indicated that some shaving has been carried out in respect of the financial arrangements and that some of the matters that were listed as priorities have now been removed? Will the Taoiseach confirm whether that is the position? Furthermore, will he indicate whether these Independent Deputies are part of the review he is obliged to conduct with the Green Party, the Members of which are absent from the Chamber, which is holding a meeting on 18 July to decide on its priorities?

The Taoiseach: As the Deputy has been aware for some time, agreements entered into by my predecessor with a number of Deputies are political in nature and details relating to them are not covered by parliamentary questions. These agreements are confidential but, as has always been the case, they are based on the programme for Government, which incorporates the national development plan, approved Government programmes and annual Estimates for capital and current expenditure. For some time, that has been the established position with regard to agreements with Independent Deputies.

It is open to people to continue to make representations in respect of a range of issues and we continue to be of assistance to Deputies who support the Government regarding matters they raise. Those Deputies entered into political agreements with my predecessor and, as stated on previous occasions, I intend to honour these.

I cannot comment on any speculation the Deputy may have read in respect of this matter. The issues to which I refer are dealt with on an ongoing basis with the Deputies involved on a bona fide basis.

Deputy Enda Kenny: I am sure the Taoiseach will agree that the exercise of government is one of openness and transparency and that matters should be seen to be absolutely above board. I have no doubt but that this is his conviction. However, the arrangements to which I refer are secret deals involving the Government and two or three Independent Deputies. The details relating to these arrangements are confidential and, therefore, cannot be made known to the House or to the remainder of the country.

An assistant principal officer has been appointed to deal with this matter. I do not know how much time that individual allocates to deal with the whims and concerns of the Independent Deputies involved. How many hours per week does this official devote each week to dealing with Deputies Healy-Rae and Lowry? How much time was allocated in respect of the concerns of Deputy Finian McGrath when he still had a deal with the Government?

Deputy Finian McGrath: I am long gone out of it.
Deputy Enda Kenny: Is there evidence with regard to the amount of time committed, on behalf of the taxpayer, in respect of dealing with the concerns and issues raised by the relevant Independent Deputies?

At a time when efficiency in the public services is critically important, someone who is probably an experienced assistant principal officer is obliged to spend time each week discussing with Independent Deputies confidential arrangements they have in respect of the provision of bridges, roads or developments in their constituencies and assuring them that these projects retain the priority afforded to them under the programme for Government. That programme is in tatters because, as the Taoiseach has pointed out on numerous occasions, it was predicated on a growth rate of 4.5% and such a rate has not been maintained. The entire programme is off the rails and that is why a review, during which Fianna Fáil and the Green Party will decide on what are their priorities, is taking place.

For instance, am I to take it that the confidential arrangements with Deputies Healy-Rae and Lowry will be maintained in their original form or are they to be slimmed down? Is the aforementioned assistant principal officer to be given a new role requiring the devotion of less time to the concerns of these Deputies and more time to providing part of the efficiency of Government? Can the Taoiseach confirm these lists costing millions, as Members have been told, will be scaled back in view of the perilous state of the economy and the difficulties everyone is experiencing at present? Secret deals have been made in this House about which Deputy Burton often has asked and about which she cannot be given any information. Speaking as a public representative, it is neither here nor there whether it is the improvement of a stretch of road, the removal of a bad corner or whatever is included in these deals. However, at a time when people demand openness, transparency and accountability, the Taoiseach sits on the Government benches while an assistant principal officer in his Department allocates time, and consequently money, to dealing with the whims of a number of Independent Deputies who support the Government when they walk through the lobbies and yet no one can find out what these agreements are about.

The Taoiseach: I know this issue is a matter of some frustration to the Deputy, who raises it every week. However, these are confidential political agreements that are in place. As I noted, they exist within the context of the programme for Government, which in turn is in the context of the availability of resources. All these issues must be dealt with on the basis of established priorities and the manner in which one can accommodate issues as they arise. This requires continuing liaison with those Deputies who support the Government. The assistant principal officer, who is attached to the Chief Whip’s office, obviously is available to the Chief Whip in respect of duties there as well. It is a question of having in place a system in which people who support the Government have an opportunity to interface with Departments and to convey their views on various matters and this is part of the job of managing the Government.

Moreover, all the commitments made in the programme for Government are predicated on the availability of resources and the need to accommodate priorities as we go along. As Deputy Kenny observed, I have stated that it was predicated on growth rates of 4.5% and that progress is being made in many areas of the programme. In any event, all commitments within the programme are predicated on that financial provision which is the centre piece of any programme for Government, namely, on the availability of resources and the maintenance of strong public finances.

Deputy Enda Kenny: I refer to the case, back in the 1980s, of a Fine Gael Minister of State who had a particular policy he wished to pursue. He approached the Taoiseach himself, only to be told that unfortunately, no money was available. Has the aforementioned assistant principal officer ever been instructed to tell either Deputy Healy-Rae or Deputy Lowry, in respect
of a particular item, that no money is available and that the item in question will drop of the end of the list? Finally, do such agreements extend to Deputy Behan, who has left Fianna Fáil and who now also is an Independent Member?

The Taoiseach: As I have stated to the Deputy, in liaising, public servants obviously will pass on whatever information or views are expressed at interface with Ministers and Departments in the normal way. Ministers are the people who make the ultimate decisions in respect of expenditure. That is the normal provision and there is no need to involve public servants in that process, apart from doing their job in the normal course of events. As I noted, the agreement relates to those Deputies who support the Government and it has been open to Independent Deputies to so do. Deputy Kenny is aware that Deputy Finian McGrath no longer seeks to support the Government on the basis of that agreement, which is fair enough. That is the political reality with which we must deal. However, there has been no change in respect of the Deputies who had prior agreements with us.

Deputy Joan Burton: My understanding is that in recent months, an bord snip nua has been looking at expenditure headings in all Departments. As the Taoiseach himself acknowledged, the gross cost of the attached assistant principal officer’s salary, pension entitlements and so on probably is approximately €100,000 per annum. Even if that person devoted only 20% of his or her time to looking after the two Independent Members, one still comes out with a cost of approximately €20,000 simply to massage the Independent Members and ensure they get the news out first, even before the Government Deputies. Has the cost of the deal and the cost of servicing the deal been examined by an bord snip nua or otherwise? We hear that all sorts of vital areas of expenditure, some 400 areas, have been offered for review, cut back or abolition. There is no case in a parliamentary democracy for the basis of a programme for Government being held in part in secret. Is the expenditure involved in dealing with Independent Deputies subject to examination by an bord snip nua?

The Taoiseach referred to the cost of the civil servant. Three of the Deputies indicated that the value of the deal to their constituencies amounts to many tens of millions of euro. Deputy Finian McGrath claimed to have a commitment from Government on cystic fibrosis. This was included in the cost of his deal. Two of the Deputies who were subject to the deal have gone because Deputy Flynn has rejoined Fianna Fáil and Deputy Finian McGrath is no longer party to the deal.

In these changed financial circumstances we have an expensive administrative superstructure. Has Mr. Colm McCarthy’s group examined this? What is the value of the deal for each of the remaining Deputies who support the Government? The Green Party has stated, and the Taoiseach has acknowledged, that there will be a review of the programme for Government. Will this review take into account the Independent Deputies? Will it involve one-on-one negotiations with the Taoiseach, the Chief Whip or the assistant principal assigned to look after them?

The Taoiseach: It is important that people do not involve the assistant principal, who is simply a liaison officer who deals with queries from Independent Deputies and passes them on to Departments. There is no need to involve him in political discussions or suggest he is involved in this. That is not his role.

With regard to the liaison that takes place for Deputies who support the Government, per head of Dáil Members it is far less than the cost involved when we set up programme offices, programme managers and the office of the Tánaiste when the Labour Party came into office.
Per head of population that was a far more expensive support arrangement than what currently exists, which is quite frugal in comparison.

One need not make a mountain out of a molehill. People supporting the Government have a liaison arrangement with the Office of the Chief Whip. The person involved is an assistant principal and liaises with the Deputies on an ongoing basis, as the Deputies require. This is part of the management of Government to ensure we have a majority in the House to implement the programme for Government.

The political agreements they have are subject to the same constraints as other spending programmes. The committee reviewing public service numbers and programmes has examined all spending programmes. Priorities are established, decided on and implemented by the Government. That will apply to these matters as well. These questions provide opportunities for Deputies to suggest something other than what is the case. I have outlined the basic arrangement and it makes clear political sense.

**Deputy Joan Burton:** I thank the Taoiseach for the reply but it does not get us much further. If we are in a life and death situation as an economy, with all expenditure being reviewed as to whether it is absolutely critical and essential, the allocation of an assistant principal in whole or in part to mind two Independent Deputies is difficult for many ordinary people to justify when it is compared to the cutbacks that schools will experience in September. I would not have quibbled if the Taoiseach when he was Minister for Finance had employed an adviser or two to keep an eye on the banks because we might not be in the mess we are if, during his stewardship of the Department of Finance——

**An Ceann Comhairle:** The Deputy must ask a question and not impart information.

**Deputy Joan Burton:** ——he had made arrangements——

**An Ceann Comhairle:** It is not a time for that; it is a time for a question.

**Deputy Joan Burton:** ——to be adequately and appropriately advised on how to look after the economy.

**An Ceann Comhairle:** The Deputy must ask a question if she wishes to do so.

**Deputy Joan Burton:** The question I asked was whether the remit of the McCarthy committee was general to all headings of public expenditure and whether it included the operation of the arrangements with the Independents and their minding by an assistant principal officer.

**The Taoiseach:** I did not give any specific terms of reference in respect of this and neither did the Government. The Government asked that all spending programmes be reviewed. Obviously, the issue of public service numbers is being reviewed and examined departmentally. The point returns to the basic issue. This is a political arrangement the Government has undertaken with those who support it on the Independent benches in the interests of ensuring that we accommodate views where possible, listen to their priorities and see in what way their issues can be advanced. Many of these issues are of concern to all those who represent these constituencies. There is nothing unusual about this and it is important from our point of view to accommodate in that respect, rather than not having any liaison arrangements whatever, in an effort to show our bona fides towards the issues they would raise on the basis that they are supporting the Government. It is an arrangement that is totally defensible in that context.
Northern Ireland Issues.

3. Deputy Caoimhghín Ó Caoláin asked the Taoiseach if he will report on his discussions since 4 June 2009 with the First and Deputy First Minister and with the British Prime Minister regarding the ongoing implementation of the Good Friday Agreement; and if he will make a statement on the matter. [24767/09]

4. Deputy Eamon Gilmore asked the Taoiseach if he will report on his recent contacts with the British Prime Minister, Mr. Gordon Brown; and if he will make a statement on the matter. [25733/09]

5. Deputy Eamon Gilmore asked the Taoiseach if he will report on his recent contacts with political parties in Northern Ireland; and if he will make a statement on the matter. [25734/09]

6. Deputy Enda Kenny asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [27135/09]

The Taoiseach: I propose to take Questions Nos. 3 to 6, inclusive, together.

My most recent contacts with the British Prime Minister were on the Lisbon treaty and discussions which took place at the recent European Council meeting on which I have already reported to the House.

I last met with the Northern Ireland political parties at the eighth plenary meeting of the North-South Ministerial Council which took place yesterday at Farmleigh House in the Phoenix Park. The meeting was attended by the First Minister, Peter Robinson, and Deputy First Minis- ter, Martin McGuinness, as well as a range of Government Ministers and Ministers from the Executive.

At the meeting we had positive and constructive exchanges across the full range of agenda items. We had a broad discussion of the economic challenges facing the island and our respective responses to dealing with the downturn and its impact, particularly on the banking sectors in both jurisdictions. We outlined our Government’s intention to establish a National Asset Management Agency and it was agreed that there would be an early meeting of the two Finance Ministers to discuss those issues.

The council noted the contribution of continuing practical and mutually beneficial North-South co-operation to assisting both Administrations in their efforts to promote growth and employment; the contribution that the all-island economy can make and how we can work together to provide better and more efficient public services North and South.

We noted progress on the A5 and A8 roads projects and agreed procedures governing payment of the Irish Government contribution. In accordance with this, payment of €9 million will be made by the Minister for Transport to the Northern Ireland consolidated fund before the end of 2009.

The council also confirmed its intention to conclude the St. Andrew’s review process before the end of 2009 and it instructed the review group to accelerate its work on all the elements of the review and to provide a final report at the next meeting of the plenary session. In addition, the meeting welcomed recent North-South co-operation on matters such as the swine flu out- break and cross-Border arrangements for the removal of illegally dumped waste.

Overall, there have been some positive developments in Northern Ireland. I believe that the time is right to complete the process of the devolution of policing and justice powers to the Northern Ireland Executive. I am encouraged by the comments of the First Minister that discussions on the financial arrangements to allow this are making progress.
I would also like to welcome the recent announcements made by the loyalist organisations on decommissioning. Both Governments have always been firm in our demand that all weapons on all sides should be decommissioned. We also welcome the moves that the loyalist organisations have been making in recent years to move on.

**Deputy Caoimhghín Ó Caoláin:** Has the Taoiseach taken the opportunity to address, with the First Minister, the Deputy First Minister and the British Prime Minister, the importance of moving on with the proposal to move policing and justice powers from London to Belfast? Does he agree this is long overdue and is essential as an integral part of the Good Friday Agreement and all that was promised therein? Does he also agree that for the new dispensation to function in the North, we need to see a new beginning to policing and justice? Therefore, will the Taoiseach undertake to renew his efforts to encourage all concerned to move quickly to put policing and justice firmly in place in Belfast?

I note from various print media this morning the progress reported from yesterday’s all-Ireland ministerial council meeting with regard to a number of projects. I have questions with regard to a number of those projects — outworkings of the Good Friday Agreement and the St. Andrews Agreement — including the A5 which joins up with the N2 on this side of the Border and which will complete the Dublin-Derry-Donegal connections. The Taoiseach stated that confirmation of the expected routes would be announced shortly. Can he be more specific as to when we will have the detail? When does he expect this will be announced?

With regard to two further elements to which reference was made, was there any progress on the Ulster canal project? Can the Taoiseach give us an indication of the current status and the intention of both Administrations for this flagship project which is of tremendous importance and which has the potential to bring about significant economic rejuvenation of the Border counties, North and South? Also, with regard to the Government’s withdrawal of funding from the all-Ireland autism centre for excellence at Middletown in County Armagh, a joint North-South project, is there any change in the Government’s position with regard to the indication by the Minister for Education and Science, Deputy Batt O’Keeffe, of a withdrawal of funding already committed for the development of that centre this year? Will the Taoiseach indicate when the Government will restore its joint commitment to the development of that important project for children with autism on this island?

**The Taoiseach:** On policing, I understand the First Minister and Deputy First Minister will have a further meeting next week with the British Prime Minister on the matter. There are financial arrangements and implications with regard to the decision and it is necessary to address those issues as part of the process that has been agreed for the transfer of devolved powers of policing and justice to Northern Ireland as soon as possible. There is significant work going on in that respect. It is important the issue is dealt with in that context as that is where the issue stands currently. We support and encourage a speedy resolution of these issues so that matters can move on more quickly towards the ultimate objective agreed by all, namely, that there should be devolved powers of policing and justice to Northern Ireland. This important part of the process needs to be completed as soon as possible in the interest of stability and wider ownership by everybody of the process itself.

On the question of the A5, we have seen agreement on preferred routes recently and there has been significant work done between the roads authority in Northern Ireland and the National Roads Authority here. I understand both sides are happy with the level of progress that has been made by their respective roads authorities on the issue. We are ready to move to the next stage soon. I understand the Minister for Transport and his counterpart in the Northern Ireland Executive will meet to discuss the rate of progress shortly, as soon as the
next arrangements are made for a meeting. On both sides, happiness was expressed at the progress that has been made in regard to that major project.

With regard to the Ulster Canal, the Minister, Deputy Éamon Ó Cuív, has made arrangements for a meeting with his new counterpart, Mr. McCausland, in a matter of weeks, at which that issue will continue to be discussed to see whether it can be progressed. I have not got the up-to-date position on the Middletown situation but I will have the Minister, Deputy Ó Cuív, convey it to the Deputy.

Deputy Caoimhghín Ó Caoláin: I thank the Taoiseach for his responses. In regard to the A5-N2, there remains an amount of confusion in regard to the intentions concerning the development on this side of the Border — that element within County Monaghan from Clontibret to the Border at or near Aughnacloy. In the absence of the Taoiseach’s ability to answer the question directly today, is it possible he would ask that clarification be forwarded to me? There is great concern that this will not be an A5-N2 but an A5 only, which would be a mistake with serious consequences. We definitely need to see that joined up and properly considered.

I note discussions are to be held between the Minister for Finance, Deputy Brian Lenihan, and the newly appointed Minister north of the Border, Mr. Sammy Wilson, on the implications of NAMA for the Six Counties. Will the Taoiseach indicate what format that engagement will take? What are the expectations of the impact of the advent of NAMA north of the Border? With legislation to come here, will due consideration be given to any impact north of the Border in the legislative preparation here? Will legislation be required in the Executive to mirror that effect and has this been considered? Can the Taoiseach give us some sense of the position?

Finally, it is appropriate that we would record a united rejection of the outrageous treatment meted out to non-national residents within the Belfast area recently. I speak specifically of people from the Roma and Romanian backgrounds who have been subjected to very severe attacks, a significant number of whom have left our shores as a result. Can we unite in agreed rejection of these outrageous racist acts?

An Ceann Comhairle: The Deputy is sweeping with a broad brush. I call the Taoiseach.

The Taoiseach: I do not have the technical detail on the A5 to hand. The National Roads Authority is more specifically the body involved as these are technical engineering issues. I know issues are being raised by Deputies in the area and I can get an update in this regard.

On the question of what will happen in Middletown, I ask the Deputy to accept I will have the Minister set out the up-to-date position. I cannot recommit to anything unless and until we see in what way that project will evolve. There were certain ideas at the time and discussions had taken place as to how Middletown would be used in the context of the provision of services in this area, and this is still under consideration. We have to work this out in detail as we go.
along but it is best that the Deputy would await a considered reply from the Minister as to the accurate, up-to-date position.

The question of the agreement to meet, made between the Minister for Finance and the Finance Minister in the Northern Ireland Executive, arose from a briefing by the Minister for Finance at a meeting in respect of the National Asset Management Agency and the role it will play in helping us to restructure the banking industry, provide long-term liquidity and more easily accessible credit to Irish business generally by way of bringing distressed assets under the aegis of the agency. The Northern Ireland First Minister would have referred to the role the Executive has played in respect of identifying assets for possible disposal for use subsequently in the social housing area within Northern Ireland in terms of a policy objective it has identified. The need for practical co-operation is emphasised when one considers the two policy objectives we have.

All the activities of the National Assets Management Agency will be based upon purely commercial criteria. It is not envisaged that there would be a fire sale of all assets that come under the aegis of the agency. The idea is to put those on a longer time horizon such that we can recover value in respect of those assets the current value of which, because of present market failure or depression, does not correspond to the acquired value of the assets in recent times. The reason behind the asset management agency concept in the first place is the need to find a longer time horizon in which to recover asset values in a way that could not be carried by private financial institutions and which must meet current market disciplines and at the same time make sufficient provision for bad or doubtful debt in the future. Without going into the detail, that was all mentioned and explained by the Minister for Finance. The meeting of finance ministers was to ensure the provision of a briefing by the Minister for Finance on a confidential basis for his colleagues in the North, that they understand and know not only the concept but the way in which the proposal would be implemented and applied, to keep them appraised of the issue so that they can understand in terms of their policy approach and know what it is that we must achieve as well.

Assets are located in Northern Ireland that would come under the aegis of the National Asset Management Agency and the Executive would like to be appraised generally about the impact or otherwise the proposal would have on the property market as it evolves in the coming months and years as well. It is entirely legitimate and a meeting and briefing between Ministers is an obvious way of clearing lines in respect of how things will progress.

On the issue of racism, we all deplore any acts of violence or intimidation against anyone, particularly where there are racist overtones. It was pointed out at the meeting on the Northern Ireland Executive side that while that matter, rightly, received a good deal of press and media coverage, including the utter condemnation by everyone against the acts, it was also highlighted that there are many good things happening within communities in efforts to integrate non-nationals into Northern Ireland society and that this should be highlighted to enable a full and rounded picture to emerge. Without in any way justifying unacceptable racist activities or occurrences there are many things taking place which are a good deal more positive in nature which should be emphasised.

**Deputy Joan Burton:** I refer to the briefing by the Minister for Finance in respect of NAMA. Remarks are attributed to the Northern Ireland First Minister, Mr. Peter Robinson, in respect of NAMA and the way in which it would operate. He indicated his fears that assets, which would be presumably covered by Irish banks and, therefore, part of the NAMA process, might be put for sale on the market and sold off cheaply. His major concern appeared to be that this would impact negatively on the Northern Ireland property market. I refer to the report in *The Irish Times* by Deagláin de Bréadún. Is the impact on the property market in Northern Ireland
now a factor in respect of NAMA valuations? Judging by what the First Minister was saying, they would like to keep asset valuations high so as to prevent a property market dipping down further. This would imply that the taxpayer in the South would have to take those assets at an artificially high valuation because it does not sound like the value would be marked to market or anywhere near it.

Is this issue of the Northern Ireland property market now a major factor in the approach to the valuation of assets in the NAMA process? This would appear to be so from the report in *The Irish Times*. I am surprised that the discussion centred around the real economy and Main Street, rather than the property market and jobs because it is the restoration of jobs, sustaining employment and battling unemployment that I would have thought was the most important issue for Ireland, North and South. Are the comments attributed to the First Minister, Mr. Robinson——

An Ceann Comhairle: I must allow Deputy Kenny and there are only three or four minutes remaining.

Deputy Joan Burton: ——fair and do they reflect the discussion?

Deputy Enda Kenny: I welcome the announcement by the UDA and the UVF of demilitarisation and the decommissioning of weapons. I wish to ask the Taoiseach a few straightforward questions. The Minister for Finance said that he made a mistake in increasing the VAT rate. The real issue in respect of the difference in costs between the North and South was in the main due to the differential between sterling and the euro. The perception among people in the Republic was that because of a reduction in VAT in Britain and Northern Ireland and an increase here, there were real bargains to be had and more than €700 million was spent north of the Border. Was this matter discussed yesterday and was there any indication that the Minister for Finance intends to reverse that decision?

In respect of climate change and energy, what is the position regarding the North-South interconnector? There is a problem from the midlands to the Border. Was this matter discussed between the Government and its Northern Ireland counterparts?

Was there any discussion about the appointment of the North-South Parliamentary Body which is part of the Good Friday Agreement structure? It is high time there was a move on this. People in all parties here have an interest in seeing that we move on to build more completely on the Good Friday Agreement. Was there any discussion or timescale agreed?

In April last year the Taoiseach indicated that it would be in order for companies operating in the IFSC to set up offices in the North to deal with a skills shortage in the Republic. He estimated at that time there could have been 3,000 to 5,000 jobs created in Northern Ireland. Was this matter discussed at the ministerial meeting yesterday? Has there been any progress on this matter or has it been decided that as a result of the conditions applying now it might be better and in everyone’s interest to have as many jobs as possible created here? Was this discussed?

The Taoiseach: The general economic situation was discussed and it was in this context that the issue of NAMA arose. It was part of the discussion. I emphasise to Deputy Burton that her surmise regarding comments attributed to the First Minster is not correct. I am sure the First Minister was accurately quoted about his various concerns and I explained in a previous reply the context in which those concerns were expressed. I also made the point that commercial criteria apply in respect of the National Asset Management Agency. There is no differentiated approach with regard to how assets are valued. The question of valuation methodology
must be approved by the European Commission in any event so there is no question of that arising at all. These matters will all be dealt with consistently. They are taken on a case by case basis but it is not a question of the National Asset Management Agency acquiring assets for the purpose of immediate disposal. It is a question of providing, in the main, a longer time horizon to allow asset value recover rather than immediate disposal of assets. That is the reason a briefing by the Minister for Finance with his counterpart in the North would be useful in that respect so that they will have a full understanding and view of what is involved and get a detailed assessment from us. It was in that context that the meeting was arranged. There is no change from what is envisaged.

Regarding what Deputy Kenny said, the question of volatility of exchange rates between sterling and the euro is not something under the direct control of this Government. The whole purpose of the North-South agenda is the long-term issues. In what way can we provide building blocks that will make the island economy more competitive? In what way can we bring the island economy to the fore? In what way can we identify practical areas of co-operation across a range of areas, not only those set out originally? The whole idea of the interaction at ministerial level and in plenary format is as a confidence building measure so that both sides see the value of that co-operation and the need to explore its potential. In particular, in the context of the changed economic circumstances in which we find ourselves, a strong point I will be making is that now, more than ever, the need for close interaction and co-operation between North and South is important in the context of hard-pressed taxpayers in both jurisdictions providing moneys and trying to maintain service levels of public services. At the same time there is a need to see in what way we can co-operate and avoid duplication. This is an agenda that is all the more important and emphatic now than was the case before this, indeed more so.

In the context of working through financial services, the purpose in that regard was the mix and match approach. There are parts of the financial services industry in which we are well established, and there are very well paid jobs available here. There are other aspects of the financial services industry where we are no longer competitive but in which the Northern Ireland area might be competitive. Why would we not work together to try to ensure we maximise the island-wide approach? That is what co-operation is about.

In terms of increasing the cake and making sure it is available, we know that since autumn of last year an earthquake has taken place in the financial services industry, which obviously might delay the original hopes of that programme but it is nonetheless valid. Avoiding partitionist thinking is important in this issue.

Priority Questions.

Employment Support Services.

31. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the proposed job subsidy scheme which is proposed to form part of the national recovery plan; the type of companies to which it will apply; and the way it will be funded. [27946/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Government is working on the detail of a temporary employment subsidy scheme, the purpose of which will be to help the economy retain its productive capacity and help employers to retain the labour, knowledge and skills of the workforce, thereby supporting a faster return to sustainable growth; help employees to retain their jobs; and ensure that economic and fiscal
stability is promoted by avoiding the costs of unemployment, including statutory redundancy payments and the longer-term cost of social welfare.

It is proposed the scheme will involve paying a subsidy to firms to retain a person in employment who may otherwise have been made redundant.

The scheme is intended to apply to companies in the manufacturing or internationally traded service sectors that are currently engaged in exporting. In addition, in order to qualify for support it is intended that a company must not have been in difficulty on 1 July 2008, and a financial assessment must establish that it is now facing such difficulties as a result of the global and financial economic crisis that redundancies are likely to have to be considered within 12 months. It is also intended that a company must also be judged to be viable and capable of growth in the medium term to receive support under the scheme.

Deputy Leo Varadkar: I thank the Tánaiste for her answer. I have a number of questions, my first being whether the Tánaiste would be prepared to publish the draft proposal she is making. I have heard it talked about in this House, by Ministers and the Taoiseach in the media, and we know it is being discussed with the social partners. It is certainly being discussed in the media as well. It would be appropriate at this stage and would show respect for the House and for the Opposition if the Minister were prepared to publish the draft of her proposal so that we may all see what is proposed and the potential consequences.

How will Tánaiste assess which employees would “otherwise be made redundant”? An employment subsidy regime can have a huge deadweight effect if it subsidises jobs which are not in danger. In such cases there is cost to the taxpayer but no jobs are saved. There is also the danger that subsidising a business which is in trouble will simply displace jobs from another business which may be equally in need of subsidy.

Deputy Mary Coughlan: I will not be in a position to publish the draft proposals as I must first bring them to my Government colleagues. They will then be made available to the public.

It is proposed that the scheme will be administered by Enterprise Ireland, which has considerable experience of the stabilisation fund and the criteria set down for it, which are deemed appropriate. Those criteria will deal with the issue of deadweight, to which Deputy Varadkar has referred. It is not my intention that companies in the scheme will not be viable. Qualification will be based on viability and on opportunities, particularly for exporting, which will be available to these companies when the market returns to where it needs to be. The assessment will be based on the criteria set down by Enterprise Ireland and by agreement with a national monitoring committee, which will be set up to assure taxpayers and the people involved in the scheme that it will be working and that it is the right thing to do.

Deputy Leo Varadkar: It is interesting that the Tánaiste referred to the enterprise stabilisation fund. The proposal, as she outlines it, is similar and will assist the same sort of companies as are already assisted by the enterprise stabilisation fund. That fund is only barely in existence and it is too soon to know whether or not it is effective. I am concerned that the Government is basing a new scheme on one which is only a few months old.

I understand the new scheme will cost approximately €250 million, coming from the surplus in the training levy fund, and will only benefit exporters in the manufacturing or internationally traded sectors. Given that the scheme is restricted to that sector, only a small number of workers will benefit from it. People in construction, services, retail and other sectors will not benefit. Only a small number of business and workers will benefit but all workers and businesses will have to pay. Could that €250 million not be more effectively used to do some of
the things Fine Gael has proposed, such as reducing both rates of VAT, abolishing the travel tax and introducing an exemption from employers’ PRSI for employers who take on new staff? Such a measure would benefit all businesses, consumers and workers and would save more jobs. The Government’s targeted subsidy approach will only benefit a small select area.

**Deputy Mary Coughlan:** I am disappointed to hear the Deputy, once again, oppose many of the Government’s proposals.

**Deputy Leo Varadkar:** When the Tánaiste publishes her proposals I will tell her whether or not we oppose them. She will not publish them.

**Deputy Mary Coughlan:** The proposals deal with the sustainability of the many enterprises we have and where we will have opportunities to sustain and grow employment. The targeted group consists of approximately 3,600 agency listed clients involving almost 300,000 people. It includes ICT, food, chemicals, medical devices and many others. It is important that we target these industries where there are specific opportunities.

**Deputy Leo Varadkar:** It is only 10% of the economy. What about the other 90%?

**Deputy Mary Coughlan:** Many other proposals are being worked through other parts of the economy. This is only one part of the solution to the difficulties we face. There is a suite of Government proposals, including pilot schemes which we hope will work out well. Pilot schemes such as the graduate placement programme and the training initiative for people in part-time work, which was proposed by the Labour Party, need to be evaluated. I hope they will prove successful. I also hope the new job subsidy scheme will work. The feedback from the stabilisation fund has been nothing but positive.

**Small Businesses Report.**

32. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the recent report published by ISME which found that 50% of firms surveyed had applied for credit and had been refused by their banks; the steps she is taking to address this situation; and if she will make a statement on the matter. [27643/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I am aware of various surveys carried out by ISME. The results of individual surveys from the enterprise and banking sectors can be useful in highlighting the generality of the credit supply issue but they must all be examined in the context in which they are carried out and the methodologies applied.

The banks' recapitalisation package was about securing the long-term health of the economy and about enabling our banks to get back to the business of lending to viable projects and about saving jobs. The package includes many supports for small and medium enterprises, SMEs. The recapitalised banks have committed to increasing their lending capacity to SMEs by 10% over 2008. This should ensure that sound businesses will receive support from their banks. A €100 million environmental and clean energy innovation fund is also being established by each bank as well as a further €15 million each to new or existing seed capital funds. Much of this funding will flow to small and medium enterprises. SMEs are also covered by the code of conduct on business lending to SMEs. This code which was published by the Financial Regulator came into effect from 13 March 2009. The application of the code will promote fairness and transparency in the treatment of SMEs by the banks and should facilitate access to credit for sustainable and productive business propositions. Allied Irish Bank, Bank of
Ireland and Ulster Bank will also provide funding for SMEs on foot of €300 million facilities provided by the European Investment Bank to assist developing SMEs.

The recapitalised banks agreed to pay for and co-operate with the carrying out of an independent review of bank lending to SMEs. Additional banks have now participated in this review with the result that the five major lending banks are now included. The purpose of the review is to ascertain the position on credit availability to SMEs here and to recommend appropriate action to improve credit availability. The independent review has now been submitted to my colleague, the Minister for Finance, and will be published shortly. I welcome the completion of this review as it should allow all stakeholders an objective view of the state of lending from the banks to SMEs and provide some clarity on the level of credit being declined.

Arising from the recapitalisation package, the Tánaiste, along with my colleague the Minister for Finance, also established a credit supply clearing group with bank, business (including ISME and SFA) and State representation.

Additional information not given on the floor of the House.

This group is responsible for identifying patterns of events where the flow of credit to viable businesses appears to be blocked and for seeking to identify credit supply solutions relating to these patterns. The group is, however, not an appeals mechanism for cases where credit has been refused by the banks. Individual business decisions remain the responsibility of the banks. The credit supply clearing group is being chaired by my Department and will work to provide a clear picture of any emerging lending patterns while facilitating direct discussion by all the relevant interests in addressing problems. The group met for the first time on 28 May 2009 and will meet again shortly following the publication of the independent review of bank credit.

To assist and complement the work of the credit supply clearing group, I have held seven regional meetings, beginning in Cork on Monday 29 June, to discuss with representatives of business, banks and the State sector, their experience of gaining access to bank credit at local and regional level. I have, to date, held meetings in Cork, Waterford, Dublin, Bundoran, Shannon, Galway and Athlone. The last meeting will be held in Dundalk on Monday next 13 July. In the course of these meetings I met with local representatives of the major banks, business representatives from local chambers of commerce, ISME, SFA, IFA and the Irish Hotels Federation. Local representatives from the various State agencies, such as Enterprise Ireland, city and county enterprise boards and Fáilte Ireland, also attended. The outcome of these meetings should facilitate a greater understanding of the issue at both regional and national levels.

Outside of the banking sphere, my Department’s continuous support for enterprises arises through maintaining a positive business environment and through particular interventions from the State development agencies such as Enterprise Ireland, FAS and the county and city enterprise boards. The significant allocations in my Department’s Estimates for 2009 for the development agencies ensures that we can continue to build on this strategy for the future.

The Department has also introduced formal arrangements to reduce the payment period by central Departments to their business suppliers from 30 to 15 calendar days. This commitment has effect on all valid invoices received on and from 15 June 2009 and should help ease cash flow difficulties for SMEs.

Deputy Willie Penrose: The Minister of State will note that the focus of this question is jobs. It is important that money flows to create new jobs and to sustain and retain existing jobs.
Ordinary people and owners of small businesses are saying banks are running rings round the Government. They got huge funding for recapitalisation with no lending conditions attached. There is a credit famine which knows no bounds. Overdraft facilities are being withdrawn or renegotiated, loans are not being given or are given with huge conditions attached. Additional security is demanded and punitive charges imposed. Is the Minister of State concerned that banks are refusing to lend to 50% of small firm applicants and of the impact this credit famine is having on small businesses?

The Minister of State and the Tánaiste doubted the ISME survey. I will bring them up to date. Does the Minister of State also doubt the county enterprise survey? Mr. Michael Tunney, chairperson of the CEB network says, “If the situation continues many good businesses will be forced to close as a result”.

The number in receivership in the first half of the year has quadrupled. Some 523 companies are involved in liquidation, the highest since records began. Business closures outnumber formations for the first time since 2003. The Minister of State may doubt the ISME survey. Does he also doubt the county and city enterprise boards, which relay these figures to the Minister of State’s Department?

The Minister of State launched a credit evaluation programme in Cork on 29 June. What did he hear from that programme which is inconsistent with what ISME and the CEB is telling him? What is going on? Why will the Minister of State not tell banks to release credit to businesses which need it.

**Deputy Billy Kelleher:** I am well aware of the survey. Mr. Mark Fielding, CEO of ESME attended one of the seminars I held in Dublin to discuss the whole issue. I have also met the county enterprise boards and chambers of commerce throughout the country. We invited regional bank representatives and the representatives of broader industry from farming to the chambers of commerce to the seven meetings to date.

I have an in-depth knowledge of the difficulties facing small and medium-sized businesses, SMEs, but we must put such matters in context. The most important decision to provide credit to SMEs was the bank guarantee of 30 September 2008, which was intended to stabilise financial institutions. Subsequently, we recapitalised the two main banks and nationalised Anglo Irish Bank. In light of the recapitalisation, we introduced a code of conduct in respect of lending to SMEs whereby the banks are obliged to have a capacity 10% greater than their 2008 lending figures.

We are conscious of the SMEs’ difficulties in accessing credit, but there is a fundamental issue that we should discuss at a later date, that is, normal lending practices stopped some years ago. This is a fact. Credit was generously and easily handed out. SMEs must now submit projections and cash flow plans whereas submitting audited accounts to managers used to be sufficient to receive extra credit facilities. There is a tightening, but we must ensure we can wean the country from excessive lending practices to sustainable practices and that, in the meantime, SMEs are not hurt. With most of these exercises, the Government and every Deputy present have one purpose in mind, that is, the retention and protection of jobs.

**Deputy Willie Penrose:** Absolutely. We can concur on that objective, but I want to ask a related question. Into what black hole did the €350 million that was to be made available by the European Investment Bank, EIB, disappear? It does not appear to be going where it was intended or was Mr. Fielding out of date when he stated that some banks were ignoring EIB funds for SMEs, that two thirds of bank staff had no knowledge of those funds and that many of them did not know what was the SME lending code? Are the rescued banks snubbing the Government? Now that they have the capital, are they trying to run the show their way on the
basis that, even though the State was fairly good to them, that was nine months ago whereas they are now where they want to be and will tighten up the rules, thereby letting businesses go to the wall?

This is a matter of jobs. Thousands of jobs are being lost in the retail, manufacturing and technology sectors. Every sector, including hotels, is being hit by this situation. Why are the banks not lending the promised €350 million to SMEs at reduced interest rates?

**Deputy Billy Kelleher:** As I stated at the outset, ISME’s survey was useful in that context. Mr. Fielding raised this issue at one of our seminars and the banks gave an undertaking they would re-advertise through their staff or inform their staff of the importance of the EIB’s funding. The major banks have drawn down the funding. It is not for normal credit and short-term working capital, as criteria apply. It is for long-term working capital and liquidity purposes. The major banks were in discussions with the EIB. At a fine meeting this morning in Athlone in the Deputy’s county, I met some people who spoke highly of him——

**Deputy Willie Penrose:** I am glad to hear that.

**Deputy Billy Kelleher:** ——and other Deputies.

**Deputy Willie Penrose:** I know that, too.

**Deputy Billy Kelleher:** The EIB’s money will begin to flow into businesses quickly. The banks took on board views expressed at the regional seminars and in ISME’s survey and undertook to educate their staff regarding the EIB’s funding.

**Science and Technology Education.**

33. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the fact that the standard of Irish science, engineering and technology graduates is high enough for industry and enterprise based here; her policy on awarding work authorisations for third country science, engineering and technology workers; and if she will make a statement on the matter. [27943/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan):** The proportion of students studying science and mathematics at junior and leaving certificate levels has been stable since 2001 and Ireland ranks as one of the leading countries in the European Union in terms of science, mathematics and computing graduates. However, in terms of engineering graduates, Ireland is ranked well below the EU 15 average. This is a direct consequence of the prominence within Ireland’s higher education system of science compared to engineering.

The National Skills Bulletin 2009 published last Friday by the Expert Group on Future Skills Needs, EGFSN, concluded that skill shortages persist within the economy and have been identified in the specialised high-skill areas of IT, science, sales-marketing, health, accountancy, engineering and management. Demand is confined to those with third level qualifications and with specific expertise and experience. For example, companies are still finding it difficult to source advanced IT system management skills, experienced engineers for the development and implementation of lean manufacturing processes and scientific technicians for the development and prototyping of specific medical devices.

Government employment permit policy is to ensure that general labour and skills needs are met from within the workforce of the EU. Employment permits will issue only in respect of non-EEA citizens on a vacancy specific basis where skills or labour shortages in areas strategic
to the economy exist. The majority of employment permits in strategic high-skill areas are facilitated by way of our green card permit scheme. Green cards may issue in respect of vacancies where the salary on offer is at least €60,000 per annum or in respect of any occupation where the salary is in excess of €30,000 per annum provided that occupation is listed on a green card occupation list maintained by the Department. This list of occupations eligible for a green card has been recently reduced to reflect labour market conditions. The main categories are IT, health care, industry, education and finance.

In addition, the researcher mobility hosting agreement scheme, which provides for the entry into the State of researchers from third countries under Council Directive 2005/71/EC, has been operating successfully since 2007 with some 570 hosting agreements issued to researchers, representing more than 59 nationalities. Some 18 third level institutes and one private enterprise have been accredited to issue hosting agreements under the scheme. In addition, a hosting agreement extranet was established enabling relevant key departments, such as immigration authorities, embassies and consulates, access to an electronic database, thus expediting immigration procedures for third country researchers. Under both of the above schemes, the person will be allowed fast-track access to the long-term residence status to be provided under the Immigration, Residence and Protection Bill 2008.

**Deputy Denis Naughten:** I thank the Minister of State for his response and compliment the steps taken to fast-track specific positions. I wish to flag an issue, namely, a comparison in the recently published Quarterly National Household Survey, which showed a decrease of 9,000 Irish nationals employed in the professional, scientific and technical sectors up to the end of the first quarter of 2009. During the same period, the number of employees from the EU 14 countries and third countries increased by 2,000 and 1,000, respectively. It would be worrying were this trend to continue, given the Government’s planned significant investment in the smart economy and the Minister of State’s comments last week to the effect that €100 million in EU research funding is entering Ireland per week.

The concern is that we are not producing graduates to a high enough standard to fulfil the roles being created. We must address this concern in terms of our education system and its focus on maths. The Minister for Education and Science has suggested a loan scheme for third level students. Elsewhere, this has been shown to force many people with technical skills out of their countries. Has the potential impact on retaining such skills been evaluated?

**Deputy Conor Lenihan:** The Quarterly National Household Survey is an interesting reflection of what is occurring in the labour market, but we can do nothing about the 2,000 people from the EU. If 1,000 people from outside the EU are securing jobs in the categories in question, we must examine the matter, but there are schemes whereby third country nationals can enter Ireland where——

**Deputy Denis Naughten:** It seems strange, given that we are discussing 9,000 of our own people.

**Deputy Conor Lenihan:** ——skill shortages have been identified. In the IT, banking and many other sectors, specific skills are required that are not available in the Irish labour market. Obviously, a stringent test is applied to employers who make this case. It is not true that employers can lightly invoke the reason of skill shortages. Rather, they must rigorously prove that an appropriate person is not available or cannot be accessed within the domestic or EEA labour market.

Deputy Naughten is correct concerning the issues regarding science and maths. There is a considerable difficulty associated with the quality and standard of leaving certificate and univer-
sity students in the area of science and maths. It is a very considerable problem in that only 16% of the leaving certificate cohort take higher level maths.

**Deputy Denis Naughten:** Bearing in mind the Minister of State’s previous and current roles and the fact that the quarterly national household survey shows 3,700 people from outside the European Union fall into the category in question, some of whom I hope will remain in Ireland and establish new businesses that may become the Intels of tomorrow, will the Minister of State examine the eight-month delay in the approval of business permits for people who have a good idea, want to develop it into a viable business and employ Irish people? I have asked the Minister for Enterprise, Trade and Employment about this previously. One third of the applications are being abandoned because of the long delay in processing them.

**Deputy Conor Lenihan:** I have obviously discussed that with my colleagues. The Minister of State, Deputy Billy Kelleher, in his previous remit, examined the issue of work permits very carefully. I reassure Deputies——

**Deputy Denis Naughten:** The Department of Justice, Equality and Law Reform.

**Deputy Conor Lenihan:** ——that where it can be proven that an issue arises in respect of our own people — unemployed or otherwise — not being able to gain access to our labour market owing to people coming in from outside the European Union, it will be investigated vigorously. We do not want to be importing labour from outside the European Economic Area. We would investigate every matter in this regard, particularly the eight-month delay about which the Deputy spoke.

**Departmental Programmes.**

34. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she is satisfied her financial and policy-related oversight of FÁS in the past ten years was sufficient in view of recent examples of practices and programmes that did not show value for taxpayers’ money; and if she will make a statement on the matter. [27944/09]

**Deputy Mary Coughlan:** My Department and I closely monitor the operation of FÁS and the implementation of its labour market programmes. The medium-term policy direction of FÁS is set out in its multi-annual statement of strategy, which is developed in close co-operation with officials in my Department. Overall responsibility for the management of FÁS lies with its board. Its internal governance structures include an executive board comprising the director general and seven assistant directors general. The executive board reports to the senior board.

Senior officials from my Department meet senior executives in FÁS on a regular basis to maintain the alignment of Government policy with programme delivery. In addition, a senior official from my Department is a member of the board of FÁS. The budget for FÁS is agreed on the basis of detailed discussions between FÁS, my Department and the Department of Finance in the context of the annual Estimates process. The allocation of funding to FÁS is aligned to Government policy in the context of the provision of active labour market supports to meet the changing needs of the labour market.

The annual financial accounts of FÁS are audited by the Comptroller and Auditor General. These accounts include a number of statements relating to financial compliance, which form part of the FÁS annual report and, in accordance with the provisions of the Labour Services Act 1987, are presented to me by FÁS and laid before the Houses of the Oireachtas.
When issues of concern relating to expenditure in FÁS were brought to my attention following my appointment as Minister for Enterprise, Trade and Employment last year, I acted quickly to seek assurances from FÁS that the issues highlighted by the Comptroller and Auditor General’s value for money report had been addressed. I then proceeded to request the Comptroller and Auditor General to carry out an examination of the activities of the FÁS corporate affairs division since 2000 and to report on the effectiveness of management and control systems across the FÁS organisation. I have recently received a report from the Comptroller and Auditor General that deals with the examination of advertising and promotion in FÁS and it forms part of this investigation. This report will be laid before the House in due course.

In addition, my Department is currently carrying out a review into the active labour market programmes funded by my Department, including those delivered by FÁS. The review focuses on the efficiency and effectiveness of these programmes in the context of current labour market policy changes and challenges. The review will draw conclusions on the balance of resources and the rationale for the allocation of public funding in the context of current and future labour market policy changes, including the implementation of the national skills strategy. It is expected that these conclusions will inform policy decisions on the allocation of funding in the context of the Estimates campaigns of 2010 and future years.

**Deputy Deirdre Clune:** The FÁS Science Challenge programme was established in 2003 and was described as being part of the Government’s effort to promote science, engineering and ICT. Another programme, Discover Science and Engineering, was also established in 2003 with the objective of promoting awareness of science and engineering. Science Foundation Ireland was established formally in 2003 and has a similar remit. It was recently brought to our attention that the FÁS Science Challenge programme was investigated on the initiative of the Minister for Enterprise, Trade and Employment and abandoned. An official of Science Foundation Ireland stated the programme was characterised by a lack of data on objectives and what was intended to be delivered.

The Department, in terms of its role of overseeing investment in science and technology, was throwing money like confetti at a wedding at various different programmes, with no targets——

**An Leas-Cheann Comhairle:** The question is on FÁS.

**Deputy Deirdre Clune:** I am talking about FÁS.

**An Leas-Cheann Comhairle:** I believed the Deputy was talking about Science Foundation Ireland.

**Deputy Deirdre Clune:** I am talking about that also; it has similar projects. Science Foundation Ireland was involved in a review of FÁS’s Science Challenge programme.

Bearing in mind all the various programmes that were supposed to encourage people to become involved in science, technology, engineering and ICT, what was occurring in the Department? The programmes were all going in different directions and vast quantities of taxpayers’ money were spent on all of them.

**Deputy Mary Coughlan:** We had better differentiate between the FÁS programme and that of Science Foundation Ireland. The latter has been absolutely superb, not without the Minister of State and me keeping a cute eye on expenditure and determining where commercialisation opportunities arise. Our focus is certainly on enterprise.
The Science Challenge programme was established to encourage education and research and, eventually, high-level careers in science, engineering and technology. This is what we wanted but, unfortunately, on the basis of expenditure, value for money analysis and outputs, I felt the programme needed to be reappraised. On receiving the result of the reappraisal on my behalf by the Department, FÁS, Forfás and Science Foundation Ireland and senior officials from the Higher Education Authority, I decided immediately that although the programme was beneficial in one way, it certainly did not work within the remit of FÁS and was not good value for money. It is on this basis that I decided not to continue with the programme. I have instructed my officials to secure the orderly wind-down of the programme.

There are a number of initiatives, contacts and opportunities within the programme that can be availed of by people such as Professor Frank Gannon of Science Foundation Ireland with a view to considering other types of opportunities. In the context of the challenges that arise at present, FÁS would be best to focus on the unemployed. We must continue to train those who are employed to increase productivity. I decided on the basis of the views brought to my attention that we would not proceed with the programme.

Deputy Deirdre Clune: The Discover Science and Engineering programme and the FÁS Science Challenge programme seemed to be operating at the same time. Was the latter operating under Government approval? Will the Minister be publishing the report thereon?

Deputy Mary Coughlan: I asked for the evaluation within my own Department. I would have to consider whether I should publish it. The most important point is that I made a decision on it as soon as I received it, and we are progressing accordingly. As everyone knows, on the basis of matters that were brought to my attention, investigations have been carried out. The Comptroller and Auditor General carried out an investigation on my behalf in consultation with the Committee of Public Accounts and a further investigation will be carried out. It is my clear intention to consider new measures that can be delivered by FÁS and its board in addition to new corporate governance measures. The latter have been introduced at my behest and they will need to be appraised once I receive the final report from the Comptroller and Auditor General.

Redundancy Payments.

35. Deputy Damien English asked the Tánaiste and Minister for Enterprise, Trade and Employment the average time taken by her to pay out redundancy payments upon receipt of an application for support; and if she will make a statement on the matter. [27945/09]

Deputy Mary Coughlan: The considerable increase in the number of redundancy payment claims lodged with the redundancy payments section of my Department in the latter part of 2008, and to date in 2009, is unprecedented and is giving rise to delays in the processing of redundancy payments for individuals and companies within acceptable timeframes. The scale of the challenge is evident from the statistics for the first half of 2009, which indicate that the number of new claims lodged with my Department stands at 42,724, an increase of 160% over the equivalent period last year. Moreover, claims lodged at this half-year point now exceed the total number of claims received for the full year 2008, which, of itself, was an exceptional year by comparison with earlier years when claims received were of the order of 25,000 or less.

I am acutely aware of the difficulties the inability to deliver an acceptable turnaround of redundancy rebate payments is giving rise to for both individual employees and the business community. Together, we have taken and continue to take all possible steps to address the issues. Measures already taken include the reassignment of 19.7 additional staff, full-time equiv-
alents, from other areas of the Department to the redundancy payments area since early 2009 with ongoing review of trends and demands; the prioritisation of the Department’s overtime budget towards staff in redundancy payments section to tackle the backlog outside normal hours; the establishment of a special call handling facility to deal with the huge volume of telephone calls from people and businesses who are naturally concerned about their payments, using the facilities and cooperation of the National Employment Rights Authority, NERA; and the provision of better quality information on current processing times on the Department’s website. This enables the staff in the redundancy payments area to concentrate on and prioritise the processing of redundancy payment claims.

The average time it takes to process rebate applications from employers filed on-line is six months while claims submitted by post take seven months. In respect of lump sum payments paid directly to employees in instances where the employers are unable to pay the statutory redundancy entitlements, the current processing time, assuming all of the necessary supporting documentation is filed, is between six and eight weeks.

I agree with the Deputy that this is totally unacceptable and that is why I have streamlined a transfer of my human resources, and, to the disgruntlement of every member of my staff all of my overtime budget, to deal with this inordinate difficulty. I appreciate that it is not good enough and we will do all that we can to correct this as quickly as possible.

Deputy Damien English: I thank the Minister for her full reply. I will not be as grouchy as usual because I got a good answer this time. Did the Minister say that the Minister of State sitting beside her had ‘cute’ eyes or ‘acute’ eyes or is keeping ‘a cute eye’ on something?

Deputy Mary Coughlan: Acute eyes.

Deputy Willie Penrose: The Deputy should wait until Saturday night.

Deputy Mary Coughlan: I should have said sharp eyes. He is cute all right but not in that way.

Deputy Damien English: I would not like the other Minister of State, Deputy Conor Lenihan, to be jealous.

I accept why there is a problem. Allocating 19 extra staff is a good move but the figures have been very high for the past six months and will unfortunately be just as high if not higher for the next six months. Can anything else be done to reduce those waiting times? The Minister has said that a six or seven month wait is not acceptable. It is a massive jump from six weeks and is not good enough. We know that businesses are under great pressure. They cannot get money from banks or from their customers or even from the Department. The small sums, €1,000, €2,000 or €3,000, are a great deal of money. They need that just to pay some of the bills each week. It is very serious. Does the Minister have any statistics on the average sum in rebates owing to companies and if so could she furnish them to me later?

Is it possible, in prioritising those to whom money is owed, to examine the serious cases that are owed a large sum of money because some businesses are under immense pressure to get the money back? They are legally obliged to pay it out and do so as the person leaves the premises. We must work with them on this because it is not acceptable that they must wait six or seven months, which could become eight or nine months in some cases. I will not argue with the Minister because she has given a fair answer, and has admitted it but we must do more to address the problem. The Minister needs another plan A to deal with this for the future.

Deputy Mary Coughlan: The Deputy is right. Had we discussed this four or five years ago the complaint would have been that the work permit section was not delivering quickly enough.
We have transferred many of those people to the redundancy section. Following further meetings with the Minister of State, Deputy Calleary, we have not just added 20 staff but transferred an additional 14. I have also requested another staff transfer which I believe the Minister for Health and Children will facilitate with an additional ten people to effect that transformation as quickly as possible. We will also use NERA so that people can do the work while someone else answers the telephone.

I do not disagree. I know that everybody is crying out for the few euro to which they are entitled, for one reason or another. We have met several businesses which have asked us to transfer the money to the Revenue Commissioners to get these people off their backs. We have facilitated that on an individual basis but only with the client’s imprimatur. We continue to do all we can to try to deal with this problem.

I hope that the Deputy will be proved wrong about the number of redundancy notices that have been put in. There was a high number between January and March of this year but we will do all we can. If other ideas, or initiatives that need to be taken, I will be forthcoming. One suggestion was that we outsource this work but I have not yet come to a final agreement on that but if necessary it is another option.

Deputy Damien English: Have the deals with the Revenue Commissioners begun yet? It was agreed that something would happen but is it happening? Is that only a PRSI offset or can they offset other taxes due?

Deputy Mary Coughlan: Although we do not have electronic funds transfer from one to the other we do facilitate a full offset, at the employer’s request, of the amount against its tax liability.

Deputy Damien English: Is that regardless of the tax category?

Deputy Mary Coughlan: Yes. The Revenue Commissioners do not mind.

Other Questions.

Redundancy Payments.

36. Deputy Charles Flanagan asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will honour the commitment to allow employers to offset against tax, a redundancy scheme refund, that has not been paid by her; and if she will make a statement on the matter. [27557/09]

Deputy Conor Lenihan: At the Tánaiste’s instigation, the Department engaged with the Revenue Commissioners to facilitate businesses experiencing particular difficulties in meeting tax payment obligations because of a delay in receiving rebate repayments from the redundancy payments section of the Department. Where agreement is forthcoming with the employer and, subject to satisfactory evidence being provided of the repayment due and its quantum, Revenue will be accommodating in deferring for a reasonable period collection or enforcement action that would otherwise ensue in the event of delayed payment of tax.

Since putting this administrative arrangement in place, my Department has received a significant number of requests from companies indicating consent to payment of the redundancy rebate they would otherwise be entitled to in favour of the Revenue Commissioners, where an outstanding tax liability exists. Revenue has agreed to consider these on a case-by-case basis.
Deputy Leo Varadkar: This is broadly the same as Deputy English’s question so I will not detain the House. Has consideration been given to allowing an offset against employer’s PRSI and VAT payments where that is relevant, in addition to what is being done?

Deputy Conor Lenihan: We are working with Revenue on that matter. There has been significant interest in this but the scheme has been operating for only two months. Thanks to the Minister’s good intervention several hundred people have availed of the scheme in that period.

Deputy Willie Penrose: I raised this last April and advocated that the Department contact the Revenue to set up this scheme. Can letters of comfort be provided not just for the Revenue but also for a business to say that the money, whether €6,000 or €8,000, is due? Small companies could show that to the banks in order to release another few euro.

Deputy Conor Lenihan: I am sure that the Revenue Commissioners will consider that and we will suggest that if such communication is vitally needed to keep a business going it should show that flexibility.

Proposed Legislation.

37. Deputy Ruairí Quinn asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish the Industrial Relations Bill which is required to provide for the continued operation of the joint labour committee and the registered employment agreement system, which was promised under the Review of Towards 2016; and if she will make a statement on the matter. [27440/09]

Deputy Billy Kelleher: In the context of the Review and Transitional Agreement 2008-2009, the Government and the social partners agreed to the implementation of a series of measures, including the introduction of legislation, to strengthen the existing system for the making of both employment regulation orders and registered employment agreements and to provide for their continued effective operation. The Bill to give effect to this commitment will be published as soon as possible.

Deputy Willie Penrose: I thank the Minister of State. This is important because it fulfils a commitment made under the 2016 agreement. It is important that the measures are aimed at modernising and streamlining the joint labour committee systems, including the rationalisation of the number of the committees involved and the appointment of professional chairpersons with experience. Does the Minister of State consider that bringing forward the Bill would give an impetus to the resolution of the current dispute which we will debate later today?

Deputy Billy Kelleher: We urge all parties involved in the present dispute to use the industrial relations machinery available to them and engage with the Labour Relations Commission because this is having a profound impact on the economy, as well as the immediate issue. The purpose of the Bill is to strengthen the joint labour committees and the employment regulation orders. There was a commitment to streamline them but the hotel and catering sector and consequently the electrical contractors launched legal challenges to them. The High Court found the law to be defective. The commitment remains and we will publish the Bill quite soon but I doubt whether the Bill, published or unpublished, would have any impact on the present dispute. I urge those involved to engage with the industrial relations machinery available to them.

Deputy Leo Varadkar: I am not sure what “streamlined” means in this context.
**Deputy Billy Kelleher:** We wish to amalgamate them in order to have fewer of them.

**Deputy Leo Varadkar:** We do not need legislation for that. A number of them, including the catering one, have been amalgamated already. The issue which may require legislation is the fact that the courts may determine that employment regulation orders, EROs, are not legal because they have the sanction of the Labour Court and not ministerial sanction. I understand that one of the actions that may be dealt with in the Bill is that if this court case goes in a certain way, all EROs would fall as they would never have had legal weight. This Bill would require the Minister, rather than just the Labour Court, to sign off on all EROs. Legislation on those grounds would seem reasonable.

We also need to go further. Does the Tánaiste agree that there must be more far-reaching reform of the way joint labour committees, JLCs, and employment regulation orders work? With regard to the role of representative bodies, should there not be legislative definition of whether a body is representative of most employees? On many of these, they are not entirely representative, and there must be a clearer legal definition of the role of the chairperson. It is the case that with joint labour committees and EROs, the chairperson’s casting vote determines the outcome. Unlike what we have with the electricians, it is not an agreement, and employment regulation orders are imposed by a committee. Often, they are not agreements at all and they are not claimed to be such.

**Deputy Billy Kelleher:** There are two issues at stake; first and foremost there was a commitment in Towards 2016 that there would be a streamlining of the JLCs. As there are too many of them, we wanted to streamline them in order to have strong representation. There is also the issue of the independence of a chairperson.

Since then there have been challenges to the way we make the orders and it is required in the legislation that we would have the cover of the Oireachtas through ministerial order rather than us delegating too many functions from this House to the Labour Court. That was the issue challenged in the courts. I am sure people would not object to the streamlining of JLCs but in the actual detail——

**Deputy Leo Varadkar:** What about the other two issues?

**Deputy Billy Kelleher:** What issues?

**Deputy Leo Varadkar:** There is the use of a chairman’s vote to determine outcome and the question of whether members of the committee are actually representative of their industry.

**Deputy Billy Kelleher:** We will examine the issue of the independence of the chair but ultimately there is representation from both sides. Very often it is split exactly in half and the independent chair has the casting vote.

**Deputy Leo Varadkar:** Who chooses the representatives?

**Deputy Billy Kelleher:** Is the Deputy suggesting that one side should have a majority? That would not work either. It is important to get the balance right.

**Deputy Leo Varadkar:** There should be agreement on it.

**Deputy Billy Kelleher:** There are difficulties with the current strike and there is an element of that in this issue. We would like to see the JLC system strengthened and broadly representative. The issue of the independent chair can be considered but the two fundamental issues are the legislation to strengthen the JLC system and the streamlining of the JLCs themselves.
38. **Deputy Joe Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has made a submission in regard to the review of the national minimum wage currently being carried out by the Labour Court; and if she will make a statement on the matter. [27427/09]

**Deputy Mary Coughlan:** In November 2008, ICTU requested the Labour Court to review the national minimum wage and to make a recommendation to me concerning its adjustment. The court is required under the National Minimum Wage Act 2000 to consult with representatives of employers and employees in the private sector and the public sector of the economy. In this regard, I understand that the court invited submissions from IBEC, ICTU and the Department of Finance. The Labour Court also held discussions with these parties and I understand that the matter is still under consideration by the court.

Given my responsibilities under the Act with regard to the consideration of any eventual Labour Court recommendation on the minimum wage, it would not be appropriate for me to make a submission on the matter to the court and I have not done so.

**Deputy Willie Penrose:** The Department of Finance has made a submission so the Government has a position on it. The Labour Party does not think there is any justification for decreasing the minimum wage or cutting in any way the basic levels of social welfare, so we may as well start from that premise. The arguments for increasing it can be discussed with regard to current economic circumstances.

Many of those people in receipt of minimum wage or at the basic level of social welfare have the highest propensity to spend in the economy. The propensity of these people to save is minimal because they do not have such resources, so if we cut their available resources further, it will have a further deflationary effect on the economy. It is important to note this, and I do so as somebody who must pay the minimum wage.

Has there been any indication of how far the Labour Court has progressed in its assessment of the position? Is it correct that once it has made recommendations to the Minister of State with responsibility for labour affairs, he will have three months to consider them? Is it the position that the minimum level of wage, on which ICTU and IBEC have adopted different stances, has not been reported on by the Labour Court, despite it being there for a considerable period? Is that an indication of difficulties? That is neither here nor there. Does the Government intend to resolve the issue within the context of the new round of social partnership talks rather than wait for the Labour Court to deal with it?

**Deputy Mary Coughlan:** The Labour Court would be very cognisant of ongoing discussions within the social partnership process and on that basis, I expect that the Labour Court would not be making a recommendation to the Minister of State. I have heard both sides of the argument. I had the opportunity to meet Commissioner Spidla and he indicated that the labour relations issues we have — the minimum wage, the EROs and JLCs — are such that we will not have an imposition of further legislation from the European Union on the basis of our own domestic policy. That is unlike a number of other member states, where the European Union is giving direction on issues that must be addressed.

The issue of the national minimum wage is causing difficulty, particularly in some of the very vulnerable sectors, but at the same time we must give assurances to people who are vulnerable in these sectors that they have an entitlement. We must balance both of these factors. Until such a time as we have seen a finality in the social partnership process, I am in anticipation of a decision from the Labour Court.
It is important to reiterate the Taoiseach’s comments in the House last week in that we have seen the unit labour costs in Ireland reduced by 7%, which will address our competitiveness.

**Deputy Leo Varadkar:** Like with many issues, real information on this is rarely shared in the House. That has much to do with the way democracy has declined in this country under the past 12 years of a Fianna Fáil-led Government. There is a draft document on *The Irish Times* website outlining the proposals submitted by the Government to the social partners with regard to pay in the private sector. The Government’s draft document indicates the review of the minimum wage being carried out by the Labour Court should now be suspended. Is that document authentic and is it the Government’s position with regard to the negotiations with social partners that it should be agreed that the Labour Court review of the minimum wage would be suspended?

**Deputy Mary Coughlan:** I have much more to be doing than reading *The Irish Times*, and from what I can see, the Deputy spends 99.9% of his time on the Internet and the computer. I do not have the time to read *The Irish Times* and what it has to say.

It is my responsibility not to make any public pronouncement on the basis that we must adjudicate within the Department of Enterprise, Trade and Employment. As we all know, the views of the Department of Finance relate only to that Department and I cannot give any public comment on the issue. I do not want to find myself in a position where I could be brought before the House having expressed a public opinion which, *per se*, is not a recommendation from the court.

I have indicated that while the partnership process is ongoing and as there has not been final deliberation on this issue, I will not expect a recommendation from the Labour Court until it comes to fruition. It is my expectation that the maturity I have seen, regardless of what has happened this week, on both sides would reflect the economic difficulties we are currently experiencing. We must await the outcome of the matter.

**Deputy Arthur Morgan:** Is the Tánaiste aware of a growing chorus on the part of exceptionally well-paid individuals in respect of a reduction in the minimum wage? Whatever about articles on website of *The Irish Times*, etc., will the Tánaiste indicate her view on the minimum wage and whether it should be either reduced or increased?

**Deputy Mary Coughlan:** I am precluded from expressing a view on the matter. However, it is important to say that there is an opinion among many companies which are struggling that the level at which national minimum wage is set is causing them difficulties. It is not necessarily that people are in receipt of the national minimum wage but these companies are of the view what is over and above that wage is causing those difficulties. We introduced the national minimum wage in the first instance in order to provide protection to people, particularly those working for vulnerable companies, who might not have had the capacity or capability to express their own views. On this occasion, the jury is out.

**Deputy Arthur Morgan:** Does the Tánaiste accept the point made by Deputy Penrose?

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### Job Losses.

39. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the announcement of the loss of 160 jobs at a company (details supplied) in County Carlow; the discussions she has had with the industrial develop-
ment agencies with a view to securing replacement jobs; and if she will make a statement on the matter. [27451/09]

Deputy Conor Lenihan: IDA Ireland has worked with the Braun Oral B management team to seek replacement projects for the Carlow operation. The Tánaiste and Minister for Enterprise, Trade and Employment and IDA Ireland have had meetings at corporate level with Proctor & Gamble in the United States to explore opportunities for Ireland.

The decision to exit certain product lines was taken following the steady decline in consumer demand for gas-powered hair care appliances in recent years. A sourcing study was initiated to examine all potential options for Carlow. Regrettably, the decision of the study is that in order to keep the business viable, the company will transfer the remaining product lines from Carlow to the Braun Oral B manufacturing site at Newbridge, with the closure of the Carlow site by mid-2010. This is disappointing for Carlow. However, a decision was made to keep the business in Ireland and Braun Oral B will be able to secure future employment for approximately 100 of the Carlow employees at the Newbridge site.

IDA Ireland’s strategy for County Carlow within the south-east region is to progress the development of a knowledge economy in order that it, and particularly the county town of Carlow, can compete both nationally and internationally for foreign direct investment. Specifically, this includes the provision of world-class property solutions with supporting infrastructure and working with local development partner agencies in County Carlow to advance critical supporting infrastructure, both hard and soft, which will contribute to a sustainable business environment for the long term. IDA Ireland is also actively engaged with the existing client base in County Carlow to encourage its transition to continually higher-value activities to promote further investment in Ireland.

Carlow has traditionally been a centre of manufacturing, with a strong engineering tradition in both the indigenous and overseas sectors. For companies in the engineering and consumer products sectors, the business environment has become more challenging in recent years. With much of the investment globally in these sectors now going to low-cost destinations such as eastern Europe and China, the task of moving up the value chain becomes increasingly urgent and relevant.

Additional information not given on the floor of the House.

In marketing Carlow for new foreign direct investment, IDA Ireland is focused on attracting overseas companies in the life sciences, services and knowledge based industries including advanced manufacturing.

To assist in the retention and creation of jobs, the Government, through the enterprise development agencies, the county enterprise boards and other interested parties, adopts a coordinated approach in marketing and promoting inward investment and enterprise development. In addition, all the agencies work together to make people aware of the supports available to assist in finding new employment or to start their own businesses.

Deputy Jack Wall: I am pleased that, in this instance, not all of the jobs involved will be lost. I appreciate the fact that the chief executive of the relevant company telephoned me to outline the difficulties it is experiencing. It is a welcome development that approximately 100 of the Carlow employees will be retained at the Newbridge site.

I accept that we are living in extremely difficult times. However, there have been major job losses in Carlow and Athy. Employment in the industrial sector in south Kildare and Carlow has been badly hit, at companies such as Braun, Lapple, the Irish Sugar Company and a number
of others in Athy. I understand that problems exist. However, I request that consideration be
given, in the context of the overall picture, to the area to which I refer.

When I was employed by Braun, the workforce there numbered some 1,400. Now, however,
the doors of what is a magnificent facility are to be closed. In addition, Lapple and the Irish
Sugar Company were also been closed. Carlow is now a major unemployment blackspot. Some
ten companies have also moved their operations out of Athy. The State agencies must consider
what action to take in respect of this area and I ask the Minister of State to provide a commit-
ment that they will do so.

Deputy Conor Lenihan: I would be delighted to give such a commitment. I wish to reassure
the Deputy that IDA Ireland has a commitment to Carlow. It is important to note that earlier
this year Merck, Sharp & Dohme announced an investment of €20 million and 160 additional
jobs. In addition, the US-based company, Unum, also announced the creation of jobs in Carlow.
There is a real commitment on the part of the agencies to co-ordinate their efforts in order to
ensure that Carlow will not become an unemployment blackspot in industrial terms.

Written Answers follow Adjournment Debate.
place or planned for local government authorities in the matter of the cost benefit analysis procedures and methods to be followed in assessing proposals for their larger capital expenditure projects, and if he will consider extending the remit of the Comptroller and Auditor General to include the larger local authority capital expenditure projects; (11) Deputy Deirdre Clune — the need to provide increased resources for drug prevention, treatment and rehabilitation in light of the recent escalation in the use of heroin in Cork; and (12) Deputy Ciaraí Lynch — to ask the Minister for Finance if it is his intention to provide sufficient finance to continue the provision of area co-ordinators in the family mediation service in the southern and western regions and if he will make a statement on the matter.

The matters raised by Deputies Deirdre Clune, Seán Sherlock, Beverley Flynn and David Stanton have been selected for discussion.

Leaders’ Questions.

Deputy Enda Kenny: I am sure every Member is extremely concerned with regard to the situation in respect of industrial relations at present. We must ask ourselves how, in July 2009, we have arrived at a point where proven and expensive mechanisms for resolving industrial disputes have failed. At a time of unprecedented economic and difficulty for our country, we find ourselves in a strike position. People believe that this strike relates to pay but it is sending out the wrong message with regard to our country.

Despite the difficulties the Government has been experiencing, the international perception of Ireland was that at least some attempts were being made to resolve and deal with those difficulties. We may differ in respect of the decisions the Government has taken but the message being sent out into the international arena has the potential to become absolutely catastrophic in the context of the position vis-à-vis employment in this country. Some 418,000 people are currently on the live register, the message is being sent out that Ireland is in a strike position. That begs the question as to how we have arrived at a point where our industrial relations machinery has not been able to resolve the problem.

The Taoiseach has placed his personal credibility on the line on a number of occasions in respect of social partnership. I understand that this is not a simple problem and that there aspects which will prove difficult to get right. However, the Association of Electrical Contractors of Ireland made an arrangement with the Construction Industry Federation, CIF, which was subsequently appealed to the High Court. What is the Government’s view in respect of whether that arrangement is legally binding? Does the Government have an opinion on the matter? Has it been advised by the Attorney General, as the legal officer to the State, that the agreement entered into a number of years ago is legally binding? That is the net question and the answer to it will provide an indication of the nature of the solution which might be arrived at. In the interests of finding a solution to this complex issue, will the Taoiseach indicate whether it is the view of the Government that the agreement to which I refer is legally binding?

The Taoiseach: It is important to state that it is clear a situation has arisen that is damaging to the specific industry in which the industrial dispute has arisen and which potentially has wider damaging effects for the economy. I note that a Private Notice Question has been scheduled for 5 p.m. this afternoon regarding the details of the dispute and it is important that rather than emphasising the merits of their respective cases, the House should call on both sides to use the industrial relations machinery and considerable expertise that is available in the State. Every industrial relations dispute is a matter of deep regret and it is important to be prepared to ensure both sides use the available machinery and to try to resolve this dispute quickly.

On the question of registered employment agreements, pay in the electrical contracting sector is set out in a registered employment agreement that sets legally binding minimum rates
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[The Taoiseach.]

for the industry, which covers electrical contractors. Up to last year, the increase was calculated through an analogue pay comparison exercise, based on the pay of electricians outside the contracting industry. While certain legal challenges have been brought to the agreement, the issue is that of an industrial relations dispute, based on an existing registered employment agreement, which must be resolved through the use of the industrial relations machinery. I believe that process should be used to the full.

Deputy Enda Kenny: With respect, that reply does not answer the question. My concern is about the message that is going out about Ireland and the position in which we find ourselves, whereby public perception is that a strike is being held on the basis of a pay increase. That is fine until people begin to understand that 418,000 people and rising now are on the live register and that companies with major productivity concerns are being affected by this dispute, despite having had neither hand, act nor part in it. There has been evidence to this effect from Diageo, Cadbury and a number of major infrastructural projects that are under way at present.

This issue arose neither today nor yesterday but has been signalled for some time, and since last November in particular. The point is that although everyone will call for both sides to come together and to use the State mechanisms to resolve this issue before it reaches a potentially catastrophic position, a decision cannot be made until there is evidence of what is the answer to the question I raised. At the time when the Tánaiste reported to her Cabinet colleagues on this matter, surely there was an obligation for the evidence and advice of the Attorney General to be given as to whether the agreement is legally binding. If it is legally binding, then there is one answer, while if it is not, there is a different answer. While using the mechanisms of State and if it is legally binding, it may be that the money due will be paid and agreement then will be reached on a freezing of rates or whatever. I understand there is room to drop both the claim for a decrease or cut back in wages and the claim for an increase in wages, depending on the resolution of the question of whether this agreement is legally binding.

I note the Taoiseach has made a strong case a number of times about social partnership and I have heard the comments of the President in this regard. Has that question been addressed in the briefing given by the Tánaiste to her Cabinet colleagues? As this question was not fully and finally signed off by the Labour Court, what is the Government’s response to that? Is the agreement therefore legally binding or not? The answer to that question leads to a solution of this issue. This strike will end through discussion and dialogue. However, central to such discussion and dialogue will be the answer to this question. The Taoiseach does not wish to see any further deterioration in Ireland’s employment situation or progress, as we are in dire straits as it is. However, this problem has gone on since last November and I do not want the legal mechanisms for resolving industrial disputes to fail to such an extent that the message goes out about Ireland that, in the midst of the greatest economic and unemployment crises it ever has faced, workers in the electrical sector are on strike for a pay increase, particularly given that 418,000 other people are signing on the live register. I again ask the Taoiseach to address this central question. Has the Government received advice? Has the Tánaiste briefed her colleagues as to whether this agreement, in the Government’s view, is legally binding or otherwise? Alternatively, will the Government be obliged to appoint an interlocutor or to seek adjudication from the High Court on that net question?

The Taoiseach: As I explained to the Deputy, the general principle is that registered agreements such as this form the basis upon which rates of pay are set. Obviously, this is not simply a legal issue. I acknowledge there have been challenges by various employer bodies to the actual basis of the registered employment agreement, REA, itself. However, the position is
that were it a simple case as outlined by the Deputy, I am sure the issue would have been
resolved by now.

The Labour Court hearing on the electrical registered employment agreement took place in
June 2008, when it held an hearing to consider an application to vary that agreement to provide
for the 5% increase due from April 2008. However, a stay was placed by the High Court on the
court proceeding with the hearing, following a challenge by a group of independent electrical
contractors. This stay eventually was lifted by the High Court in October, to allow the Labour
Court to proceed. Subsequently, over 11 days in January and February 2009, the Labour Court
heard applications both to vary the existing electrical contracting REA and to cancel the regis-
tration of the REA. The proposed variation would have involved an increase to the minimum
pay rates set out in the registered employment agreement. That application to vary was
opposed by one of the bodies representing electrical contractors, which sought to have the
registration cancelled.

On 26 February, the Labour Court made its decision in respect of the electrical REA. The
lengthy decision covered the applications firstly to vary the agreement and secondly to cancel
the agreement. In respect of the application to vary it, as there was no agreement among the
employer bodies party to the registered employment agreement to so do, the application was
refused. The court also rejected the application to cancel the agreement. Having regard to all
the circumstances of the case, the court came to the view that the changes in the electrical
contracting industry since the registration of the REA have not made it undesirable to maintain
its registration. Accordingly, the court did not propose to cancel the registration of the agree-
ment. That decision now is the subject of a judicial review challenge.

In the course of its decision, the court noted that, on balance, it was satisfied that as a matter
of probability, rates of pay would decline in the sector in the absence of the REA. It therefore
noted that while the case was adhering regarding the court, it indicated that it might be desir-
able to make recommendations on certain matters of an industrial relations nature — one
should leave out the courts for the present — that were raised in the course of the hearings.
None of the parties objected to it so doing and the Labour Court made recommendations in
respect of rates of pay and the review of the REA, which are outlined in its lengthy recom-
mandation.

The issue in this regard is simple. A dispute is under way but we have industrial relations
machinery by which it can be resolved. It is important that everyone takes on the responsibility
of getting this dispute resolved. I believe the means still exist by which this can be done using
the industrial relations machinery, were people so minded. We have a voluntary basis for
industrial relations in Ireland and cannot impose a solution. However, we need both parties to
use the machinery that is available and to enter negotiations while minded to move from
respective positions in a manner that will achieve an outcome that is fair and reasonable in all
the circumstances.

Deputy Eamon Gilmore: What steps is the Government taking, if any, to bring about a
resolution of the dispute? This is a serious dispute because of the number of electricians
involved and the number of sites and places of employment directly affected by it. It is also
serious because of the potential knock-on effect on the wider economy. As the Taoiseach said,
there is a voluntary system of industrial relations. The problem is that the nature and com-
plexity of this dispute and the degree to which the industrial relations issues in dispute criss-
cross with legal challenges means that it is unusual.

As the Minister for Enterprise, Trade and Employment, the Tánaiste has powers under the
Industrial Relations Act 1990 to cause the Labour Court or the Labour Relations Commission
to intervene in this dispute. Under section 38 of the Act, where a dispute affects the public
interest, as this does, the Tánaiste has the power to ask the Labour Court to intervene directly. Secondly, where the dispute is of special importance, she has the power to appoint the Labour Court or some other body to inquire into it and make a report to her. This is the kind of dispute for which these powers were envisaged under the Industrial Relations Act. Is it intended that these powers will be used to bring the parties together? From what we have heard on the airwaves, there is quite a degree of disagreement between the parties. This is what happens in a dispute. Sometimes, the longer the dispute goes on, the more entrenched these positions become. It is in everyone’s interest that this intervention is made sooner rather than later.

There have been problems with registered employment agreements. The Taoiseach referred to the court challenge taken by some electrical contractors to this registered employment agreement. There have been other court challenges to agreements in the hotel industry in respect of the joint labour committee system. The Government promised to bring in legislation to modernise the joint labour committee system and the registered employment agreement system. We have all heard of difficulties that arise in respect of electricians, hotels, catering, security and a number of other industries covered by registered employment agreements. The legislation has been promised for some time and does not appear to have advanced. Can the Taoiseach indicate when this will be progressed?

The Taoiseach: I thank Deputy Gilmore for his comments. Powers are available under various Acts to a Minister, and in this case the Tánaiste, in respect of interventions in disputes. The use of that statutory power does not guarantee an outcome, nor does it provide us with the means by which an outcome may be achieved. At the request of the National Implementation Body, a reference to the Labour Court for further discussion was made. This took place on Saturday but did not prove successful. Contact continues between the Labour Relations Commission and both sides in the dispute. There is a need for both sides to be minded to use the process in a way that is beneficial in respect of an outcome to the dispute. The process of engagements behind the scenes, away from public view, between the Labour Relations Committee and both sides is part of that exercise. It is a matter of judgment in terms of how this proceeds. This is the best way in which to try to see how the matter can be resolved.

The Government is aware of the various provisions introduced by the 1990 Act to augment and supplement previous powers. We have a voluntary process of industrial relations for obvious reasons. It is open to the Minister to use these powers if we believe it will provide a resolution to the dispute. Simply bringing people to the Labour Relations Commission, or the Labour Court in this instance using these powers, does not in itself guarantee an outcome as we have seen from the engagement thus far. Contact and communication continues with both sides to see if it would be timely to return to the commission to see if a resolution can be found. These powers remain in reserve and are available.

Deputy Eamon Gilmore: I accept that the Government and the Minister should not intervene in every industrial relations dispute that arises. It is a question of judgment when the intervention should take place. Where there is a dispute and an employer is involved, the approach outlined by the Taoiseach is appropriate. In this particular case, because of the extent of the dispute, the degree to which it involves employers and contractors directly and the knock-on effect for other employment and the wider economy, it is appropriate that the Government underlines the seriousness with which it takes the dispute and underlines the urgency that the Government should give to having it resolved by using the powers available under the Industrial Relations Act to bring people together.

Sometimes, when a dispute goes on for a bit, positions become entrenched and people say things that are difficult to resile from, while others are willing to throw oil on troubled waters.
Where people are not talking to each other, are not willing to talk for whatever reason and we do not how long it will go on, there is a necessity for somebody to knock heads together. I suggest this is one of the occasions where the Government, through the Tánaiste, should use the services of the Labour Court or the Labour Relations Commission to knock heads together and achieve an early settlement.

The dispute will be settled eventually and it will be settled by people sitting down, talking to each other, working out the complexity of the issues involved and agreeing a settlement. It is better that the settlement of the dispute is secured earlier rather than later, in order to minimise the damage that a prolonged dispute will do to those involved, their employers and the wider economy.

The Taoiseach: I agree that all Members of the House wish to see a resolution of this dispute as quickly as possible. We have industrial relations machinery in place. Engagement with the Labour Relations Commission has not been exhausted. We are bringing forward the Labour Relations Commission as a means of dealing with many of these issues without getting to the ultimate position of the Labour Court. The work of the Labour Relations Commission is not exhausted.

Quite apart from the need to resolve this dispute quickly, there is a need to find some means by which co-operative approaches can be established in the relationship between the parties. It is an issue in respect of pay, the strike and what arises out of that, the background to it and the need to improve relations. The Labour Relations Commission remains the best available option based on the engagement to date. The National Implementation Body, which has a strong status in industrial relations procedures, is the body that referred this matter to the Labour Relations Commission in the first place. We do not have a resolution to this dispute. We wish to see a resolution as soon as possible. I urge the parties to redouble their efforts to resolve the issues in dispute. The only way in which they can find an equitable resolution is through that method.

It is to be deeply regretted that attempts to resolve the dispute have so far failed but it is not an indication in any way of complacency on the Government’s part regarding the use or non-use of statutory powers. The Government, through the independent industrial relations machinery available through the State aegis of the Labour Relations Commission stands ready and is engaged with the parties in an effort to find a basis upon which a resumption of discussions might have the prospect of success. That work is continuing and a precondition to success.

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

Deputy Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of national importance and concern, namely, the kidnapping of Irish GOAL worker Sharon Commins from Clontarf and her Ugandan colleague, Hilda Kuwuki; I call for their immediate release and for all Oireachtas Members to support the Commins family at this difficult time and I commend all of those working on Sharon’s behalf behind the scenes.

Deputy Aengus Ó Snodaigh: Ba mhaith liom cead a lorg an Dáil a chur ar athló faoi Bhuan Ordú 32 chun an gnó prainneach seo a leasú a phlé: to condemn the brutal murder of father of two, Wayne Doherty, in Hartstown last Saturday night and to extend sympathies to his family, friends and neighbours; the urgent need for the Government to respond by lifting the
Order of 7 July 2009.

Business

[Deputy Aengus Ó Snodaigh.]

Garda recruitment, promotion and overtime bans and by correctly resourcing gardaí by making appropriate training and technologies available including secure digital radio and surveillance equipment and for communities to assist An Garda Síochána in its efforts and to be properly protected when doing so, all of which are imperative if we are to effectively face down gangland crime.

Deputy Martin Ferris: I seek to adjourn the House under Standing Order 32 to discuss the proposals to revalue existing mortgages on owner-occupied houses so that mortgages and repayments are based on current value rather than the value of the house when the mortgage was taken and to renegotiate all existing mortgages for householders which would represent an enormous relief to tens of thousands of families burdened by huge repayments and negative equity.

Deputy Tom Hayes: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the serious cutbacks imposed on the funding and maintenance of roads nationally and taking into account the cut of €3.8 million to the roads programme in the South Tipperary County Council budget; and to ask the Minister to clarify how roads are to be properly maintained at such low levels of funding given that poor roads and infrastructure cause major issues for tourism and businesses not to mention the damage to people’s vehicles.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for the Government to immediately intervene in the electricians’ strike which is putting thousands of jobs throughout the country at risk at a time when the cost and terms of rising unemployment figures and social breakdown would be disastrous, with unemployment having reached 11.9%, the second highest level in Europe and 413,500 people signing on the live register and with the Taoiseach predicting 500,000 to be unemployed by the end of the year.

An Ceann Comhairle: Tar éis breithnithe a dheimhniú trí na nitheardaithe, níl siad in ord faoi Bhuan Ordu 32. Having considered the matters raised, I do not consider them to be in order under Standing Order 32.

Order of Business.

The Taoiseach: It is proposed to take No. 23, Criminal Justice (Amendment) Bill 2009 — Committee and Remaining Stages and No. 24, Harbours (Amendment) Bill 2008 [Seanad] — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than midnight; Second and Remaining Stages of No. 23 shall adjourn at 10.30 p.m. tonight if not previously concluded; Report and Final Stages of No. 24 shall be taken tonight and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at midnight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Transport; in the event a division is in progress at the time fixed for taking Private Members’ business, which shall be No. 37, Institutional Child Abuse Bill 2009 — Second Stage, Standing Order 117 (3) shall not apply and the proceedings on the Second Stage thereon shall, be adjourned after 90 minutes tonight and shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 8 July.
An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. agreed to? Agreed. Is the proposal for dealing with No. 24 agreed to?

Deputy Enda Kenny: It is not agreed. On previous occasions, we have objected to the principle of guillotines. I understand this is the first of nine guillotines to be imposed this week. There are 40 amendments tabled on the Harbours (Amendment) Bill; they will not all be reached and it will be rammed through in the way that other Bills have been. I heard numerous Deputies on the Government side state that the Dáil should sit during the month of July and deal with legislation properly and comprehensively. Now is their opportunity to do so.

Deputy Paul Kehoe: Hear, hear.

Deputy Enda Kenny: We should not have a situation whereby they preach to the nation and state we should sit during the month of July and then state that we will guillotine everything. For that reason I object to this proposal. There are 40 amendments which cannot and will not be reached. This is not the way to legislate.

Deputy Eamon Gilmore: We have had a number of weeks during which the Government has used a guillotine to pass legislation. As Deputy Kenny stated, there are nine guillotines on the schedule this week with which we were presented and in addition I understand another four guillotines are on the way in respect of one piece of legislation due to be taken this week. This would bring us to 13 guillotines this week.

The Government is going about ordering the business of the House in a very illogical way. The Ceann Comhairle will recall that last Thursday I objected to the Order of Business on the grounds that the Government had ordered the Bills the wrong way round. I pointed out that there was a guillotine on the first item at 2 p.m. and that I believed the two remaining items would not run their full course and that if we had ordered them the other way round that the full day would have been sufficient to deal with the business. Of course, what happened was exactly that; we ended up with a vote at 2 p.m. on the guillotine on the Criminal Justice (Miscellaneous Provisions) Bill with a number of amendments undiscussed and then moved on to the other business.

The House was scheduled to sit until 10 p.m. and it finished at 6 p.m. because, as I predicted, there was not the level of debate that the Government anticipated on the salaries and allowances to be paid to Members of the European Parliament for which it allowed four and three quarter hours on Thursday’s business even though it was not going to take that amount of time. The same situation will arise this Thursday where I understand the Government has allocated five hours to all Stages of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Bill 2009. I do not anticipate that there will be sufficient Deputies offering to require five hours of debate. Even if the Government is trying to order business within the timeframe between now and Friday evening it could do so in a more sensible way than it is doing at present.

I agree with Deputy Kenny in that I do not see any reason the House cannot continue sitting for the rest of the month; if there is legislative business we will deal with it and we will be better dealing with it in a reasoned way, taking the amount of time required rather than having it rushed through in guillotines and having these long sittings that probably do not lend themselves to the type of parliamentary scrutiny that legislation should receive.

Deputy Caoimhghín Ó Caoláin: I could be contradicted but my sense is that there has never been as many guillotines employed in the lead up to the summer recess, certainly in my years
of experience here. As Opposition Deputies have repeatedly cautioned, it has already been proven that many guillotines were unnecessary. I believe they should only be applied in the most exceptional of circumstances. They were not applied to many of the propositions put before us over recent weeks. With whom does the Chief Whip tic-tac-toe on the hours necessary to address these Bills? It is not mirrored in any of the Opposition voices or by our respective whips. I do not know and fail to understand the configuration repeatedly presented. The same mistakes are signalled to recur again this week. I oppose the imposition of the guillotine on the Harbours (Amendment) Bill 2008 after one and a half hours with more than 40 amendments to be addressed and the business to conclude at midnight.

The Taoiseach: I understand the Harbours (Amendment) Bill has been extensively debated in the Seanad and here over a long period and that many amendments which have already been extensively debated are being re-entered. It is a prerogative of Deputies to re-enter amendments if they so wish. It is not correct to suggest that many of these amendments have not already been debated. They have, but are being resubmitted for further discussion, the issues having already been given a full explanation. However, resubmitting of amendments is a procedural matter. There has been extensive debate on the legislation.

In the case of the criminal justice legislation planned for this week, further time has been provided by the Chief Whip in an effort to accommodate the requirements and demands of the House on the matter. Many of the guillotines ordered for the House on the Order of Business have not had to be utilised because of fewer speakers presenting or the shorter length of time required to deal with a Bill when it comes to the crunch.

Deputy Gilmore may be able to point up a particular instance, but the Chief Whip has sought, working with the other Whips concerned, to accommodate Deputies to the best extent he can and predict as well as he can the interest in and level of debate and the time required to be allocated for Bills. One does not always get it exactly right, but he has got it right more often than not in the past.

I take the point made. The issue always arises with regard to end of session issues. The guillotine may not need to be used, but it must be provided for in the ordering of business to ensure the Government gets through the agenda it sets.

Question put: “That the proposal for dealing with No. 24, Order for Report, Report and Final Stages of the Harbours (Amendment) Bill 2008 be agreed to.”

The Dáil divided: Tá, 75; Níl, 71.

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.
Coven, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Grealish, Noel.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Kelleher, Billy.
Kelly, Peter.
Kennelly, Brendan.
Kennedy, Michael.
Killeen, Tony.
Kirk, Seamus.
Kitt, Michael P.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGrath, Mattie.
McGrath, Michael.
McGuinness, John.
Mansergh, Martin.
Martin, Micheál.
Mooney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.

Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
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, Seán.
Roche, Dick.
Ryan, Eamon.
Sargent, Trevor.
Scanlon, Eamon.
Smith, Brendan.
Treacy, Noel.
Wallace, Mary.
White, Mary Alexandra.
Woods, Michael.

Nil

Bannon, James.
Barrett, Seán.
Bruton, Richard.
Burke, Ulick.
Burton, Joan.
Byrne, Catherine.
Carey, Joe.
Clune, Deirdre.
Connaughton, Paul.
Coonan, Noel J.
Costello, Joe.
Coveney, Simon.
Crawford, Seymour.
Creed, Michael.
Creighton, Lucinda.
D’Arcy, Michael.
Deenihan, Jimmy.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Feighan, Frank.
Ferris, Martin.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Hayes, Brian.
Hayes, Tom.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lee, George.
Lynch, Ciarán.
Lynch, Kathleen.

McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McHugh, Joe.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Donnell, Kieran.
O’Dowd, Fergus.
O’Keeffe, Jim.
O’Shea, Brian.
O’Sullivan, Jan.
O’Sullivan, Maureen.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Shatter, Alan.
Sheahan, Tom.
Sheehan, P.J.
Sherlock, Seán.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

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

Question declared carried.
Deputy Enda Kenny: I express the concern of everybody in the House on the abduction of Sharon Commins from Clontarf. I offer support to the Government in its efforts to secure her safe release and return her to her work and to her family. In that respect, I express our concern to her parents Mark and Agatha. We wish to be supportive of the Government in its efforts to have Ms Commins and her Ugandan colleague returned safely.

Does the Taoiseach intend to name the date for the Lisbon referendum when the Bill is taken tomorrow? Is there a clearer fix on when the Dáil will be recalled in September to deal with the legislation covering the National Asset Management Agency?

The Taoiseach: I join with Deputy Kenny on the first point. As I have already stated, the Minister for Foreign Affairs, the Government and I have indicated that the safeguarding of the welfare of our citizens abroad at all times must be a particular priority of any Government. We attach the highest importance to securing the safe and timely release of Sharon Commins and her Ugandan colleague, Hilda Kawuki. The House will be aware that, on being made aware of this abduction, the Government began a concerted and focused response, co-ordinated by the Department of Foreign Affairs and involving several Government Departments and agencies, and a multidisciplinary team of experienced experts, who were rapidly dispatched to Sudan to manage the situation on the ground and to seek an early resolution to what is a very difficult situation.

The Government of Sudan has assured us that the abduction is being treated very seriously and that everything possible is being done to secure the release of the two aid workers. I want to put on the record our appreciation for the efforts and assistance of the authorities which we are obtaining. I met the UN Secretary General today for a working lunch. The UN personnel on the ground have been very helpful in terms of providing logistics and help to ensure we get around to those people we need to get around to in order to find out what is happening and identify possible abductors.

The Government remains in close contact with the family. The Minister for Foreign Affairs has spoken to members of the family to emphasise we are doing everything in our power to ensure the safe release of Ms Commins and her colleague. We have also been liaising closely with the British, French and Canadian Governments, which have previous experience of similar abductions involving aid workers, including in Darfur itself.

Everything that can be done at this stage is being done. I am fully cognisant of the need to keep the public informed of developments but I am also aware of the need for discretion in what we say in public. The Irish team in Sudan is working diligently and should be allowed to get on with its work. I am sure it has the support of the House in so doing. I want to assure the House the full range of expertise and contacts at the disposal of the Irish Government and the NGO system in Sudan is being mobilised to assist with this operation.

With regard to the other issues raised by the Deputy, it is expected that we will announce the date for the referendum, which I had indicated would be in early October, on the discussion of the referendum Bill in the House this week. We are still working to bring forward the other legislation for publication this month with a view to returning in September but no decision has been taken yet.

Deputy Eamon Gilmore: I appreciate and understand the requirement for discretion in regard to the two GOAL workers who have been abducted. The Labour Party supports the efforts the Government is making to secure their early release. I know Deputy Michael D. Higgins has been in contact with the Minister, Deputy Martin, in connection with this issue. It is obviously a very troubling time for their families and friends.
On a different matter, first, has the Government received the report of an bord snip nua and, second, has it made a decision on when it will publish the report?

The Taoiseach: No. The receipt of the report is awaited by the Minister for Finance this week and will be considered by Government in due course. As everyone is aware the setting up of the report is part of the preparations for the budgetary process for 2010.

Deputy Caoimhghín Ó Caoláin: I join the other party leaders in expressing the hope that we will shortly hear good news concerning Ms Commins and her Goal co-worker. I send our best wishes to all working towards their safe release.

We are in the final week of the Dáil session before the summer recess. The Government has already set in train arrangements for the National Assets Management Agency without any legislative basis or any substantive debate in real terms. We must take on board that billions of euro of taxpayers’ money and untold sums of public moneys are committed to facilitating the establishment of the National Asset Management Agency. It was promised not only that we would have the legislation by this week but that it would have been published long ago, that there would have been a full debate and that it would have gone through its final passage, in whatever form it was to take ultimately, having been discussed and debated here intently. We have yet to see the published legislation on NAMA. What is the situation at present? Are the heads of the Bill agreed at this point? Is there any prospect we will see the publication of the Bill this week? Will we have sight of it before the Dáil rises at the end of the week? What will the status be if we do not have the opportunity of substantive debate of the necessary legislation? What is the Government’s intention for the National Asset Management Agency for the period of the summer recess? Will it call back the Dáil early to facilitate address of the legislation that is long promised?

The Taoiseach: The position of the Minister for Finance was at all times that this was a priority for his Department. As the Deputy will be aware it is a very arduous and complex task in terms of bringing forward the structure for the implementation of the decision and also the legislative basis underpinning it. He has indicated that a target of July has been set for the bringing forward of the legislation and he has indicated a preparedness to have the House return in September for a special sitting to discuss the legislation, enact it and bring it forward. That is the consistent position he has outlined and I simply reiterate it. That is what he is working towards.

Deputy Caoimhghín Ó Caoláin: Will the heads of the Bill be agreed?

The Taoiseach: We have not brought forward the heads.

Deputy Seymour Crawford: In light of the continuing problems of youth alcoholism, when will the sale of alcohol Bill be introduced to try to control the problem? In recent weeks many Bills have been guillotined in the House but we still have not addressed the health information Bill. That Bill must be brought in to get true information about the situation in the health area.

I am pleased to see the Minister for Agriculture, Fisheries and Food, Deputy Smith, in the House. In light of the report yesterday on the collapse in farm income the situation must be dealt with and discussed in the House. Will the Taoiseach arrange a debate on agriculture as a matter of urgency as soon as the Dáil resumes?

The Taoiseach: The sale of alcohol Bill will be introduced later this year. As I informed the Deputy last week the heads of the health information Bill were approved by Cabinet recently and we are proceeding with further detailed preparation of the legislation.
[The Taoiseach.]

In answer to Deputy Ó Caoláin’s earlier question, we have authorised the completion of the NAMA Bill as quickly as possible.

**Deputy Joan Burton:** Will the Taoiseach indicate if he would make available to the Opposition a timetable in respect of NAMA by the time the Dáil rises? At the North-South meeting certain briefings were given concerning NAMA suggesting it would be done over a very lengthy period, perhaps ten years or more. It seems odd to brief people in detail from the Northern Ireland Executive but not to be in a position to brief the Dáil. There is also a suggestion that one of the factors that will now influence the approach is the impact of NAMA on property prices in the North.

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

**Deputy Joan Burton:** If we are to believe *The Irish Times* and the comments of the First Minister, Mr. Peter Robinson——

**An Ceann Comhairle:** I cannot discuss the content of *The Irish Times* on the Order of Business, desirable as that might be.

**Deputy Joan Burton:** Can we get a timeline and a diary for what will take place in respect of NAMA? It is the biggest financial decision and commitment the State will undertake. Can the Taoiseach provide this?

**An Ceann Comhairle:** We know all of that.

**The Taoiseach:** I have already outlined that it is expected that we will have the Bill published in July with a view to coming back to enact it in September. That remains the target of the Minister and that is the information I can bring to the House. I am surprised to hear the argumentation continuing from Deputy Burton who raised the matter on Leaders’ Questions. I thought I explained clearly that the valuation methodology would be consistent and on the basis of commercial criteria applied to all assets regardless of where they are located. What took place yesterday in terms of the political dialogue between the Northern Ireland Executive and the Government was an agreement to brief the Finance Minister of the Northern Ireland Executive regarding the policy position of the Government such that they can understand and know where it fits into whatever policy initiatives they have. I made the point earlier, and it is well known, the NAMA legislation is not about organising fire sales everywhere but about trying to get a longer time horizon in which to recover value to these assets such that taxpayers’ exposure can be reduced apart from ensuring the reductions are taken by the people who have the debts and the banks in the first instance. I made all of this clear less than one hour ago.

**Deputy Bernard J. Durkan:** I refer to the issue raised by Deputies Enda Kenny and Eamon Gilmore earlier in respect of the legislation and No. 3 on the pink paper, the industrial relations (protection of employment) (amendment) Bill. What is the status of that Bill especially in the context of recent developments in labour relations?

**The Taoiseach:** There are commitments under the social partnership framework to consider the publication of those Bills by the end of July and we are working to that timetable.

**Deputy Bernard J. Durkan:** It would have been helpful if that Bill had received more urgency than has been the case to date.

**An Ceann Comhairle:** We cannot comment on that now.
Deputy Bernard J. Durkan: We will not talk about it at the moment and we will not consider the matter of the guillotine either because there is one week to go before Bastille Day and the use of the guillotine on the other side of the House should be treated with great caution. The Whips should bear that in mind.

The Taoiseach: The Deputy is telling the wrong people.

Deputy Bernard J. Durkan: European issues are of great importance at present especially in the run up to the second referendum on the Lisbon treaty. The Joint Committee on European Affairs has produced five reports which are on the Order Paper for notice and discussion. Under the chairmanship of Deputy John Perry the Joint Committee on European Scrutiny has produced two other reports. Is it possible to facilitate a debate in the House between now and the Lisbon treaty referendum to clear these reports off because a request has been submitted for a debate in the House?

An Ceann Comhairle: I suppose that is a matter for the Whips.

The Taoiseach: That is a matter for the Whips. I point out to the Deputy there will be an opportunity to debate European Union matters this week as part of the referendum Bill. The referendum will seek to ask the people to ratify the treaty of Lisbon, which has increased scrutiny powers for national parliaments. The Bill could facilitate the Deputy’s wish to raise the views of the committees on those scrutiny matters which form part of the reports to which he has referred. There will be an opportunity to debate the substance and content of at least part of those reports’ recommendations on foot of the legislation before the House this week.

Deputy Bernard J. Durkan: These are not all scrutiny matters, they are also policy matters and I thank the Taoiseach for affording the opportunity to debate them.

Deputy Leo Varadkar: The consumer and competition Bill is particularly relevant in the context of two issues, the first being that the IMO has been given a commitment that changes will be made to competition legislation to allow it to negotiate with the Government on services, having co-operated with the Government’s changes to the over-70s medical card. The second issue is the ongoing pharmacy dispute. Whatever one’s view is of that dispute, sooner or later the Government will have to talk to pharmacists about the services they provide, and by talk I mean negotiation. It states in the Government’s legislative programme that the heads of the Bill are yet to be agreed. Will the Taoiseach accept the urgency of this matter? When will the heads of the Bill be agreed by Cabinet so that legislation can be published?

The Taoiseach: It is hoped to have the legislation for the next session and this work is being undertaken. The question of talking to people and listening to their views and negotiating are two separate matters.

Deputy Joe Costello: Tomorrow the House will discuss the Lisbon treaty. There will not be much time, about five hours in all, devoted to its discussion. It is obvious, therefore, that we will not be dealing in detail with the items listed on the Order Paper. I ask about the number of pieces of legislation promised under Towards 2016 relating to protection of workers from exploitation in the workplace and the closing of loopholes. This was a significant issue in the reasons given by those who voted against the Lisbon treaty the last time around. Will the Taoiseach give the House a timetable for the introduction of such legislation?

The Taoiseach: On the industrial relations (amendment) Bill, we have a commitment to try to have it available before the end of July and we are seeking to meet that timetable. The question on the other legislation, the agency Bill, needs to be put to the line Minister.
Deputy Joe Costello: We need a timescale before the year is over.

Deputy Lucinda Creighton: I refer to the point raised by Deputy Varadkar about the promised consumer and competition Bill. The fact that six credit card companies hiked their charges last night is another example of banks taking advantage of consumers and fleecing vulnerable people who are struggling to pay bills. Would this be an opportunity to look at that issue and to put some restrictions on these banks, particularly in light of the fact that two of these banks, Bank of Ireland and AIB, both——

An Ceann Comhairle: The Deputy cannot discuss this matter now. She can only ask about legislation.

Deputy Lucinda Creighton: ——benefited from the bank recapitalisation scheme?

Deputy Michael Creed: With regard to the promised code of conduct for the retail sector, is legislation promised or will it be an entirely voluntary code?

The Taoiseach: I understand it will be done by way of secondary legislation.

Deputy Liz McManus: Newspaper reports state that the Cabinet has agreed to proceed with the communications regulation Bill to deal with regulating premium rates services. Concerns have been expressed to me about the inadequacy of this Bill. Will the Taoiseach indicate when it will be published? It is very important to deal with scamming in the area of premium rate operators who are taking advantage of the looseness and current lack of regulation. There is not much point in bringing in a Bill if it will not reach the mark.

The Taoiseach: I understand the Bill will be published soon and issues with regard to its content or scope can be dealt with on Second Stage.

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

An Ceann Comhairle: A division was challenged last Friday on the question that the Criminal Justice (Amendment) Bill 2009 be read a Second Time. In accordance with an Order of the Dáil of 2 July 2009, that division must be taken now.

Question put: “That the Bill be now read a Second Time.”

An Ceann Comhairle: Will the Deputies claiming a division please rise?

Deputies Caoimhghín Ó Caoláin, Aengus Ó Snodaigh, Martin Ferris and Arthur Morgan rose.

An Ceann Comhairle: As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 68, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

Private Notice Questions.

Electricians’ Strike.

An Ceann Comhairle: I will call on the Deputies who tabled questions to the Tánaiste and Minister for Enterprise, Trade and Employment in the order in which they submitted their questions to my office.
Deputy James Bannon asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will intervene in the electricians’ strike which is putting thousands of jobs at risk here at a time when the cost in terms of rising unemployment figures and social breakdown would be disastrous, with unemployment having reached 11.9%, the second highest level in Europe, and 413,500 people signing on the live register, with the Taoiseach predicting 0.5 million to be unemployed by the end of the year. As we all know, there are huge——

An Ceann Comhairle: The Deputy can deal with the question later on.

Deputy Willie Penrose asked the Tánaiste and Minister for Enterprise, Trade and Employment to outline the steps the Government proposes to take to seek a resolution to the electricians’ industrial dispute; if, in particular, she will use the powers available to her under section 38 of the 1990 Industrial Relations Act; and if she will make a statement on the matter.

Deputy Leo Varadkar asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in regard to the ongoing electricians’ strike.

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Technical, Engineering & Electrical Union took strike action on Monday, 6 July 2009. This action follows the breakdown of talks at the Labour Relations Commission. The National Implementation Body issued a statement on the dispute on Friday, 3 July urging the parties to re-engage with the LRC to explore the full range of issues at the centre of the dispute, with a view to averting threatened action. Discussions over the weekend at the LRC failed to make progress. The services of the LRC have remained available to assist in resolving the issue in dispute.

In view of the seriousness of the position and the impact on the economy, I have requested the Labour Relations Commission to recall the parties as soon as possible with a view to an early resolution of the dispute. In these circumstances, I do not propose to refer the matter under section 38 of the Industrial Relations Act 1990.

I encourage the parties to renew their efforts in assisting the Labour Relations Commission to get a mutually agreed settlement to this dispute. It is important that the parties to the dispute re-engage, not just on the basis of their already stated positions but to explore all available options to end this impasse.

Deputy James Bannon: Huge challenges face the country. Our economy faces a prolonged slowdown, which is likely to stretch into 2012 if there is not a change of Government. Everyone is feeling the drag from the housing meltdown and the turbulence in the financial markets.

Is the Tánaiste prepared to take her head out of the sand and cope with this urgent and pressing matter, which has been called economic suicide by the Irish Small and Medium Enterprises Association, in a decisive manner which will prioritise the economic well-being of the country, bring forward solutions to resolve the strike and convince the strikers that she will reform the system to get the economy back on track while protecting the workers?

With the Taoiseach predicting that half a million people will be out of work by the end of year, can the Tánaiste justify — other than in her prepared response to my question — the havoc this strike will unleash on business, farming and the construction, tourism and other industries, and the human suffering the resulting unemployment will cause across the country? The strike is affecting hospitals and the new terminal at Dublin Airport, which will have a huge impact on the tourism industry. It is also affecting the roll-out of broadband and several other industries.
It is a matter of urgent priority for the Tánaiste to take action and bring about a solution to this problem as soon as possible. The Irish construction industry is already on its knees. Can the Tánaiste condone the Government’s action, which has affected both the electricians and the wider building sector, which will be forced to lay off workers to the detriment of the industry and workers and their families?

I have every sympathy with the electricians’ grievances, which are part of the spiralling cutbacks in wages and jobs which have their source in the Government’s reckless overheating of the economy. Will the Tánaiste set out an action plan in terms of a real stimulus package with initiatives across the country to solve the present impasse with the Irish Congress of Trade Unions and give the country some hope? The country needs hope urgently. I plead with the Tánaiste to give young people and the unemployed real hope for the future. The country cannot sustain 500,000 people out of work by the end of this year. I plead with the Tánaiste to take whatever actions are possible to solve this impasse.

Deputy Mary Coughlan: All Members are anxious that this matter be brought to resolution. Contrary to what Deputy Bannon thinks, my head is not in the sand.

Deputy James Bannon: It appears to be so.

Deputy Mary Coughlan: Perhaps the Deputy is not familiar with all of the issues and complications which have been part of this registered employment agreement, REA, for a considerable time, the amount of litigation which has taken place, the deliberations of the Labour Court and its recommendation that there be further consideration, particularly on the question of pay but also on the reform of the REA.

The Labour Relations Commission, LRC, has indicated its willingness to facilitate both sides. Following its meeting on Friday last, the national implementation body, NIB, indicated that it could not bring the matter to a conclusion and that an impasse remains. I have asked the LRC to bring both parties together to see if we can bring the matter to a resolution. There are two polarised perspectives.

Good industrial relations are critical. It is important that a resolution is not imposed. That would fly in the face of our industrial relations history, which is voluntary in nature. Through my Department and the LRC, the mechanisms are available by which the matter could be brought to resolution.

Deputy Willie Penrose: In the last number of days, the Labour Party has urged that intervention in this strategically important industry be undertaken at the earliest possible opportunity. The industrial action taken by more than 10,000 members of the Technical Engineering and Electrical Union, TEEU, is a serious development which could have significant consequences for industrial relations. As was pointed out earlier today by my party leader, the dispute will have a knock-on effect on building sites and on employment generally. As the Tánaiste has said, this is the first major strike in the private sector for some time and it comes in a period of significant economic difficulty for the country. If it is allowed to drag on, it could lead to lay-offs of workers not directly involved in the dispute. Important issues are involved in the dispute for employers and workers and these issues will have to be resolved at some stage by face-to-face dialogue and discussion. It is in everyone’s interest that this process of dialogue begins now rather than at the end of a prolonged and costly strike.

This morning I listened carefully to Mr. Eamon Devoy and Mr. Tom Parlon discussing the matter on the radio. There is no point in coming to talks but sitting on one’s hands and saying nothing. There must be an element of compromise. From what I heard Mr. Devoy saying this
morning, the TEEU is ready to come to talks but there must be a show of positivity. The country does not need a strike. Neither does it need employers arbitrarily undermining registered agreements. All strikes are settled. The time to intervene in this strike is now.

The Labour Party has pointed out that there are powers in the Act which were envisaged for precisely this purpose. Section 38 of the Industrial Relations Act 1990 gives the Minister the power to refer a dispute to the Labour Court or the Labour Relations Commission when the public interest is affected. The Minister is now in continual contact with the Labour Relations Commission. There cannot be a more important public interest than the protection of jobs and the maintenance of an important service. No one doubts the importance of this dispute and the intervention of the Minister is clearly justified.

I listened carefully to the discussion on the radio this morning. Is it not time that REAs were simplified so that everyone has a clear understanding of what is involved in them and their impact on the issues involved? There should be no room for ambiguity. No one should be able to argue that an award is X% while someone else argues that it is X+1%. Earlier, I asked the Tánaiste about the progress of the Industrial Relations Bill. Such clarification would be an important function of such a Bill. The rationalisation of the joint labour committees, JLCs, and the implementation of other measures are important. However, the strengthening of the existing REA system providing for its continued effective operation would ensure that REAs are clear and unambiguous and that everyone understands their effect. This would widen the number of people involved in the REA system. Operational procedures must be improved and the nomination of chairpersons of JLCs should, obviously, follow consultation with social partners.

The Labour Party would support every effort to use the industrial relations machinery to resolve this dispute. Everyone must show willingness to enter talks. Participants must not come to talks with nothing to offer. They must be prepared to be positive in discussions.

If the sum awarded had been paid in 2008 a new REA would reflect the economic conditions pertaining currently. We cannot hark back but I call on all sides to talk. From our contacts with the trade unions, I know that they are eager to progress matters but it takes two to tango and there is no use in starting with preconceived ideas about cutting things off and so on. I appeal for a compromise that will ensure a return to work for everyone involved, from the bodies in question to other affected parties. We need people working at Dublin Airport, the new facility at Lansdowne Road and so on. Everyone should sit down in a positive framework and not set in advance conditions or bottom lines beyond which they will not go. The latter is not the way to start proper and positive negotiations.

Deputy Mary Coughlan: I concur with the Deputy, in that people cannot start with the polarised views being expressed by both sides in public. Naturally, the argument has two sides. The Oireachtas has an expectation that the registered employment agreements, REAs, and joint labour committees, JLCs, should be shored up by the Industrial Relations Act. We look forward to the discussion on this point.

It may be unfortunate that both situations are occurring simultaneously but it is important that I articulate again the difficulties experienced in terms of the REA with the electrical contractors. As the Deputy knows, the union is seeking two pay increases and the methodology on achieving them, the analogue system, is being disputed. The employers have indicated that given the economic circumstances, reductions in contract prices and, as the Deputies have articulated, the fact that employers are not necessarily getting paid for the work done, they are in a difficult position.
The House can appreciate both sides of the argument, but we must equally appreciate that the matter must be brought to a resolution one way or the other. The Labour Court recommended that the REA should not be varied or cancelled. However, there was a meeting of minds on the methodology by which pay increases could be reached and on the REA’s review. This is a natural industrial relations policy that we would like to see progress, but none of it will occur with this impasse. Rather, it will only occur when the two sides come together.

I fully agree with the Deputy that people will need to leave polarised views elsewhere if they are to determine what can be done to bring this matter to a finality. Trying to position oneself one way or the other is not in the best interests of those one represents or the economy.

Deputy Leo Varadkar: I thank the Ceann Comhairle for allowing these Private Notice Questions on an important issue. I also thank the Tánaiste for addressing the matter in the House. Like any industrial relations dispute, it is complex. Most of us would understand the complexities, but the House is not equipped to argue every point of it, nor would any of us wish to do so. I do not intend to make it a party political matter because it is not one, but this dispute has a bearing on the wider economy. There are risks to businesses and workers that are not involved in the dispute. The unemployed are also at risk. They would like to re-enter the workforce, but their chances of doing so would be reduced should the dispute turn out the wrong way.

I have three questions for the Tánaiste on two core issues. From my reading of the REA and the Labour Court’s determinations, pay increases were due in April 2008 and April 2009. We can argue about the levels, which companies should be analogue companies and so on, but the pay increases were not paid. Any agreement would need to recognise this fact and the back-pay issue. Electricians have received no pay increase since April 2007 whereas almost everyone in the country has received several increases, certainly if they, like Deputies, are covered by the partnership agreements. It is important that employers acknowledge this point.

It is also important that the unions acknowledge that the economy is in a different place. Irrespective of whether we like it, wages and prices among other things must decrease if we are to save jobs, start our recovery and become competitive again. Any agreement would need to recognise that wage rates need to stay at 2007 levels at the least.

If the Tánaiste cares to comment, does she agree with my analysis? Will she join me in asking both sides to moderate the dispute’s temperature? An agreement can and will be found, but there is a risk that people could become entrenched in their positions or provoke one another. The temperature could be raised to such a degree that reaching an agreement could be more difficult. Will the Tánaiste join me in calling on both sides to moderate the intensity of the dispute? In particular, we should ask the employers not to put anyone on protective notice for the next few days at least and the unions not to engage in secondary picketing. My definition of the latter is broad, that is, picketing of businesses that are not parties to the dispute.

The Tánaiste does not intend to invoke the relevant section of the Industrial Relations Act 1990. If it transpires that the dispute escalates during this week or if no progress is evident later this week, the Labour Relations Commission is unable to bring the partners together and the National Implementation Body fails, will the Tánaiste be open to the possibility of using the statute to appoint an interlocutor, facilitator or inspector to analyse the situation and bring the two sides together?

Deputy Mary Coughlan: Given the context and principle of the Deputy’s questions, I agree that it is a time for cool heads. An escalation on either side through words or actions would not bring us to where we want to be. I agree that the temperature in the House, although
freezing thanks to the air conditioning, is calm and measured. We would all agree that we wish to see this dispute resolved as quickly as possible. Stating that I would invoke section 38(1) of the Industrial Relations Act 1990 in the event of things not working out would not add to the argument. The Deputy is correct in that there are other mechanisms by which a dispute can be referred to the Labour Court. If we aspire towards a resolution, we should move on the basis of the instruction given to the LRC to bring both parties together.

The intricacies of the dispute between the electrical contractors and the unions grew legs on the basis of a dispute among the employers, two sides of which went to the Labour Court. The High Court intervened and there is an ongoing judicial review of one of the Labour Court's recommendations. It has not been helpful that the situation has been entangled in a web of legality for a considerable period.

My colleague, the Minister of State, Deputy Kelleher, was in a position to examine the issue of JLCs with employers and unions in the catering and hotel sectors. People are still able to come together. I will keep a watchful eye on matters as they progress and I hope that the strike will not escalate. As the Deputy knows, hearings on injunctions are to be held tomorrow on the basis that the dispute is impacting on companies that are not necessarily involved. We do not want to take from our international and national reputation for social partnership, which has worked well. Let us hope that the arms of the industrial relations mechanisms will facilitate a finality to the matter.

Deputy James Bannon: The bottom line is that thousands of jobs are being put at risk. Is the Tánaiste prepared to stand by while firm after firm must place its workforce on protective notice due to this industrial action? Is she aware of the further damage being done to our already fragile international reputation? International firms are expressing concerns about the Irish operations hit by this action. It seriously affects our international reputation as a place of employment and location in which to set up an industry. These issues affect the wider economy also and I therefore plead with the Minister to intervene and bring the process to a satisfactory conclusion by bringing all interested parties on board as quickly as possible. It serves no purpose for the strike to continue.

Deputy Mary Coughlan: A number of companies that contacted my office directly expressed grave concern over the impact of the strike on their productivity and jobs. I am aware of this and have had discussions with a number of companies that are not in the dispute. Two companies have decided to seek injunctions and put staff on protective notice. Workers and all of us in this House take this matter very seriously. It is on this basis that sustaining employment and job creation are very much objectives of the House. As I indicated, everything that can be done through the industrial relations mechanisms will be done.

Deputy Willie Penrose: The partnership process originated in the 1980s when there was a difficult industrial relations environment. It has played a key role in dealing with a number of issues. Has the Minister spoken, directly or indirectly, to representatives of the Irish Congress of Trade Unions or the Construction Industry Federation to ensure a resolution to the dispute sooner rather than later? As we all know, there will be one when people talk face to face. This will bring some direction to the process in the shorter rather than the medium term. The dispute will probably be resolved in the medium term but we need a resolution in the shorter term. Perhaps the Minister will indicate whether she will pursue discussions to ensure talks continue.

I appeal to everybody involved to moderate their positions. It is important to acknowledge that if there is an REA, with associated complexities, it must be borne in mind. In the context of the new industrial relations (amendment) Bill, it is important that REAs be simplified and
Deputy Willie Penrose: Made more focused. They should not have analogues and outdated concepts that can lead to ambiguity. Let us have straightforward agreements such that if I am due 10%, I can say I am due that amount without somebody arguing I am misinterpreting the matter and am due 6%.

I do not want to see employers trying at every opportunity to emasculate those with REAs, which agreements serve a purpose. There is a feeling that their doing so is just the first port of call in accelerating a race to the bottom. We cannot tolerate that either.

Deputy Mary Coughlan: I do not disagree with that view and we do not want a race to the bottom. However, the simplification of the REA is very important and will provide greater clarity. That will be the next step. I am sure both parties would like a resolution in this regard and I am not aware of people being against simplification.

I have not been in direct contact with either party in the dispute but I have been in contact with them through the Labour Relations Commission. I have deemed this mechanism the most appropriate but I will keep the matter under review.

Deputy Leo Varadkar: I concur with Deputy Penrose in that the REA-ERO system needs to be simplified, delineated and modernised. I was interested to note some of the aspects of the REA for the electrical contractors. One part stipulates what tools can and cannot be used. It is extraordinary to state in law the tools that can and cannot be used in the workplace.

Another part of the agreement requires that everyone in the State who is employed as an electrician must be a member of the Technical Engineering & Electrical Union. This is wrong because, although people should have the right to join a union and unions have the right to be recognised, nobody should be prevented from working in any industry if he is not a member of a union. I was surprised to see this is the law of the land. If there is a right to union recognition and collective bargaining, there should also be the right not to be the member of a union if one does not wish to join. One should not be barred from the workplace because one does not have a union card. The law effects such a bar, which is extraordinary.

Will the Minister and all Members join me in asking both sides to de-escalate the dispute? In this regard, we must ask employers not to put anyone on protective notice and ask the unions not to engage in the secondary picketing of businesses that are not party to this dispute and not signatories to the REA.

Deputy Mary Coughlan: It would not be appropriate for me to pre-empt the decision to be made tomorrow on Diageo given that a temporary injunction has been granted. However, we desire a de-escalation of the entire dispute and that people on both sides step down such that the Labour Relations Commission can mediate. I hope this will occur.

The simplification of REAs and EROs will be discussed in the context of the industrial relations Bill. Having listened to discussions in the House over the past year on all industrial relations legislation, I noted many Members forgot about the role of this House. My clear intention is to enhance the scrutiny role of the House in respect of a number of labour relations mechanisms and instruments. This is appropriate.

Many REAs and EROs achieve what would be regarded as the right thing in that they exist to protect employees. Equally, they protect employers against people who do not participate in the agreements and who are undermining or undercutting them. There are two sides to the argument. During the era of the Celtic tiger, people did not have to familiarise themselves with industrial relations law — we might all be to blame for this. Since no major industrial relations issues arose, people were not aware or chose not to be aware of some of the instruments that exist. This point was part of the dispute with the electricians. The Minister of State, Deputy...
Kelleher, was very anxious to modernise the industrial relations instruments to reflect contemporary reality.

We have had discussions in the House on the joint labour committee for catering. There was a difference between Dún Laoghaire, Dublin city and the rest of the country but we have been able to bring them together, which has proven to be important. The same applies to the hotels sector. As Members have stated, we must modernise agreements such that they reflect modern realities and perhaps provide some flexibility on both sides such that if people come together they can change based on those realities.

From all that has been said by the spokespersons and other Deputies, I gather we are ad idem in our desire to resolve this matter immediately.

**Deputy Bernard J. Durkan:** Does the Minister agree that this dispute, if allowed to escalate, could have a seriously negative impact on the entire economy during a very sensitive time? Does she agree it is imperative not only that both sides stand down at this stage to enable negotiation at the various levels to which she and others have referred but also that she use all mechanisms available to her to intervene in the dispute a positive way, if necessary? This would ensure that no message is given to the various sectors to the effect that a matter such as the one under discussion can be allowed to escalate and cause obvious devastation for the economy as a whole.

In supporting the points made by other Deputies, I ask the Minister not to be afraid to take any action that must be taken in the national interest, particularly now, to ensure the issues that have caused the dispute are dealt with satisfactorily. One way to do that is through the Industrial Relations (Amendment) Bill. Surely there has been ample time to anticipate and address in the Bill the type of problem that has arisen. Did the Minister know for some time that this dispute was likely to arise and was any action taken in anticipation of it?

**Deputy Mary Coughlan:** This difficulty between the employers has been going on for some time and has been dragged through judicial review and through the High Court and the Labour Court. There was a hearing at the beginning of the year on whether the registered employment agreement should be removed or amended, which took some time. The Labour Court made its determination and the majority agreed that we had to move on from several of the issues it raised.

It was clear following the discussion with National Implementation Body on Friday that people were too far apart, as the Labour Relations Commission had indicated. The mechanisms available then could not bring the two parties together. Sometimes strike action is inevitable. I do not wish to fuel public opinion on whether it is right or wrong. I agree that it is of grave concern to us all. We also agree, in recognition of the voluntary nature of our industrial relations mechanism, that it is a matter of people coming together.

We will get through this impasse by resolution rather than diktat. Although the labour relations mechanisms have not so far been able to resolve it we can reinstate them and bring the parties together. This will be a matter for both parties who will have to come together and reach agreement. Any escalation of this will be detrimental and it will be more difficult to pull back. We must avoid an escalation and would like to see a resolution.

**Deputy James Bannon:** How will the Minister deal with the impact of the economic fall-out from the strike action on our already hard-hit tourism industry which will be further eroded by the enforced work stoppages at Terminal 2 in Dublin Airport? This is the middle of the tourism season and if this is allowed to continue it will have a devastating effect on the tourism industry.
What measures does the Minister intend to put in place to protect hospitals in the event that this strike escalates?

**Deputy Mary Coughlan:** It would not be prudent to make any assumptions. We hope that people will come together under the LRC and that we can have a meeting of minds. I hope that contingency plans will not be the order of the day.

**Deputy James Bannon:** We all hope that but one does not bolt the door after the horse has gone.

**Deputy Mary Coughlan:** The stable is still open.

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Sections 1 and 2 agreed to.

**SECTION 3.**

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I move amendment No. 1:

In page 4, line 22, to delete “in relation to the commission of an offence”.

This is a drafting amendment to section 3. The amendment deletes a reference in the definition of “structured group” to “in relation to the commission of an offence” in the context of two people acting in concert. The words are unnecessary as they are contained in the definition of criminal organisation in subsection (1)(a) and the structured group is an element of that definition.

**Deputy Charles Flanagan:** I do not oppose this amendment but I require some clarification from the Minister. The amendment refers to section 70 of the 2006 Act which was debated at length in the last Dáil. How many cases have been brought referring to this section? What were the difficulties with the section that gave rise to this amendment?

Section 70 of the original Act described a criminal organisation as:

a structured group, however organised, that—

(a) is composed of 3 or more persons acting in concert,

(b) is established over a period of time,

(c) has as its main purpose or main activity the commission or facilitation of one or more serious offences in order to obtain, directly or indirectly, a financial or other material benefit;

Why is it necessary to add to the definition? Where stands the interpretation of section 70? When was it brought into force? When was it referred to in criminal trials and how many times? Does the Minister regard section 70 as successful in bringing gangland figures to justice, which he has often stated as the aim of this legislation? I do not wish to oppose the amendment but do wish to ascertain the rationale behind it.

**Deputy Pat Rabbitte:** I do not wish to take up too much of the precious time that we have to debate this Bill but I have the same questions as Deputy Charles Flanagan. I hope that we
will receive answers because I considered this at length but I am not sure that I can see the difference. Is the nuanced difference being imported into this Bill because the previous definition did not work? Has this section never been resorted to in order to put gangleaders behind bars and will the minimal changes made here transform that picture?

One of the big difficulties, which has been accelerating since the former Deputy Michael McDowell became Minister for Justice, Equality and Law Reform is that we have had criminal justice Bill after criminal justice Bill and yet whole sections of legislation have never been used. It is puzzling to hear Government Deputies and the Minister himself, on occasion, suggesting that the reason thugs and crime bosses are on our streets is a gap in the law or a shortage of legislation. To the rest of us it is about a gap in enforcement, for whatever reason, such as the resourcing of the Garda Síochána in electronic tools etc.

I find it difficult to determine the difference between this and what we did in the 2006 Bill. How will this work when the Minister has not bothered to invoke the 2006 Act in this regard?

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The revised definition of organised crime is simpler. The notion of the period of time contained in the 2006 Act has been removed and it is also now clear that it is enough for two persons to act in concert rather than three persons, as before. It is no longer necessary to show that the commission of a serious offence was to obtain a financial or material benefit. For example, directing the intimidation of a witness or a juror without proving financial benefit would be encompassed by the new definition but not by the old one.

I understand there has been one successful prosecution since the commencement of this suite of legislation regarding organised crime in the 2006 Act. The person in question pleaded guilty. When we considered this legislation in the context of the aftermath of the two recent murders of Shane Geoghegan and Roy Collins, one factor emerged strongly from the advice we received. We provide the legislation in this House but the Director of Public Prosecutions, based on the evidence garnered by the Garda Síochána, directs what sections are to used. I have no say as to whether a prosecution should be taken under section 70, or any other section, of the 2006 Act. It is worth emphasising that fact.

Since the passing of the suite of legislation related to organised gang crime, the issue of participation in particular of a gangland organisation has proven difficult. It has not been used as often as the House would have liked. In the revised definition, we have made it simpler and easier to prove participation in a gang. Coupled with the surveillance legislation which I hope will be passed, the Garda can use both pieces of legislation in a better way to prove participation or the overall involvement in organised gang crime.

This was an effort to simplify the process and to make it somewhat easier to ground a prosecution. Time will tell on this and given that we have built into the legislation an annual review, the House may revisit the issue to see if it has been successful. This House has moved on a number of occasions to change legislation as events unfolded. We did that in the case of mandatory sentencing for drug offences, as the Oireachtas came back on three occasions recently to amend legislation and to give a strong signal on the gravity of the serious offences relating to drug crime. That is the rationale behind this definition and I thank Deputies for their acceptance that this is necessary.

Amendment agreed to.

Question proposed: “That section 3, as amended, stand part of the Bill.”

**Deputy Aengus Ó Snodaigh:** I am not opposing every section but I oppose the Bill as a whole. Although action is required, I do not believe the Bill is required in its entirety, particularly with
the method by which it has been introduced without the normal structured debate. Such debate would allow time between stages for all those willing to participate to regroup and to reconsider the matter having assessed information from the Minister, or in the Minister’s case from the Deputies. That time has not been made available and while the Minister has said this is urgent and the increase in the rate of gangland crime requires action, this is not the right step at the right time, particularly in regard to this section, which deals with the definition of a criminal organisation contained in the Criminal Justice Act 2006.

The Minister is misleading the public into thinking that this section is either necessary or useful in tackling gangland crime. The definition is almost identical to that in the 2006 Act and other Deputies have spoken about that. I stand to be corrected, as I heard the Minister say there was one conviction, but I was led to believe there were no convictions. I do not know how this change will make the process any easier, less complicated or more effective given the existing legislation from 2006.

I argued on Committee Stage of the 2006 Bill and warned that the definition to be introduced at that time would be unworkable, and what has transpired since seems to have proved that. I contended that any effort to use it would eventually lead to a legal challenge. I do not encourage people to challenge the 2006 Act but the 1937 Constitution demands certainty in law, and the European Convention on Human Rights demands foreseeability in law. The definition introduced in the 2006 Bill and now being slightly amended is loose and vague.

The then Tánaiste and Minister for Justice, Equality and Law Reform, former Deputy Michael McDowell, was in charge of the 2006 Bill and we discussed during the long debate on Committee Stage the ability of legislation to define a loose group of people which did not necessarily have a hierarchical structure or constitution and were not bound by a loyalty. People could be in one group on one day and in another by the next day. We debated how legislation would deal with the issue of an organisation not having a formal structure. The Minister at the time admitted the dangers on Committee Stage but continued with the Bill.

I recall at the time highlighting a case from the Supreme Court in British Columbia, as that type of definition had been used in Canada. The then Tánaiste and Minister for Justice, Equality and Law Reform based the part of the 2006 Act which deals with this issue on the definition contained in the Canadian criminal code. That definition was eventually found to be in violation of the Canadian Charter of Rights and Freedom.

We are all aware of the activities of the various criminal gangs. The constituency I represent is still greatly affected by the activities of such gangs, particularly in the context of their supplying illegal drugs. It appears that even the Garda Síochána cannot admit that these are criminal gangs. A senior officer from the Crumlin addressed a conference recently and stated that, despite the fact that 13 people have been killed, there is no feud in the Crumlin-Drimnagh area. It is strange the Garda cannot seem to see that two feuding gangs are operating in the area. It is obvious that a series of vicious, premeditated crimes have been carried out by a group of individuals acting in concert.

There is a great deal of existing legislation which could be usefully employed in the area to which I refer. The difficulty is that action was not taken in the past. The reason for this lack of action has sometimes been that gardaí in the area did not have access to either the intelligence necessary or the resources required to properly target and tackle the individuals who have destroyed communities or held them to ransom. Most of the wealth of these individuals comes from the drugs trade. They also have at their disposal vast quantities of weapons with which they can intimidate communities. Such weapons enter the country in virtually every shipment of drugs that arrives here. In another era, the Provisional IRA might have been proud
of some of these weapons. However, if one considers the type and amount of them that the gangs possess, it is clear that the only purpose to which they can be put is to intimidate and hold communities to ransom.

The only way to deal with the availability of these weapons is to tackle the drugs trade and to intercept drug shipments entering the country. That is why I supported the passage of the Criminal Justice (Surveillance) Bill 2009 last week. I am of the view that the Garda Síochána should be provided with proper resources. The roll-out of the radio system which it has long been demanding should be accelerated and the freeze on recruitment and promotion should be lifted in order that there will be nothing to hamper the force in carrying out undercover investigations against the drugs gangs in our communities.

If one asks the Garda authorities, they will indicate that the most effective units within the force are the drugs units. Given that this is the case, the number of these units must be increased and additional resources must be provided in order that the drugs trade might be destroyed and the profits being used by these gangs to keep some of their associates in line or which are encouraging certain individuals to feud with each other be removed. As stated previously, we should see this as a national crisis and we should get all hands on deck in order to deal with it.

I am opposed to section 3 because I cannot see the benefit of changing the existing definition, particularly because it has not worked and is not likely to.

**Deputy Kieran O'Donnell:** Section 3 refers to the involvement of “2 or more of those persons”. Does the Minister regard a criminal gang as comprising two or more or three or more individuals?

**Deputy Dermot Ahern:** Three or more people constitutes a gang, whereas the commission of the offence relates to two or more persons.

**Deputy Kieran O'Donnell:** If two people are involved in criminal activity, under the legislation can they be prosecuted as being part of a gang?

**Deputy Dermot Ahern:** There must be three or more.

**Deputy Kieran O'Donnell:** Is there a reason for that? Does it relate to section 70 of the 2006 Act?

**Deputy Dermot Ahern:** The provision is based on the UN standard.

**Deputy Kieran O'Donnell:** I welcome the section, which will be of assistance in the fight against organised crime, and so will the people of Limerick. I am of the view that it may allow us to avoid the need for juries or witnesses in certain instances. The key point is that we should have sufficient time to tease out whether what is intended in the legislation will be capable of being applied in practice. That is why my party has tabled amendment No. 4.

Is it correct that on the opinion evidence of a chief superintendent — as suggested in amendment No. 5 — and surveillance evidence provided, a prosecution could take place under a judge in the Special Criminal Court? In such circumstances, there would be no need for either a jury or other witnesses. That is a key point in the context of using the Criminal Justice (Surveillance) Bill, when enacted, and this legislation in the fight against crime. Will the Minister clarify the position in respect of this matter, which relates to the structure of gangs?

**Deputy Dermot Ahern:** I will reply first in respect of the matter raised by Deputy O’Donnell. There has been a great deal of misinformation regarding what a later section provides in respect of expert evidence on the existence of gangs. In addition, a number of individuals have miscon-
[Deputy Dermot Ahern.]

strued the position in this regard. Such evidence does not in any way go to the guilt of a person. It is merely evidence provided by a garda — perhaps an officer of ordinary rank — who would have knowledge or information in respect of the existence of a gang in a particular area. However, this is not opinion evidence that can be used to attribute guilt of a person against whom charges have been brought. There has been a misconception in respect of this matter and some of the amendments that have been tabled betray a misunderstanding of what constitutes expert evidence.

As matters stand, there are no provisions in existing legislation or in that before the House which would allow opinion evidence — allied to surveillance evidence — to be given by a chief superintendent in respect of someone directing a criminal gang. Such a provision does exist in respect of those who direct terrorist organisations but we have not gone that far in this Bill.

Deputy Ó Snodaigh is opposed to both the section and the Bill. Following the murder of Shane Geoghegan, I was criticised for not taking sufficient action. I am in possession of quotes relating to that matter which were made by various people, both inside and outside the House. On 13 November 2008, Deputy Jan O'Sullivan stated in the Dáil that “people want us to do whatever is necessary to smash these gangs”. She went on to state:

The overall message that must emanate from this House is that we are determined to treat this matter [gangland crime in Limerick] with urgency. I am not sure that sense of urgency is evident in [any]one on the Government side ... Every measure ... should be taken.

On 11 November 2008, Deputy Gilmore stated in the Dáil: “The public wants to get a sense that these gangs will be smashed.” He then stated:

We do not want to hear the reasons certain things cannot be done. We need to see, led by Government, which my party will support in this, definitive measures taken that will solve and address this problem.

Last week on Second Stage, I quoted Deputy Rabbitte’s comments, made after the Shane Geoghegan murder but before that of Roy Collins, in which he stated there must come a tipping point. He went on to state:

I acknowledge that these are exceptional powers that the Dáil has now been asked to provide to the gardaí, but, subject to proper oversight, they are necessary to deal with the exceptional threat being posed by armed criminal gangs, which have claimed 11 victims so far this year.

I agree with the Deputy. Deputy Kenny also stated: “Treating them with an easy hand and a bland response is not good enough.” He also said: “The Government response to this latest atrocity has been too bland and too easy.” He then stated: “This is a war; win it.” I have to hand copious other quotations from Members of this House.

At the time, I believed we had in place all the requisite legislation and resources. On the issue of resources, I have seen allegations in the media recently that I wish to nail to the effect that the Garda Síochána does not have the requisite resources. I assure the House that it does and that every available resource will be made available to it. The Garda Síochána will get everything it seeks in respect of this issue of gangland crime, regardless of whether it is in Limerick or anywhere else on this island. The Garda Síochána has all the resources it requires and will receive more if it requires more. I wish to nail that allegation on the head.

Moreover, I have not picked this legislation out of the sky. I refer to the murder of Roy Collins and wish to emphasise a point because I read an article in a newspaper during the week
in which it was stated that Roy Collins was killed because he was a witness in a court case. However, he was not a witness. He was killed because he was the son of witness in a court case, that is, someone who was doing his duty. I thought long and hard after the murder of Roy Collins and discussed it initially with the Garda Commissioner at the funeral of the garda who was killed in a car crash in County Donegal. Consequently, I asked that we should meet the Attorney General within a couple of days, which we did. At that time, I clearly indicated publicly that I intended to consider the type of measures that previously had been applied to paramilitary organisations and was giving strong consideration to applying them in this respect.

Two months ago, on 13 May, I issued a detailed statement as to what was being proposed in this Bill. As the contents of that detailed statement have been replicated in the Bill before the House, I reject any suggestion that it has been plucked out of the sky or that Members have been given insufficient time. The only way in which it differs from the contents of the statement issued on 13 May is that the issue of membership of a criminal gang has been removed, due to the difficulty of producing evidence and proving in court the membership of a criminal gang. Instead, the offence of directing a criminal gang has been proposed. Moreover, it is a requirement, under the United Nations Convention Against Transnational Organised Crime, to have in our legislative suite an offence against directing a criminal organisation.

We also considered the issue under discussion by Members at present in respect of this amendment and section, namely, how to make easier the proving of participation in a criminal organisation. I believe the Government discussed this issue at least three times in recent weeks before publishing the legislation. The Government discussed it at length with the Attorney General and with the Garda Commissioner’s management team to ensure that it got this right. That is the reason each section addresses particular issues that have come to the Government’s attention. While I have heard people commenting to the effect that this constitutes a colossal change in legislation, that is not the case. Much of what I have proposed is already contained in existing legislation and, on examination, people will find this is not a seismic change in respect of the manner in which such offences will be tried.

The Government believes strongly that the Oireachtas must send a strong signal to these criminal gangs that they cannot usurp the State or the people who live in it, which is what they are doing at present on a daily basis in places such as Limerick, Dublin and elsewhere. I referred during the Second Stage debate to a convention that the Minister for Justice, Equality and Law Reform generally is constrained in what he or she can say regarding issues of which he or she has knowledge on foot of discussions with the Garda Commissioner and his team. However, when the Garda Commissioner tells the Government that, given the Garda’s experience in recent years, it is necessary to introduce some of the issues that are being dealt with in this Bill, I disagree with Deputy Ó Snodaigh. Moreover, this does not simply pertain to the issue of scheduling offences but also to other issues pertinent to this legislation.

Deputy Charles Flanagan: The Minister would not even talk to the spokespersons about this. Although he speaks of United Nations conventions being disregarded, he did not even talk to the spokespersons.

Acting Chairman (Deputy Kathleen Lynch): Deputy, please.

Deputy Dermot Ahern: One is not obliged to take into account either my comments or those of the Garda Commissioner to the Government on the necessity for these changes. One need only listen to statements on RTE by people such as the Limerick State solicitor, Mr. Michael Murray. Anyone who missed his appearance on “The Week in Politics” should listen to his comments in respect of what is going on regarding the intimidation of juries in Limerick and other issues to which he referred. Moreover, during the Second Stage debate, two Deputies
from this side of the House, namely, the Minister for Defence, Deputy Willie O'Dea, and the Minister of State, Deputy Peter Power, were absolutely adamant about the necessity for this legislation on the basis of their own personal knowledge. They stated that their constituents were coming to their clinics in fear, having received a summons regarding jury service in the Limerick area. Undoubtedly, other Deputies from the Limerick area would be able to provide similar testimony.

This legislation is absolutely necessary. It is necessary to pass the legislation before the House rises in order that, coupled with the surveillance legislation, the Garda Síochána can have the tools to bring these people to justice. I refer to the sentiments Members expressed in November 2008 after the shameful murder of Shane Geoghegan. Subsequently, a relation of someone who gave evidence as a witness in a trial was murdered four years after the event. Does anyone for a minute suggest that those involved in organised crime gangs would make any distinction between a witness and a juror? It would be utterly naïve for anyone to suggest this of such gangs, particularly in respect of the new offences proposed in this Bill. I refer to the offence of directing, which pertains to the very people who do not pull the trigger but who direct patsies to shoot people on orders. When referring to the awful killing of Shane Geoghegan during the Second Stage debate, the Minister, Deputy Willie O'Dea, suggested the attackers even had a doubt as to the identity of the person they were killing, which demonstrates the level to which such people will go.

I repeat to Members that the Government does not take this matter lightly. However, it believes its measures are proportionate and reasonable. I have no doubt but that it will make the prosecution of criminal gangs easier. I believe it will do what Deputies such as Deputy Gilmore and others eloquently stated in the House on occasion on the necessity to take those measures that Members might not tolerate in normal times.

Deputy Pat Rabbitte: It is entirely fruitless to insinuate that there is any division in this House about the necessity to bring to an end the mayhem on our streets, especially in urban Ireland.

Deputy Joe Carey: Hear, hear.

Deputy Pat Rabbitte: That includes all Deputies on all sides of the House and, if I may take the freedom to say so, Deputy Ó Snodaigh. There is no division. We want to put the gang bosses behind bars. We are horrified on this side of the House at the frequency of resort to extreme violence and the number of fatalities we have seen in recent years. I do not like the word “scum” but these people are the scum of the earth. We are at one in this House in wanting to take them off our streets but that is not the issue here. The Minister quoted a number of Deputies on this side of the House. We are prepared to take any measures within the law. Some of us did not envisage standing the criminal justice system on its head to do so.

Deputy Dermot Ahern: It is not doing so.

Deputy Pat Rabbitte: I did not interrupt the Minister. I am prepared to stand the criminal justice system on its head if that is what is necessary but I have not had the evidence from the Minister that the pivotal measure in this Bill will make it more effective.

Deputy O'Donnell asked the Minister to deal with the distinction between witnesses and jurors. All the Minister said was that it would be folly to seek to draw distinctions. There is a major distinction because at the Special Criminal Court one must still provide witnesses. The Minister invited Members to watch “The Week in Politics” on Sunday night, when the State solicitor from Limerick, Mr. Michael Murray, appeared. What the Minister quoted does not
say what the Minister suggested. Mr. Murray was confronted by a live video of Deputy Willie O’Dea, admittedly a challenge at any time, and asked if he agreed with him. He replied:

The Minister is well known for walking the streets of Limerick and is out every given hour that he has at the weekends. I am not going to contradict the Minister because, in fairness to him, if anybody knows what is going on on the streets of Limerick, he does. I cannot say I have any evidence of widespread intimidation.[. . .] I have not seen a lot of evidence of intimidation of jurors. In the recent past I have come across one case where a jury was quite clearly frightened and had been intimidated. As a result of that I asked the gardaí to investigate the matter.

**Deputy Dermot Ahern:** Deputy Rabbitte did not choose to quote what he said initially.

**Deputy Pat Rabbitte:** I have a quotation from Mr. Justice Paul Carney, who went to Limerick and who is the most experienced judge in the criminal courts. He said he had no experience of difficulties in getting convictions in his jury court. Deputy Flanagan has been pursuing the Minister to answer a parliamentary question on the intimidation of jurors. The Minister did not answer the question but, in the cut and thrust of debates on the last day, he was required to say that he would write to Deputy Flanagan, who now has that letter. The letter says that the Minister has no evidence of intimidation of jurors and no statistics.

**Deputy Dermot Ahern:** No, it does not.

**Deputy Pat Rabbitte:** I have the letter here, it is in black and white in the Minister’s hand and prepared for him by the Department. The Minister draws attention to the fact that, under section 41 of the Criminal Justice Act 1999 it is an offence to seek to intimidate persons assisting in a criminal investigation. The Minister writes:

I am informed by the Garda authorities that separate records are not maintained of offences under section 41 as between those directed against witnesses and those directed against jurors.

**Deputy Dermot Ahern:** It does not say that it does not happen.

**Deputy Pat Rabbitte:** I did not interrupt the Minister, who should contain the bantam cock side of his personality for a moment. If the Minister had any evidence of interference with jurors, he would have included it in that letter to Deputy Flanagan. The Minister does not have any evidence. He says the statistics do not exist and I suggest that the reason they do not exist is because there is none. Mr. Justice Paul Carney is the most senior, experienced judge in the criminal courts. Those of us on these benches want to see these thugs made amenable to the law. If the Minister has evidence that there is intimidation of juries, I will withdraw my opposition to that section. I have made it plain that we do not oppose any measures, within the law, designed to combat organised crime. The issue is whether the Minister can establish that in this section.

The Minister should remember that he dodged the issue on “Morning Ireland” and that he allied witnesses and jurors into the same sentence on every opportunity he has been given to talk about this. As a lawyer, the Minister knows the difference but he knows that there are people outside the House who do not readily pick up on the difference. As a result, we are dealing with something about which we do not have evidence. There is no merit in trying to suggest that the House is divided or that there is any party or Member not dedicated to the rule of law and putting gangsters put behind bars. We want to do so with the most effective
measures available to us. That is the only issue. If the Minister can rewrite the letter he wrote to Deputy Flanagan and provide us with the evidence, I am prepared to change my mind.

Deputy Charles Flanagan: The time remaining will not give me sufficient opportunity to deal with the Minister’s rather general overview of the Bill and the reasoning behind its introduction. This is a pity because time is of the essence if we are to give this Bill appropriate scrutiny.

I regret that the Minister started off with a general debate and a high degree of party political content. This is a subversion of the parliamentary process. Nobody accused the Minister of plucking this legislation from the sky. I never heard that comment, other than from the Minister. What I said is that we are charged with dealing with this legislation on a line by line basis because it is complex, in spite of what the Minister suggests. The reason we are amending section 75 on the 2006 Act is because of complexity, difficulty and the fact that we did not get it right in 2006 and 2007. That is the reason we are revisiting this, because of failures of Government in the past that the Minister is repeating this evening. The Minister put forward a political smokescreen to the effect that Members are against dealing with gangland figures.

When this debate resumes I will address the matter of resources. The resources issue is significant and substantial. One can have all the legislation in the world but, if it is not accompanied by appropriate enforcement measures, it is worth nothing.

Progress reported; Committee to sit again.

Private Members’ Business.


Deputy Ruairí Quinn: I move: “That the Bill be now read a Second Time.” I wish to share time with Deputies Jan O’Sullivan and Caoimhghín Ó Caoláin.

Acting Chairman: Is that agreed? Agreed.

Deputy Ruairí Quinn: Whatever about the previous debate, this is not a debate in which party division or rancour should inform our discourse because this is something for which we all bear some responsibility and for which we all have an obligation to the survivors and the victims and to their children. I cannot recall anything in recent times that had such an impact as the findings of the Ryan commission. It shocked a nation that thought it had got beyond being shocked.

The 43 conclusions in the executive summary are, frankly, quite unreal and horrific when one reads them in the cold light of day, but to hear the anguished voices of those people who are the subjects of the testimony that they gave and to listen to their stories makes us all ashamed. Therefore, it puts upon all of us an obligation to listen to, reach out and, where possible, respond to many of the concerns they expressed to us in the light of the findings of the report, its 43 conclusions, and the 21 recommendations it made at the end of five volumes of testimony and analysis.

The Labour Party has studied the Ryan report and its recommendations. We have listened to the survivors, and to the children of those who were sent to these institutions and who are no longer alive. There were some issues which were outside the scope of the original legislation, the Residential Institutions Redress Act 2002, which now need to be addressed. It is for this
reason that we have published our Bill, the Institutional Child Abuse Bill 2009, to make amends to the victims of abuse.

I welcome the Minister for Education and Science to the House. We earnestly hope the Bill will not be opposed by Fianna Fáil and the Green Party. We do not wish to divide the House on this issue. There are many ways in which the Bill can be taken on board. We all know the fate of Private Members’ Bills that are accepted on Second Stage; some of them surface in due course amended by the Government of the day and are enacted, others have to linger but at least they have the credibility of not being voted down. I know the vote will not take place until tomorrow evening but I understand that it is the intention of the Government as of now to vote it down. In the spirit of comradeship I earnestly ask the Minister to think again about that course of action. We owe it to ourselves and the victims throughout the country, some of whom are in the Gallery.

With regard to what the Bill proposes to do, we have identified seven areas in which we believe action is necessary. The first is that the Bill would expand the definitions of “child” and “institution” so that no victim of abuse is denied justice through the redress board. A small but substantial number of people were previously excluded from the redress board because of the wording of the 2002 Act. This change would ensure that this would no longer be the case.

The second is that the Bill would expand the definitions of “child” and “institution” which would necessitate a new time period for new applications to the redress board. It would change the definition of adult from the age of 21 to the age of 18. People were deemed to be children during the time they were incarcerated in these institutions because they were under the age of 21 but because we moved the voting age and other definitions of childhood and adulthood they were no longer retrospectively deemed to be children even though at that point in time they were so deemed. That is an anomaly that needs to be addressed and our Bill addresses it.

The third is that the Bill would abolish the obligation of secrecy which effectively prohibits applicants to the redress board from talking about their childhood and time in the institutions. My God, what type of a country does the Government think we live in that one cannot talk about one’s childhood or one’s experience in institutions? That is straight out of Tiananmen Square in the People’s Republic of China or Russia or another dictatorial state. That citizens of this republic are prohibited by law from talking about their childhood or their time in Irish institutions has no place in Irish legislation and it should be reformed.

The fourth is that the Bill proposes that persons who were detained in reformatory schools under criminal convictions must be treated for all purposes in law as not guilty of an offence and their records will be wiped clean. This is important for a variety of reasons and it is important that we understand what we are trying to do. We cannot, nor will we try to, rewrite history; the conclusions and records of the courts must stand for future generations to see what shame we brought upon ourselves in the name of the Irish republic. The Labour Party does not propose to retrospectively correct the historical record but we are stating that we would amend the impact of that historical record to the point that as and from the enactment of the Bill, no person so charged, so recorded, so convicted and so dispersed from a court to an institution would be deemed then or now to have been a criminal irrespective of what the historical record said. That is what we seek; it is a cultural change and not a factual change. It is a just change and we should do it without altering the historical record and that record is itself important.

I have not read all five volumes because, quite frankly, I do not know whether I have the courage or the capacity to do so, but the bits I have read are such that no matter how horrific they are, the last thing that should ever happen to them is that they be destroyed. The last thing that should ever occur to them is that they disappear as some files have disappeared in
the Department of Education and Science. The last thing that this republic should ever be able to say is that not only did we abuse those victims but that we buried their past as well. Every record, testimony and word of anguish that carefully and painfully described the system that was constructed should in whatever way at least be preserved; let it be for other people and other generations to decide how best to convey them. No survivor or child of a survivor should be able to say that there is no record of what they said or experienced. It would be like having a relative with no grave or like having somebody among the disappeared because the Minister would allow the records of their testimony to be destroyed. It is the Minister who has that power and we want it to be shared with the House to ensure that no such destruction can take place unless the House agrees to it and I do not think it would. That is the fifth proposal.

The sixth proposal made by the Bill is to open up the 2002 indemnity deal to freedom of information requests. All legal privilege and confidentiality would be waived by the State if the Bill is passed. This was part of the sordid deal between contracting parties as it passed from Ms Justice Laffoy to Mr. Justice Ryan. It was a shoddy deal and it should be removed. If it is removed it would allow the records of the 2002 indemnity agreement with the 18 religious teaching orders to be published in full. The culture of deferment in the Department of Education and Science to which the third conclusion of the executive summary refers is a thing of the past. It is healthy that it should be buried in the past because it will not inform any citizen of the republic in the future of the State as we march into this century. It would guarantee that any proposed amendment to the indemnity deal would have to be laid before the Houses of the Oireachtas and subject to their approval.

The seventh key proposal of the legislation will enable an audit of the assets of the religious orders. The Bill confers power on the Government to appoint an auditor to examine the financial affairs of the 18 religious orders who signed the 2002 indemnity agreement. This will allow the Government to assess the true wealth of the religious orders for future renegotiation of the 2002 agreement. It was, perhaps, my colleague, Deputy Pat Rabbitte, who, on behalf of the Labour Party and the citizens of this Republic, pioneered the questioning on the shoddy deal done in secret by former Minister, Deputy Michael Woods, and the then Secretary General of the Department of Education and Science, now since retired. I presume I can refer to him by name — Mr. Dennehy. If we can refer by name to T.K. Whitaker, we can refer to others.

That was a shoddy deal. While it was not easy to calculate what the approximate cost might be, the Department of Finance suggested the burden should be shared evenly, 50:50. However, we got a deal that allocated 10% of the burden to the religious orders and 90% to the taxpayer. That deal must be reopened. I understand the Taoiseach and the Minister for Education and Science met with the representatives of the 18 religious orders after the debate on the Ryan report some weeks ago and that a request has been made to reopen the deal. I hope the Minister will address that matter in his response to this debate and confirm to the House my understanding, as reported in the media, that the Taoiseach requested an audit to be undertaken by the religious congregations so as to see what contribution they can make from their own resources.

I wish to say something in this regard. I am the product of the religious teaching orders. I am a proud graduate of the wonderful education I got from the Holy Ghost Fathers in St. Michael’s School and Blackrock College. I have never resiled from that. To my dying days, I will be eternally grateful for the love, affection, erudition, leadership and education I got from those men. Neither I nor the Labour Party have any desire to impoverish the religious teaching orders. God knows, they are now at a stage in their lives, having made an incredible contribution to this country, where their major concern is the care of the elderly in their communities. They do not have children or grandchildren who can provide for their nursing home care and
do not have the support we have in old age or that we give to our parents in old age. However, they are entitled to it.

In so far as they need resources for decent dignity in their declining years — such as we would want for our own parents, uncles and aunts — they should have them, but let them have them at the expense of the taxpayer and not through the sale and dispersal of the educational infrastructure and other institutions and buildings they have across the country. Let not the so-called financial and legal advisers advise them to dispose of their assets so that they can care for the sick and elderly in their communities to whom they have an obligation. Let that not be the outcome. If there are spare resources, let them come into the pot towards the 50:50 deal, but if there are not such resources — I am open on the question, but I suspect there are not — let us not allow the sale of infrastructure paid for by taxpayers and Catholic citizens, in the main, who contributed voluntarily to the construction of these edifices over the past 100 years or so. That is not what the Labour Party is about nor is it what I am about. This is public infrastructure that belongs to the community and should not be allowed disappear.

The reason I am so passionate about this — the Minister has heard me say this before — is that two secondary schools in the constituency of Dublin South-East under the control of religious teaching orders disappeared without any reference to the parents or anyone involved. There was minimal notice to the teachers and no forward planning for the parents of those children. One primary school under religious order control and two primary schools under diocesan control have also disappeared. They closed these schools for their own reasons. We understand the reasons, but such reasons are no longer sufficient when we have 500,000 primary school children in our system and another 100,000 expected within ten years. We cannot allow such infrastructure to disappear and that is the reason I have been so strong on this argument.

I want to repeat that I am the product of a fine education from those religious teaching orders. I salute them and am thankful for my education. This Bill is not about some kind of vindictive chase of the religious orders to try to impoverish them, but about enriching our community and celebrating the contribution the majority of them have made to our society.

Some issues have been brought to our attention, including the experience of women who were in the Magdalene laundries. The Bill does not address that issue and some of my colleagues will explain the technical and legal reasons for that later. That is not to say their experience was not horrendous. Theirs is a past that should not be buried, but there are reasons and explanations that time prevents me from elaborating upon as to why the Bill does not include them. It was not just the State and religious teaching orders who were involved. There was a culture in some of our families, from wherever it originated, that denied the existence of daughters who became pregnant outside of marriage. They were hunted out of their homes and, in some cases, out of the country. I am ashamed of that. We should all be ashamed of it. We have addressed it now, but that did not happen for some people born here and they suffered a great hurt as a result. We all know that. I do not know if legislation along the lines of the redress board legislation can deal with that. Nevertheless, we should recognise it did happen.

One of the first recommendations in the executive summary of the Ryan report was there should be a monument. That does not go far enough. There should be a museum. We should have a museum that will contain the records, the history, the experience, the voices and the sounds of the victims so that they can explain why, having lost their childhoods, they could never behave and live as full adults towards their own children. We should have a museum so that grandchildren can understand why their grandmother or grandfather were not as others were or why they had black days that were inexplicable to a young child. We need that permanent memory from the past to be kept in such a museum so that we never allow this abuse occur again, because forgetfulness is the enemy of such a surety for the future.
I have a suggestion for the House. As part of their contribution to the 10% contribution to the State, the Christian Brothers handed over the property of Coláiste Mhuire in Parnell Square. That property is currently under the management of the OPW, but no use has been found for it. The property is beside the Hugh Lane Gallery and across from the Garden of Remembrance — part of the cultural sector of Dublin City. There, between the splendour of the art collection of the Hugh Lane Gallery and the inspirational heroism and martyrdom of the 1916 insurrection, we should have a museum for ourselves about ourselves so that our future children will realise this was not some foreign invasion, these were not the Vikings nor some Anglo-Saxon invasion nor Cromwell, but us, you, me and every citizen in the country, who allowed these things to happen in our name and in our State. Never again must this be allowed to happen.

I would accept the proposal of a monument, but suggest it should be a museum. We should locate that museum not somewhere down the country where it would be difficult to access, like Letterfrack or Daingean, but in the centre of our capital city, within 500 m of that icon of insurrection, the GPO, to say that, yes, we did some glorious things in this Republic, but we also did things of which we should be ashamed and which we must ensure will never occur again.

Deputy Jan O'Sullivan: I commend my colleague, Deputy Ruairí Quinn, on presenting this motion. I support his request that the Government would consider not opposing this Bill in the House tomorrow when it comes to a vote. It is very important that we have consensus on this issue and that there is full agreement across the Chamber and across the country so that, in particular, we learn the very painful and hard lessons of the Ryan report.

I pay due respect to Mr. Justice Ryan and, before him, Ms Justice Laffoy, for the work they did. I accessed the entire series of volumes in the Oireachtas Library. We have a duty as Members of this House to read, in so far as we can, the Ryan report, although the extraordinary effect it has makes it very difficult to read. However, as a nation, we have to absorb it and take it in.

That Deputy Quinn referred so often in his contribution to the Republic is important. We are citizens of a Republic. This is about the voice of the people, and it is about allowing that voice to be heard and learning the lessons. I would endorse his proposal that we need a museum. We need to take in as a nation what actually happened in those institutions in the past, in our name. It was with the collusion of many of the most respected and prized institutions of our State that those things were done to those children, but these matters were left locked away in circles of darkness that nobody penetrated at that time. The door has now been thrown open and the information is out in the public arena. We have to learn from this and ensure this kind of thing can never happen in our names again.

I was not in this House a very long time when the initial apology was made by the then Taoiseach in May 1999, more than ten years ago. Right across the House and across the State, there was a sense that we had to work together to address what we were beginning to learn at that time. As a new Deputy, at the time I proposed on behalf of the Labour Party legislation to amend the Statute of Limitations in regard to the taking of civil cases for people who were victims of institutional abuse. The then Minister for Justice, Equality and Law Reform, the current Ceann Comhairle, Deputy John O'Donoghue, accepted that legislation, an Opposition Bill, and the Government of the time took it on board. While the Government amended that Bill and we did not agree with everything it finally contained, at least there was at that time a spirit of generosity and of people working together on this issue.
The various parts of the Bill we put forward tonight on behalf of the Labour Party are put forward as part of the unfinished business of the work of the Commission to Inquire into Child Abuse, the Residential Institutions Redress Board and the other elements that have gone with them. They concern omissions and areas which the people in the Visitors Gallery and others have told us were omissions in what has been done since 1999, and which need to be addressed. For example, the people now in England, who went away after they got out of those institutions did so because this country had no place for them and had ruined their lives. If those people did not know in time to apply to the redress board, surely they should not be excluded from whatever recompense is now belatedly available to them, which will never give them back their lives or their childhoods. There is also the issue of the people who were in other institutions not listed on the Schedule that was initially put forward and later amended, such as the Regina Coeli hostel, which was highlighted by Marie Therese O’Loughlin outside this House, and the Morning Star hostel. There is also Derek Linster, who highlighted the institutions that were not catholic which were excluded, and there are others. People were excluded because of their age. There are many people who are currently excluded from redress who should not be excluded, including those from the Magdalene Laundries. This should be an all-inclusive provision and whatever gaps exist must be filled. We cannot leave this as unfinished business. We must ensure we respond fully.

I spoke last week in a debate on Michael Shine, another case which has emerged in regard to abuse of children — there are others, such as the case of the Brothers of Charity in Galway, which have also not been fully investigated. I made the point in that debate that people must have the opportunity to make their cases, to be heard, to be listened to and to be believed as credible people when they are telling their stories. What happened in the past was that they were not believed because they were people of no power. There were very powerful people in our society who said they should not be believed and it was all swept under the carpet. We must ensure these people are listened to.

If he does not mind me using his name, I pointed last week to the difference in the way in which John Kelly spoke on television after he was invited to Áras an Uachtaráin to have a validation of what happened to the victims of abuse by the highest office in the land, ten years after all of this came about. We saw this also during the march that came to Leinster House some weeks ago. This was the final recognition that people were telling the truth, that these things did happen, that they were wrong and that the State acknowledges they were wrong. While I hope he will forgive me for saying it, the difference in what this has done for somebody who has gone through the process of fighting and ensuring there is finally an acceptance that this happened, including in the highest offices of the State, is huge. We owe it to every single citizen of our country, many of whom had to go outside the country to find lives for themselves, to include them in this process, which must have that all-inclusive nature. We should not divide on this very important issue in the House tomorrow, and I appeal to the Government not to do so.

With regard to the setting up of a trust and to the institutions providing appropriate recompense in terms of the balance between what the State pays and what the institutions pay, this is not about some kind of retribution on the institutions — it is about fairness. The proposal at the time from the Department of Finance that it should be apportioned roughly 50:50 between the State and the institutions where the abuse was perpetrated obviously did not come about because of the indemnity deal that was made, or the way in which it was made. That issue must be addressed and it must be done in an open and public way. Again, this is catered for in terms of ensuring matters of this nature are subject to freedom of information. I hope the Government will respond clearly about what it will do with regard to auditing the institutions, finding out what money is available and setting up a trust. It is very important to the
Deputy Jan O'Sullivan:

victims and to the survivors that this process is at arm’s length from the institutions, and that it is operated by an independent trust into which the money is paid, so they have the dignity of using an independent trust as opposed to having to go again to the institutions looking for money.

I conclude by restating the importance of not leaving open ends in regard to this matter, which has gone on for ten years and more. There has been at times very brave journalism and very brave people have been willing to go out there, up front, to ensure this is brought to public attention. It needs to be fully embraced by all of the people of Ireland.

We must adopt these measures to put in place the knowledge and systems to ensure this will never happen again and that we fully embrace as a people the learning process that must continue regarding these matters.

Deputy Caoimhghín Ó Caoláin:

I welcome the Institutional Child Abuse Bill 2009 and I commend the Labour Party on framing and introducing it under Private Members’ time. The measures in the Bill are a logical and necessary follow-up to the Ryan report. The Bill addresses a range of outstanding issues that were crystallized by the Ryan report and that have been clearly articulated by the survivors of institutional child abuse before and after that publication. These measures are essential if justice is to be done for those cruelly wronged by the State and the Church.

All the recommendations of the Ryan report should be implemented, a matter on which the House is already agreed. The recommendations focus on alleviating the effects of abuse on those who suffered in the past and preventing abuse of children in care today and tomorrow. As I stated during the Dáil debate on the Ryan report, the Government must go further. It must address the need for truth and justice and recompense for those abused in institutions, residential, non-residential and those not covered by the Ryan Report and this Bill attempts to do so.

Justice must be done for former residents of Finglas children’s centre, Scoil Ard Mhuiire in Lusk, Trinity House, Trudder House and Madonna House. I also include the Magdalen laundries and institutions established after 1970. In the case of Trudder House, where many Traveller children were abused, there was one successful criminal prosecution. In the case of Madonna House, there was one prosecution and an inadequate investigation but no proper support for the victims. No survivor or victim should be left behind or left out in the cold as Marie Therese O’Loughlin was for many months outside the gates of this institution, Leinster House, on Kildare Street.

We should also acknowledge that abuse in institutions run by religious bodies was not confined to the Catholic Church. Derek Leinster has highlighted the abuses he and others suffered in Bethany House, Rathgar, which was run by the Church of Ireland. As I mentioned during the Ryan report debate, a former civil servant, Loretta Byrne, who worked in the then Department of Education tried to blow the whistle on abuse in the Finglas children’s centre but was ignored. She stated that she brought these concerns to the attention of at least three prominent Members but nothing effective was done. I understand we know the identity of these three prominent Members. These are very serious allegations that need to be rigorously investigated.

I welcome especially section 1(f) which would lift the gagging clause contained in the Residential Institutions Redress Act 2002. This attempts to prevent those whose cases have been before the redress board from speaking publicly about their experiences. It is deeply ironic that legislation supposed to aid the survivors and make recompense to them should prevent them from speaking out. For these survivors telling their story is a very important part of recovery. For some this may involve writing accounts of their experience, creative writing, film documen-
taries or other creative work. The attempt to gag these survivors should be abandoned now and the offending section should be deleted as proposed in the Bill. I hope in the Minister’s contribution this evening he will provide confirmation of the Government’s acceptance of that and all the component parts in the legislation on Second Stage before the House. The stigma of criminalisation has followed many of the survivors throughout their lives. All trace of this stigma and all doubt in respect of the law must be removed and, therefore, the Government should also accept section 1(g) which wipes the slate clean and also prevents discrimination against people on the basis of having been in an institution. It should not apply in respect of the record of any of these people, whose harrowing experiences are enough without adding further insult to the injury already suffered.

Another major element of the Bill relates to the records of the redress board and the need for their preservation. This is very important and in line with the resolution adopted unanimously by the Dáil in response to the Ryan report. The Bill seeks to ensure that any amendments to the indemnity deal between the Government and the 18 religious orders are subject to approval by the Houses of the Oireachtas. This is essential given the very underhand crafting of the original indemnity deal.

It cannot be stressed strongly enough that children in the care of the State and children denied care because of State neglect continue to be at risk today. Everyone here should read the minutes of the most recent meeting of the Joint Oireachtas Committee on Health and Children on 30 June last which heard from the Ombudsman for Children and from the Irish Society for the Prevention of Cruelty to Children. The Ombudsman for Children, Emily Logan, expressed concern that hundreds of children continue to be at risk of abuse due to the lack of independent inspections of residential centres and hostels which house vulnerable young people. She pointed out that the majority of almost 130 separated children seeking asylum stay in private hostels not subject to independent monitoring. These children do not have access to an independent guardian and many separated children did not have regular access to a social worker directly allocated to them. The Government must address this as a matter of urgency.

From among that cadre of children some have disappeared and there is no knowledge or indication whatsoever of what became of them. There are still hundreds of children with intellectual disabilities in residential centres not subject to any standards or inspections. At the meeting of the Joint Committee on Health and Children on 30 June I raised the issue of the deaths of at least 20 children in care during the past decade, which is now the subject of an internal Health Service Executive inquiry. The Ombudsman for Children has called for a child death review mechanism which I fully support. I urge the Minister and the Government to accept this recommendation as a vital component in establishing the truth in respect of the death of any child in care in future.

The Government must also implement the first recommendation of the Monageer report and establish a 24-seven social work service. Nothing less is acceptable or safe. It must continue to be of concern to Members that this first recommendation was so dismissed by the Minister of State with responsibility for children on the publication of that report.

I urge the Government not to oppose the passage of the Second Stage of this Bill. I appeal to the Minister to allow it go forward to Committee Stage and let the Government debate it in detail with all the other representatives of this House. We at least owe that to the people in the Gallery this evening and the countless thousands, tens of thousands generationally, who have yet to have truth and justice established in their name.

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to share my time with the Minister of State, Deputy Seán Haughey and Deputies Tim Dooley and Beverley Flynn.
Deputy Batt O’Keeffe: Before I deal with the issues raised in the Labour Party’s proposed Bill, it is worthwhile reflecting on the progress we have made in recognising and admitting that children in institutions were not appropriately cared for and how the Government and indeed the entire State has addressed and responded to this matter. In 1999, the Taoiseach’s apology was an admission that the State had failed in its obligations to ensure appropriate standards of care for children in these institutions. At that time the Taoiseach also announced the establishment of the Commission to Inquire into Child Abuse; the establishment of a nation-wide professional counselling service for the victims of childhood abuse; and legal changes relating to the taking of cases involving abuse.

The Residential Institutions Redress Board was then established under statute to provide redress to persons who had suffered abuse as children while resident in certain institutions that were subject to State inspection and regulation. More recently, the Education Finance Board was established to provide grants to former residents and their families to allow them to access educational programmes. The Government has accepted the 20 recommendations in the Ryan report. Sixteen of these recommendations relate in the main to the prevention of child abuse in the future. My colleague, the Minister of State, Deputy Barry Andrews, has been given the responsibility of bringing an implementation plan to Government by the end of this month. The remaining four recommendations relate mainly to my Department and are placed under the heading of, to alleviate or otherwise address the effects of the abuse on those who suffered. The Government will implement these recommendations which relate to the provision of a memorial; a review of systems to avoid future failures; the availability of education and counselling services and the continued availability of family tracing services.

The Government is committed to the provision of funding to provide for a memorial. Counselling services are currently available through the national counselling service. Funding for education is currently available from the Education Finance Board. The board is funded through the allocation of €12.7 million from the cash contribution made by the religious orders. At the end of 2008, some €7.35 million of this remained to be expended on education for former survivors and their families. Barnardos is currently being funded to provide a family tracing service.

My Department has convened a working group which includes departmental representatives from my Department and other relevant Departments to consider and progress all of these recommendations. This working group will contribute to the overall implementation plan being prepared by the Minister of State, Deputy Barry Andrews.

Since the publication of the report, the Taoiseach and Cabinet colleagues and I have met with groups representing survivors of abuse. There have also been a number of written submissions from the survivor groups. The issues raised by the groups are similar to but not limited to those raised in the Labour Party Bill. The Taoiseach and Ministers have also met on two occasions with the religious congregations. At the first meeting the Taoiseach conveyed the view of the Government and that of the wider public that further substantial contributions are required from the congregations and that the contributions need to be capable of being assessed by the public. The Taoiseach asked the congregations to revert with proposals in this regard.

We met with the representatives of the various religious congregations again on Wednesday, 24 June 2009. The religious congregations reported on the progress they had made in compiling reports on their financial positions. The congregations have been requested and are expected to submit these financial reports to the Government by mid-July. A further meeting will be arranged with them at that stage. The Taoiseach has stated the Government will appoint a panel of three independent persons to assess the material submitted by the congregations and

I wish to express the Government’s regret that the Labour Party has chosen to act unilaterally by moving this Bill. I believed we had a unified approach when passing the all-party motion. I thought we would go forward together with the Dáil sitting in solidarity in the interest of the survivors. It is regrettable that this approach was not continued as we progress through our engagement with the survivor groups and the religious congregations.

The Government must oppose this Bill because the issues raised have not been fully considered and in some cases legal advice will need to be sought. In addition, while I realise that costing these measures is not a simple task, it is clear that the Labour Party has not made any attempt to cost them or even consider the cost implications. This is not to say that the Government’s future decisions will be totally dependent on the financial implications but we must at all times consider the implications for the taxpayers of this country.

The Government considers this Bill to be premature. We are surprised that the Labour Party has proposed expanding the remit of the redress board before we have completed our discussions with the congregations. The Labour Party had been particularly critical of the Government committing to the redress scheme in advance of settling contributions from the religious congregations and now this is exactly what it is asking the Government to do.

A number of the main elements of the Bill are focused on proposed amendments to the redress scheme. I will outline to the House the background to those elements of the redress legislation which the Labour Party proposes to amend. The redress scheme was an additional benefit which the Oireachtas thought appropriate for children of a particular age who attended specific institutions and the scheme did not affect the right of any individual to bring legal proceedings. It was never intended, nor would it be feasible, to cover all cases of abuse occurring in every institution in the country.

The Bill proposes an extension of the redress scheme to allow for late applications to be accepted. The original legislation allowed for applications over a period of three years from its introduction. The Labour Party now proposes a further three-year period from the date of passing of its proposed Bill. To date, the redress board has received 450 late applications since the closing date, with over 50 of these being received in the period since the publication of the commission’s report. The 450 late applications were dealt with as follows: a total of 109 submissions were accepted by the board; a total of 177 submissions were disallowed by the board; a total of 12 applications were invalid; ten submissions were withdrawn; in 121 cases the board is awaiting further information from the applicant and 21 submissions remain to be considered by the board.

It is worth noting that the existence of the scheme was extensively advertised prior to the closing date set by the current legislation. The redress board spent approximately €900,000 advertising the scheme on television and radio and in newspapers. The current Act makes provision for late applications in exceptional circumstances.

In terms of the proposal to extend the age restriction to allow persons who were in institutions between the ages of 18 and 21, many Members will be aware that this matter is currently the subject of a Supreme Court appeal. We believe it appropriate that this particular appeal be heard and adjudicated on.

In compiling the original Schedule of institutions which accompanies the Act, my Department had access to records in regard to the 59 industrial and reformatory schools listed on the original Schedule and was in a position to confirm that these institutions were eligible for inclusion on the Schedule.
We consider the Labour Party Bill to be premature and recommend it be opposed. We are mindful that survivors have called on all of us not to politicise what is a fundamental and therefore important issue for civic society. There is an onus on all of us to act collectively in all of their interests.

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** With the agreement of the House I will take an extra minute in addition to the five minutes available to me.

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

**Deputy Seán Haughey:** There are a few other outstanding issues I want to deal with. The Bill seeks to remove section 28(6) of the current legislation. Deputy Quinn, in a statement issued on Thursday, 18 June, and again tonight, suggested that this section effectively prohibited applicants from recounting the stories of their childhood. That is simply not the case. This provision was originally included in the legislation because of people’s constitutional entitlement to their good name and, without this provision the redress board would descend into a series of individual court cases with an adversarial approach and associated legal representation that would effectively collapse the redress board.

Legal advices received in my Department state that this section of the current Act does not prohibit applicants from recounting the stories of their childhood, as is suggested. All that it prohibits is mention of the fact that compensation was either applied for or paid as a result of the conditions they may have suffered during their childhood. We realise this is an issue of much concern to the victims and we will consider their views further in the context of legal advice.

Another issue of concern to survivors, and one which has also been raised by the Labour Party in the context of this Bill, is the maintenance of records of both the Commission to Inquire into Child Abuse and the Residential Institutions Redress Board. It may be possible to respond positively regarding these recommendations, subject to safeguards. However, there are also likely to be cost implications of any process for safeguarding and providing access to records of the commission and the redress board.

Issues arise also relating to data protection which cannot be ignored. Further consideration will be given to this issue in consultation with the Commission to Inquire into Child Abuse and the Residential Institutions Redress Board and subject to any legal advices which may need to be sought.

The issue of criminal records is one which has been raised many times and the Government has done everything possible to clarify the position. The Department of Justice, Equality and Law Reform was called to give evidence on this module of the Ryan commission hearings in June 2006. During the course of that evidence, the question of the criminalisation of children detained in industrial schools pursuant to an application under section 58 of the Children Act 1908 was raised with the senior official of the Department. It was explained that the provisions of section 58 of the 1908 Act do not create a criminal offence and do not provide for a finding of guilt; and an order made pursuant to section 58 does not give rise to a criminal record.

The Ryan report does not make any recommendations for the introduction of any new measures to address this issue. However, the Minister for Justice, Equality and Law Reform is conscious that individual survivors may still have concerns. He has undertaken that any such individual can write to him, the Minister for Justice, Equality and Law Reform, attaching a

The Bill also contains proposals to allow the Government appoint an auditor to examine the financial affairs of the congregations to ascertain the true extent of the property available. The Government has already committed to a process whereby a group of three will access the veracity of financial reports produced by the congregations. It is better to await the outcome of the engagement with the religious congregations.

The other matters raised in the Bill also require further consideration and, in some cases, legal advice. It is clear that the Government is committed to addressing the needs of survivors into the future. However, I do not agree that the provisions of the Labour Party Bill are necessarily the way to go. They are all matters which require further consideration and it is for this reason that the Bill is being opposed by the Government.

Deputy Timmy Dooley: I welcome the opportunity to address the Bill. While I recognise what the Labour Party is doing by presenting this Bill, it is clearly an act of engagement in this debate. I hope the Labour Party Members will be able to agree among themselves in a manner that does not require the House to be divided on this issue. The legislation they seek to bring forward from their perspective is feeding into a debate which has found unanimity in the House to date. For the first time since I entered this House there has been a collegial approach to dealing with this issue, an issue which besmirches and damages the reputation of this State in a serious way. To some extent all political parties bear a responsibility for not dealing with this issue over previous generations and it is right that we would work collectively to seek to redress the serious hurt that has been caused to so many people and ensure we go forward in cooperation and bring about changes to the legislation, where necessary. Central to all of that, however, must be that the victim will remain our foremost concern in everything we do.

I appeal to the Labour Party not to divide the House tomorrow night but to put their concerns on the table. The Minister has indicated a willingness to review the contributions and the Bill that has been put forward and said directly that he will seek the appropriate legal advice. I am sure, when it is appropriate, necessary legislation can be brought forward to put the victims at the centre of our deliberations and ensure that whatever is necessary to protect and enhance what has been rightly done for them is done in a way that deals with all the issues.

On the history of what has been done since the former Taoiseach, Deputy Ahern, initially gave the apology and the various things that have happened since, I am aware from my discussion with many victims that the most important aspect for them was to put their views on the record and have somebody listen to them and believe them. For far too long those people, many of whom closeted themselves in their community, were afraid to come forward. In some cases they felt they would be stigmatised in their community and some of them felt guilty. It is wrong to think that the victims of this type of abuse felt guilty. The fact that they were able to go before the redress board, put their statements on the record and move forward has been hugely helpful to those I have had the opportunity to meet. It has been a humbling experience for me to hear the personal stories of so many people. It is helpful in terms of the work we do to hear the traumatic issues that have befell these people and their capacity to deal with life thereafter.

The most important thing to happen following the publication of the report was to ensure that justice was not just done but was seen to be done. That is important in terms of the indication from the Minister for Justice, Equality and Law Reform that he would deal with the issue by way of prosecution and that he had asked the gardaí to look into the files put forward by the Ryan report to ensure that, where possible, recognising that the passage of time would make it difficult, they will bring the perpetrators of these heinous crimes before the courts and
seek to prosecute and punish to the greatest extent possible, regardless of the implications. I hope that will be done in as many cases as possible.

The Bill raises a number of issues, particularly the extension of the time limit. Notwithstanding the considerable advertising of the redress board, there have been some late applications. There was a further flurry of interest after the publication of the Ryan report. This proves that, regardless of what advertising one does, until it is published a report does not find its way into the public ether. Scarcely anyone in this State is unaware of the redress scheme, as a result of the media attention generated by the publication of the Ryan report.

I have an open mind about the extension of the scheme.

Deputy Ruáirí Quinn: It is more addressed to people outside the State.

Deputy Timmy Dooley: I am not sure the measure benefits people in the State but interest outside is beginning to be significant. Current legislation allows for some late applications. The Minister of State has outlined how some of the late applications have been dealt with to date. Perhaps an extension can be addressed when the Minister of State has considered the matter further. I would like to see such a measure included. I do not think it necessary to divide the House on this issue. I hope we can look at this issue in a co-operative way.

The Minister of State also mentioned financial implications. These should not blind us from doing what is right for those seeking redress. All victims must be treated equitably to the best extent possible and assisted through life. Financial implications must be considered. The religious institutions are working towards the resolution of these outstanding issues. I hope further resources will be made available in line with the transparent and audited way in which the religious institutions seek to further enhance the existing agreement.

The Bill, while well meant and well thought out with regard to the issues which need to be addressed, is premature. The legal advice is that it should not proceed. However, I hope it will feed into the debate. Labour Party Deputies have genuine concerns in this regard. That they have presented this Bill to the House is an indication of that. I hope they can find a way to avoid a division on an issue which evokes the same level of abhorrence in all of us and to which we are all equally resolved to find a solution.

It is important to keep the victims of institutional abuse, which was perpetrated under the guidance of the State by certain sections of religious orders, to the fore. Whatever measures we bring forward must keep victims centre stage. Nothing on the periphery should detract us from ensuring that they are given the best possible opportunity and whatever help and assistance they need as quickly as possible.

Deputy Beverley Flynn: I also welcome the opportunity to speak on the Labour Party Bill. A number of weeks ago, I had the opportunity to speak after the publication of the Ryan report. That is the most difficult report I have had to speak on in my 12 years in this House. We have had to confront a very difficult situation. For many years, we have been aware that abuse happened in institutions but to be confronted with the reality of five volumes and the horror stories they contained was a very black experience for anyone in public life and for the entire country. There is not a man, woman or child in Ireland who was not deeply affected by that report. That is certainly the feeling of everyone on this side of the House.

Since the Ryan report was published and debated in the House, the Government has accepted its 20 recommendations and pledged its commitment to implement them. That was not a hollow gesture but something tangible and solid. People are desperate to see that something is
I welcome the Government’s commitment to accept and implement all 20 recommendations as a matter of priority.

I also welcome the Government’s admission that abuse of children occurred because of failures of systems, policy, management and administration and of senior personnel. It is important for victims that this admission has been made. In recent weeks, I have met victims of institutional abuse and listened to their stories. The story of abuse is a difficult one to tell to a stranger. It is not easy for someone like myself, who had such a happy upbringing, to listen to the horrors experienced by victims of abuse. It is extremely difficult to listen to the story and a thousand times more difficult to tell it.

The Labour Party Bill is well intentioned and I agree with many of the measures it contains. I hope something meaningful and long-lasting will result from this chapter in our history. The Government has entrusted Deputy Barry Andrews with the task of developing a plan for the implementation of the recommendations of the report. That plan is to be brought to Government by July and it is important that it be done quickly.

When I speak to victims of abuse, I am impressed by their desire to tell their story and to be believed and for the perpetrators to be brought to justice. The Minister for Education and Science has said he will give further consideration to the relaxation of the confidentiality clause. I would like to see him go further than that. It is important for victims, not merely to name the institution in which they were abused but to tell their stories in the fullest possible way. It is part of the healing process to tell one’s story truly, openly and transparently and that the story is believed. This is a central theme. I ask the Minister to consider this measure carefully and look closely at accepting it.

I cannot understand why the Ryan commission records cannot be retained. The Minister has also undertaken to consider this matter further. I am heartened by the Government’s response that an Assistant Garda Commissioner has been charged with examining the Ryan report and that the Garda Síochána and the DPP will have the Government’s fullest co-operation in pursuing any criminal investigation which may arise. No Member of this House wants to see any person who carried out these horrendous crimes being protected in any way. It is not in our interests, those of the victims or those of the Irish people. The people’s tolerance is at such a point that they want the persons in question exposed, brought before the courts and convicted. Everything we can do to make this a reality must be done.

Waiving the legal privilege over the details of the 2002 indemnity report has been discussed heavily in the House. I favour the details being revealed, as it is an important matter. We are discussing the contribution of the religious orders and a bill for the State of €1 billion. When one is discussing spending taxpayers’ money and——

Deputy Ruairí Quinn: The figure is €1.27 billion.

Deputy Beverley Flynn: I meant to say €1 billion plus, but I hope that the bill will not be that large after the final contribution of the religious organisations has been factored in. I support the call for the orders to make a significant contribution.

I listened to Deputy Quinn. I attended a Convent of Mercy school and received a wonderful education under the Sisters of Mercy nuns. I have nothing against the orders’ individual members. In fact, I have met many members in recent days. They are carrying a heavy burden because the totality of the situation is falling on everyone and members are getting tarred with the same brush, which is unfair. I think——

An Leas-Cheann Comhairle: I must call the next Deputy.
Deputy Alan Shatter: May I share time with Deputy Reilly this evening and Deputy Flanagan tomorrow?

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

Deputy Alan Shatter: Fine Gael fully supports the Labour Party Bill, which contains provisions that reflect issues detailed in the all-party motion passed by the Dáil on 12 June. Many of the issues addressed in the Bill are those that Fine Gael insisted be mentioned in the motion. They would not have been included had we not pursued the issue with the Government in the lead-in to the debate on the motion.

As I spoke at length on the Ryan commission report, I will confine myself to the Bill, events that have occurred since the report’s publication and issues that the Government has failed to address. Our party had been prepared to afford the Government some reasonable time to implement the motion’s provisions, but it is six weeks since the publication of the Ryan commission report.

Deputy Ruairí Quinn: Yes.

Deputy Alan Shatter: It is an indictment of the Government and unacceptable that, despite promises made by the Taoiseach and Ministers following its publication, two all-party Dáil motions, the outpouring of hurt and anguish from victims of institutional child abuse and repetitive apologies from the church, State and religious organisations, nothing to date has visibly changed. Other than the Government meeting representatives of victim organisations and the religious congregations, it is impossible to identify any meaningful substantive action it has taken in the wake of the report’s publication.

Within four weeks of its publication, the State vigorously defended in the High Court a case taken by a victim of abuse, resident in England, seeking a time extension to apply to the redress board for compensation. Instead of wasting taxpayers’ resources on solicitors and counsel to defend the indefensible, the redress board and the Government should have allowed the man to apply for redress or, at a minimum in light of the all-party motion, sought to have the proceedings adjourned for a short period while they addressed the overall issue of extending time to potential applicants to apply to the board. The motion referred to this specific issue.

Deputy Ruairí Quinn: Exactly.

Deputy Alan Shatter: The Minister for Education and Science discussed the question of extending the age from 18 years to 21 years in respect of those who were victims in residential institutions, which is properly addressed in the Labour Party Bill. The Minister’s defence for not addressing the issue is that there is a case on appeal awaited in the Supreme Court. The State lost this case in the High Court. During the time when so many people suffered almost incomprehensible barbarity and abuse in our institutions, they were considered minors until they reached 21 years of age.

This is a political decision, a matter of judgment to be made in the House, not on the basis of some technical constitutional argument the Government has already lost in the High Court and to be repeated in the Supreme Court with all of the legal expense attached to that.

Deputy Ruairí Quinn: And the probability of defeat.

Deputy Alan Shatter: Deputy Quinn is right. There is no reason for the House to abdicate its role to the Supreme Court in this regard or for the Government to spend more taxpayers’ money defending an issue that does not deserve defending.
In the context of extra money being provided by religious organisations towards the overall compensation sum payable by the redress board, the Minister referred to discussions that have been held. The Government is engaging in secret ongoing discussions with the religious congregations which, to date, have failed to give any meaningful commitment to contribute extra money to the redress fund and have only publicly committed themselves to making an unspecified contribution towards some form of trust fund to be established for the benefit of victims of abuse. Fine Gael supports the establishment of the trust fund, but the congregations should contribute 50% of the redress funds being paid out. It is of serious concern and contrary to the public interest that no definitive timeframe has been set for these matters to be resolved. The congregations have given no firm commitment.

It is vital that there be published a full credible audit of the property ownerships of the congregations so that the Government and the general public can assess their capacity to make the contribution required to meet their moral obligations to the victims of abuse. The Minister stated that the information produced by the religious orders will be reviewed by three people, but we need to know more than this. Who are the three people, how will they review the information, will the review be published, how will they assess the credibility of the orders’ statements about their property ownerships and will the audit of ownerships extend to extensive properties owned outside the State? All of these matters need greater clarification than we have had to date.

I called on the Government to conduct an inquiry into institutions where it was alleged children were the victims of either physical or sexual abuse and that have not been investigated by the Ryan commission. These include St. Laurence’s in Finglas, Trudder House, Trinity House, Scoil Ard Mhuire in Lusk and Madonna House. Former residents of these institutions have the same rights and entitlements as those of institutions investigated by the Ryan commission. These are issues that the Government should address, but is failing to.

There is no indication that the Government has learned from the report the essential need for accountability and transparency in our child protection services. Despite previous promises made in the Dáil, portions of the report on the Monageer tragedy published almost two months ago remain censored and seven of its recommendations made to improve child protection and family services remain a mystery. These recommendations have only been read by Ministers and Professor Drumm who, incredibly, cannot communicate the exact recommendations to those involved in the provision of such services. Even more incredibly, Members of Dáil Éireann have no knowledge of the seven recommendations and cannot, therefore, hold the Government or the HSE to account for their implementation. So much for the Government taking the Ryan commission’s message of the need for transparency and accountability.

It is widely known that there are three internal HSE reports on the deaths of three children in recent years in the care of health boards or the HSE, namely, Kim Donovan aged 15 years, Tracy Fay aged 18 years and David Foley aged 17 years. The Minister for Health and Children and the HSE continue to suppress these reports and are conducting themselves in a manner only seen in totalitarian dictatorships where governments have no accountability to a properly elected parliament. It is scandalous that, as a Member of the Dáil and Fine Gael’s spokesperson on children, I have found it impossible to gain access to any of the reports detailing what happened to these children for whom the State had responsibility.

I have been seeking information from the HSE on 20 children in the care of the State who have lost their lives in the past decade. Four months after raising the issue by way of a Dáil question, all I have managed to learn comes from a report in The Irish Times, which states that the HSE has set up some internal review group to examine what occurred, identify key issues common to the children’s deaths and make recommendations to the HSE’s national director.
I understand that, of the 20 deaths, key questions relate to the deaths of 11 children who died as a result of drug overdoses, assaults or suicide. What is now needed is not an internal review group, but an independent inquiry into the deaths of children in care.

Have no lessons been learned from the Ryan commission report? Why do the Government, the State and the HSE continue to conduct themselves in the manner of years gone by, which is to suppress information and bring no light to bear on the inadequacies of our child care systems? In no other EU democracy would there be such continuing and obsessive secrecy relating to the deaths of children for whom the state has responsibility, nor would there be a failure of government to account to parliament for what occurred. It is absolutely clear that neither the Government nor the HSE, despite all the verbiage and apologies, has yet truly learned the lessons from the Ryan commission’s report. A radical change of attitude and approach, and new insight, are badly required.

In light of the Government’s conduct in recent weeks, Fine Gael is concerned that it will not deal properly with matters arising from the report. We support the principles of the Labour Party’s Bill and believe each issue contained therein deserves to be addressed properly. The Government should support the Bill’s provisions.

The Minister spoke tonight about politicising the issue. This is a parliamentary Assembly, the purpose of which is to introduce legislation to address injustice and issues that require to be addressed. It is the Government that, this evening, is politicising a Bill that should not be politicised.

It is obvious from the Minister’s speech that there is a broad range of issues he agrees need to be examined. He is not rejecting what is proposed in the Bill. Most of the issues derive from the all-party motion passed in this House and all the Bill aims to do is give substantive legislative form to them. If the Government does not want to play politics with this, it should show some decency, humility and insight. Tomorrow evening it should not divide the House but accept the principles of the Bill and allow, in the context of whatever work the Minister, Deputy Batt O’Keeffe, and the Minister of State, Deputy Andrews, are doing, for its consideration on Committee Stage next September. This would allow for the consideration of the conclusions the Government reaches at the end of July. It would also allow for the badly needed reforms, required to benefit the survivors of institutional abuse, to be put on the Statute Book sooner rather than later, that is, by the autumn. Consequently, those who should acquire rights under the legislation will be afforded the opportunity to do so. By agreeing to the Bill, we will not find ourselves in a legislative morass whereby, this time next year, the Government will have failed to publish legislation promised this July, thereby requiring the survivors of institutional abuse to wait for justice yet again.

**Deputy James Reilly:** I welcome the Labour Party’s Bill and congratulate Deputy Quinn on introducing it. As Deputy Shatter stated, it is six week since the Ryan report was published and three since the Dáil debate, in which many Members on all sides promised to cherish all our children equally. The Bill sets out to do this.

All State activity should be underpinned by three principles: transparency, accountability and fairness. When we spoke on this issue three weeks ago, I pointed out, as I had pointed out heretofore, that we still have no independent inspectorate for 450 children with disabilities who are in institutional care. How can this be? Will we have another scandal in five to ten years?

There still has not been a full and proper investigation into the residential home of the Brothers of Charity in Galway, which matter was discussed by the Joint Committee on Health and Children.
The Minister criticised this Bill as divisive, yet it is he who seeks to divide the House. All the Bill seeks to do is give reality to the promises made by the House and to ensure no victim will lose out through a technicality. It will be sad if, at the first time of asking, the Government is found wanting, despite its promises. Yet again, it is consumed with financial consequences rather than with achieving justice for the victims, some of whom are present tonight. What an insult this will be to them.

As Deputy Shatter pointed out, and as Deputy Quinn will probably do when making his concluding remarks, there is no need to oppose this Bill. It is only on Second Stage and we have the entire summer to address the various legal issues that some believe might arise. The people have waited long enough.

Since I have become a Member of this House, the recurrent theme is the Government’s contention that legal opinion is required; this is the great fig leaf it uses time and again. For too long we have listened to the mantra about mysterious law. We are not even told what the legal issues are; they are alluded to in a vague fashion.

The congregations also hid behind the law. I despair that the Government is doing so to frustrate the rights of victims. This is how it will appear to the people. All the outpourings of shame, indignation and sorrow will mean nothing if we do not follow up our words with action. This is what Deputy Quinn is trying to do through this Bill. He is trying to ensure that, by extending the definition of “child” to encompass individuals aged up to 21, people will not lose out. This would get rid of the gagging clause, which must clearly set alarm bells ringing in this House and around the country.

Deputy Ruairí Quinn: Hear, hear.

Deputy James Reilly: Why have a gagging clause if we want transparency, accountability and fairness? It is contrary to the very idea.

The adversarial approach, mentioned by many victims who attended hearings of the Residential Institutions Redress Board, must be abolished. They are re-victimised at the hearings, having already suffered at the hands of the State and congregations throughout their childhood. We must not allow this to continue.

The Bill seeks to broaden the term “institution” so it will not be confined to a list of institutions but to a list of categories thereof such that victims will not be excluded. The Bill seeks to accommodate those who might have been excluded through not being aware of the procedures they should have followed. As Deputy Quinn suggested, such people may have been out of the State or may be illiterate. I met one such man outside the Dáil during the previous debate. He missed out and, in his desire to press charges, he must go from Garda station to Garda station. He lives in town, does not have transport and has limited means but is told he must go to the Garda station nearest to the institution he attended. This is nonsense and is certainly not suggestive of a State trying to make amends or atone what happened under its jurisdiction.

We need to ensure the Taoiseach’s promise — that those who attended the institutions will have their slates wiped clean of criminal history — will be honoured. The individuals concerned were children after all and many committed no crime. Some were merely found playing in a derelict building and were accused of breaking windows, on foot of which they were institutionalised. We need all these people’s slates wiped clean and that is what this Bill seeks to do.

If we want transparency, accountability and fairness, we must have a full audit of the assets of the orders who ran the institutions. The Bill only seeks to put into action the many words spoken on all sides of this House.
Deputy Ruairí Quinn: Exactly.

Deputy James Reilly: There are no real legal issues that cannot be addressed over the course of the summer months to the satisfaction of all. The greatest legal wrangles occur when people wish to obstruct and frustrate. The old saying, “where there is a will, there is a way”, could not be more true than it is tonight. If there truly is a will to make amends on the part of the congregations, they will not seek cover behind legalese and technicalities. If there is a will on the part of the State, as expressed by the Taoiseach, it will not seek to hide behind legal niceties either. Compromise can be reached and a settlement can be made; there is no need for delay or to oppose this Bill. If it is opposed, it will send a stark reminder to the people that they will hear nothing from the Government in this House but weasel words that have no meaning or intent and that it will not really set about addressing the issues it pretends to address.

Our intention is to honour the promises of this House to compensate the victims of institutional abuse, which was widespread, extensive, physical, psychological and sexual. I see no reason we cannot agree to Second Stage of this Bill tomorrow night. I commend it to the House.

Debate adjourned.

Criminal Justice (Amendment) Bill 2009: Committee Stage (Resumed).

SECTION 3.

Question again proposed: “That section 3, as amended, stand part of the Bill.”

Deputy Charles Flanagan: I do not wish to detain the House but the Minister engaged in some general debate on the background to the legislation and said that he was accused of plucking it out of the sky. I do not know who made that accusation. I have not heard it but the Minister has shown himself to be a dab hand at manipulating many of the comments on this legislation for partisan purposes, which is a pity because we could have a good debate as we are charged with the responsibility of having. It is important to get it right because section 3 is remarkably similar to section 70 of the 2006 Act, which is not working. The Minister has failed to provide the House with a detailed rationale for this. It has been tried only once and on that occasion it was not successful in garnering a solitary conviction. I would like to see a proposal from the Minister that would deal with the weakness or inadequacy of section 70. It is somewhat less than clear. We must get it right.

The Minister said that resources are not an issue but the Garda is operating on a budget of €35 million less than was at its disposal last year. That is a resource reduction. I do not know how that gap is to be filled without there being a resource issue. The Minister mentioned the letter that he wrote to me on 3 July and I share the concern of Deputy Rabbitte because at no stage does the Minister adduce any evidence for any degree of intimidation of jurors and the figures he produced show sets of proceedings and years but it is not possible to separate the witnesses from the jurors. The only reason that I can see for that is that there have been no figures on the table dealing with the number of proceedings that have commenced for offences under section 41 of the 1999 Act between 2002 and 2009 that have referred to the juries.

I take seriously what the Minister has said. I have heard it from Deputy O’Donnell and am satisfied that what has been said has a basis and we should take seriously the claims of the State solicitor for Limerick, Mr. Murray, who has spoken publicly on numerous occasions. In addition to talking about the criminal fraternity he made a serious charge recently. I call on the appropriate agencies of the State, the State prosecution office, and the Garda Síochána to investigate a charge he made when he said:
This unusual piece of legislation was promoted by concern within certain official circles that a tiny minority of solicitors are harvesting information on operational matters and passing them on to the criminal fraternity and effectively acting as criminal intelligence officers for criminal gangs.

That is a most serious charge. The article cites a Garda source who said there was “merit” in Mr. Murray’s claims because “gardai interviewing suspects, under arrest, have matters repeated to them which they feel could only have come from legal people dealing with criminals”. I would like these serious issues to be investigated. In addition to the Garda investigating these most disturbing claims the professional bodies, particularly the Incorporated Law Society, should play their part in investigating these most serious charges against members of the legal profession. Later in the course of this legislation we will be dealing with situations in which a judge, often a junior and inexperienced member of the judicial hierarchy, no disrespect to any member of that body, might deal with aspects of this legislation while everyone else is barred, apart from a member of the Garda.

According to the Minister’s latest amendment, circulated some moments ago, that judge on his or her own can make a decision based on the evidence of a former garda, someone who is not a member of the Garda Síochána, without the benefit of any legal advice. One reason for this is that members of the legal profession have been “harvesting information on operational matters and passing them on to the criminal fraternity and effectively acting as criminal intelligence officers for criminal gangs”. Is that why legal officers will be debarred from certain portions——

Deputy Dermot Ahern: They may be.

Deputy Charles Flanagan: They may be. If the Minister acts on this in the same way as he acts on the anecdotal evidence of his colleague, the Minister for Defence, the point made by Members on all sides of the House, and beyond, that we should deal with the small print in a way that ensures we get it right is valid because the Supreme Court will test every line of this legislation.

I ask the Minister to give us every opportunity to deal with each section of the Bill. He should refrain from making statements to the effect that people say he plucked this out of the sky. He did not pluck it out of the sky but the manner of, and the timeframe and the process for dealing with, this Bill are less than they should be. Having regard to the failings of the 2006 Act, which he is trying to address, it is important that he answer the questions that arise in the House.

Deputy Finian McGrath: I thank the Ceann Comhairle for the opportunity to speak on section 3 of this Bill. This is an important debate on crucial legislation but we are going away from the core issue. We are also forgetting about the real world as it was played out in this city of Dublin over the past few days. I ask my colleagues to listen to the voices of the people and victims before any final comments on the legislation are made. Those of us familiar with the drug and gangland issue through our constituents and work over 20 years know there is a war going on between gangland criminals and sections of the State. We must deal with the matter head on as it is unacceptable that victims in communities are being intimidated. That is the core issue in this debate.

Some of us have always taken a very strong pro-civil liberties and human rights position. The right to life and to be able to express views and opinions in a free democracy is an important human right. This legislation is about that, and we should deal with the intimidation of jurors in an objective and professional way.
From my experience I know it is a real problem. I spoke to 13 of my constituents in the past hour and half and they all expressed major concerns about being intimidated or threatened if they were on a jury in a case dealing with gangland crime. These are a mix of people working in the private and public sectors, some of whom are tradesmen. These people would worry about the protection of themselves and their families in such scenarios. Such a problem is real and forms an important part of this debate.

I have met people who have suffered fear with a capital “F”. Many witnesses over the years, and not just recently, have been intimidated by some of these gangs and criminals. It is horrific to hear about some of the positions innocent people have been in while they have tried to do their civic duty. We should face up to the issue and listen to what people are saying about it.

Deputy Charles Flanagan commented on resources and I agree this is a crucial issue. Another important element in the debate concerns the management of Garda resources. There should be examples of good practice in policing and good management. I remember when serving on a previous Oireachtas committee on justice hearing about some of the experiences of gardaí and from other international police forces. We saw some of the great work done both in this country and elsewhere.

I pay tribute to the sections of the Garda Síochána which do an excellent job, particularly those fighting gangland crime and involved in Operation Anvil. There are people on the front line dealing with the armed people who intimidate others, and there are other members of the Garda in the drug squad. The drug squad is made up of young men and women who take a major risk, and they fight battles every day that often do not make the headlines.

As Members of the Oireachtas we must support the efficient management of the resources within the Department of Justice, Equality and Law Reform and the Garda. We must eliminate any kind of political cronyism in promotion and I would like to see the people who do a good job and show examples of good practice leading the Garda Síochána.

We have heard much about Limerick but in reality, the problem is widespread. Intimidation is not just confined to Limerick and people are living in fear all over the country. I see it regularly in my own constituency where people do not even have the courage to drop into the local Garda station when they know drug dealing is ongoing and there are people with guns up the street from their house. They are afraid of being burned out of their house. With regard to the minority of solicitors allegedly acting on intelligence for gangs, if that is the case they should be rooted out. I see a strong role in this for the Law Society. Such action is unacceptable; it is a scandal and a disgrace.

There is much discussion on the rank of gardaí with regard to evidence being provided. I have no problem with this being provided by good quality gardaí who may not necessarily be superintendents or chief superintendents. These should be people who know the issue on the ground and who have the ability and intelligence to provide credible evidence.

A very important part of this debate is often missed. We can go around the houses on particular aspects of legislation but it is very important that we listen to the voices of victims of crime. We saw the plight of one victim over the past few days and that incident was absolutely appalling. People should not think I will stand as a Member of the Oireachtas and stay silent on this. It is absolutely disgraceful that a young man in his own community could be gunned down outside his house. Two days from now that death will be forgotten. We must act on this, consider the facts and listen to the people on the ground who are demanding that we deal with gangland crime.
An Ceann Comhairle: I remind Deputies that we are dealing with whether section 3, as amended, should stand part of the Bill. It is concerned with the definition of criminal organisations and structured groupings. The Chair has allowed latitude but matters extraneous to that question may be more relevant later.

Deputy Kieran O'Donnell: I will speak with reference to Limerick as I represent that area. This legislation is very welcome but I would like extra time to go through the various sections and consider the Bill in detail to ensure we get it right. I commented previously on an issue which goes to the heart of the matter. As a result of the mindless murders of Roy Collins and Shane Geoghegan recently, victims and the general public in Limerick want extra resources for An Garda Síochána on the ground. They want us to overcome the intimidation of both jurors and witnesses. Will the Minister give a clear response on that?

The following point may seem straightforward but it cuts to the heart of the matter. In this legislation, under the Special Criminal Court that is to be provided, can a conviction be achieved based on the opinion evidence of what we would like to be a chief superintendent and evidence that would arise from the surveillance legislation? This would mean witnesses would not be required to go before the Special Criminal Court. It is critical that we can get to the structured groups in gangland crime, so this must hold up legally. Will the Minister give an assurance that we will not see a case where witnesses may still face the possibility of continued intimidation?

Deputy Aengus Ó Snodaigh: This debate concerns section 3 and as I stated earlier, one of the reasons for opposition to the section is that I believe it to be superfluous. We have existing legislation which has not been used. There is more related to it and consideration must be given as to whether this is a proportionate measure.

It is difficult to say if the section is proportionate because we have not yet taken other practical steps, which I will list in a moment. If such steps had been taken and failed, or they did not have the required success, we could then turn around and say that as a society we must consider quite draconian steps in legislation. We would also then need to change definitions and particular sections by beefing them up, for example.

To my knowledge section 70 of the Criminal Justice Act 2006 has not been used to the extent to which it should have been used. A long list of crimes was provided to justify the need for that legislation. Limerick State solicitor, Mr. Michael Murray, is reported to have made several comments in respect of solicitors. If he or the Minister have evidence in respect of certain activities being carried out by particular solicitors, these individuals should be charged. Under the law, quite an array of charges can be brought against people suspected of perverting the course of or hampering the delivery of justice or of assisting others in the commission of crimes.

There may perhaps be too much legislation and the DPP, the Garda Síochána and the Judiciary are becoming confused as a result. We should simplify the position and ensure that people can be convicted. What is the reason behind the collapse of cases? If one were to believe what the Minister is stating, then cases are either not going to court or are collapsing on the basis of witness intimidation. I will not state that witness or juror intimidation does not occur. I commend witnesses and jurors on their bravery.

Practical steps need to be taken in respect of such intimidation. In fairness to the organs of the State, when intimidation of this nature was highlighted in Limerick, the relevant trial was moved to a different location. I accept that this might not be viable in every case. However, the witness protection programme has not even been placed on a statutory footing. In addition, the concerns to which Deputy Finian McGrath referred have not been addressed. If we had a
proper witness protection programme, it would address the concerns of those people who are being harassed on a daily basis.

We have a responsibility to ensure that legislation stands the test of time. The Criminal Justice Act 2006 has not done so, which attests to the difficulties involved in rushing through legislation. In that context, I object to the way the Bill is being rushed through. I refer to the practical steps that might be taken. I will now do so in respect of a later section. I also wish to move on to deal with some of the other provisions in the legislation which are odious.

**Deputy Joe Carey:** I welcome the legislation but I do not welcome the manner in which it is being dealt with in the House. Once again, the Minister ran to the media before revealing the detail of the legislation to the Members of this House, particularly the Opposition spokespersons on justice. This shows that he has very little regard for the House.

Intimidation is certainly taking place in certain communities. There are areas in which people are living in fear and where gangs rule the roost. Those gangs must be taken on. Tragically, 16 people throughout the country — many of them in the greater Dublin area and Limerick — have lost their lives as a result of gangland activity this year. As Members of the Oireachtas, we have an obligation to do everything in our power to combat such activity. In addition to legislation, we must also ensure that adequate resources are provided. It is outrageous that, in 2009, only 50% of all Garda stations have access to e-mail. How will we take on gangland criminals and drug lords if such basic resources are not available? In the past two years, no new Garda cars have been purchased. Members of the force are obliged to take on gangland criminals who drive around in souped-up cars or armoured or bullet-proof vehicles. We are not putting in place the necessary resources to allow the Garda to fight gangland crime. That is the real difficulty.

Fine Gael has continually suggested that a new rank of community garda be created. That would make sense because there is a need to nip in the bud the type of activity to which I refer. If we do not proceed in this way, we will not deal with the problem. There must be a clear line of promotion within the force for community gardaí.

I welcome the legislation but not the manner in which it is being dealt with in the House. What is happening is typical of the way in which the Minister for Justice, Equality and Law Reform operates. He uses the media to further his cause rather than relying on the Members of the Oireachtas.

**Deputy Seán Sherlock:** I already made a contribution to the debate on the Bill on Second Stage and, therefore, I will speak specifically to section 3.

**Deputy Pat Rabbitte:** That will make a change in any event.

**Deputy Seán Sherlock:** The Minister indicated that the amended definitions are merely a simpler formulation but that they will nonetheless make it easier to charge persons with the offences in question. The Bill does not substantially change the definition of what constitutes a criminal organisation which is contained in the 2006 Act. If it was never deemed practicable to bring the 2006 definition into play and if no convictions were secured on the basis of it, we must ask whether convictions can be secured on the basis of that which is contained in the legislation before the House.

Is there a requirement that sufficient evidence to be provided to allow a judge, of the Special Criminal Court or any other court, to decide to convict someone on the basis of his or her membership of an organisation? This is particularly relevant in view of the fact that the provision in the 2006 Act has not been implemented. Further consideration must be given to this
matter. I am of the view that section 3 is not practical. It is so vague that if one were a criminal lawyer of some standing, one could pick holes in it.

**Deputy Jan O'Sullivan:** I have witnessed the intimidation of many people in Limerick, the city in which I live. I have seen elderly people and the mothers of young children being intimidated to such an extent that they were obliged to leave their homes. I know people who cannot go to bed at night because they are afraid of certain individuals who live in their communities. I am aware that certain people have withdrawn evidence they provided at Garda stations because they were called as witnesses and subsequently were intimidated. However, I have not been informed of jury members or potential jury members in the Limerick area being intimidated. I am not stating that this has not happened and I understand that one case has been brought to the attention of the authorities. However, I am not aware that intimidation of jury members is occurring.

If jurors or potential jurors are being intimidated, there is a provision whereby the DPP — if instances of intimidation are brought to his attention — may refer cases to the Special Criminal Court. Is the Minister for Justice, Equality and Law Reform or anybody in Limerick — including the Minister for Defence — bringing evidence of intimidation of jury members or potential jury members to the attention of the DPP? If such evidence has been provided, what action has been taken? While I am aware of intimidation, it is intimidation of people in communities. It is the kind of appalling intimidation the Collins family and other families in Limerick have been obliged to endure.

As for the issue raised by Deputy O'Donnell, witnesses undoubtedly must be called in the Special Criminal Court and I cannot discern how this legislation will protect them in any way. I refer to the Criminal Justice (Surveillance) Bill that was proposed initially by my colleague, Deputy Rabbitte, as the Garda Síochána (Powers of Surveillance) Bill and which subsequently was brought before the House by the Minister for Justice, Equality and Law Reform. In providing that information and intelligence gained through covert surveillance can be used in a court of law against potential or alleged gangland criminals, it is a strong legislative measure that will be able to protect witnesses in the sense that such evidence may be used in court, perhaps as a substitute for witnesses or people being obliged to come forward to give evidence.

**Deputy Kieran O'Donnell:** That was the point I was making.

**Deputy Jan O'Sullivan:** The Labour Party has no problem in supporting strong criminal justice legislation that will protect the public and that will put such gangland criminals behind bars for as long as is necessary. However, bad law will not address this problem nor will rhetoric of the kind I have just heard from Deputy Finian McGrath. Effective legislation and policing, as well as honesty with the people, are what is required.

I am a representative for Limerick, which has been referred to many times in the course of this debate. I conduct a clinic once a week in each of the areas that frequently are referred to and in which many of these gangland criminals hold sway over innocent people in their own communities. I assure the Ceann Comhairle that I am willing to support any legislation that I consider will improve the situation in such communities and that will lock up anyone who is guilty in this regard. However, there is no point in fooling people that this legislation will somehow address this problem, as I do not believe it will. I believe this legislation could be effective if it is amended. In particular, I suggest that were amendment No. 6, tabled by my colleagues, Deputies Rabbitte and Sherlock, to be taken on board by the Minister for Justice, Equality and Law Reform, it would put into statute the power of the Director of Public Pros-
Deputy Jan O'Sullivan: executions to refer cases in which there is real evidence that juries are likely to be intimidated to the Special Criminal Court. In that case, this legislation could be effective. However, it simply is not telling the truth to suggest this cannot already be done, as I understand it can. Putting it into statute by way of this amendment certainly would strengthen the present position.

Moreover, the Labour Party did not oppose this legislation on Second Stage because it believes it can be amended. However as it stands at present, asking the Oireachtas to declare that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order in respect of gangland offences is offering up this legislation to all kinds of litigation and to possible constitutional challenge. That is not doing a service to the people of my city, who want the issues that must be dealt with to be dealt with effectively. However, I reiterate that the Criminal Justice (Surveillance) Bill constitutes genuine criminal justice legislation that the Garda has been seeking and which can be effective in this regard.

Having listened to Mr. Murray on the recent “The Week In Politics” television programme, I do not believe he gave a great endorsement to the comments of the Minister for Defence during his Second Stage contribution. Mr. Murray noted that the Minister, Deputy O’Dea, spends much time walking around the constituency, which he does. In that regard, he probably knows a lot about what is going on.

An Ceann Comhairle: That must be how he became so fit.

Deputy Jan O'Sullivan: Yes, I acknowledge he is a very fit man. However, a much more worrying aspect of Mr. Murray’s contribution to the aforementioned programme is the issue raised by Deputy Charles Flanagan regarding his remarks on practitioners of the law and what they might be engaged in with regard to criminals. That matter certainly requires a response.

I have not heard anything thus far from either the Minister or anyone else in support of this legislation to suggest there is hard evidence of intimidation or that if there is, that the power of the Director of Public Prosecutions to refer cases to the Special Criminal Court is not adequate to deal with the issue. The Minister for Justice, Equality and Law Reform should tell Members who has raised this issue. He should outline what specific cases have been raised by anyone in Limerick or anywhere else regarding the intimidation or possible intimidation of juries. Moreover, if hard facts exist, he should state whether they have been brought to the attention of the Director of Public Prosecutions.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Initially, I responded to Deputy Ó Snodaigh’s broad objection to this legislation. I repeat this is not a monumental change to the criminal law. As I noted previously, it proposes to treat criminal gangs in the same manner that we have for decades treated the issue of paramilitary organisations. I reiterate that the Cabinet considered this matter a number of times. It specifically considered the legislation over three meetings, that is, over substantial parts of two meetings and at one meeting that was devoted exclusively to the finalisation of the drafting of this legislation. It did so on the basis of advice that I had tendered to the Cabinet with regard to the assessment made by the Garda Commissioner and the Garda Síochána in general, in respect of the changed situation that has arisen in recent years, particularly in the aftermath of the Shane Geoghegan and Roy Collins murders.

While I can answer all the questions raised by Members, although this does not pertain exclusively to Limerick, the Garda Commissioner particularly indicated that gardaí on the
ground in Limerick are conscious of a natural reluctance by people to serve on juries in criminal trials, including gang-related trials, against a background of a perception of fear and intimidation. The Limerick State solicitor, Mr. Murray, gave one instance of which he was aware and there are others of which the Garda Síochána is aware, particularly in Dublin, as well as in Limerick. Consequently, all the Garda’s hard evidence is that there is a strong fear, particularly in the aforementioned geographical areas, of people bringing themselves forward.

I chose my words carefully previously, when I stated that each issue dealt with in this legislation is a response to issues that have been of concern. While the Limerick State solicitor, Mr. Murray, has instanced some grave misgivings regarding the activities of some solicitors, I repeat the legislation was drafted carefully before Mr. Murray made his statements and before Members made statements in this House regarding the intimidation of jurors. The legislation is based on the hard information that been brought to my attention by the Garda Síochána in respect of the intimidation of jurors.

The Garda Commissioner indicated to the Cabinet, through me, that it was his firm view that in dealing with gangland crime, the effective administration of justice would be best served by scheduling the offences in the proposed Bill for the purpose of the Offences against the State Act. He also stated that it was his considered assessment that the established pattern of ruthless behaviour on the part of criminal gangs in their attempts to thwart the operation of the criminal justice system has created a situation where in practice, the ordinary courts will face great difficulties in securing the effective administration of justice in the case of the offences in question and that there is a compelling case for the proposed scheduling of such offences. That assessment was based on hard evidence of intimidation of jurors and is confirmed by the anecdotal evidence of the Minister for Defence, Deputy Willie O’Dea, the Minister of State at the Department of Foreign Affairs, Deputy Peter Power, the State solicitor and Mr. John Hennessy, who has a very good article in the Irish independent, in which he writes that, as someone who has been the subject of Garda protection, “there is absolute evidence that people are extremely reluctant to serve on a jury in a gangland criminal case, and it is proving increasingly difficult to secure a jury for these trials”. We are not relying on his word, nor on the word of the State solicitor. We made the decision on hard information given by the Garda Commissioner.

This is an issue on which the House should unite. I do not suggest there are Deputies who do not want to see the back of these people. In the context of the Roy Collins murder, the Oireachtas must act in a substantial way.

For people to suggest this is a dramatic change is not correct. At the moment the DPP has the right to send people to the Special Criminal Court and has done so on occasions in cases that have nothing to do with paramilitary organisations. He did so in respect of those involved in the murder of Veronica Guerin and in substantial drug offences. The Oireachtas is sending a strong signal based on the information tendered to the Government by the Garda Commissioner and the evidence and testimony of people a few minutes ago in this House, who understand the level of fear and intimidation of the population in their respective areas. The Oireachtas is making a strong statement that in all of these cases, in respect of two specific offences of directing and participating in criminal organisations, cases should go to the Special Criminal Court to remove any perception of difficulty with jurors, unless the DPP directs otherwise. It may be the case that the DPP will decide that the ordinary courts are sufficient in every case. That is an option. The DPP is completely independent of the political process. The Government believes the Oireachtas should send a strong signal that specific offences with
[Deputy Dermot Ahern.]

which we are dealing should be raised to the same level as a threat to the State posed by paramilitary organisations.

Deputy O'Donnell referred to opinion evidence. I emphasise that this legislation concerns expert evidence on the existence of a criminal gang. It is not directed at the guilt or innocence of the accused. That is not possible. After the Shane Geoghegan murder, Members such as Deputy Noonan, a former Minister for Justice, raise the matter of opinion evidence and whether we can convict on the basis of the evidence of a chief superintendent. The advice of the Attorney General confirmed the advice given by the previous Attorney General in 2006 to the then Minister for Justice, Equality and Law Reform to the effect that the courts will not convict solely on the opinion evidence of a chief superintendent and that there had to be substantial corroborative evidence in this regard.

**Deputy Kieran O'Donnell:** Would surveillance legislation suffice?

**Deputy Dermot Ahern:** This legislation has no measures about the opinion of the chief superintendent about the guilt of the person because of the advice given. The expert evidence given by a member of the Garda Síochána or a former member concerns the existence of a gang in a particular locality. It is then up to the Garda Síochána to prove that the person was part of the gang and involved in criminal intent. I wish to dispel some of the misunderstanding, which may be on purpose, and the twisting of this legislation. It is important to examine this legislation so that we understand each section as it is agreed to.

**Deputy Kieran O'Donnell:** What about the use of covert surveillance?

**Deputy Dermot Ahern:** Covert surveillance can be used very successfully but I am not saying that it is a silver bullet. Deputies should not make out that I am suggesting this. I am not naive enough to think that this legislation——

**Deputy Kieran O'Donnell:** Can people be convicted without witnesses?

**Deputy Dermot Ahern:** No, in the Special Criminal Court one must tender the same evidence and prove beyond reasonable doubt that someone is guilty. The standard of proof is the same as in an ordinary court.

**Deputy Seán Sherlock:** On a point of clarification, the Minister has stated that the evidence of a member of the Garda Síochána with the appropriate experience and knowledge of the existence of a criminal organisation will not go to the guilt or otherwise of the defendant. Is that not a point of law that is already well established? This legislation does not give a new voice to it because it is an established principle.

**Deputy Dermot Ahern:** It is not an established principle, it is an established fact in regard to terrorist offences but not for anything else. For ordinary crime a chief superintendent cannot give evidence that he believes one is guilty of an offence. He can do so in respect of certain offences under the Offences against the State Act. We had not gone that far in this legislation.

**Deputy Pat Rabbitte:** Deputy O'Donnell wants to know if convictions can be secured in the Special Criminal Court without producing witnesses and the short answer is that it is not possible.
**Deputy Dermot Ahern:** One cannot do so but because of the passing of the surveillance legislation, it obviates the necessity for witnesses in some cases. The combination of the surveillance legislation and this Bill will give the Garda Síochána far greater powers than it had heretofore in respect of criminal gangs.

The problem since 2006 has been how to establish the existence of a criminal gang. This is what we are endeavouring to do in the section that deals with expert evidence. People asked why this is not given by a chief superintendent but a chief superintendent would have to be briefed by somebody on the ground as to the existence of a gang. The chief superintendent may not even be resident in the particular area and would not be able to give evidence of his own knowledge in court. It is important that the person who gives evidence is someone who has worked in the geographic area on a daily basis for a number of years. Hence the inclusion of former members of the Garda Síochána. The former Assistant Garda Commissioner, Mr. Tony Hickey, who was instrumental in giving evidence on some of the culprits in the Veronica Guerin case comes to mind. It is important that such people, with a wealth of knowledge, are available.

**Deputy Kieran O'Donnell:** Under this legislation, is it possible that, with the discretion of the presiding judges in the Special Criminal Court, opinion evidence from the chief superintendent and corroborative evidence obtained under surveillance legislation could lead to a conviction without the witnesses being required to give evidence?

**Deputy Dermot Ahern:** There is no provision in this legislation for opinion evidence of the chief superintendent. Of course it would be possible for them to convict on the basis of surveillance evidence if in their opinion it was substantial enough to pass the burden of proof of beyond all reasonable doubt. There may be no civilian witnesses required.

**Deputy Pat Rabbitte:** On that point, the Criminal Justice (Surveillance) Bill is already law; it is now an Act. If it were possible to do what the Minister is suggesting under pressure from Deputy O'Donnell one could do it already. It is dubious in the extreme that one could bring home a conviction before three judges on the basis of not producing any witness. It is remotely possible theoretically that a combination of material gathered through covert surveillance and access to the Special Criminal Court with a garda testifying to the existence of a gang would bring home a conviction. However, it is so remote that I suggest, with respect, that it really does not give any comfort to Deputy O'Donnell. If Deputy O'Donnell is seeking to be satisfied that he has participated in a debate today which means witnesses might not have to be produced there is only cold comfort for him. Unfortunately, there is intimidation of witnesses but witnesses will still have to be paraded in the Special Criminal Court and that is the short and the tall of it.

**Deputy Kieran O'Donnell:** I come from a very straightforward perspective on this; Limerick in particular has to deal with gangland crime, as Deputy Jan O'Sullivan knows. There is intimidation of witnesses and we have heard people like Michael Murray, the State solicitor, on the intimidation of jurors, about which I know. I welcome the Bill but I want to ensure that we give as much protection as possible to jurors and witnesses to ensure we get convictions and that those who have killed people and who are engaged in activities with regard to drugs and a range of areas are brought to justice as quickly as possible. This Bill goes in that direction but the intimidation of witnesses is a fundamental point and the Minister appreciates that. I seek assurances that we are moving in a direction whereby we have legislation in place to deal head on with gangland crime. It is nationwide but I can only speak from my personal experience.
[Deputy Kieran O'Donnell.]

of Limerick, the constituency and people I represent. This is the thrust of my argument. I welcome the Bill; I want this form of legislation and we have been calling for it for a long time. This question needs to be raised and debated which is why it is so important that we give it time, tease it out and examine ways to deal with these issues.

**Deputy Dermot Ahern:** With regard to juries in Limerick, we have heard the testimony of the two Deputies on their experience in this respect. Court officials from Limerick are on record as stating there is a tacit understanding that there is no point in having gangland jury trials in Limerick. I have seen suggestions on alternative methods. We have asked the Garda Síochána about them and the Garda Commissioner clearly stated that he does not consider that moving trials would put jurors beyond the reach of intimidation of highly organised and ruthless gangs. He also stated that he is aware of suggestions that witness anonymity could be useful and that leaving aside any constitutional issues that might arise in that regard, we have to take into account the size of the country and the reality that the nature of the offences involved is such that in many instances witnesses can be identified in practice from the details of the evidence which they would be in a position to give.

The witness protection programme is relatively unsuccessful because of the smallness of the country and the unwillingness of our people to participate in a programme where they must uproot and go to a foreign country, set up a new life there and arrange to meet their family in an unknown destination in, for instance, Germany or France on a six-monthly basis. They are not willing to do that. The experience of the witness protection programme is that people have come off it and have come home because they miss their families and community and the Garda must put a significant number of people under watch 24 hours a day, seven days a week. Unfortunately, that is what happened in the case of Roy Collins. On Second Stage I quoted a letter sent to my predecessor prior to the death of Roy Collins from Stephen Collins dated 8 February 2008, in which he states that they are praying the State can improve the quality of their lives which is a living hell. He stated this in a letter prior to his son being killed. After his son was killed he wrote another letter and I met him and listened to his testimony. I genuinely state that whatever doubts I had about stretching the limit of legislation were put to bed once I met that man.

**Deputy Pat Rabbitte:** The point I want to put to the Minister is that nothing will change in the matter of the protection of witnesses as a result of the Bill. Is that not the case? There is no point in us confusing that with the intimidation of jurors. The Irish Human Rights Commission made a submission to the Minister and it stated that in the absence of supporting data it queried a blanket assumption about the actual or potential level of jury intimidation in Ireland. Dr. Carol Coulter, who covers this on a daily basis for *The Irish Times*, wrote:

> . . . the Bill has not been accompanied by any evidence of a failure on the part of the courts or any reluctance on the part of jurors to face up to their responsibilities. Indeed, the principal judge in the Central Criminal Court, Mr Justice Paul Carney, is on the record as stating that when gang members are brought before his jury court there is no difficulty convicting.

Why are juries not delivering perverse acquittals if there is intimidation of juries? Do we know of any single jury trial that collapsed in this country because jurors were got at? Somewhere along the line, when the record of this debate is being examined by jurists, jurors, archivists, historians or whatever, the thread of truth must be present. We can all agree with the Minister
about the phenomenon that is out there and that the atmosphere is being poisoned in certain limited geographical areas.

I am sorry I do not have with me the figures for jurors in the normal course of events not only with regard to not serving but with regard to not turning up. A huge proportion of jurors in the day to day business of the courts do not even turn up. Many Members have a difficult time writing letters about guys who come to them in Saturday clinics stating they are deaf or that they have imperfect hearing. People have been trying to get off jury service for as long as I have been around. However, it is a different issue in certain parts of urban Ireland where people are intimidated and there is a difference between empaneling a jury and a jury actually discharging its responsibility.

I am asking whether the Minister has the evidence of intimidation. All we are asking for is the evidence. I ask the Minister to give the House the evidence of where there is a record or even one case of a perverse acquittal. I know of no such case. I have taken time out with the people I mentioned on Second Stage debate to get information on that. I waited with some interest for the letter promised by the Minister to Deputy Charles Flanagan. I read that letter, but there is no evidence in it of juries being intimidated. We can hold a different view on this for the duration of this Bill.

However, taking the Bill as it stands, there is nothing in it that alters the position or provides more protection to witnesses next week than they had last week. This is very important. I feel from talking to colleagues casually in the corridors that some of them would like to be able to go home and say in their home communities that everything was great now because we had dealt with this gangland legislation and that witnesses would not have to appear any more. However, those of us who follow this closely know that is not true.

Deputy Dermot Ahern: At no stage did I say the legislation would obviate the necessity for witnesses in the Special Criminal Court. It is theoretical, but highly unlikely that there will be a need for witnesses——

Deputy Pat Rabbitte: I agree.

Deputy Dermot Ahern: ———but what the surveillance legislation will do is lessen, in certain but not all circumstances, the necessity for civilian witnesses to be brought forward. We can never say we will be able to prove any case beyond a reasonable doubt in any court, whether a jury or non-jury case, if we do not have the required evidence and standard of proof. Normally, that is done by people giving evidence as to what they saw on a particular occasion. There is no doubt there is a new fear of intimidation, particularly in such geographic areas as Finglas and Limerick.

The Deputy asked for a case demonstrating intimidation. Cases have been brought to my attention by the Garda where jurors have been interfered with and these are cases involving gangland crime. There is one such case already on record. The Deputy obviously did not hear Michael Murray on RTE when he said, “They started intimidating witnesses, they made life uncomfortable for jurors”. He went on to speak about his own experience. He said that in the recent past he had certainly one case where he was very concerned at the level of intimidation of the jury, so much so that he made a report to the Garda authorities and asked them to investigate the matter where a person was acquitted in circumstances where it was clear to him that the jury was afraid. That is one case, and I am aware of other cases where people were interfered with.
Deputy Pat Rabbitte: I heard him say that.

Deputy Dermot Ahern: People were interfered with in such a way that they had acted out of a sense of duty and complained and investigations are now ongoing for a number of recent cases.

Deputy Pat Rabbitte: I heard him say that, but the DPP had the power in that case to refer it to the Special Criminal Court if he so wished.

Deputy Dermot Ahern: Yes. I will go back to the central point. I and the Government believe it is necessary for the Houses of the Oireachtas to give a strong statement that the two offences of directing and participation in organised gangs go to the core of the attack by certain individuals on our society and that we should treat those offences with that gravity and send a strong signal that these offences should be tried in the Special Criminal Court unless the DPP decides otherwise.

We have said enough on the matter. While Fine Gael and the Government agree on the issue, we do not necessarily agree with the Labour Party on it.

An Ceann Comhairle: I will call on Deputy Charles Flanagan to make a brief contribution. We must move on to the next section. We have had the opening positions and I have allowed significant latitude. This section deals with definitions and we should move on from it and deal with the amendments before the House. Otherwise, we will get bogged down in argument.

Deputy Charles Flanagan: I agree and accept the Chair’s comment. I have a specific question on the section. We are dealing with section 3 and are inserting a new section 71, from the 2006 Act, an Act that has never been brought into force or used in any way that could be described as successful.

Deputy Dermot Ahern: To what section is the Deputy referring?

Deputy Charles Flanagan: I am talking about the change being made to the old section 70. The Minister said we are changing it in order to simplify the definition. How does the Minister believe that by changing it from a gang of three to where two persons can be acting in concert will simplify matters? Now there is no need to prove there were three members acting in concert but evidence can be given there were two members and there is no need for formal rules or a hierarchical leadership structure for the gang.

How can the Minister satisfy us the changes he has made will make a significant difference or any difference at all considering the failure or unworkable nature of section 70, which has not featured in any prosecution to any extent? Therefore how can he say the changes he is now bringing into this new section 3 will work? Is there similar legislation anywhere in the world that would suggest we should use this new test because it is better? If not, the Minister has not surmounted any hurdle and there is no meaningful improvement in the situation from the original Act.

Deputy Dermot Ahern: The 2006 Act had a convoluted requirement from an evidential point of view to prove participation. What we have decided to do, as a result of the fact that few or no charges had been proffered under section 70, is to look again at the proofs that would be required with regard to participation. It must also be remembered that we have added an additional offence of directing a criminal organisation.
Deputy Charles Flanagan: My concern related to section 3.

Deputy Dermot Ahern: Yes, but it is a combination of everything. We are also including the issue of expert evidence of the existence of a gang, witness evidence and, now with the passing of the surveillance legislation, if it is used properly, the ability to use that evidence in court. This will make the proof of participation and the proof of directing a criminal organisation a lot easier.

Question put and declared carried.

Section 4 agreed to.

SECTION 5.

Question proposed: “That section 5 stand part of the Bill.”

Deputy Aengus Ó Snodaigh: I oppose section 5 of the Bill. These supposedly new offences are unnecessary and simply part of an attempt to hoodwink the public into thinking that something is being done. The common law offence of conspiracy and the statutory offence of accessory make sufficient provisions for these activities or activities of this nature already. I said this previously when the Bill was first published. The Irish Council for Civil Liberties agreed with me and made a submission on the Bill. If we had a proper Committee Stage, we would be able to bring in witnesses and the Minister could also have brought in witnesses to help his case. For example, the Garda Commissioner or the Chief State Solicitor could have come before us and we could have teased out some of the evidence or lack of it in terms of the issues he raised.

The submission of the Irish Council for Civil Liberties states that it is unclear how or why these new offences are required, given the current criminal law contains measures which allow the conviction of people on conspiracy charges and for the offence of acting in concert. In addition, as with the definition contained in section 3 which we have already discussed, these offences are too vague to satisfy the Constitution or the European Convention on Human Rights. The Constitution requires certainty of law, that is, that offences created by statute must be expressed without ambiguity, but there is ambiguity in this case. The European Convention on Human Rights requires foreseeable of the law, that is, that the law must be formulated in such a way that a person can foresee, to a degree that is reasonable in the circumstances, the consequences which a given action will entail. The proposed new offences are so vague that they do not satisfy this criteria.

The Irish Human Rights Commission agrees with me in this respect. On examining the case law, it states that Cox v. Ireland suggested the State’s obligation to protect and vindicate constitutional rights meant that such penalties must be neither arbitrary nor disproportionate in their operation. In that case, section 34 of the 1939 Act was struck down because the penalty imposed by that section — mandatory loss of office, pension and other emoluments in respect of all public servants convicted of scheduled offences — was held to be impermissibly wide and indiscriminate. The IHRC suggests section 5 may give rise to arbitrary or disproportionate sentences for an accused who is proved to have played a more minor role in a criminal organisation, and that the potential for arbitrary or disproportionate sentences is enhanced because of the broad definition of a criminal organisation and the loose nature of its structure.

The IHRC also reflected on the position in advance of the 2006 Act, which at this time holds all the more true in the context of the Act’s existence. It questioned whether the proposals contained in the 2006 Act were either:
[Deputy Aengus Ó Snodaigh.]

... necessary or proportionate responses to the problem of organised crime. The IHRC is of the view that the activity which is targeted here is already subject to appropriate criminal sanction, through existing common law and statute which prohibit conspiracy to commit an offence and prohibit the aiding, abetting, counselling or procuring of an offence.

In the context of the debate leading to the relevant provisions of the 2006 Act, I urged the Minister to accept, in response to the very real problem of crime, gangland crime in particular, that introducing surplus legislation misses the mark and, as I noted earlier, adds to the confusion for those trying to prosecute these crimes. The introduction of a new offence will not deter would-be criminals. Fear of detection is what deters them, as I have argued in the past. Instead of assaulting the fundamental rights underpinning the justice system, the Minister should reform, restructure and resource the Garda. In response to my points on section 3, the Minister said there was no problem in terms of the State’s response and that the Garda had the resources required. However, the Garda no longer has overtime or the freedom to recruit and promote, and it does not have the telecommunications system that is required.

For example, one of the reasons witnesses in some areas will not communicate with the Garda Síochána is that their names were broadcast on the existing telecommunications system. There are parts of this city and other places where people are tuned in on an ongoing basis to the Garda frequency. If gardaí are broadcasting that there is a robbery on a certain street and Mrs. So and So gave the information, they have handed to those engaged in intimidation the witness’s name and address and so on. This is not anecdotal. A person who has been a victim in very recent times of one of these criminal gangs, despite being involved in valuable community work, came to the attention of that gang because he made a phone call to his local Garda station. Although he asked the gardaí not to respond immediately because he had just walked past the gang, which was involved in drug dealing at a certain location, the Garda response was to immediately send a car to the exact location. While it was good to see the speedy Garda response, the gang knew the only person to have passed in the previous ten minutes was the individual in question, and he was targeted and has suffered the consequences for his civic action and the bravery he showed.

In addition to problems with overtime, recruitment and telecommunications, the Dial to Stop Drug Dealing programme, which I have harped on about since——

An Ceann Comhairle: We must deal with section 5.

Deputy Aengus Ó Snodaigh: I am dealing with section 5. I am suggesting that the measures in section 5 will not deter would-be criminals. I am perhaps pre-empting the Minister’s reply that the Garda has the required resources, which he said in response to my last question. The Garda Síochána and the wider system, including the courts system, does not have the required resources. What the Minister is doing in this section is to introduce more confusion.

If more gardaí were released from desk duties or other tasks that could be civilianised, they could be used to properly tackle and implement the existing law, which has not been properly utilised. The laws are in place but, for some reason, they have not been used. We must ask how many court cases actually collapse. We keep coming back to this question because it is what we are told is the reason for these new laws and why such cases will be heard in the Special Criminal Court. How many cases collapse on a technicality because the DPP, the Garda Síochána or someone else makes a simple mistake? How many cases collapse due to lack of evidence or having witnesses who are not credible? How many cases collapse because of a
hung jury? As other Deputies have asked, how many cases collapse on the basis of intimidation of witnesses or juries?

This is the type of information we would have if we had sat down and teased this out on an ongoing basis over a month or even over a full week in committee, where we could have called witnesses to ascertain whether what is being proposed is proportionate. What we have at present falls short of the standards we should have in the justice system in terms of protection of witnesses and protection of juries. If we had taken that road, we might have progressed further.

I believe the arguments I put forward in 2006 stand in regard to these issues. We have not tried the simple steps first, namely, one does not go down the road of introducing new laws and concepts when the existing laws and concepts are adequate but have not been properly used. While I could say more, I will conclude on that point.

**Deputy Dermot Ahern:** I will do my level best not to stray off the point. I realise the Deputy went all over the shop on this section.

**Deputy Aengus Ó Snodaigh:** The whole Bill is all over the shop.

**Deputy Dermot Ahern:** The section seeks to prosecute those who control and organise the activities of criminal organisations but who are not necessarily directly involved in the commission of a particular offence. It does not address a whole new area of law. Similar provisions have worked very well in combating illegal organisations under the Offences against the State Act. The definition of directing such activity has been accepted in a substantial number of trials in the Special Criminal Court dealing with paramilitary organisations under the Offences against the State Act. One reason for the inclusion of this offence is an international obligation under the UN Convention against Transnational Organised Crime, to which Ireland is a signatory and, therefore, we are committed to introduce it. However, that is not the only reason. It is clear there are people directing organisations similar to the way in which paramilitary organisations were directed. Previously, people were sent out to carry out particular crimes but there were others behind such activity.

That is exactly what is taking place here. The logic behind scheduling these offences is that the very people directing such organisations but not carrying out the events have a very significant interest and incentive to ensure the trial of an accused person is in some way interfered with. That is the whole point of scheduling directing and participation offences. The faceless people or gang lords oversee these organisations in such a way that they sit pretty while some old patsy is before the court. It is in the interests of such people to ensure the accused person gets off. This is why there is a logic to the scheduling of such offences. The measures are very important and I disagree implacably with the Deputy that there should not be a directing offence. Any Deputy who represents the constituencies where this is a problem will be aware of the presence of people who do not pull the trigger but who direct how, when and who is to be taken out of existence.

**Deputy Finian McGrath:** I welcome section 5, which targets those in criminal organisations who give the orders. The legislation is part of the solution to dealing with this. Earlier, I referred to other aspects of dealing with organised crime. Section 5 zooms in on those who give the orders. Some of these people may not directly participate in the commission of criminal offences but operate at some level of the organisation’s structure. Section 5(2) suggests those who direct need not necessarily be at the top of a given organisation and it recognises the
different layers within such organisations. There is a person or group at the top who makes the money and issues the orders and such people must be top of the Garda’s list.

I welcome that we will comply with international UN regulations because that is important.

I refer to a question which has been put to me regularly. Section 5 states the maximum penalty following conviction on indictment is imprisonment for life. Does the Minister really believe this is likely to take place? Many people see bad decisions being made every day in the justice system related to serious violent acts. There is a belief that some people who commit very violent acts do not necessarily get adequate time. I subscribe very strongly to the old fashioned view that if one does the crime one should do the time. Does the Minister really believe the assertion in section 5 that the maximum penalty following conviction will be life imprisonment? Many people have asked that question.

Recent days have seen the horrific murders of young fathers. I also refer to the case in Dublin North Central of the horrific murder of Donna Cleary who was gunned down by a particular gang. Although they do not seek revenge families and victims are calling out for justice and equality.

An Ceann Comhairle: The Deputy should speak on the section.

Deputy Finian McGrath: I trust section 5 deals with these issues.

Deputy Pat Rabbitte: The Minister read from a document which he stated was from the Garda Commissioner. Is there any basis on which that document could be made available to the Opposition spokespersons or laid in the Library? We do not operate a privy council system but if there is information contained in that document it may be influential in the debate. Earlier, the Minister stated he proceeded in a certain way following a discussion with the unfortunate Roy Collins’s father and he has now referred to a submission from the Garda Commissioner. When the Garda Síochána (Powers of Surveillance) Bill was published the Garda did not want it and the Minister’s predecessor, Deputy Brian Lenihan, stated it would only serve to alert criminals to Garda investigative techniques. Why have the views at the top of the Garda changed?

Deputy Dermot Ahern: That document formed part of the Cabinet discussions and considerations; it was part of the brief and I referred to the conclusion of that document. The strong and hard evidence from the Garda is that in Limerick and other areas there has been intimidation of jurors. This has been confirmed by such people as the Limerick State solicitor who has indicated in recent years there is hard evidence of the drop in juror numbers during gangland trials which have taken place, especially in Limerick. There is a suite of evidence in that respect. I suggest such information is subject to Cabinet confidentiality since it was part of the decision making process and the Cabinet’s deliberations.

The matter of the surveillance Bill has arisen previously. The Garda believed the time had come for the use of certain evidence obtained by existing electronic surveillance and that this would be relevant in certain circumstances or on some but not necessarily all occasions. We have reached such a circumstance now with these offences and we seek to obviate as much as possible the necessity for reliance on civilian witnesses in many cases. Civilian witnesses are becoming more difficult to obtain because of the fear of intimidation in such areas as Limerick and certain areas of this city.
Deputy Kieran O’Donnell: I welcome the section. We are dealing with people involved in criminal activity. There is anecdotal evidence that many of the operations of criminals are directed from prison via mobile phones. What is the position of the Minister in terms of scrambling mobile phones and the phone network within prisons given that it is generally acknowledged that a good deal of the operations of such activity are now directed from prison? What plans does the Minister have to complement the legislation in terms of mobile phones in prisons?

Deputy Aengus Ó Snodaigh: The Minister accused me of being all over the shop but it is he who is all over the shop.

Deputy Dermot Ahern: The Deputy is all right.

Deputy Aengus Ó Snodaigh: I could go all over the shop if he wishes and still remain within Standing Orders. The reason I dealt with such a range of issues is that before the Minister goes down the road of introducing new offences, moving offences, he must address the simple things first. We have not addressed the simple things and I listed quite a number of them. I could have highlighted these at greater length to the Minister but I know he has received a copy of the ICCL report and the report of the Human Rights Commission. I could have put the whole lot on the record of the House. I am trying to accommodate the debate in the short time available. I still believe that what is being done here will create a duplication. The existing laws have not been used to their full effect and this is the key point I made in 2006. I ask why the existing laws are not being used. This question has not been answered.

Deputy Dermot Ahern: On the issue of mobile phones, I have answered parliamentary questions about the use of mobile phones in prisons. It would be wrong to say that many offences are organised from within prisons but this is not to say it has not happened. I can assure the Deputy that the prison service has installed the most sophisticated X-ray equipment in every prison and it has had an effect. Many of the difficulties in the prisons which are attributed to overcrowding are in fact due to the much tighter security regime on issues such as mobile phones. I understand the mobile phone premium is very high in the prison context. The BOSS chairs have also been installed in some prisons; they are proving to be very successful and will be installed in other prisons. There is a blocking of the use of mobile phones in prisons. This project commenced at the Midlands Prison and results to date have been sufficiently positive to convince the prison service of the merit of extending the inhibition system at the Midlands Prison into the new C block——

Deputy Pat Rabbitte: The director told us a couple of months ago that this could not be done because the hospital is across the road.

Deputy Seán Sherlock: What does “sufficiently positive” mean?

Deputy Dermot Ahern: The difficulty is with regard to Portlaoise and also to Mountjoy and the proximity of hospitals. They have been endeavouring to get around that problem and have had some success. Mountjoy is a particular problem; Portlaoise is not. The inhibition system is being extended into the new C block at Portlaoise and also to the nearby segregation unit. A contract to provide an inhibition system at those locations within Portlaoise Prison was signed on 12 March and works are now due to be completed and the system commissioned on 20 July. Other tests are undertaken in other prison locations such as Mountjoy medical unit, Limerick A wing and Cloverhill D1. The system in Limerick has been installed and is being evaluated since January. The medical unit in Mountjoy has been commissioned since 29 June and is
currently undergoing evaluation. A company is due to commence installation in Cloverhill of the inhibition system shortly and works are expected to be completed by the end of July 2009. The intention is that particular prisoners who would be suspected of directing crime from within prison would be housed as much as possible in those prisons or parts of prisons where mobile phones have been successfully inhibited.

Deputy Charles Flanagan: I cannot let the Minister away with an assertion that this blocking technology can be successful on a pilot basis in the Midlands Prison and not in Portlaoise because of the hospital. The Midlands Prison in which the pilot project is working is actually in closer proximity to the hospital than is Portlaoise Prison where the gangsters are. Any evidence of operating criminal activities from within prison comes from Portlaoise Prison. That is where the gang lords are; that is where Deputy O’Donnell’s and Deputy Jan O’Sullivan’s former constituents are and that is where the problem is. Portlaoise Prison is actually further away from a hospital than is the Midlands Prison and therefore that argument does not hold water. There is not the will, between the Minister and the Irish Prison Service, to deal with this issue of mobile phones in prisons.

Deputy Finian McGrath: I have two questions for the Minister about the Prison Service. Will he agree that some of these crime gangs got at some members of the prison staff and there has been massive intimidation? Have there been many recent cases of intimidation of staff? To follow on from Deputy Ó Snodaigh’s question, why is the existing legislation not being used more often?

Deputy Dermot Ahern: It is not for me to decide what legislation is used. The Oireachtas provides the legislation and it is up to the Director of Public Prosecutions, based on the evidence in each individual case, to decide on how to direct charges against people and under which legislative provisions.

On the question about the intimidation of prison staff, our prison staff are very professional and to the best of my knowledge, despite difficult circumstances they operate to the best of their ability. I am not aware of any cases of intimidation but I am not saying it has not happened in the past or does not happen now.

In reply to Deputy Flanagan, the results in the Midlands Prison have been very good. The inhibitor is now being moved into the C block and the segregation unit in Portlaoise Prison and it will be commissioned on 20 July. There has been a problem with the original type. The practice in other countries has been examined and we are way ahead of any other country in the inhibition of mobile phones; many countries are now coming here to see the system we have put in place. We have come to the conclusion that while it might not be possible to blanket an entire prison, at least one can deal with certain sections of prisons and house the significant people in those sections and ensure the mobile phones do not operate in those areas.

Question put and declared carried.

SECTION 6.

Deputy Dermot Ahern: I move amendment No. 2:

In page 8, to delete lines 16 to 50 and in page 9, to delete lines 1 to 17 and substitute the following:

“(a) involved either—

(i) the possession by the defendant, whilst in the presence of one or more other persons, of any article or item referred to in the Table to this section, or
(ii) there being present in (or, in the case of a false registration plate referred to in paragraph 8 of that Table, present in or affixed to) any vehicle—

(I) the use of which appears connected with the relevant act, and

(II) of which the defendant and one or more other persons were occupants on or about the date of commission of the relevant act, any such article or item,

and

(b) those circumstances are such as give rise to a reasonable suspicion that the defendant’s state of mind was as aforesaid at the time of the relevant act’s commission.

Table

1. Any balaclava, boiler suit or other means of disguise or impersonation, including any article of Garda uniform or any equipment supplied to a member of the Garda Síochána or imitation thereof.

2. Any firearm (within the meaning of section 1 of the Firearms Act 1925), ammunition for a firearm or device that appears to the ordinary observer so realistic as to make it indistinguishable from a firearm.

3. Any knife to which section 9(1) of the Firearms and Offensive Weapons Act 1990 applies, weapon of offence within the meaning of section 10(2) of that Act or weapon to which section 12 of that Act applies.

4. Any implement for burglary or other article or item for gaining access to any premises or other structure without the permission of the owner or occupier thereof, including any key or card that has been stolen or any access code unlawfully procured.

5. Any plan of any premises or other structure unrelated to any lawful activity, trade or purpose being pursued or engaged in by one or more of the persons referred to in subsection (6)(a).


7. Any substantial amounts, in cash, of any currency unrelated to any lawful activity, trade, transaction or purpose being pursued or engaged in by one or more of the persons referred to in subsection (6)(a).

8. Any false vehicle registration plate, that is to say, any plate purporting to be a plate for a mechanically propelled vehicle registered under section 131 of the Finance Act 1992 and displaying an identification mark other than that duly assigned by the Revenue Commissioners under Chapter IV of Part II of that Act and regulations thereunder.

9. Any article or item for making a counterfeit of any currency note or coin or making a counterfeit or otherwise for making a forgery of any credit or debit card.

10. Any article or item for making copies of any work, being an article or item of a design enabling, and held in circumstances indicating that it would likely be used for, the making, on a substantial scale, of infringing copies (within the meaning of Part II of the Copyright and Related Rights Act 2000) of the work without the copyright owner’s consent.

11. Any other article or item prescribed for the purposes of subsection (6).”.”.
This is an amendment to section 72(6) of the Criminal Justice Act 2006 as inserted by section 6 of the Bill providing for an amended participation offence. Subsection (6) provides that where a defendant is found in the possession of certain items, there shall be a presumption as to the required intention of the defendant to commit the offence of participation. Amendment No. 2 redrafts subsection (6) towards two ends. The first is to improve comprehension of the subsection by removing the list from the body of the text and appending it to the subsection in the form of a table. The second purpose of the amendment is to extend the list of items which can give rise to the specified presumption. The possession of the items listed would rightly give rise to some suspicion.

Possession of the following items is to be included in the subsection by way of this amendment — Garda uniform or Garda equipment; burglary tools or implements; false vehicle registration plates; counterfeiting equipment; and equipment which would facilitate copyright infringement. As can be seen from the section, possession of a balaclava, firearm, knife or an implement for burglary, are all items which an organised gang would have in its possession in the normal course of events.

Deputy Charles Flanagan: I do not have any real or substantive objection to this amendment. I note this is an additional list. I take it from what the Minister has read that is an additional amendment he has brought forward on the Garda uniform and items of Garda equipment.

Deputy Dermot Ahern: Yes, it will be in the form of a table.

Deputy Charles Flanagan: The difficulty with that is that the list goes on and on. It is indicative of rushed legislation if, before we have agreed the Schedule, the Minister is already adding to it. I dare say that between now and the end of the debate there may be other items the Minister might be open to considering but I do not have any objection to the principle of listing the items in legislation.

Deputy Pat Rabbitte: I do not take any great exception to it either. I rang a lawyer today inquiring about jury intimidation and he said he could not hear me because there was noise coming from his bathroom where a plumber was working in the dust. He had a boiler suit on and his face covered and he was worried that this particular section might be used against his plumber but I assured him that I did not think that was the Minister’s objective.

Deputy Seán Sherlock: The Minister has to give him that one.

Deputy Aengus Ó Snodaigh: My objection is similar to my objections to the previous section. It is likely there would be convictions if the majority of the items listed were found in somebody’s possession. The Minister has helpfully listed the Acts somebody found in the possession of these items would be in breach of and they include, in the case of a knife, the Firearms and Offensive Weapons Act, and the Misuse of Drugs Act. This is adding to existing legislation but why are people not being charged with possession of these items? I am concerned that we are adding to the corpus of law for no particular reason in this case other than to transfer these offences to the Special Criminal Court. There is danger in moving from a jury system to a non-jury system.

Deputy Dermot Ahern: I do not have anything further to say. The amendment is providing a list of items in order to provide for a presumption that a person had the relevant state of mind and a *mens rea* regarding the intention to commit an offence. I can put it no further.
Amendment agreed to.

Section 6, as amended, agreed to.

SECTION 7.

An Leas-Cheann Comhairle: Amendment No. 2a in the name of the Minister is from the additional list circulated today. Amendments Nos. 3 and 3a are related and an alternative to amendment No. 2a. Amendment No. 4a is also related and amendment No. 5 is related and an alternative to amendment No. 4a. Amendments Nos. 5a and 5b are also related. Amendments Nos. 2a, 3, 3a, 4a, 5, 5a and 5b will be taken together.

Deputy Dermot Ahern: I move amendment No. 2a:

In page 9, lines 21 to 23, to delete all words from and including “of” in line 21 down to and including “expertise” in line 23 and substitute the following:

“of—

(a) any member of the Garda Síochána, or

(b) any former member of the Garda Síochána,

who appears to the Court to possess the appropriate expertise (in this section referred to as the “appropriate expert”).

Amendments Nos. 4a, 5a and 5b are consequent to amendment No. 2a. Amendment No. 2a amends section 7 so that evidence as to the existence of a particular criminal organisation may be given by either a member of the Garda Síochána or a former member of the Garda Síochána. The intention of this provision is to ensure that the member of the Garda Síochána with the greatest direct experience and knowledge of a particular organised crime group is the person who will give the evidence to the court. It may be the case that a member with such knowledge will have left the force prior to a hearing. This provision ensures that should such a person be the proper individual to provide the required evidence, then he or she shall be able to do so.

Amendments Nos. 4a, 5a and 5b are consequent to this amendment and substitute the word “appropriate expert” or “expert” for the word “member” where it appears in section 7, recognising that a former member of the Garda Síochána may be providing the evidence.

Deputy Charles Flanagan: We are dealing here with important safeguards long since established on the provision of evidence when dealing with the proof of a criminal organisation but the Minister, by virtue of his amendment No. 2a, is going in the opposite direction to that I am proposing in amendment No. 3.

I would be concerned about the absence of appropriate safeguards. I do not wish to impugn in any way the professionalism or the rank of any ordinary member of the Garda Síochána but where we are dealing with the provision of proof of the existence of a criminal organisation, the standards should be high. In confining the provision of evidence to a senior officer we are not casting any disrespect towards an ordinary member of the Garda Síochána but reflecting the importance of the officer, which has long since been established, even in cases where we have had to resort to the Special Criminal Court or non-jury court, and the importance of the office of the senior member of the force. Also, we are acknowledging the seriousness of the offence by ensuring that the evidence is tendered by a senior Garda officer.

The Minister can correct me if I am incorrect but there will not necessarily be a witness present when this evidence is being tendered as to the proof of the existence of a criminal organisation. The Minister does not have any requirement in the section in terms of the experi-
Criminal Justice (Amendment) Bill 2009:

Deputy Charles Flanagan:

ence of the officer and his amendment No. 2a, includes evidence to be tendered, and presumably accepted by way of proof, by a former ordinary member of the Garda Síochána who could be long since retired or engaged in other work, which is often the case with former members of the Garda Síochána. I would be concerned that the Minister does not have any requirement of expertise or standard of experience and because of that I am somewhat concerned about the relaxation of the safeguards. The Minister can take it this will be tested in the highest courts. It is important that the measure is sound from a constitutional basis, that both experience and expertise would be a prerequisite and that the safeguards are such, having regard to the fact that this is proof of evidence, that we would acknowledge a long-standing procedure which is that the evidence would be tendered by a senior officer, a chief superintendent. I acknowledge what the Minister said earlier about the working garda who is on the front line. Nevertheless, we need to reflect the importance of the seniority of the rank and the gravity of the offence. It would not be appropriate to accept the evidence of officers who might not have the necessary expertise, given the consequences.

Deputy Pat Rabbitte:

There is some confusion between opinion evidence and expert evidence. I heard what the Minister said earlier. I presume we are talking about an expression of opinion as to the existence of a criminal organisation. In the operation of the Offences against the State Act the Supreme Court was definitive regarding the care to be taken in crafting the decision it handed down in respect of the use of a garda not below the rank of chief superintendent.

With no disrespect to current or former members of the Garda, the legislation is diminished by an amendment which allows, not only any garda but any former garda to give such expert opinion. I take the Minister’s point that people are leaving the Garda service every day. Senior gardaí are retiring at present in greater numbers, perhaps because they fear that their retirement lump sum will be taxed in December. This is an extraordinarily open provision. Gardaí might be brought in who have long left the force and who are running security or building companies. I do not suppose many former gardaí are running building companies at present, but they might be writing a column for the Evening Herald. I am not sure that is advisable.

I have been under the impression that in respect of the operation of the Offences against the State Act, a chief superintendent might not have direct knowledge of membership of an illegal organisation but that the gardaí working to him would have such knowledge and would brief him to accordingly. His evidence might be based on his own direct knowledge or on briefing from his officers. I cannot understand why we should depart from that principle. If an ordinary community garda happens to have direct knowledge of what is happening on his beat, I do not see why he cannot brief his superior Garda officer to that effect and that a garda of the superior rank would be required to offer what the Minister calls expert opinion.

The Minister’s use is different from the classic use of that term. We speak of expert opinion when a psychiatrist or medical practitioner gives evidence or when a trade union official goes down to say what is the rate in the electrical industry in the middle of a trade dispute. This is a slightly different use of the term. If Deputy Flanagan is right about no legal representative being present, it is all the more important that the evidence would be given by a garda of higher rank. I think that in the giving of opinion about the existence of a criminal organisation the legal representative would be present. Nevertheless, I am not persuaded that we should depart from the principle established by the Supreme Court.

Deputy Aengus Ó Snodaigh:

I have considerable sympathy for Deputy Flanagan’s amendment, although I am opposed to the section.

If a defendant has legal representation present, which I assume he or she would, could the defendant call every garda in the locality as a witness to testify that he or she is not a member
of a criminal organisation? The Minister says any garda or former garda could be called upon to testify that a person is part of a criminal organisation or that such an organisation exists. I presume the opposite is true and that a defendant could call gardaí to refute the charge or, at least, cast a doubt on it.

**Deputy Lucinda Creighton:** I concur with what Deputies Flanagan and Rabbitte have said. There is some confusion between expert evidence and opinion evidence. I consider it necessary to specify that the garda giving such evidence should not be below the rank of chief superintendent. The provision leaves the section, and therefore the Bill, open to constitutional challenge. If the legislation is referred to the Supreme Court — and I believe it will be — this provision will be struck out, making the legislation entirely redundant.

I am supportive of the Bill. Among others on this side of the House, I called for this legislation last autumn, when the Minister said it was not necessary. I hope it will be robust and will stand up to constitutional scrutiny but I fear the Minister is leaving it open. I hope he will reconsider this aspect of the Bill. Otherwise, it is in danger of becoming redundant.

**Deputy Seán Sherlock:** I question the criteria by which appropriate expertise can be defined. It is difficult to envisage a court refusing to hear the evidence of a trained garda on the basis that he or she did not know enough about gangs.

**Deputy Kieran O'Donnell:** Gardaí do fantastic work and have great knowledge. The Offences against the State Act requires that opinion evidence be given by a chief superintendent or a more senior garda. The evidence referred to in this section is slightly different. For a garda to report to a chief superintendent seems a more formal way of achieving the same result. When the evidence is presented in court it will have gone through the normal procedures within the Garda Síochána. The term “expert evidence” can be appropriately applied to such evidence.

Progress reported; Committee to sit again.
Deputy Noel Dempsey: I will still consider the proposal. It does not require an amendment on Report Stage. It is an administrative matter.

Deputy Fergus O'Dowd: I wish to raise another issue. I seek to be helpful because we have been clear on——

An Leas-Cheann Comhairle: I take it that this is another point of order.

Deputy Fergus O'Dowd: Of course. The previous matter was only one of the issues the Minister agreed to reconsider. I am sure that Deputy Sheehan is on his way, but the second issue relates to the Bantry Bay commissioners. The Minister undertook to examine the matter. What is his response?

Deputy Thomas P. Broughan: I wish to speak on the same two matters. The Minister gave us strong commitments on a number of contentious issues. It seems that——

An Leas-Cheann Comhairle: Perhaps we will deal with them when we reach the sections. We will be in order at that point.

Deputy Thomas P. Broughan: We were expecting to see some amendments.

Deputy Fergus O'Dowd: That was our expectation.

Deputy Noel Dempsey: I did not promise amendments.

Deputy Thomas P. Broughan: This is our problem in progressing the matter. The amendments have not materialised. Regarding the other issue, we were given a firm commitment that there would be an amendment on the retirement age of pilots, that is, to return it to 65 years of age. As with the representation of city and county councillors on harbour boards, some democratic accountability and the Minister's commitments regarding Bantry Harbour, there do not seem to be any relevant amendments in this regard.

An Leas-Cheann Comhairle: We cannot have an open discussion on what might be in the Bill. Let us deal with the sections and, as we do so——

Deputy Thomas P. Broughan: The essence of the issue is that we might decide to recommit the Bill.

Deputy Fergus O'Dowd: Yes. That is the point.

An Leas-Cheann Comhairle: If the Deputy would allow, we will deal with the Bill section by section.

Deputy Thomas P. Broughan: Can we propose that the whole of the Bill be recommitted?

An Leas-Cheann Comhairle: The Deputy can propose that this minute, if he wishes.

Deputy Thomas P. Broughan: I move:

That in accordance with Standing Order 130(1), the Harbours (Amendment) Bill 2008 be recommitted in its entirety.

Deputy Noel Dempsey: I oppose the motion.

Question put.
Harbours (Amendment) Bill 2008:

Report and Final Stages

The Dáil divided: Tá, 69; Níl, 76.

Tá

Bannon, James.
Barrett, Seán.
Broughan, Thomas P.
Bruton, Richard.
Burke, Ulick.
Burton, Joan.
Byrne, Catheríne.
Carey, Joe.
Clune, Deirdre.
Connaughton, Paul.
Coonan, Noel J.
Costello, Joe.
Coveney, Simon.
Crawford, Seymour.
Creed, Michael.
Creighton, Lucinda.
D’Arcy, Michael.
Deenihan, Jimmy.
Doyle, Andrew.
English, Damien.
Enright, Olwyn.
Feighan, Frank.
Ferris, Martin.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Hayes, Brian.
Hayes, Tom.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lee, George.
Lynch, Ciarán.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McHugh, Joe.
McManus, Liz.
Mitchell, Olivia.
Naughten, Denis.
Neville, Dan.
O’Caoláin, Caoimhghín.
O’Snodaigh, Aengus.
O’Donnell, Kieran.
O’Dowd, Fergus.
O’Keeffe, Jim.
O’Shea, Brian.
O’Sullivan, Jan.
O’Sullivan, Maureen.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Shatter, Alan.
Sheahan, Tom.
Sheehan, P. J.
Sherlock, Seán.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

Níl

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.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Greáilish, Noel.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Kelleher, Billy.
Kelly, Peter.
Kennelly, Brendan.
Kennedy, Michael.
Killeen, Tony.
Kirk, Seamus.
Kitt, Michael P.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGrath, Mattie.
McGrath, Michael.
McGuinness, John.
Mansergh, Martin.
Martin, Micheál.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O’Connor, Charlie.
O’Dea, Willie.
O’Flynn, Noel.
O’Hanlon, Rory.
O’Keeffe, Batt.
O’Keeffe, Edward.
O’Rourke, Mary.
O’Sullivan, Christy.
Power, Seán.
Roche, Dick.
Ryan, Eamon.
Sargent, Trevor.
Scanlon, Eamon.
Smith, Brendan.
Treacy, Noel.
Wallace, Mary.
White, Mary Alexandra.
Woods, Michael.

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

Question declared lost.

**An Ceann Comhairle:** Amendments Nos. 1, 2 and 3 are related and will be taken together, by agreement.

**Deputy Thomas P. Broughan:** I move amendment No. 1:

In page 5, between lines 8 and 9, to insert the following:

“(b) after full consultation with relevant maritime stakeholders,”.

I tabled this amendment on Committee Stage.

This Bill is such a fundamental revision of the Harbours Act 1996 that it gives us the opportunity to mention the integration of transport networks, particularly between ports and major new road facilities. On Committee Stage we heard that much of the departmental responsibility for the marine and ports would be transferred to the Department of Transport on the basis that there would be integration. That is what I seek to do in amendment No. 2.

In amendment No. 3, I propose that the traffic separation scheme also be mentioned in the Bill. The Minister may recall that the Pilots Association mentioned that part of the new boundary is not within the traffic separation scheme in Dublin Bay. The Minister indicated that he would review ports policy and that we would have a chance to update this five year old document and include provisions on general ports policy and infrastructure. On that basis, I will withdraw my amendment.

**Deputy Noel Dempsey:** I am happy that the Deputy is withdrawing the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 2 and 3 not moved.

**An Ceann Comhairle:** Amendment No. 4 is out of order because it involves a potential charge on the revenue.

Amendment No. 4 not moved.

**An Ceann Comhairle:** Amendments Nos. 5 and 6 are related and will be discussed together by agreement.

**Deputy Thomas P. Broughan:** I move amendment No. 5:
In page 7, line 7, after “harbour” to insert the following:

“provided that those activities are clearly beneficial to the harbour in question and to the Irish State”.

A key aspect of this Bill is to encourage a more dynamic approach to commercial activity in all of the national ports which includes giving ports greater freedom in respect of their investment or commercial activities outside the harbour limits and State ports in certain instances. The amendment to the 1996 Act states, “the company may invest in or engage in commercial activities outside the limits of the harbour”. My amendment seeks to amend that briefly to prevent some commercial activities, perhaps by way of investment, outside this country becoming the dominant feature of the port company’s activity.

In amendment No. 6, I seek to amend the guidelines that the Minister is bringing forward to the effect that in making decisions about the acquisition or disposal of land the company must be “fully cognisant of the priority of maintaining port lands in the public interest for public transport uses and for the public good”. That is important given the history of, and recent allegations about, some port activities and the fact that port lands have not been used for beneficial purposes.

It is important to improve the ability of ports to behave dynamically and the Minister made several comments about that on Second Stage. Having considered his views as expressed on Committee Stage, I ask him to bear in mind the issues I have raised in both of these amendments but I will withdraw amendment No. 5.

Deputy Noel Dempsey: I did reflect further on the issues raised and the appropriateness of using the term “public interest” but on reflection decided not to use it. I thank the Deputy for offering to withdraw the amendment. I assure him that the public interest is part of the existing legislation, this Bill and the ministerial consent process contained in this and other Bills.

Amendment, by leave, withdrawn.

Amendment No. 6 not moved.

An Ceann Comhairle: Amendments Nos. 7 and 8 are cognate and will be discussed together, by agreement.

Deputy Noel Dempsey: I move amendment No. 7:

In page 8, line 41, to delete “and”.

These are technical drafting amendments to correct an imperfection in the original Bill by deleting the word “and” on page 8 and inserting it between lines 6 and 7 on page 9. This does not alter the content or substance of the section as originally proposed but merely corrects an error identified during the proofreading process.

Amendment agreed to.

Deputy Noel Dempsey: I move amendment No. 8:

In page 9, between lines 6 and 7, to insert the following:

“and”.

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Amendment agreed to.

**An Ceann Comhairle:** Amendments Nos. 9 and 11 are related and amendment No. 12 is a technical alternative to amendment No. 11. Amendments Nos. 9, 11 and 12 will be discussed together by agreement.

**Deputy Thomas P. Broughan:** I move amendment No. 9:

In page 9, to delete lines 20 to 30.

A substantial part of this Bill aims to amend the Harbours Act 1996 to enable a Minister effectively to remove democratically elected councillors from the boards of harbour companies and ports and to nominate instead a single member from local government. It will also give him the power to reduce the number of worker directors to one and to reduce or remove one of the key elements of the 1996 Act. Labour Party councillors who served on ports and harbour boards did so with great distinction. The Minister's action is predicated on the fact that the boards are too large and that we must now have eight person boards. The kind of widespread local democratic representation that we have had over the years is no longer fit for purpose. I argued the point on Second Stage that many effective boards have more than eight members. I am not sure what the ideal number of board members would be; the Government has 15 people and there are many other instances of very effective bodies and boards of organisations where there may be ten, 12 or 15 members. They seem to work best.

On Committee Stage the Minister indicated that one of the reasons he had to reduce the number of board members was because too many companies had more board members than workers. Dublin Port has 155 employees and 650 pensioners; Cork has 121 employees and 159 pensioners; Shannon Foynes has 60 employees; Waterford and Dún Laoghaire have 50 employees; Galway has 15 employees; and New Ross and Drogheda have 14 employees. These are significant companies by any standards and the normal kind of company governance should apply.

There are many famous ports which are fairly close to us in this part of the world. For example, Belfast has 15 board members, four of whom are councillors; Antwerp has 18 board members, ten of whom are councillors; Singapore has a board of 12 members; and the great port of Hamburg has a board of 22, including two worker directors. The more we look at international comparisons, the less clear the Minister's case becomes. Overall, the case of removing the right of local authorities to nominate their members as they have selected on to harbour and port boards has not been made by the Minister.

There is always the fear that political patronage will become an avenue whereby a Minister in power will be able to nominate members of his own party, and it may be possible that a person being a chairman of a comhairle ceantair, branch of a political party or a constituency party could be a requirement for discharging the office of director in a port company. That would be a bad and ludicrous position, which we should avoid at all costs.

One can consider the very impressive contribution to port companies of local government city and county councillors over recent decades and particularly since 1996. The Minister's action seems to be a retrograde step. At the start of this debate we asked to recommit this Bill because the Minister indicated he might have considered avenues whereby the local council would have been able to nominate preferred representatives on to the boards in question. The Minister indicated he could do this by regulation but there is no amendment to the Bill to this effect.
There have been various reviews of the ports back to 2000, with the Packer report being the first to indicate that boards should be smaller. If one considers effective commercial activity from ports and other companies, smaller port board size is not necessarily the best way forward. The suspicion continues that decimating the representation of councillors and worker directors on the boards of ports is being done at times to facilitate the Government in permitting ports to move in a way that would be out of the public interest, or where their aims and ambitions would be more removed from the public interest. In the past there were big agendas regarding the privatisation of ports, and that would fall into the same kind of category.

Worker directors have made an overwhelmingly positive contribution to the development of commercial State ports since the Harbours Act 1996 was implemented. Worker directors by their nature tend to be people with a profound knowledge of their own port and a deep interest in its work. Given that worker directors have been some of the most supportive in developing the commercial remit of ports outside their immediate area, it seems to be a retrograde move to cut the size of their contribution to large ports. Worker directors must go through the democratic process and are elected by colleagues, unlike the rest of the ministerial nominations to boards.

These three amendments seek to prevent the Minister from changing the 1996 Act and removing direct democracy from the boards of these large and important local companies by reducing the number of worker directors. In general terms, this would create a very small and elite board around the chief executive. The Minister has not made the case, either on Second or Committee Stage, that this will necessarily end up in much more effective governance.

Ultimately, in our political world, would we be better off with a Government of seven or eight people? Some might say that we would be and in the current Administration, a number of people would not make that seven or eight. Most people feel a slightly larger group would be better. With my own long experience of boards in different areas of the social economy, sport and other sectors, I believe that a board with eight members would be too small and could prevent wider representation and expertise that would enable the organisation to move forward in a better way.

I appreciate the Minister considers that in order for ports to have a commercial remit, we must have tighter governance and administration. We have had complaints about certain actions taken by ports in the past. I agree with the spirit of adopting that approach but losing local councillors and halving the number of worker directors would be a retrograde step. As a result, I am proposing these three amendments on behalf of the Labour Party.

Deputy Fergus O’Dowd: There are many good facets to this Bill and the core issue is to make the boards more dynamic and businesslike as organisations. The number of representatives on boards is to be reduced from 12 to eight and the Bill clearly enunciates a procedure whereby there would be an election among worker directors if the directors of the company declare that more than 30 people will work there in a particular year. Due provision is being made for a democratic election among workers in a port authority.

For the public representatives elected by the people, there is no clarity in the Minister’s actions. On Committee Stage I understood the Minister would think about what we said. I respect the Minister and I do not believe what he said was anything other than what he believed at the time. Not having a direct election from the elected local authorities on to the board would fly in the face of what is being done in the Bill for workers and elected representatives generally. It is making little of them in that it does not recognise their capacity or ability to
select from their own number an individual or individuals who have already been elected by the public to represent the local authority and other interests.

That such a person would be selected by a local authority as opposed to the Minister would lend greater credibility to the mandate he or she would enjoy. If he or she is appointed by the Minister — regardless of who might be that Minister — questions will always arise in the context of political issues. However, if he or she is selected by a local authority, clarity will be brought to the process. Local authorities already appoint elected members to the boards of various bodies. If the heart of local democracy is reflected in the fact that directors can come from among the ranks of elected local representatives, it would not be acceptable if absolute clarity were not provided in respect of the process to which I refer.

Another issue to which I wish to refer relates to the situation where local authorities that are located adjacent to each other have representatives on a harbour authority. Louth County Council, Meath County Council and Drogheda Borough Council are represented on Drogheda Harbour Commissioners. If only one representative is to be selected from among those three local authorities, the Minister of the day will have major difficulties in keeping his supporters at bay on the two authorities that lose out.

The democratic process would benefit if the selection of representatives is made by local authorities. If the Minister, as seems to be the case, is reducing the number of representatives to one in each case, perhaps a rotation system might be introduced in order that the various local authorities would, at some point, be represented. I am not sure as to what will be the period of office of the representative but I presume it will be five years. In such circumstances, a local authority that is represented on the board for a five-year period should not be so represented on the next occasion and the honour should pass to another authority. I am of the view that this is a fair way to proceed.

I accept the need to reduce the numbers serving on the boards. However, democratically elected representatives who are accountable but who are not appointed by the Minister should be central to the process.

**Deputy P. J. Sheehan:** I tabled amendments Nos. 22 to 37, inclusive, and 40 to 42, inclusive, on Committee Stage. These were designed to put forward a two-pronged defence in respect of Bantry Bay Harbour——

**An Ceann Comhairle:** We will deal later with the matters in respect of which those amendments were tabled on Committee Stage.

**Deputy P. J. Sheehan:** I merely wish to make a remark to the Minister.

**An Ceann Comhairle:** That is fine. However, we are dealing with amendments Nos. 9, 11 and 12 and these do not relate to the matter to which the Deputy refers. I will call on the Deputy when the relevant amendment is moved later.

**Deputy Jimmy Deenihan:** Unfortunately, I was not in a position to make a contribution to the Second Stage debate on the Bill. I have an interest in Fenit Harbour, which is located in my constituency. I am glad the Minister, more or less, reversed his original intention in respect of amalgamating it with Foynes Harbour. The latter would not be appropriate and it would be better if Fenit Harbour Commissioners were incorporated as a company.
With regard to representation, Tralee UDC and Kerry County Council have decided who are supposed to be their representatives on the harbour board. However, these individuals will not take their places on the board in six months’ time and instead the Minister will appoint one councillor to serve as representative. Fine Gael happens to hold a majority on Kerry County Council at present. It must be the case that whichever party holds the majority on the council — it could be the Minister’s party in the future — should have the right to nominate the councillor who will serve as representative. Surely it would be anti-democratic if the Minister were to go against the wishes of the majority by putting forward his own nominee. I presume that said individual would not be a member of an Opposition party. That is not good for democracy.

Fenit Harbour has a great future, both from a commercial and marine recreation point of view. In that context, I hope the Minister will nominate someone with real expertise to serve on the board. Perhaps he might look outside the immediate area or even the county to find a suitable person with expertise in running ports. I reiterate that the Minister’s nomination of a person to serve on the board when a majority of the county council might not support that nomination runs contrary to the principle of democracy.

**Deputy Noel Dempsey:** I thank the Deputies for their comments in respect of these amendments. Long discussions on the matter to which they relate took place both in the Seanad and at the Select Committee on Transport. What we are doing is establishing a commercial approach, as outlined in the ports policy statement, in respect of our ports and harbours. Essentially, we are adopting a model which is different from that to which we have become used with regard to port companies. Such companies will now have a commercial remit.

The ports policy statement indicates that the State will no longer be responsible for financing the various ports and harbours. The latter will be obliged to provide their own funding when the new regime comes into place. If we are to make the companies as commercial as possible, we must provide those in charge of them with the wherewithal to achieve this goal. Of course, this will be subject to the oversight of the boards.

At present, boards are comprised of 12 members. However, as indicated in the ports policy statement, to achieve a streamlined position the number will be reduced to eight. This will have consequences. For example, it will not be possible to have three local authority members and two worker directors on a board of eight. We cannot state that we are determined to implement a commercial approach in respect of the ports and harbours and then leave matters as they currently stand. An inevitable consequence of moving in the direction we propose to take is that the number of members on the boards will be reduced. A second consequence is that those who might have been entitled to representation in the past will not enjoy the same level of representation on a smaller board.

We would defeat the entire purpose behind the ports policy if we were to leave matters as they stand, namely, with three councillors and two worker directors on each board. Attracting only three other directors from elsewhere would not achieve the goal we have set ourselves in respect of this matter.

When they become members of the boards, councillors do not represent their local authorities. At that stage, they become directors and have fiduciary responsibilities and obligations in respect of the governance of those boards. These individuals are not appointed to boards to represent the views of the local authorities, they are there to act in the best interests of the port companies. References to the representation of local authorities or to anti-democratic practices are not accurate in this instance.
On Committee Stage, Members, particularly Deputy O'Dowd, expressed concerns with regard to the fact that there was no indication as to what we might do in respect of local authority directors and how they might be selected. Deputy O'Dowd also inquired as to what might happen in cases where two or three local authority areas might be located contiguous to a port. I indicated I would consider those matters and I have been doing so.

I certainly am minded that instead of the Minister simply selecting someone from the local authorities, I will allow the local authorities to make nominations and to put forward their candidates for a position on the board.

However, I am somewhat amused that a Minister, who in the first instance is elected directly by the people of a constituency and who then is elected a Minister by the elected representatives of the people in Dáil Éireann, should not have a say in who should be appointed from a local authority to a harbour authority but that the local authority should have that say. There is a discrepancy in thinking in that regard. In any event, I made the political point to Deputy Broughan on Committee Stage that while I do not believe that being the chairman of a comhairle ceanntair is an absolutely necessary qualification for a member of the harbour authority, neither do I believe it should disqualify him or her from being such a member. Similarly, I do not believe that being a member of the Labour Party or the Fine Gael Party should either qualify or disqualify one from such a position. The Deputy is aware that many of these people, regardless of their party, are highly committed community activists who are as entitled to be considered as is anyone else.

However, I do not need to make an amendment to the legislation. I have given Deputy O'Dowd a commitment that I will come up with a nomination procedure that will allow local authorities to make nominations in respect of the local authority representatives or directors and I will so do. However, I cannot increase the representation because to do so would distort the balance on the boards, on which it is reasonable to have one local authority member. Although the Deputy asked that it might be rotated, I am unsure whether so doing would provide the kind of continuity a board should have. While it may be possible, I have never favoured one year each in the chair of an strategic policy committee or whatever else. Deputy O'Dowd is familiar with the position in Drogheda, in which there are three local authorities and I would prefer to stipulate that a person would have a minimum term of a couple of years on a board. However, I will consider the matter to ascertain how I might come up with such a scheme. I am prepared to provide that the nominations will come from the local authorities and that I will select from their nominations.

**Deputy Fergus O'Dowd:** I am much happier on foot of the Minister's remarks and I am glad he has put it on the record of the House. I will not delay him any further as he has taken the point, which I welcome. Democracy will be stronger if this is done, rather than having the Minister of the day appointing whomsoever he or she wishes, because sometimes the Minister would appoint defeated electoral candidates and so on, whereas this clearly will be an elected person from the local authority, which is welcome.

**Deputy Thomas P. Broughan:** What protocols are in place in respect of existing boards to which the Minister invites nominees from local authorities? Does the Minister have an exact model that could be used in this regard? It is important for Members to have an idea in this regard. In other words, the Minister will invite a council to provide a nominee and then that nominee, who will have been democratically selected by the council, will become a member of
board. Are there instances within the Department of Transport whereby such a process operates at present?

**Deputy Jimmy Deenihan:** A number of Bills have been enacted containing a stipulation that at least 40% of the composition of a board would be female. I am on a committee that is examining the role of women in politics at present, of which Senator Ivana Bacik is rapporteur. I note that whereas Government policy is that it should be 40%, it is not enshrined in the legislation. I believe the Minister included such a stipulation in an arts Bill some years ago. Can he provide a commitment that when he appoints these boards, at least 40% of their members will be female or is this another example in which a contradiction exists between Government policy and its failure to incorporate such a commitment in legislation?

**Deputy Noel Dempsey:** On Deputy Deenihan's point, it is Government policy that at least 40% of any board should be male or female and this will govern the decisions in this regard. It is true that such a stipulation has appeared in legislation and I cannot honestly answer as to the reason it is not included in this Bill. It is included in some items of legislation but not in others. I always have been a strong advocate of the inclusion of such a provision in legislation and I believe I was the first Minister to make it compulsory. I actually included a stipulation that it should be 40% when I introduced legislation in respect of the National Council for Special Education. Part of the difficulty with nominations made by local authorities is that they often will not nominate women and the same is true of trade unions much of the time and, consequently, I seek flexibility in this regard.

As for Deputy Broughan's point, I have not quite worked out how this will be done, except that it will be by invitation. I will ask each local authority to make nominations and will include a stipulation therein that nominations must be male and female to provide me with the greatest choice.

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

Amendment declared lost.

**Deputy Thomas P. Broughan:** I move amendment No. 10:

In page 10, between lines 27 and 28, to insert the following:

“(ii) to insert in paragraph (b) the following new subparagraph:

“(iii) an annual report on the status of all leases of the company’s lands.””

The Minister referred to this issue on Committee Stage, where I raised it at length. It relates to the leasing arrangements that pertain in some ports and the difficulties that Dublin Port and one or two other ports got into in respect of infirm leases and leases that had deteriorated over the years. The Minister stated that he would expect to have information on leasing and so on in the company accounts and the annual reports of boards. Can he specifically indicate to boards, via guidelines, that they should provide an ongoing update on all leasing arrangements?

The Minister made the point on Committee Stage that when council representatives go on the boards, they become part of the boards and if they are doing their job, they are no longer directly representing the councils. This is true and the Minister mentioned on Committee Stage that they are obliged to withdraw during planning discussions and so on. However, given that the Minister’s own nominees have such a function as members of the board, how are people outside the board structure, that is, the people as the ultimate owners of such companies, to
know they are being well served unless they get some form of an update in this regard? I make
this point given the history in a number of ports and in Dublin in particular.

**Deputy Noel Dempsey:** Members had a good discussion on this issue on Committee Stage
and I will reiterate what I said at that time. Section 28 of the Harbours Act 1996 contains a
detailed list of requirements regarding the information a port company must return to the
Minister of the end of each accounting year. It includes a statement of all significant develop-
ments that occurred during the year, including any acquisitions or disposals of land, as well
as a statement that the relevant guidelines issued by the Government or the Minister for Fin-
ance in respect of their accounts and financial affairs have been adhered to. The specific pro-
vision in the area to which the Deputy referred, which relates to the disposal of land, states
explicitly that disposal by means of a lease must be also included in the annual report. This
stipulation exists.

I take the points made by the Deputy. We had a brief conversation following the debate on
Committee Stage. I intend to use my existing powers to request the port companies to furnish
me with a full account of the status of all leases held by them. It can be difficult to get the kind
of information one wants from State and semi-State companies. If it does not work on a volun-
tary basis, I will include it in a future item of legislation so that we achieve what we are trying
to achieve.

**Deputy Thomas P. Broughan:** I welcome that.

Amendment, by leave, withdrawn.

Amendment No. 11 not moved.

**Deputy Thomas P. Broughan:** I move amendment No. 12:

In page 12, to delete line 15.

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

Amendment declared lost.

**An Ceann Comhairle:** Amendments Nos. 13 to 19, inclusive, are related and may be discussed
together by agreement.

**Deputy Thomas P. Broughan:** I move amendment No. 13:

In page 15, line 34, after “circumstances” to insert the following:

“and after all relevant consultation with maritime stakeholders has taken place”.

These amendments relate to a lengthy discussion we had on Committee Stage about the role
of pilots and the perception in the Association of Maritime Pilots of Ireland and other pilot
representative bodies that their concerns were not being adequately addressed by the Minister
and the Department.

Amendment No. 13 is similar to previous amendments. Pilotage charges may be imposed by
a company in different circumstances and it would be very helpful for pilots and their represent-
tative bodies to have a statutory right to be consulted in these circumstances. I sought to amend
section 13 by inserting this amendment.
Amendments No. 14 concerns an issue that goes to the heart of the concerns of pilots. This section refers to lengthy representation and correspondence between the Association of Maritime Pilots of Ireland, the Minister and Department in respect of the retirement age of 60, which was introduced by the 1996 Act. Many view it as grotesquely unfair. This has been the subject of numerous representations, correspondence and meetings between the Association of Marine Pilots of Ireland and the Departments. It is felt that there is an authoritarian rule whereby an age limit of 60 was introduced arbitrarily. It goes against the interests of good pilotage. Given the importance of pilots to the safe administration of ports, this is a grievous blow to able and fit pilots over the age of 60 and introduces an element of discrimination. There was no such requirement for an age limit before 1996.

We had a lengthy discussion on this matter on Committee Stage. We discussed compulsory retirement and the issue of a senior garda taking a case in the courts on this matter. We discussed how our attitudes to this area are different and referred to the European directive. The 1996 Act introduced unfair discrimination against pilots and we should have considered this.

I have correspondence from Mr. Bob Kieran, chairperson of the Association of Maritime Pilots of Ireland. He understood that the Minister had given a commitment to remove the compulsory retirement age in this legislation. The Minister told us on Committee Stage that it could not be done but gave a commitment to table an amendment to this effect in the Merchant Shipping Bill, which is before this House and will be discussed in September.

We voted on recommitting this Bill because I was not sure that this was the case or whether we can look forward to this anomaly and injustice against marine pilots being removed from legislation in the Merchant Shipping Bill. Mr. Kieran and others asked why we must wait for the Merchant Shipping Bill and why we cannot do this tonight. The Minister can insert an amendment to this effect, remove the arbitrary limit of 60 years of age and return it to 65.

Amendment No. 15 is based on correspondence with marine pilots who raised concerns about the levels of insurance they must have if we increase fines by a particular amount. A major insurance problem will emerge. I sought to remove this by removing the section. Amendment No. 16 concerns the possibility of the junior officer being change of the navigational watch and getting a pilot’s exemption, which seems to be an unsafe practice. The amendment seeks to remove a navigational watch officer from having pilot exemption. The Minister said that this would be for a very small vessels. It seems to introduce nonsense in respect of safe pilotage in our major ports.

Amendment No. 17 refers to the holder of a subsisting document issued by another member state of the European Communities, the Kingdom or Norway or the Republic of Iceland and the fact that such a person would have the highest standards in internationally recognised pilotage qualifications and medical fitness so that there is an absolute standard for pilots. Amendment No. 18 is similar to amendment No. 13, proposing that certain developments will take place only after consultation with pilots.

Amendment No. 19. proposes that we adopt the international standard for pilotage organisations. This is a key group of maritime marine workers. Many of us represent marine constituencies. Many pilots feel they have been badly treated, particularly in respect of the age limit but also in respect of consultation. I urge the Minister to accept these amendments.

Deputy P. J. Sheehan: Under section 18 of the Harbours Act 1996, provision is made for the transfer of harbour authorities to local authority control by ministerial order in cases where there is little or no commercial traffic. The ports policy statement provides that in cases where
there is significant commercial traffic, consideration will be given to bringing the relevant harbours under the control of a port company. This is relevant to two harbour authorities, namely, Bantry Bay, and Tralee and Fenit. The proposed amendment will allow flexibility in legislation to provide for their transfer to either local authority control or to local port company control.

What is wrong with the vibrant Bantry Harbour Board which was established 25 years ago? I want an assurance from the Minister tonight that Bantry Harbour Board will act as its own harbour authority. Will the Minister provide this assurance in view of the consideration we gave him on Committee Stage last week when he was trying to get us to unanimously agree to withdraw the amendments tabled? He stated that he would be flexible with regard to them on Report Stage. Furthermore, I have a very serious view on these amendments because of the Minister’s behaviour in that we are here tonight under false pretences; the Minister misled the select committee to have the Bill at this Stage before the House tonight. Is he trying to slide it in at this late hour under the shadow of darkness on one of the shortest nights of the year?

I remind the Minister that he was facing 19 amendments tabled by me and Deputies O’Dowd and Broughan on Bantry Harbour in sections 18 and 19 of the Bill. On Committee Stage, having taken one vote on the first of my amendments, amendment No. 22, which the Minister won with the most slender of margins, he was facing a further 18 amendments. Tonight, it seems to me that with all the dexterity of a three-card trickster the Minister misled the select committee—

Deputy Bernard J. Durkan: Hear, hear.

Deputy P. J. Sheehan: ——when he stated after that first vote, “Having had ten minutes to reflect and in light of the very passionate plea from Deputies Sheehan and O’Keeffe, if they are prepared to withdraw these amendments I will consider the matter further on Report Stage.” I await the Minister’s verdict on what I ask him now.

In view of the Minister’s commitment, Deputies O’Dowd, Broughan and I agreed to the withdrawal of the other 18 amendments. I remind the Minister that he was facing a vote on each of these 18 amendments and the select committee was due to adjourn 20 minutes later. If Deputies O’Dowd, Broughan and I had not withdrawn our democratic right to have these amendments put before the select committee, would the Bill be before the House tonight? Would it be before the House tonight but for the false promise by the Minister, Deputy Dempsey, to the select committee?

I stated I would use a lifeboat to save Bantry Harbour but I did not expect to be towed on to the rocks after being thrown a lifebelt by the Minister on that evening.

Deputy Bernard J. Durkan: Hear, hear.

Deputy P. J. Sheehan: The betrayal of trust shows the contempt he has for the Members of this House and does not show him in a favourable light. On several occasions after it had been passed by the Upper House, I asked when the Bill would be brought before the House. The Minister chose to bring it to the House and railroad all stages through in the last two sitting weeks of this recession——

An Ceann Comhairle: I wish there were only two weeks left in it.

Deputy P. J. Sheehan: ——a time when there was more guillotines presented than during the French revolution.
Deputy Bernard J. Durkan: Hear, hear.

Deputy P. J. Sheehan: After those 18 amendments were not duly considered by the select committee because of the false misleading comments made by the Minister and the fact that the Government voted this afternoon to railroad this legislation through the House by guillotining this debate on Report Stage, these amendments will not even be debated tonight given that we have only one hour to discuss——

Deputy Paul Connaughton: Only 15 minutes now.

Deputy P. J. Sheehan: ——and only 15 minutes remain to discuss all the amendments tabled.

It is time the Minister gave us a commitment for a viable harbour authority such as Bantry harbour authority. It has withstood the test of time, having been established for 25 years and going strong without any pound or euro of Government aid. The time is right to not let the people on the harbour board live in cloud cuckoo land; give them the right to proceed immediately and the authority to mind and cater for their own business. It will not cost the Minister €1 and all I will say is that the Minister should act on the promise he made to us last week on Committee Stage and grant us this opportunity to copperfasten the status of Bantry Harbour Authority.

Deputies: Hear, hear.

An Ceann Comhairle: I assume Deputy Jim O’Keeffe merely wishes to second Deputy Sheehan.

Deputy Paul Connaughton: Bantry is safe.

Deputy Jim O’Keeffe: I have soldiered in the House with Deputy Sheehan for many years and I must avail of the opportunity to go through the final stretch with him tonight on the Bantry Bay Harbour Commission. He spoke about the guillotine and now and again during those 25 years I thought I was the one for it——

Deputy Noel Dempsey: It looks like I am for it now.

Deputy Jim O’Keeffe: ——but at this stage I am very happy to support the approach he made on the local harbour commissioners. On a very serious level, this commission has worked very well for many years. It has operated efficiently and effectively and has run at a profit; we have had the oil imports into the terminal at Whiddy Island which has been a major consideration.

The question is whether it is to be absorbed into the Port of Cork. The Port of Cork is a very fine company running the Port of Cork but Bantry is 60 miles from Cork and we really do not have a huge notion at the far end of west Cork of being merely an outpost of the Port of Cork. The Minister has gone some bit of the way in the amendments he introduced in the Seanad and he has spoken about consultation and so on but at the end of the day that is not sufficient.

It is literally five minutes to midnight as it is metaphorically with regard to the Bill. I strongly suggest that if Bantry Bay Harbour Commission was to be accepted as agreeing to it then that is fine with me. However, if the approach is merely to have a public consultation prior to its being abolished then that is not acceptable in west Cork. The answer is in the amendment which requires that any approach on the ending of the Bantry Bay Harbour Commission should
be with its approval. If the Bantry Bay Harbour Commission agrees then that is fine with me but if it does not then it should be allowed to continue on an independent basis. That is my plea by way of support for the excellent case that I will not even try to match made by Deputy Sheehan. I strongly support the approach he has made. Coming from west Cork like Deputy Sheehan, I believe the Minister should take into account the strong views of the local representatives in that regard and go along with the approach we propose.

**Deputy Noel Dempsey:** I am so deeply upset by the remarks of Deputy Sheehan that I will stay in order and address the points that Deputy Broughan made to me on marine pilots.

**Deputy Paul Connaughton:** The Minister should give some sort of an answer.

**Deputy Bernard J. Durkan:** Do not be shy.

**Deputy Noel Dempsey:** Deputy Broughan made several points that we rehearsed very carefully on Committee Stage and I do not want to rehash them. The Deputy was very specific in the queries he raised on the age specified and whether we can change it from 60 to 65.

As I explained on Committee Stage and reiterated here, it was the intent of my colleague, the former Minister of State Deputy Noel Ahern, to try to amend this following consultation with the representative bodies. He fully intended to change the age limit for marine pilots, but when he started trying to change it, the parliamentary draftsmen in the Office of the Attorney General raised a number of serious issues. These relate to health and safety, pension rights and contracts, etc., and it was not possible in the time available, and because of the other pressures of the Bill, to make progress in that area. I know that is a disappointment for the Deputies opposite who raised the matter and for marine pilots.

I undertake to remedy the situation as quickly as I can and I give a commitment now to do that, even though my notes use the word “probably”. I commit now before my officials that the provision will be in the next Bill we bring forward, namely, the Merchant Shipping Bill.

**Deputy Paul Connaughton:** Is that an absolute commitment?

**Deputy Noel Dempsey:** Yes. It is an issue that needs to be resolved. Now the problems have been identified, we should be able to identify solutions. I will do that and ensure that the provision is in the Bill. The situation is more complicated than people thought because of existing contracts.

With regard to the other matters, in section 13 there is already a well established system for harbour and pilotage charges. I do not intend to change that or to accept the amendment regarding inserting a specific reference to consultation. That is already implicit in the Acts and happens in effect. We dealt with the other amendments and for the reasons outlined on Committee Stage, I do not intend to accept them. I fully accept we have made a commitment on pilots and we will abide by that commitment and bring in that change as quickly as we can.

**Deputy Thomas P. Broughan:** People have queried how this will operate. The plan is to amend the Merchant Shipping Act, which will in turn amend the Harbours Act 1996. Is that correct?

**Deputy Noel Dempsey:** Yes, just the Harbours Act 1996.
Deputy Thomas P. Broughan: There will be no need to amend this Bill because no reference will have been made to the change in it. On foot of that, I warmly welcome the commitment given by the Minister. It must be said, one only has to listen to such a distinguished Deputy as Deputy P. J. Sheehan to realise how wonderful it is to have his kind of experience, eloquence and expertise available to the Dáil and to our profession. The element of experience with regard to key professions such as marine pilots is critical. I welcome the proposed change and look forward to it being in the next legislation.

With regard to the other amendments, the key element running through all of them was to ensure that there would be adequate consultation with pilots on the matters that would arise regarding the national ports. I hope the Minister bears this in mind when considering the limits of a port, boundaries, safety concerns and how visiting mariners are allowed to perform when in our ports, etc. All of these should be matters on which the Minister would liaise closely with the pilots.

I note from correspondence that the Department officials have been liaising closely with pilots, but perhaps this could be done on a more formal basis. I mentioned that before 1996 we had pilotage committees in each of the ports. There was no necessity to remove those committees following the 1996 Act, but they were allowed to fall into disuse. I urge the Minister to bring them back. There is probably still a statutory basis for them and we could bring them back.

I wish to indicate my strong support for Deputies P. J. Sheehan and Jim O’Keeffe for their amendments concerning Bantry.

An Ceann Comhairle: I must move on quickly. How does Deputy Broughan stand on amendment No. 13?

Amendment, by leave, withdrawn.

Amendments Nos. 14 to 20, inclusive, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 21 to 39, inclusive, are related and may be discussed together.

Deputy Fergus O’Dowd: I move amendment No. 21:

In page 17, between lines 41 and 42, to insert the following:

““public consultation’ means a publicly advertised invitation for submission from stakeholders and the general public;”.

An Ceann Comhairle: The issues have been discussed. I call on the Minister to reply.

Deputy Jim O’Keeffe: Give us the verdict on Bantry Bay.

Deputy Noel Dempsey: I thank the Deputies for their passionate pleas on this issue. As Deputy Sheehan said, I indicated on Committee Stage that I would give very careful thought to this matter before Report Stage. I take issue with the Deputy in saying that I made any commitment other than to consider his passionate and carefully worded statement on Committee Stage. I do not wish to reignite the debate, but despite his passionate pleas, I cannot change the particular provision in the Act.
Deputy Jim O’Keeffe: The Minister has bottled out of doing it.

Deputy Noel Dempsey: What I am trying to do here is to provide an added option when the future of Bantry Bay, Tralee and Fenit is considered. All this Bill will allow us to do when enacted is allow that a Minister may establish a private company in respect of the harbour, may transfer control to a relevant local authority or, subject to a statutory consultation period, transfer control to a port company control. That is all that is being included. It is an enabling provision to give the maximum freedom to somebody in the future with regard to what will happen in the case of both Bantry and Fenit.

I understand the views well articulated here by Deputies P. J. Sheehan and Jim O’Keeffe with regard to the desire to retain small, independent harbour boards. This is admirable in the context of local pride. However, it runs contrary to what members of the Oireachtas Joint Committee on Transport have repeatedly stated when questioning the executives of State commercial port companies. They have repeatedly stressed the benefits of mergers and amalgamations and port companies have been asked to explore the possibilities created from such mergers. In this particular case, all Members would recognise the benefits to be gained in areas such as marketing, piloting, dredging and increased operational efficiencies from a merger between a regional harbour with significant commercial trades and a port company. However, that is for another day.

I acknowledge the contributions made by all sides to this debate. I am convinced the amendments provided here will provide a Minister with the maximum scope in deciding the future of the harbour. It is with great reluctance that, despite the eloquent pleas, I will not be able to accept the amendment.

Deputy P. J. Sheehan: I am very disappointed by the Minister’s reply. He is consigning Bantry Bay to limbo.

An Ceann Comhairle: As it is now 12 midnight, I am required to put the following question in accordance with an order of the Dáil of this day: “That Report Stage is hereby completed and the Bill is hereby passed.”

Question put.

The Dáil divided: Tá, 76; Níl, 50.

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.  
Cregan, John.  

Níl

Cuffe, Ciarán.  
Cullen, Martin.  
Curran, John.  
Dempsey, Noel.  
Devis, Jimmy.  
Dooley, Timmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gogarty, Paul.  
Gormley, John.  
Grealish, Noel.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hoctor, Máire.  
Kelleher, Billy.  
Kelly, Peter.
Deputy Deirdre Clune: I thank the Chair for the opportunity to raise the concerns of the community in Cork about the escalating use of heroin. There has been some very high profile
media coverage of the problem in recent days. However, it is an issue of which those of us who
read the local press, discuss the matter with the Garda and speak to local health professionals
have been aware for quite some time. The list of those seeking methadone treatment is growing.

Heroin use is growing in the Cork area and there is a fear that it will attract the violence
associated with that drug. There has been a recorded increase in drug related burglaries in the
Cork area. The Garda set up a dedicated heroin unit in Cork in 2006 in response to the growing
problem. The number of heroin detections in 2004 was four but last year that number rose to
159, a fortyfold increase. There were six heroin related deaths in 2007, eight in 2008 and,
alarmingly and tragically for the families of those involved, there have been four such deaths
in the past five weeks.

There has been a very large increase in the number of addicts seeking treatment, with more
than 100 people treated in 2008. It is estimated there are 150 people on the waiting list for
methadone treatment in Arbour House, which I visited recently along with the Minister of
State at the Department of Community, Rural and Gaeltacht Affairs, Deputy John Curran,
when he opened the refurbished facility. The Minister of State will be well aware of the excel-
lent service provided by health professionals in the treatment centre. Certain people must
wait for more than one year for methadone treatment and during that year those addicts will
undoubtedly continue to use the drug, to put their health at risk and continue to place stress
on their families as they struggle to find the estimated €100 to €300 per day necessary to feed
the habit.

A consultant in emergency medicine in Cork University Hospital has warned of an increasing
number of heroin and methadone cases. He also warned the problem will escalate and that by
this time next year Cork will have a serious heroin problem. All the signs, evidence and figures
are available. We do not wish to see such a drug problem develop with all the negative social
consequences it would entail.

All of this takes place against a background of a cut in the budget of the local drugs task
force of 20%. Is there a central solution to such a problem? Having to wait for treatment for
more than one year is unacceptable, and it is also unacceptable that there is only one doctor
available for those in need of methadone treatment. The Garda and the local drugs task force
must be involved along with health professionals.

I am conscious that this is taking place in the context of the very gloomy economic back-
ground against which we live at present. However, the long-term social consequences, havoc
and devastation that this drug can wreak on communities will undoubtedly result in a much
higher financial cost and social cost and this must be factored into today’s thinking. All the
warnings are available. I have outlined them and they have been heard loud and clear by
communities in Cork. I call on the Minister to do what he can to support the health pro-
fessionals, the Garda and those working on the ground to ensure the drug use does not escalate
to epidemic proportions as predicted.

Minister for Transport (Deputy Noel Dempsey): I am replying to this Adjournment matter
on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I thank
the Deputy for raising this matter and for affording us this opportunity to clarify the position.
I will begin by setting out the national context with regard to this issue before dealing with the
specific situation in Cork.

At a national level, the HSE provides treatment and rehabilitation services for those misusing
opiates and other drugs through a combination of direct provision by the HSE staff, or by
voluntary agencies which it funds to provide services on its behalf. There is also a wide range of partnerships with community-based groups and agencies. Individuals presenting for treatment for opiate-related issues are provided with a full and comprehensive assessment of both medical and psychosocial needs. The range of interventions includes assessment, stabilisation, harm reduction measures, care planning, methadone maintenance, counselling and detoxification, either in specialist clinics, in residential settings or in a community setting.

It should be noted that due to the complexity of this client group, people will enter and re-enter services and may need interventions on more than one occasion. The funding committed to addiction services has increased year-on-year over the lifetime of the National Drug Strategy 2001-2008. In 2008, €101.87 million was spent by the HSE on specific addiction services, both those directly provided by the HSE and those which it funded. This represents an increase of over €45.9 million from 2001 levels of funding. In addition, it should be noted that HSE mainstream services such as accident and emergency services, acute hospitals and mental health services address the treatment needs of alcohol and other substance misusers who avail of them. The cost of these services is not included in the figures which I have already quoted.

The numbers of people receiving treatment continue to rise and additional services continue to develop, with an additional 3,686 methadone treatment places from 2001 to 2008. In addition, needle exchange services have been developed in 13 local drug task force areas and five regional drug task force areas covering the areas most affected by opiate misuse.

Training needs have also been addressed. The establishment of the national addiction training programme, in partnership with Waterford Institute of Technology and the community and voluntary sectors, has resulted in the upskilling of 1,645 front line staff. This training has enabled the HSE addiction service to respond to the changing trends in prevalence — for example, polydrug use, cocaine use and the misuse of alcohol as well as maintaining a focus on opiate abuse. The HSE, as the lead agency, has commenced the implementation of the report of the working group on drugs rehabilitation, which was published in May 2007, by establishing the national drug rehabilitation implementation committee and employing a national senior rehabilitation co-ordinator. This committee is developing a rehabilitation framework for all addiction services, as recommended in the report and it is building on co-ordination arrangements already in place in a number of areas.

With regard to the situation in Cork, there are currently 85 clients in methadone substitution treatment in Arbour House clinic in Cork. The medical officers attached to Arbour House clinic commence assessment and treatment planning on the first contact with the client. The assessment process can take up to three weeks. Currently there are 106 opiate users on the waiting list for treatment in Arbour House. However, within this, some people may be prioritised for clinical reasons — for example, pregnant women. Regional drug co-ordinators in HSE south are working with the national GP co-ordinator to increase the number of level one and level two general practitioners in the methadone treatment service. An additional GP has been providing services in Arbour House since January 2009 which has enabled an increased number of sessions to be provided for clients.

To further address the issue of waiting times, the HSE, with the assistance of minor capital grants provided by the Department of Community, Rural and Gaeltacht Affairs, is developing additional methadone clinics in a number of locations — including Cork city. It is expected that this additional clinic in Cork city will be operational in late 2009 or early 2010.

The HSE acknowledges the challenges with respect to waiting times for treatment in certain parts of the country where drug usage has increased significantly in recent years. It points out
that while there are approximately 600 clients on waiting lists, more than 10,000 clients received methadone treatment in 2008. Overall, the Minister for Health and Children considers that progress is being made in this area both nationally and in the context of services being provided and developed in the Cork area.

Rural Transport Scheme.

Deputy Seán Sherlock: I was prompted to raise this issue in response to calls to my office and to Deputy Brian O'Shea’s office with regard to the probable cessation of the rural bus service between Waterford and Cork. This is a service which specifically serves the towns of Dungarvan, Cappoquin, Lismore, Curraglass, Ballynoe, Conna, Castlelyons, Fermoy, Castletownroche, Killavullen and Mallow. There is a concern that if the mid-day service which is provided by Bus Éireann is stopped, because in the company’s words it is deemed to be “not profitable”, this will have an untold consequence for those people who are older, who do not have their own transport and who would normally use this service to access general day to day services such as medical, post office and other services that generally keep life and limb together.

I am concerned because if it is the case that Bus Éireann decides to terminate this service, then in the current economic climate, there is no guarantee that the rural transport programme would be sufficiently funded to replace the route and provide the service to what I would call a vulnerable section or our society who do not have the means to provide their own transport and are not in a position to be able to get taxis if they are living in rural areas to the towns I have mentioned.

We saw in 1967 that the railway line between Mallow and Dungarvan or Cork and Waterford through Mallow was stopped and it was replaced by a bus service. I am arguing now, along with my colleague, Deputy O’Shea, that there would be a public service obligation to ensure that those people would continue to be served by some form of public transport and ideally through the auspices of Bus Éireann. It is my view that if we are to go down the line in this country of stopping routes which are deemed to be not profitable, then it will be another nail in the coffin for rural society. At a time when we are talking about the sustainability of the rural economy and rural society, it is vitally important that we would ensure that Bus Éireann and other providers would continue to have some obligation to provide services, particularly during the week when it is predominantly elderly people who avail of these services. It is not only so that they can go into town to purchase groceries but it is also a form of social interaction for them they may not otherwise have without the service.

If Government policy is one that assures that rural transport would be well catered for, particularly in more isolated areas, and if it is the case that Government policy is such that there is a service in existence, I call on the Minister to ensure that the service is maintained, preferably by Bus Éireann, but if not, that the Minister would intervene directly with Bus Éireann to ensure that it is maintained. That will ensure that if we get rid of the railways we do not also get rid of the rural bus routes. People use this service and it is vital that they have access to the services that maintain them in their everyday lives.

I call on the Minister to intervene directly with Bus Éireann on this issue and ensure we maintain that service and other such services that are being threatened. Bus Éireann is undergoing a process of reviewing its routes and those deemed to be not profitable could cease in the future. That would be a bad day for rural society and the rural economy in particular.
Deputy Noel Dempsey: I thank the Deputy for raising the matter, although he strayed somewhat from the subject of the Adjournment matter on the rural transport programme.

There is a commitment in the programme for Government to the rural transport that underpins the rural transport programme launched in February 2007. The principal function of the rural transport programme is to address social exclusion in rural areas arising from public transport needs. It was not established to provide regular inter-urban transport services. That is the function of Bus Éireann and other commercial transport operators. It is a clear principle of the programme that services are to complement and not compete with the existing public transport services provided either by CIE companies or by the private transport operators. Older people and people with disabilities form the core customer base of the rural transport programme, with many of those people living in remote and isolated rural areas.

The programme mainstreamed the former pilot rural transport initiative, and provides significantly increased funding which has led to additional services and expanded area coverage. The bottom-up approach developed during the pilot rural transport initiative demonstrated the effectiveness of community and voluntary innovation and participation in the provision of rural transport services. The programme is building on that concept and the main drivers of community rural transport continue to be the local communities.

As Deputies will be aware, Pobal administers the programme on behalf of my Department and is working with 37 individual rural transport groups around the country to address social exclusion in their rural areas arising from public transport needs. The programme is now operational in every county and the rural transport groups are working towards maximising coverage in their operational areas on a phased basis in response to local public transport service needs and having regard to the availability of resources. The programme has been highly successful. In 2008, 146,000 services were operated and 1.2 million passenger journeys were recorded. The equivalent figures for 2007 were 120,000 services and 998,000 passenger journeys.

The arrangements for the provision of services funded under the programme are a matter for individual rural community transport groups because we believe that local communities know best where the transport needs are in their rural areas and how best to address those needs. The Government’s role is one of facilitator, helping local communities to address their transport needs through financial and administrative support.

Funding of €11 million is being provided from the Department of Transport Vote for the rural transport programme in 2009, an increase of €1 million on the provision for 2008. It is envisaged that this funding will lead to small increases this year in the frequency of existing services. In making specific allocations to the individual rural transport groups from this funding, Pobal has been asked by my Department to work closely with the groups to maximise the impact of the funding as well as ensuring continued value for money. Some groups are working at a local level with the Health Service Executive, FÁS, the vocational education committees and a number of disability organisations with a view to achieving transport synergies and getting better value for money.

In addition to funding from my Department, rural transport groups also benefit each year from funding provided by the Department of Social and Family Affairs arising from the application of the free travel scheme. Some groups also benefit from local development funding from the Department of Community, Rural and Gaeltacht Affairs, while most groups also generate additional funds from their own resources. The scheme will continue.

Regarding the Bus Éireann services, Bus Éireann is currently in negotiations in the Labour Relations Commission. I do not want to go into detail on that but it is not the policy of Bus
[Deputy Noel Dempsey.]

Éireann to cease services that are not profitable. Quite a few of its services are not profitable and it gets a public service obligation, PSO, for that but to discontinue services that are poorly used or under utilised, in the context of trying to secure a cut in its losses of €30 million, it must look at every individual service it provides and I have no doubt this will give an opportunity to rural transport groups to fill in gaps in the years ahead.

Flood Relief.

Deputy Beverley Flynn: I welcome an opportunity to raise this matter. Last Monday in County Mayo I spent five hours going around looking at the serious damage caused by a flood. This happened as a result of exceptional rainfall which occurred on the evening of 2 July. Information provided by the Met Office indicated that 60 millimetres of rain fell in the Newport area alone between 5 p.m. and 9 p.m., and during the most intense period a total of 41.6 millimetres fell in one 60 minute period. This is extremely unusual and I gather it has an annual exceedence probability of one in 150 and therefore is very rare.

The resulting flash floods caused extensive damage in several areas. Newport, Furnace, Keenagh, Glenisland and parts of Tourmakeady were severely damaged as a result of the floods. There were landslides in both of those areas and a great deal of damage done to roads, bridges, land, livestock and even a group water scheme. The Buckagh group water scheme in the Newport area servicing 34 houses was put out of action. Some houses are still waiting to be reconnected to their water supply and when their sole source of water is a mountain stream, one can imagine the quality of the water they have currently.

In the Newport, Furnace and Keenagh areas in particular, the Yellow River Bridge was damaged and Treanlaur Lodge had damage to the road. The Buckagh road had extensive damage. Treenbeg Road had a lot of damage. The Leena and Glendavoolagh Roads, Newport town, Glenhest Road and Quay Road all proved impassible on the night in question.

Mayo County Council and the fire services were mobilised and they put into place a temporary measure to make the roads passable, and by Friday and Saturday of last weekend most of the roads were passable.

In the Newport area alone, costings have been done for the damage that has occurred to bridges in the area and it has been costed at €400,000. In the Glenisland area we would be looking at costings of a similar amount but as yet they have not established if some of the bridges will remain stable. It may take another week to establish that so further costings will be made.

In the past I approached the Minister for emergency funding following flooding in the Ballinrobe area and he was good enough to provide €200,000 this year under a miscellaneous provision to assist with that. What happened in this area last weekend is very unusual and, having been accompanied on my trip by the county council engineers, Ann Sweeney and Shane O’Donnell, and by local farmers, Seamus O’Donnell and Gerard Nolan, I saw that the extent of the damage was unbelievable. Roads were ripped up, there were craters in the road and the amount of repair work that will have to be done is extensive.

The Minister will also be aware that the council budget for this type of work this year has been trimmed to the minimum. When the full costings are made available to him I ask the Minister to consider providing emergency funding, as an exceptional item, to Mayo County Council to deal with this job. I will talk also to the Minister’s colleague, the Minister for Agriculture, Fisheries and Food, to ask him to provide assistance to the farmers who lost
extensive fencing and livestock. Many sheep were lost and a huge amount of damage was done to land and private property generally.

I welcome the opportunity to raise this issue and I ask the Minister to engage with the county council to discuss the possibility of his Department providing some assistance. If some of the bridges prove to be unstable, as I believe they will, the council will not have the necessary funds to carry out repair work this year. All of these bridges are on roads which service rural communities. Many of the families have been cut off and major work will be required in the near future. I ask the Minister to give careful consideration to this matter.

**Deputy Noel Dempsey:** I thank the Deputy for raising this matter. I also take the opportunity to express my sympathy to all those who have been affected by the recent flooding in County Mayo, outlined by Deputy Flynn.

In September 2004, the Government confirmed the Office of Public Works as the State’s lead agency in flooding, to be tasked with delivering an integrated, multifaceted programme aimed at mitigating future flood risk and impact.

As regards flooding of roads, the improvement and maintenance of regional and local roads is a matter for the relevant local authority, to be funded from its own resources supplemented by State road grants paid by my Department. The initial selection of works to be funded from these grants is also a matter for the local authority. Funding of national roads is a matter for the National Roads Authority.

When road grants for regional and local roads are allocated each year, my Department does not hold back a reserve allocation at central level to deal with weather contingencies. Such an arrangement would mean a reduction across all local authorities in the road grant allocations to them at the beginning of each year. Instead, the allocation made to local authorities is inclusive of the weather risk factor. Local authorities are expressly advised that they should set aside contingency sums from their overall regional and local roads resources to finance necessary weather related works. That stipulation is contained clearly in the circular letter sent with the allocations.

In 2009, grants totalling €22.316 million were allocated to Mayo County Council for works on regional and local roads. This included a discretionary maintenance grant of €1.952 million and a discretionary improvement grant of €826,000, which are available at the discretion of Mayo County Council to fund contingency works arising from weather conditions. My Department would also be prepared to consider sympathetically any request from Mayo County Council to adjust its multi-annual restoration programmes in order to prioritise work necessitated by severe weather conditions. In 2009, Mayo County Council was allocated a restoration improvement grant of €7.638 million and a restoration maintenance grant of €5.614 million.

It should also be noted that Mayo County Council’s own resources expenditure on regional and local roads in 2008 amounted to €5.4 million, which represented only 15% of the total expenditure on regional and local roads in the county, with the other 85% funded by State road grants. The expenditure of €5.4 million in 2008 is also €1.95 million less than the council spent from its own resources in 2007. Mayo County Council needs to address this issue with a view to assigning more of its own resources to the regional and local road network.

**Disability Services.**

**Deputy David Stanton:** I thank the Ceann Comhairle for allowing me to raise this matter.
We all take the Ombudsman’s report very seriously. When the Ombudsman addresses the issues I am about to raise we should take it even more seriously. She maintains that out of the 2,747 formal complaints made last year, only six related to the Disability Act 2005. She expressed her concern that this is a remarkably low level of complaint.

She observes that many public servants have a serious lack of knowledge about their responsibilities under the Disability Act 2005. Despite having made similar comments in the past number of years, it appears that very little has been done to address this, despite the obligations of the Act. She states that if people with disabilities do not have information easily available to let them know how to make a complaint against a public body, then it is no surprise that complaints from them remain remarkably low, year on year.

Does the Minister agree there is inaction among many public bodies in taking their duties under the Disability Act seriously enough and specifically in tackling the knowledge gap among their staff about their responsibilities under the Act? A code of practice for public bodies about their responsibilities under the Act was developed by the National Disability Authority, but many public bodies seem to be unaware of its existence.

The Ombudsman highlights the failure of public bodies to establish an adequate and effective complaints procedure through disability access officers, covered under section 26 of the Act. These are supposed to assist clients with disabilities in accessing public buildings, services and information which has led to people with disabilities simply not being able to seek assistance. The lack of information about access officers has led people to make what are classified as premature complaints to the Ombudsman. These are complaints made before using the complaints mechanism of the public body concerned as this complaints system remains inaccessible to people with disabilities. In fact, of the 105 websites surveyed by the Ombudsman, only 20, that is 19%, contained information about access officers and for many of these, ease of access to the information proved difficult. Only five of the websites surveyed contained information about how to make a complaint specifically in relation to the failure of the body to comply with Part 3 of the Disability Act. As the Minister’s Department is charged with monitoring and overseeing the implementation of the Disability Act, in particular measures in relation to Part 3 and Part 5 dealing with the public sector, I ask him what will be done to address this issue.

This is a serious issue when coupled with the failure of the Government to introduce a personal advocacy service through the Citizens information Board. When legislation was passed it was envisaged that a personal advocate would assist people with disabilities in accessing all public services, not just health services, and acting as their representative in dealing with public bodies if they were unable to do so.

Would the Minister agree that these failures undermine the statutory right of people with disabilities to complain where public bodies fail in their duty to them? I agree with the Ombudsman, and I am sure many people with disabilities, their carers, families would agree, that this situation is “wholly unacceptable”. When the Ombudsman uses language as strong as that we should all take note and act to protect vulnerable citizens in their endeavours to secure the services to which they are entitled under the law.

I will be interested to hear what the Minister has to say on this very important issue.

Deputy Noel Dempsey: I thank Deputy Stanton for raising this matter. My colleague, the Minister for Justice, Equality and Law Reform, has asked me to reply to the Deputy on his behalf.
I wish to outline the comprehensive policy and strategy that is in place in this area. The National Disability Authority, NDA, received a formal request from the then Minister for Justice, Equality and Law Reform, Mr. Michael McDowell, to develop a code of practice on accessible information and services to support public bodies in meeting their new statutory obligations under the Disability Act 2005.

In September 2005, the NDA engaged in consultations with Government Departments that would be impacted by the code and by October 2005 had developed an early draft code. This draft code was circulated to over 600 stakeholders, including representatives of persons with disabilities and was also advertised in the national press with a general call for comment. As a result of this consultation phase, an advanced draft of the code was prepared and circulated to Government Departments for final comment. The code of practice was finalised and submitted to the Minister in late 2005 and was declared an approved code of practice under the Disability Act 2005 in April 2006 under Statutory Instrument No. 163 of 2006. The code of practice was launched in July 2006 as part of the national disability strategy and this launch was attended by An Taoiseach and seven Government Ministers.

In presenting the code, the then Minister for Justice, Equality and Law Reform indicated that the code was intended to support public bodies in meeting their new statutory obligations under the Disability Act and would provide public bodies with general guidance and practical examples of how they might approach it. To ensure that public bodies were aware of the code, the NDA organised a series of regional briefings on it in October 2006 and circulated copies of the code to each of the then 570 public bodies impacted by it. The NDA code of practice was also presented at the 15th annual European social services network conference held in Berlin in June 2007 at which considerable interest was shown in the scope and content of Ireland’s national disability strategy.

At the recent annual conference for access officers held 3 May, presentations on improving accessibility of information were made by the ESB and Mayo County Council. The Railway Procurement Agency and Monaghan County Council presented on accessible procurement processes in line with section 27 of the Disability Act and Cork County Council and the Department of Social and Family Affairs presented on improving accessibility of websites.

To establish the most appropriate way to monitor implementation of the code of practice, the NDA commissioned preliminary independent research. This research was conducted in consultation with all key stakeholders and indicated that the best approach would be a self-report monitoring survey. Accordingly, the NDA developed a draft monitoring questionnaire. Following extensive consultations with 15 Departments, 568 public bodies and representative groups for persons with disabilities, a finalised questionnaire was issued for completion by public bodies in April 2008.

The findings of the NDA’s 2008 monitoring survey provide ample evidence of awareness of statutory requirements and commitment to providing accessible information and services among the public bodies that made returns. However, it must be borne in mind that non-responses may well be indicative of some lack of completeness or confidence in implementation and compliance achieved at the time of the survey, which is part of the Deputy’s point. It should also be noted that some organisations that have recently been established and are newly impacted by the code were included in the survey. Such organisations will require some time to identify properly and address fully all of the accessibility issues that will pertain to the services and information they have been established to provide.
Among public bodies that made returns on the survey, many important achievements have been observed. Notable examples of best practice were observed in respect of some particular organisations and actions. Notwithstanding this, a small number of important areas of underachievement requiring attention were also identified.

In so far as the Department of Justice, Equality and Law Reform is concerned, in 2006 the Department prepared an accessibility action plan to set out the steps it is taking to deliver accessible public services. This elaborates on the general commitments in the Department’s customer charter and takes into account its obligations under the Disability Act 2005. The Department has also formed a disability advisory committee with a view to improving access to public services provided by the Department for people with disabilities. The committee comprises representatives from a number of relevant divisions within the Department. To provide additional expert input, the Department’s disability policy division also participates in this exercise. The remit of the committee does not extend to the public bodies under the Department’s aegis, but there are proposals to ensure liaison with such agencies with a view to pooling experience in this field. The Department also has a disability liaison officer, an accommodation officer and access officers to monitor services for people with disabilities.

In consultation with OPW and other parties, the Department intends to undertake regular reviews of its accommodation and related accessibility issues in its facilities and services and will carry out reasonable modifications to improve access to its accommodation. To date, the measures taken to improve accessibility include modifications to the built environment, disability awareness training for departmental staff and website redevelopment. The Deputy will appreciate from what I have stated that a considerable amount of work and attention is being given to promoting the code of practice and ensuring implementation. That work will continue and I am sure that account will be taken by all concerned of what the Ombudsman has stated in her annual report.

The Dáil adjourned at 12.55 a.m. until 10.30 a.m. on Wednesday, 8 July 2009.
Written Answers.

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

Questions Nos. 1 to 6, inclusive, answered orally.

Questions Nos. 7 to 30, inclusive, resubmitted.

Questions Nos. 31 to 39, inclusive, answered orally.

Companies Registration Office.

40. Deputy Jimmy Deenihan asked the Tánaiste and Minister for Enterprise, Trade and Employment if she is satisfied with the processing times achieved by the Companies Registration Office; and if she will make a statement on the matter. [27546/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I am satisfied that the majority of submissions received by the Companies Registration Office are being recorded, scanned and made available for public inspection within the published target times. Checking and registration times are also generally on target.

However, I am aware of delays in the registration of Business Names and Notifications of Changes of Director/Secretary. The Office is increasing the automation of the registration of those documents which should help to ameliorate these delays. I can assure the Deputy that every effort is being made to reduce these delays and to ensure that customers of the Companies Registration Office receive the best possible service.

Banking Sector.

41. Deputy Ciarán Lynch asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the continuing difficulties being faced by small and medium sized companies which are being refused credit by banks; if she has had discussions with the banks on this issue, particularly in view of the importance of maintaining employment in this sector; and if she will make a statement on the matter. [27432/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): A properly functioning banking sector is an essential element for the maintenance and development of enterprises, especially SMEs.
Government focus has been on creating a fit for purpose banking system as is evidenced by the bank guarantee scheme, the recapitalisation scheme, the nationalisation of Anglo Irish and the establishment of the National Assets Management Agency. Substantial guarantees and funding have been committed to the banking sector in order to keep the banks functioning to support the broader economy.

A key principle of all these actions is the recognition of the importance of business lending particularly in relation to SMEs. SMEs are central to our economy and the provision of bank credit to the sector is a primary target of all these initiatives. The Banks’ Recapitalisation Package contains a range of initiatives to directly assist our enterprise sector, including the following:

- The recapitalised banks have committed to increasing their lending capacity to SMEs by 10% over 2008. This should ensure that sound businesses will receive support from their banks.

- A €100m environmental and clean energy innovation fund is also being established by each bank as well as a further €15m each to new or existing seed capital funds. Much of this funding will flow to small and medium enterprises.

- SMEs are also covered by the Code of Conduct on Business Lending to SMEs. This Code which was published by the Financial Regulator came into effect from 13 March 2009. The application of the Code will promote fairness and transparency in the treatment of SMEs by the banks and should facilitate access to credit for sustainable and productive business propositions.

- Allied Irish Bank, Bank of Ireland and Ulster Bank will also provide funding for SMEs on foot of €300m facilities provided by the European Investment Bank to assist developing SMEs.

My colleague the Minister for Finance has responsibility for the banking system and the Tánaiste and I are in regular contact with him on the matter as are officials of both our Departments. In addition the Tánaiste and I have met with the business representative bodies, the banks and the enterprise support agencies to ensure that all sides have a common understanding of the issues and a common commitment to support viable businesses. We will continue with these contacts.

The recapitalised banks agreed to pay for and co-operate with the carrying out of an Independent Review of Bank Lending to SMEs. Additional banks have now participated in this Review with the result that the 5 major lending banks are now included. The purpose of the review is to ascertain the position on credit availability to SMEs here and to recommend appropriate action to improve credit availability. The Independent Review has now been submitted to my colleague, the Minister for Finance, and will be published immediately. I welcome the completion of this Review as it should allow all stakeholders have an objective view of the state of lending from the banks to SMEs.

Arising from the Recapitalisation Package, the Tánaiste, along with my colleague, the Minister for Finance, also established a Credit Supply Clearing Group with bank, business (including ISME and SFA) and State representation. This Group is responsible for identifying patterns of events where the flow of credit to viable businesses appears to be blocked and for seeking to identify credit supply solutions relating to these patterns. The Group is however, not an appeals mechanism for cases where credit has been refused by the banks. Individual business decisions remain the responsibility of the banks. The Credit Supply Clearing Group is being
chaired by my Department and will work to provide a clear picture of any emerging lending patterns while facilitating direct discussion by all the relevant interests in addressing problems.

The Group met for the first time on 28 May 2009 and will meet again shortly following the publication of the Independent Review of Bank Credit.

To assist and complement the work of the Credit Supply Clearing Group, I personally have held seven regional meetings beginning in Cork on Monday 29 June to discuss with representatives of business, banks and the state sector, their experience of gaining access to bank credit at local and regional level. I have to date, held meetings in Cork, Waterford, Dublin, Bundoran, Shannon, Galway and Athlone. The last meeting will be held in Dundalk on Monday next 13 July. In the course of these meetings, I met with local representatives of the major banks, business representatives from local Chambers of Commerce, ISME, SFA, IFA and the Irish Hotels Federation. Local representatives from the various State Agencies such as Enterprise Ireland, City and County Enterprise Boards and Fáilte Ireland, also attended. The outcome of these meetings should facilitate a greater understanding of the issue at both regional and national levels.

Outside of the banking sphere, my Department’s continuous support for enterprises arises through maintaining a positive business environment and through particular interventions from the State development agencies such as Enterprise Ireland, FÁS and the County and City Enterprise Boards. The significant allocations in my Department’s Estimates for 2009 for the development agencies ensures that we can continue to build on this strategy for the future.

Government has also introduced formal arrangements to reduce the payment period by central Government Departments to their business suppliers from 30 to 15 calendar days. This commitment has effect on all valid invoices received on and from 15 June 2009 and should help ease cash flow difficulties for SMEs.

Comptroller and Auditor General Report.

42. **Deputy John Deasy** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will publish the Comptroller and Auditor General report on misappropriation and misuse of public money by FÁS; the action she will take on its findings; and if she will make a statement on the matter. [27544/09]

65. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she expects to receive the report commissioned from the Comptroller and Auditor General into the effectiveness of FÁS’s financial management and control systems; if pending the receipt of the report, she will take action arising from allegations of financial irregularities; and if she will make a statement on the matter. [27445/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 42 and 65 together.

When issues of concern relating to expenditure in FÁS were brought to my attention following my appointment as Minister for Enterprise, Trade and Employment last year, I acted quickly to seek assurances from FÁS that the issues highlighted by the Comptroller and Auditor General’s value for money report had been addressed. I then proceeded to request the Comptroller and Auditor General to carry out an examination of the activities of FÁS Corporate Affairs since 2000 and to report on the effectiveness of management and control systems across the FÁS organisation. I have recently received a report from the Comptroller and Auditor General that deals with the examination of advertising and promotion in FÁS, which forms part of this investigation. This report will be laid before the House in due course.
The report is being examined by officials in my Department and will be laid before the House, as required under Section 11 of the Comptroller and Auditor General (Amendment) Act 1993, in due course.

I understand from the Comptroller and Auditor General that a further report will be issued in the coming months, which will examine the arrangements for internal control and governance that pertained in FÁS.

In the meantime, a number of measures have been taken by FÁS in order to improve financial control and governance across the organisation. These include the following:

- The Corporate Affairs function, which is at the centre of the C&AG’s investigation, has been restructured and controls in this area have been tightened.
- The Board of FÁS has approved a revised structure for its Internal Audit including resources for additional staff and external co-sourced audits. An external quality review of its Internal Audit has also been completed and a number of recommendations have been made that identify how the function can develop in line with best practice.
- A full audit of all procurement locations has been scheduled by FÁS Internal Audit for completion by the end of the year.
- All executive credit cards have been cancelled. The one credit card retained by FÁS has a maximum credit limit of €7,000 and is used primarily to purchase research material, textbooks, and other support material to assist the work of the organisation.
- All foreign travel requests by staff are now subject to the approval of the Director General of FÁS.
- The FÁS advertising budget has been reduced to a minimum and a new communications strategy will be developed to ensure efficient customer communications.

Job Losses.

43. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has caused an estimate to be made of loss of jobs and damage to the economy arising from the activities of a major supermarket chain (details supplied) and in particular in relation to its new purchasing and display policy which discriminates against Irish produced goods; and the action she proposes to take in this regard. [27460/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am aware of the concerns that have been expressed by some commentators in relation to the recent initiative by the retailer concerned to change the manner in which it sources certain products. The Deputy will appreciate that issues in relation to the strategies employed by businesses, including in the area of sourcing supplies, are primarily matters for the businesses themselves. The need to reduce costs and streamline operations at all stages of the supply chain is an established feature of modern business practice. This has been the reality for manufacturing firms in Ireland and elsewhere for some considerable time and has brought undoubted benefits to consumers in terms of lower prices for manufactured goods. Nevertheless, I am aware of the concerns that have been expressed in relation to the possible implications for employment in Ireland particularly if changes in supply chain arrangements reduce the level of purchases by retailers from Irish producers.
Undoubtedly, the significant downturn in retail sales, as recorded in the Central Statistics Office’s most recent bulletin, is putting pressure on all those involved in the retail sector, including retailers themselves and those who supply them, not least in the grocery goods sector. Whilst the reality is that most sectors of the economy are suffering as a result of the current downturn, its effects are more acute in sectors such as construction, the motor trade and the retail sector. Indeed the Quarterly National Household Survey published last month by the Central Statistics Office shows that the wholesale and retail trade as a whole suffered the second largest annual decrease in employment after the construction sector. Given these circumstances it is most important that the primary focus of all elements of the retail chain must be to secure existing jobs to ensure that Ireland continues to have a vibrant retail sector.

In this regard, the Government fully appreciates the importance of successful food and retail sectors to the national economy. The Government acknowledges the need to ensure that there is a balance in the relationship between the various players in the grocery goods sector, which takes account of the interests of all the various parties, including the interests of consumers. My Department is currently working on the details of a Code of Practice in this area which will have as its key objective the need to achieve a balance in the relationships between grocery goods undertakings, taking into account the need to enhance consumer welfare and the need to ensure that there is no impediment to the passing-on of lower prices to consumers.

It is my intention to seek the views of all stakeholders in relation to the details of the provisions of the Code, which I hope to publish for public consultation in the coming weeks. The Code in setting out the framework in which the different elements of the retail chain can enter into negotiations and agree contractual arrangements between themselves will help to ensure that those arrangements are balanced and fair and ultimately ensure that interests of all parties, including consumers, are respected.

**EU Directives.**

44. **Deputy Liz McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the report of the sales law review group on the proposed consumer rights directive; and if she will make a statement on the matter. [27435/09]


The Review Group’s report is a thorough, expert analysis of the provisions of the proposed Directive. The proposed Directive will have a major influence on the future of Irish consumer law and it is important that we are in a position fully to understand its provisions and their implications while discussions on the proposal are still at a relatively early stage. The report identifies a number of areas where the proposed Directive might adversely affect Irish consumer rights and suggests ways in which these potential adverse effects can be ameliorated. The Review Group’s report is a substantial input into the Irish response to the proposed Directive and its contents have already been of significant benefit to the officials of my Department involved in discussions on the proposal.

**Job Losses.**

45. **Deputy Jan O’Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date by the mid west task force established following the announcement of major job losses at a company (details supplied) in County Limerick; if she
Deputy Jan O'Sullivan.

has received the promised interim report; and if she will make a statement on the matter. [27436/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Mid-West Task Force, which I established under the Chairmanship of Mr Denis Brosnan, has now completed an interim Report. I am most grateful to Mr Brosnan and the other members of the Task Force for their commitment and work completed.

The report was presented to me by Mr Brosnan on the 2nd of July and is currently being considered by Government.

At the time Dell announced on eighth January last its intention to reduce its workforce by 1,900 at its plant in Limerick, I also established a group of the relevant State Agencies to prepare for a major job loss situation. Since then, FÁS has had in place a Mid West team to specifically deal with the needs of workers made redundant in Dell and other companies in the Region.

At the same time, IDA, Enterprise Ireland and Shannon Development have been working diligently to secure new investments for the region. Over the last year companies like Vistakon, Zimmer, Intel, Cook, DTS and Microsemi have had announcements in the Mid West. Further agency-supported investments are currently under consideration and the agencies will continue to do everything possible to speed up such development in the region.

Proposed Legislation.

46. Deputy Michael D. Higgins asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made with regard to preparation of the promised legislation to ban cross directorships and to prevent chief executives from becoming chairman of their companies; when she expects that the legislation will be published; and if she will make a statement on the matter. [27431/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): These matters are being considered by me in the context of company law and by the Minister for Finance as part of his reform of the banking sector.

The Company Law Consolidation and Reform Bill is currently being drafted by the Office of the Parliamentary Counsel. It sets out the corporate duties of directors, company secretaries and auditors on a general basis across all sectors. The Bill will implement the recommendations of the Company Law Review Group in that the fiduciary duties owed by directors to the company will be stated in the new companies code.

At present company law does not prohibit cross directorships, whereby a person is a director of more than one company at the same time. The general position is that a person may not be a director of more than 25 companies subject to certain specific exceptions. Directorships of public limited companies (plcs) are not included in the limit of 25. Any consideration of a change in this position for the general cohort of companies operating in Ireland would need to take account of the contribution that non-executive directors make by imparting their mix of expertise and the cross fertilisation of ideas from other areas of the business community.

In relation to the issue of a chief executive becoming a chairman of the company, at present there is no prohibition in the Companies Acts that would prevent this taking place in the case of companies generally. However, this issue is dealt with on a “comply or explain” basis in the Combined Code of Corporate Governance that applies to companies whose securities are listed and traded on the Irish Stock Exchange. The “comply or explain “ guideline requires companies to meet the best practice guidelines or explain publicly why not.
The Government and I are committed to ensuring that our corporate governance regime for the corporate sector generally accords with best international practice. We will take account of the lessons which emerge from current enquiries and reviews arising from recent developments and we will address, as appropriate, any concerns in this area including by way of legislation if necessary.

**Codes of Conduct.**

47. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on proposals for a statutory imposed code of conduct governing the relationship between supermarkets and their suppliers; and if she will make a statement on the matter. [20180/09]

_Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):_ I am aware of the suggestions made in a number of quarters that a Code of Practice be introduced to regulate the relationships between the various elements in the retail chain.

These suggestions have arisen in the context of the wider debate in relation to prices and in particular the differential in prices between this jurisdiction and Northern Ireland and the UK.

Since the publication of the Forfás report on the Cost of Running Retail Operations in Ireland in December 2008, the focus of the debate in relation to grocery prices and the differential in prices between here and Northern Ireland and the UK has shifted to issues in relation to the cost of sourcing products and distribution/supply arrangements attaching to the supply of products.

Retailers have strongly contended that the cost of sourcing grocery goods products is much dearer in Ireland than the cost of sourcing such products in the UK and elsewhere.

On the other hand suppliers and distributors have contended that there is a significant imbalance in the relationship between retailers and suppliers, which is giving rise to suppliers being squeezed by the increasingly difficult demands being made by retailers.

It is disappointing that there should be such significant differences between the various elements within the retail chain as to the reasons for the current north south price differentials.

The Government, for its part, is concerned to ensure that we continue to have vibrant and successful food and retail sectors, given the important role these sectors play in the national economy. In this regard, the Government accepts the importance of ensuring that there is a balance in the relationship between the various players in the grocery goods sector, which takes account of the interests of all the various parties, including the interests of consumers. My Department, in cooperation with Minister Brendan Smith and Minister Trevor Sargent, is currently working on the details of a Code of Practice in this area which will have as its key objective the need to achieve a balance in the relationships between grocery goods undertakings, taking into account the need to enhance consumer welfare and the need to ensure that there is no impediment to the passing-on of lower prices to consumers.

It is my intention to seek the views of all stakeholders in relation to the details of the provisions of the Code, which I hope to publish for public consultation in the coming weeks. The Code in setting out the framework in which the different elements of the retail chain can enter into negotiations and agree contractual arrangements between themselves will help to ensure that those arrangements are balanced and fair and ultimately ensure that interests of all parties, including consumers, are respected.

**Bilateral Agreements.**

48. **Deputy Joe Carey** asked the Tánaiste and Minister for Enterprise, Trade and Employ-
Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The 2006 Comprehensive Study on the All-Island Economy sets out the economic rationale for North/South collaboration as well as making concrete proposals for economic initiatives. The case for an all island approach is made where market failure arises from the existence of the border or where public goods and services could be more efficiently produced on a co-ordinated basis.

In the matter of enterprise, the Study identified a number of areas where co-ordinated policy intervention could prove beneficial including co-operation on trade and investment promotion, enhanced co-operation in support of enterprise and business development and improved regulatory environment.

The clients of Enterprise Ireland and Invest Northern Ireland are faced with similar challenges wherever their location on the island and, in many instances, both agencies offer largely parallel solutions to their clients where such an approach is appropriate. The Irish Government and the Northern Ireland Executive are working together to ensure that the potential for development is exploited and that the challenges are met. In keeping with this goal, Enterprise Ireland’s approach is to work in partnership with Invest NI and InterTradeIreland in an effort to maximise the benefits to all their clients.

In so far as Enterprise Ireland is concerned, financial support is tailored to the requirements of individual companies (i.e. the business plan) on the basis of clearly demonstrated need and value for money. The funding EI provides is in the form of both direct grants to companies, and equity provision, typically depending on the stage of company development (i.e. early stage start-ups or established companies) in line with the risk profiles and development objectives involved. EI offers grant aid through two major funds, namely the Growth and R&D Funds, along with a wide range of smaller grants available for exploring new opportunities. These supports target company development in areas such as management development and leadership, capital acquisition, research and development, market support, innovation and production capability.

Furthermore, the State, through Enterprise Ireland has invested significant resources in developing the Seed and Venture Capital market in Ireland as a valuable source of capital for early and expansion stage companies, while also promoting other avenues of finance such as the Business Angel networks in conjunction with InterTradeIreland, and certifying client companies for Business Expansion Scheme investments.

Enterprise Ireland’s grant aid offer must comply with the stipulations of the European Commission with regard to State Aid. Grants for industry are one instrument which can be used in order to develop enterprise and Enterprise Ireland’s broad view is that the differential aid rates allowed in the BMW Region have been of benefit not solely with regard to the rate of start-ups but in terms of the development of existing companies.

Non-financial supports are available for all EI supported projects. These include access to the Enterprise Ireland overseas office network for marketing/market research, technical/technology and training advice, knowledge events and seminars.

Economic Competitiveness.

49. Deputy Liz McManus asked the Tánaiste and Minister for Enterprise, Trade and Employ-
Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I welcome the recent publication of the National Competitiveness Council’s mid-year Statement ‘Getting Fit Again: the Short Term Priorities for Restoring Ireland’s Competitiveness’.

The NCC Statement reiterates that the Government is taking the necessary steps to restore fiscal stability and ensure we maintain a vibrant enterprise sector capable of sustainable export-led growth. Restoring Ireland’s competitiveness and, in particular, cost competitiveness is a key priority for this Government and essential for sustaining and creating employment. There are a wide range of competitive strengths which we retain, including a young and comparatively well educated work force, growing levels of research and development activity, a modern internationally-traded enterprise base as well as a long track record as an attractive location for overseas investment.

The NCC statement is a balanced and realistic assessment of the current economic challenges that face us. The statement broadly endorses the actions that this Government is taking in line with our medium term strategy for sustainable growth set out in the Framework for Economic Renewal.

Proposed Legislation.

50. Deputy Pat Rabbitte asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish anti-victimisation legislation, designed to protect those workers who choose to join a trade union and which was promised by March 2009 under the review of Towards 2016; and if she will make a statement on the matter. [27442/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The Towards 2016 Review and Transitional Agreement 2008-2009 provides that the Government will bring forward legislative proposals to prohibit victimisation, including dismissal, and incentivisation, and to provide effective protection and means of redress to employees when engaged in the proper and legitimate exercise of their rights to trade union membership or activity on behalf of a trade union or non-membership of a manager discharging his or her managerial functions.

The issue will be developed in parallel with the review process, also provided for under the Transitional Agreement, which will consider the legal and other steps which are required to enable the mechanisms regarding employee representation which were established under previous Agreements to operate as they had been intended. This review will be carried out under the auspices of the Department of the Taoiseach. In this context, I understand that, notwithstanding the priority which is being accorded to the ongoing discussions with the Social Partners aimed at agreeing an integrated response to the current fiscal and economic difficulties, it is intended to get the process underway at the earliest possible date.

Export Credit Insurance.

51. Deputy Michael Creed asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has discussions with officials from other Departments with regard to introducing export credit insurance measures to assist the agri-food sector; and if she will make a statement on the matter. [20291/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Officials from this Department have engaged with their counterparts in other rel-
event Departments, particularly the Department of Agriculture, Fisheries and Food, the Department of Finance and the Department of the Taoiseach, on the issue of Export Credit Insurance. In addition, the Tánaiste has discussed this matter with the Taoiseach and with her cabinet colleagues.

The position on the possible introduction of a Scheme of State-backed Export Credit Insurance is that following analysis undertaken by Forfás at the Tánaiste’s request and, following discussions with her Government colleagues, an accelerated tendering process has been initiated for the purposes of carrying out forensic due diligence on the credit insurance market in Ireland. The due diligence will include an in-depth examination of the client databases of the main credit insurance providers operating in Ireland and will assess the extent of market failure. The level and nature of any such market failure will be quantified. The due diligence will also assess the costs and impacts of possible intervention by the State in this area.

The initial phase of the accelerated tendering process, whereby expressions of interest were invited, has been finalised and completed tenders from the short-listed candidates, for the provision of the forensic examination of the Credit Insurance market have just been received. These tenders are being evaluated today and it is hoped to award a contract shortly. It is intended that the analysis should be completed by early September next.

At that stage, informed by this study, the Government will consider all the issues involved before making a decision on whether or not to progress the possible introduction of a State-backed top-up export credit insurance scheme. Any such decision will need to consider issues such as default risk, exchequer exposure to costs, value for money, the impact of any such scheme on business and exports. These factors will inform any future Government decision on whether to introduce a State-backed top-up export credit insurance scheme.

Export Credit Insurance is just one of a range of measures that companies use as part of their financial model. The Government has taken several initiatives to assist companies faced with credit difficulties. As part of the banks’ recapitalisation package, the Government decided to have an independent review of bank lending carried out in order to have an objective assessment of the current lending situation. This process has just been completed and the results of this review will be available very shortly. In addition, the Government has established a Credit Supply Clearing Group with bank, business and State representation. This Group, chaired by the Department of Enterprise, Trade and Employment, is responsible for identifying patterns of events where the flow of credit to viable businesses appears to be blocked and for identifying possible credit supply solutions. In a further recent initiative, the Government has now introduced formal arrangements to reduce the payment period by central Government Departments to their business suppliers, from 30 to 15 calendar days.

Job Losses.

52. **Deputy Martin Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent of job losses over the past six months; the number of replacement jobs created in the same period; the action taken by her to stem the loss of jobs within this time period; and if she will make a statement on the matter. [27103/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The total number of people on the Live Register for June 2009 was 418,600, an increase of over 90,700 since January of this year. The most recent seasonally adjusted Live Register Standardised Unemployment Rate for June stands at 11.9%. However, I would also point out that in the twelve-month period to the end of May 2009, 144,000 people left the Live Register as they had secured employment. This is important as it shows that jobs are still being created.
My Department records the number of redundancies notified to them on a monthly basis. From January to June 2009 the number of actual redundancies received under the Redundancy Scheme stands at 42,724. Of these 29,385 were male and 13,339 were female. Unemployment is measured by the Quarterly National Household Survey which is published by the Central Statistics Office. In the first quarter of 2009, the most recent quarter for which data is available, there were 222,800 persons unemployed.

Employment data in respect of companies supported by the Enterprise Agencies (Enterprise Ireland, IDA Ireland, Shannon Development and the County and City Enterprise Boards) is collated on an annual basis only, and accordingly monthly figures cannot be supplied. The number of full-time jobs created in firms assisted by these Agencies in 2008 was about 21,500.

The Enterprise Development agencies under the aegis of my Department are working closely in order to maintain an integrated approach to investment and enterprise development. The strategies and policies being pursued by the State Development agencies will continue to support enterprise development and bring about job creation throughout the country.

**Smart Economy.**

53. **Deputy Bernard Allen** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to appoint an advisory council of business leaders as outlined in the Government’s smart economy document; and if she will make a statement on the matter. [27516/09]

_Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):_ I receive ongoing advice from my Department and the heads of the enterprise development agencies that report to my Department, as well as from business leaders and representative groups around the country. This has assisted in framing the Government’s response to the current economic situation. I should also acknowledge the public spirited response from many individuals and groups who have written to me and other members of Government with their ideas and proposals.

The business sector is regularly invited to feed expert knowledge into the policymaking system and to join with Departments and Government in evaluating and implementing enterprise policies. I have received Reports from the Services Strategy Group and the High Level Group on Manufacturing, both chaired by business leaders and recommendations contained in these Reports are being advanced within the Framework for Economic Renewal. Furthermore, the R&D Enterprise Feedback Group and the High Level Group on Business Regulation bring forward proposals and identify specific measures to support the enterprise sector and improve the regulatory environment on a regular basis.

Most recently we have announced the establishment of the High Level Group on Green Enterprise and also the Innovation Task Force to support the development of the Smart Economy. The considerable knowledge and expertise of the various members of these Groups will contribute substantially to future enterprise policy.

In light of the range of advice available to me and the work of these Groups, I have no proposals at this point to establish a Business Advisory Council as outlined in the Smart Economy document.

**Departmental Schemes.**

54. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people currently participating on the graduate placement and short term
[Deputy Phil Hogan.]

work schemes which were announced in the supplementary budget of 7 April 2009; and if she will make a statement on the matter. [27566/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The Work Placement Programme is being created in order to provide 2,000 six-month work experience places for graduates and other individuals. The aim of this scheme is to provide invaluable work experience to individuals who are unemployed, who have recently graduated from college or have very limited experience of the workplace.

To date the number of individuals who have expressed an interest with FÁS in the Programme and who meet the eligible criteria stands at 192. In terms of places, FÁS have received 180 enquiries to date from potential providers, which has resulted in 155 actual places being offered by providers. Considering that FÁS are in the process of finalising their targeted publicity campaign of the Programme, it is encouraging that they are experiencing a considerable level of interest from individuals and providers in the Programme.

The Short Time Training Programme will provide training and income support to 277 workers currently on systematic short time working. Under this Programme workers who are on a three-day week and receiving social welfare payments for the days they are not working will receive 2 days training a week for a period of 52 weeks.

FÁS are in the process of allocating the places on this Programme across a number of Regions using either their Local Employment Services office or their Local Services to Business Unit. To date approximately 120 places have been allocated across two FÁS Regions. FÁS are continuing to explore a number of other possible enquiries from other FÁS Regions in relation to the allocation of the remaining places. It is intended that these places will be allocated in the coming weeks.

**Labour Inspectorate.**

55. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of labour inspectors currently employed by the National Employment Rights Authority; the number of labour inspectors currently available for assignment on normal duties; the number of labour inspectors currently in training following recruitment; the status of the recruitment campaign to increase the labour inspectorate to 90 inspectors; and if she will make a statement on the matter. [27448/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The National Employment Rights Authority (NERA) currently has in place a team of 77 Inspectors. Recruitment competitions were held to bring the number of Inspectors from the original level of 31 Inspectors up to the level of 90 committed to under Towards 2016. 60 inspectors were assigned to NERA from these competitions. All NERA inspectors were recruited by way of competitive procedures, including internal competition within the Department of Enterprise, Trade and Employment, competition among staff of other Government Departments and a selection process undertaken by the Public Appointments Service to recruit ten inspectors with language skills.

14 Inspectors have left NERA over the past year as a result of promotion or internal and external Departmental transfers and re-assignments. As a result, the total number of NERA Inspectors currently stands at 77. Of the 77 inspectors, 1 is currently on maternity leave and is not, therefore, available for inspections and associated duties.

All new Inspectors are required to complete the NERA Inspection Services Introductory Training Programme and to undertake further training, including on-the-job training with
experienced inspectors. This involves working with experienced Inspectors in carrying out inspections and other associated enquiries at places of work with a view to determining compliance with certain employment rights legislation. All Inspectors have completed the Introductory Training Programme and are fully operational.

The Minister for Finance recently introduced a moratorium on the filling of vacancies in the Public Service until the end of 2010, which will impact on NERA in common with all other public bodies.

Export Credit Insurance.

56. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the other options, in addition to a State supported credit insurance scheme, she is considering to support Irish exporters who are finding it difficult to acquire credit insurance for their products; and if she will make a statement on the matter. [27511/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** My Department’s continuous support for enterprises arises through maintaining a positive business environment and through particular interventions from the State development agencies such as Enterprise Ireland, FÁS and the County and City Enterprise Boards. The significant allocations in my Department’s Estimates for 2009 for the development agencies ensures that we can continue to build on this strategy for the future. Irish exporters can avail of the support of these agencies.

In addition, the Enterprise Stabilisation Fund was established by Government to support viable but vulnerable exporting companies who are experiencing difficulties because of the current economic climate. €100m has been allocated to the fund to the end of 2010. Client companies of Enterprise Ireland, IDA, Udarás na Gaeltachta and Shannon Development across all sectors within manufacturing and internationally traded services are eligible to apply. The fund is administered by Enterprise Ireland. To date, approximately €26m of the 2009 allocation of €50m has been approved or is being processed. 16 projects have been approved support of approximately €6m and a further 30 projects are being processed. In addition there are over 100 further enquiries that are live.

A properly functioning banking sector is an essential element for the maintenance and development of enterprises, especially exporting enterprises.

Government focus has been on creating a fit for purpose banking system as is evidenced by the bank guarantee scheme, the recapitalisation scheme, the nationalisation of Anglo Irish and the establishment of the National Assets Management Agency. Substantial guarantees and funding have been committed to the banking sector in order to keep the banks functioning to support the broader economy.

A key principle of all these actions is the recognition of the importance of business lending. The Banks’ Recapitalisation Package contains a range of initiatives to directly assist our enterprise sector, including the following:

- The recapitalised banks have committed to increasing their lending capacity to SMEs by 10% over 2008. This should ensure that sound businesses will receive support from their banks.
- A €100m environmental and clean energy innovation fund is also being established by each bank as well as a further €15m each to new or existing seed capital funds. Much of this funding will flow to small and medium enterprises.
SMEs are also covered by the Code of Conduct on Business Lending to SMEs. This Code which was published by the Financial Regulator came into effect from 13 March 2009. The application of the Code will promote fairness and transparency in the treatment of SMEs by the banks and should facilitate access to credit for sustainable and productive business propositions.

The recapitalised banks agreed to pay for and co-operate with the carrying out of an Independent Review of Bank Lending to SMEs. Additional banks have now participated in this Review with the result that the 5 major lending banks are now included. The purpose of the review is to ascertain the position on credit availability to SMEs here and to recommend appropriate action to improve credit availability. The Independent Review has now been submitted to my colleague, the Minister for Finance, and will be published immediately. This Review should allow all stakeholders have an objective view of the state of lending from the banks.

Allied Irish Bank, Bank of Ireland and Ulster Bank will also provide funding for SMEs on foot of €300m facilities provided by the European Investment Bank to assist developing SMEs.

Arising from the Recapitalisation Package, the Tánaiste has, along with the Minister for Finance, also established a Credit Supply Clearing Group with bank, business (including ISME and SFA) and State representation. This Group is responsible for identifying patterns of events where the flow of credit to viable businesses appears to be blocked and for seeking to identify credit supply solutions relating to these patterns. The Group is however, not an appeals mechanism for cases where credit has been refused by the banks. Individual business decisions remain the responsibility of the banks. The Credit Supply Clearing Group is being chaired by my Department and will work to provide a clear picture of any emerging lending patterns while facilitating direct discussion by all the relevant interests in addressing problems.

To assist and complement the work of the Credit Supply Clearing Group, I personally have held seven regional meetings beginning in Cork on Monday 29 June to discuss with representatives of business, banks and the state sector, their experience of gaining access to bank credit at local and regional level. Meetings to date were held in Cork, Waterford, Dublin, Bundoran, Shannon, Galway and Athlone. The last meeting will be held in Dundalk on Monday next 13 July. The outcome of these meetings should facilitate a greater understanding of the issue at both regional and national levels.

Government has also introduced formal arrangements to reduce the payment period by central Government Departments to their business suppliers from 30 to 15 calendar days. This commitment has effect on all valid invoices received on and from 15 June 2009 and should help ease cash flow difficulties for enterprises.

**Economic Competitiveness.**

57. **Deputy Pat Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the assertion of the Competition Authority that the problem of the Republic of Ireland’s higher cost base is a much more long-term threat to the competitiveness of retailers, suppliers and all businesses here; the action she is taking to lower the business cost base here; and the action she is taking to tackle energy costs to business; and if she will make a statement on the matter. [27523/09]
59. **Deputy Michael Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the International Monetary Fund view that Ireland is the most expensive country in the eurozone for business; and if she will make a statement on the matter. [27579/09]

91. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she has identified the manufacturing or service costs currently causing or expected to cause market difficulties for Irish manufactures or service providers on international markets; the steps she will take to address such issues; if an evaluation has been carried out as to the beneficial impact in the event of bringing such costs into line with those in competing jurisdictions; if she has received submissions from the manufacturing or service sectors in this regard; the action she has taken or proposes to take; and if she will make a statement on the matter. [27513/09]

129. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she has taken or proposes to reduce manufacturing costs here; and if she will make a statement on the matter. [27998/09]

135. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has identified the main obstacles to economic growth within this economy with reference to comparison of costs with those in other competing jurisdictions; whether the costs relate to energy, transport or other elements; her plans to address these issues; and if she will make a statement on the matter. [28004/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 57, 59, 91, 129 and 135 together.

A number of recent reports have referred to the need to restore competitiveness and in particular cost competitiveness. These include the IMF, OECD, the National Competitiveness Council and the Competition Authority. One of the immediate policy objectives with regard to competitiveness is to restore our cost competitiveness. This is a key action set out in the Framework for Economic Renewal. We are aware that strong domestic demand in recent years led to significant increases in the costs of doing business in Ireland. However, the economy is now undergoing a radical adjustment which can lead to the necessary change required to restore external competitiveness. As part of this process there are a number of factors which can influence our cost base.

Firstly, Irish inflation declined by 4.7 percent in the year to May 2009, the sharpest fall since 1933. Inflation fell significantly across most goods and services groups in 2009. Secondly, the Government have stepped in to exert downward pressure on prices and costs. Although it has been a painful adjustment, the reduction in unit labour costs delivered through public pay reform will strengthen our longer term competitiveness.

For most exporting firms, labour costs account for over half of their input costs. While Irish wage levels are moderate when compared to other high income economies, wage inflation in Ireland has been running at up to 50 percent higher than the eurozone average during the 2005-2008 period. More recently, nominal wage growth has slowed and is likely to fall in 2009. The EU estimates that Irish unit labour costs will fall by 4% this year, compared with a 3% increase in the EU on average, translating into a significant improvement in competitiveness.

Thirdly, in line with the commitment in the Programme for Economic Renewal, we will implement the recommendations of the Competition Authority and tackle excessive costs in the non-traded sectors where they can best contribute to overall competitiveness.
Fourthly, we are working to bring costs in administered sectors of the economy under control such as local authority charges and also easing the administrative burden that regulations can create. Minister Gormley and I have met with the County Managers regarding actions that local authorities can take to ease cost pressures on business and we plan to meet with them again shortly.

Across Government there is a concerted approach to eliminate structural rigidities that have contributed to high costs. The current initiative to legislate against upward only rent reviews is a further example of this cross Government effort.

Finally, with regard to energy costs for businesses, in recent months, the trend of energy prices has been downward with a 10% drop in electricity prices for residents and Small and Medium Enterprises from 1 May, while gas prices have reduced by an average of 12%. These reductions will result in a further easing of cost pressures for businesses. I will continue to work closely with my colleague the Minister for Communications, Energy and Natural Resources to ensure that we continue to exert downward pressure on energy costs.

**Enterprise Stabilisation Fund.**

58. **Deputy Pádraic McCormack** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of companies which have applied for funding from the enterprise stabilisation fund; the number of applications accepted and the number rejected; the amount paid out to date; and if she will make a statement on the matter. [27574/09]

84. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of money paid out to date under the €100 million enterprise stabilisation fund; and if she will make a statement on the matter. [27423/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 58 and 84 together.

The Government approved a total of €100m for the Enterprise Stabilisation Fund to be disbursed over 2009 and 2010. €50m has been included in the estimate of my Department for this purpose in 2009. Under the scheme, Enterprise Ireland can give up to €500,000 to viable companies with robust business models that are facing difficulties as a result of the current economic environment. The fund will supply direct financial support to internationally trading enterprises that are investing in cost reduction or other measures to gain sales in overseas markets. This fund will also be a key factor in sustaining client company employment.

The provision of grant assistance to individual companies is a matter for the development agency or body concerned, and not one in which I have a direct function. However, I have been informed by Enterprise Ireland that to date €6.8 million has been approved for 19 projects, a further €22 million is under active negotiation with 35 companies nationwide and over 100 further enquiries have been received.

*Question No. 59 answered with Question No. 57.*

**Job Initiative.**

60. **Deputy Jan O’Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the introduction of a social economy or job initiative schemes to help deal with the unemployment situation; and if she will make a statement on the matter. [27437/09]
Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): On 1 January 2006 responsibility for the Social Economy Programme transferred to the Department of Community, Rural & Gaeltacht Affairs and it has been re-named as the Community Services Programme. FÁS as an agency of my Department operates Job Initiative (JI).

The Job Initiative Programme (JI) was launched in July 1996 and provides full time employment for people who are 35 years of age or over, unemployed for 5 years or more, and in receipt of Social Welfare payments over that period.

The main purpose of the programme is to assist long-term unemployed people to prepare for work opportunities by providing participants with work experience, training and development opportunities. The programme is sponsored by voluntary organisations and public bodies involved in not-for-profit activities.

Following changes introduced on 10 November 2004 by Minister Micheál Martin no new entrants have been admitted onto the Job Initiative Schemes. However, contracts for existing participants are renewed and CE participants to support the service being provided may replace those who leave voluntarily.

This Government will continue to support the positive role of FÁS Employment Schemes in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. The operation of the Scheme is being kept under constant review in the context of the current difficult unemployment situation.

Job Creation.

61. Deputy Thomas P. Broughan asked the Tánaiste and Minister for Enterprise, Trade and Employment the terms of reference of the high level action group on green enterprise; when she expects to receive this report; and if she will make a statement on the matter. [27425/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Following a commitment in the Government’s Framework for Sustainable Economic Renewal, Building Ireland’s Smart Economy, the High Level Action Group on Green Enterprise was launched in May 2009. The Group is chaired by Mr Joe Harford and comprises representatives of industry as well as senior Government Departments and State Agencies.

In establishing this Group, the Government was cognisant of a Study recently completed by Forfás and InterTradeIreland “Environmental Goods and Services Sector on the Island of Ireland” on enterprise opportunities in the environmental goods and services sector on an all-island basis. The Action Group will build on this report and take into account:

- relevant commitments in the Government’s Framework for Economic Renewal,
- the current configuration of supports for businesses operating in or seeking to develop products or services in the green economy,
- knowledge and skills deficits which hinder the growth of employment in the sector. Specifically the Action Group will identify the steps to be taken to:
- Develop green enterprise through encouragement of entrepreneurship, supports for indigenous enterprise and inward investment.
- Further develop education and training structures and systems, at all levels, to best address knowledge and skills deficits.
• Advance the potential for research and development in green technology to enhance Ireland’s capacity in this area.

• Ensure that indigenous industry can meet the challenges and avail of the opportunities to supply goods and services to meet green public procurement (GPP) needs domestically and throughout the EU.

The full Terms of Reference and Membership of the Group are available on my Department’s website, http://www.entemp.ie/trade/environment/greenenterprisedevelopment.htm.

I expect the Group to Report to the Cabinet Committee on Economic Renewal by October 2009.

**Departmental Schemes.**

62. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to extend the number of places on the pilot short time working training programme; and if she will make a statement on the matter. [23254/09]

113. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the budget in 2009 in respect of the pilot training scheme for workers on short time; the number of people that have applied for this programme; the number that have been accepted onto the programme; and if she will make a statement on the matter. [27200/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 62 and 113 together.

The Short-Time Training Programme is a joint initiative between my Department and the Department of Social and Family Affairs. This Programme, which will cost €1 million, will provide 277 individuals who are working a 3-day week and are receiving social welfare payments for the other 2 days, with training for these 2 days for a period of 52 weeks. In order to qualify participants must be on systematic short time working.

FÁS are currently in the process if identifying eligible companies and individuals to participate in the Programme. To date FÁS have allocated 120 places across two FÁS Regions and are currently in the process of confirming the participants status with the Department of Social and Family Affairs.

FÁS are continuing to explore other possible options for the allocation of the remaining places in other FÁS Regions. It is intended that these places will be allocated in the coming weeks. I am confident that this will be organized quickly to ensure that the valuable training opportunities, which they offer, can be availed of as soon as possible.

Finally, it is my intention to review the effectiveness of the Programme upon the satisfactory completion of its roll-out. It will be in this context that any potential changes or extension of the programme will be considered.

**EU Directives.**

63. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of EU directives for which she has responsibility that remain to be implemented; the directives which are overdue; the number of reasoned opinions received from the EU Commission since 2002 to date in 2009 regarding delays or non-implementation of such directives; and if she will make a statement on the matter. [27447/09]
Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): There are currently a total of 10 EU Directives due to be transposed by my Department up to 2012. Two of these Directives are currently overdue, namely Directive 2006/43/EC on statutory audits of annual and consolidated accounts and Directive 2006/46/EC on company reporting. My Department aims to transpose these Directives by 17 July and 31 July 2009 respectively.

Full details on the state of play of all current EU Directives due for transposition are maintained on the Department’s website, www.entemp.ie.

My Department has received 26 Reasoned Opinions from the European Commission relating to Directives since 2002. All but two of the outstanding issues have been settled satisfactorily. The remaining issues concern overdue Directive 2006/43/EC, which, as I have already stated, my Department is aiming to transpose by the 17 July 2009 and 2006/46/EC which is targeted for transposition by 31 July 2009.

The transposition of EU Directives is an ongoing priority in my Department and is reported to the Management Board on a regular basis.

Banking Sector.

64. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures she has put in place to increase the credit available to small and medium-sized enterprises; and if she will make a statement on the matter. [27471/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): A properly functioning banking sector is an essential element for the maintenance and development of enterprises, especially SMEs.

Government focus has been on creating a fit for purpose banking system as is evidenced by the bank guarantee scheme, the recapitalisation scheme, the nationalisation of Anglo Irish and the establishment of the National Assets Management Agency. Substantial guarantees and funding have been committed to the banking sector in order to keep the banks functioning to support the broader economy.

A key principle of all these actions is the recognition of the importance of business lending particularly in relation to SMEs. SMEs are central to our economy and the provision of bank credit to the sector is a primary target of all these initiatives. The Banks’ Recapitalisation Package contains a range of initiatives to directly assist our enterprise sector, including the following:

- The recapitalised banks have committed to increasing their lending capacity to SMEs by 10% over 2008. This should ensure that sound businesses will receive support from their banks.
- A €100m environmental and clean energy innovation fund is also being established by each bank as well as a further €15m each to new or existing seed capital funds. Much of this funding will flow to small and medium enterprises.
- SMEs are also covered by the Code of Conduct on Business Lending to SMEs. This Code which was published by the Financial Regulator came into effect from 13 March 2009. The application of the Code will promote fairness and transparency in the treatment of SMEs by the banks and should facilitate access to credit for sustainable and productive business propositions.
- The recapitalised banks agreed to pay for and co-operate with the carrying out of an Independent Review of Bank Lending to SMEs. Additional banks have now participated
in this Review with the result that the 5 major lending banks are now included. The purpose of the review is to ascertain the position on credit availability to SMEs here and to recommend appropriate action to improve credit availability. The Independent Review has now been submitted to my colleague, the Minister for Finance, and will be published immediately. I welcome the completion of this Review as it should allow all stakeholders have an objective view of the state of lending from the banks to SMEs.

- Allied Irish Bank, Bank of Ireland and Ulster Bank will also provide funding for SMEs on foot of €300m facilities provided by the European Investment Bank to assist developing SMEs.

Arising from the Recapitalisation Package, the Tánaiste has, along with my colleague, the Minister for Finance, also established a Credit Supply Clearing Group with bank, business (including ISME and SFA) and State representation. This Group is responsible for identifying patterns of events where the flow of credit to viable businesses appears to be blocked and for seeking to identify credit supply solutions relating to these patterns. The Group is however, not an appeals mechanism for cases where credit has been refused by the banks. Individual business decisions remain the responsibility of the banks. The Credit Supply Clearing Group is being chaired by my Department and will work to provide a clear picture of any emerging lending patterns while facilitating direct discussion by all the relevant interests in addressing problems.

The Group met for the first time on 28 May 2009 and will meet again shortly following the publication of the Independent Review of Bank Credit.

To assist and complement the work of the Credit Supply Clearing Group, I personally have held seven regional meetings beginning in Cork on Monday 29 June to discuss with representatives of business, banks and the state sector, their experience of gaining access to bank credit at local and regional level. I have to date, held meetings in Cork, Waterford, Dublin, Bundoran, Shannon, Galway and Athlone. The last meeting will be held in Dundalk on Monday next 13 July. In the course of these meetings, I met with local representatives of the major banks, business representatives from local Chambers of Commerce, ISME, SFA, IFA and the Irish Hotels Federation. Local representatives from the various State Agencies such as Enterprise Ireland, City and County Enterprise Boards and Fáilte Ireland, also attended. The outcome of these meetings should facilitate a greater understanding of the issue at both regional and national levels.

Outside of the banking sphere, my Department’s continuous support for enterprises arises through maintaining a positive business environment and through particular interventions from the State development agencies such as Enterprise Ireland, FÁS and the County and City Enterprise Boards. The significant allocations in my Department’s Estimates for 2009 for the development agencies ensures that we can continue to build on this strategy for the future.

Government has also introduced formal arrangements to reduce the payment period by central Government Departments to their business suppliers from 30 to 15 calendar days. This commitment has effect on all valid invoices received on and from 15 June 2009 and should help ease cash flow difficulties for SMEs.

Question No. 65 answered with Question No. 42.

FÁS Training Programmes.

66. Deputy Aengus Ó Snodaigh asked the Tánaiste and Minister for Enterprise, Trade and Employment if training courses for unemployed persons are to be concentrated in economic
black spots; if these economic black spots of unemployment will be given preferences in the allocation of places; the way the budget for re-training for the unemployed will be allocated nationally; and if she will make a statement on the matter. [27101/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):**

There are 8 FÁS Regions (Dublin; Midlands; Mid-West; North-East; North-West; South-East; South-West; and West) covering the 26-counties, each region in consultation with the relevant regional stakeholders, develop appropriate plans regarding the range, mix and type of training courses appropriate to the needs of that region.

As part of the process each region identifies their training needs based on the regional profiles, which include; responses to the live-register activity of the region, the demand for specific training courses from jobseeker’s living in the region, the response to regional redundancy situations, the skills required by local enterprises to sustain businesses and the current or future (short — long term) labour market needs of the region.

The Budgets for FÁS training courses are allocated across regions based on the responses to the live-register activity of the region, the demand for specific training courses from jobseeker’s living in the region, the response to regional redundancy situations, the skills required by local enterprises to sustain businesses and the current or future (short — long term) labour market needs of the region.

**Proposed Legislation.**

67. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will report on moves to facilitate continuing growth and development of the co-operative sector by reviewing co-operative legislation; and if she will make a statement on the matter. [20187/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):**

The co-operative movement has made a huge contribution to economic and social development in Ireland over many years. We have only to think of agricultural co-ops, credit unions and other sectors such as social housing, group water schemes and community development in which the co-op model has been used with great success. A very good description and analysis of the co-operative sector was provided by the Forfás study “Ireland’s Co-operative Sector” commissioned by my Department and which was published in November 2007. (available at [www.forfas.ie/media/cooperative-sector—2007.pdf](http://www.forfas.ie/media/cooperative-sector—2007.pdf))

Most co-operatives in Ireland, particularly those which undertake economic or business activities, register as “industrial and provident societies” under the Industrial and Provident Societies Acts, the principal Act being that of 1893. While this legislation has served us well over the years, it is time to carry out a comprehensive and full review of the current arrangements and this is now underway. Credit Unions, since 1997, have their own modern legislation, separate from the Industrial and Provident Societies Acts.

The initial focus of the current review is on identifying any practical difficulties or problems for co-operatives in the existing legislation. To assist in this work, we published in April 2009 a consultation paper on the Industrial and Provident Societies Acts 1893 — 2005 and invited views and observations from interested members of the public. I am glad to say that we have had a good response to this paper. I would also encourage any interested parties who have not yet submitted views or observations to do so as soon as possible. Copies of the consultation paper are available in the Oireachtas library and also on my Department’s website (www.entemp.ie/commerce/cooplaw).
On completion of the consultation process, I intend to bring appropriate policy recommendations to the Government. These will address the question of whether, in the light of the public consultation, there is a need for change in the current legislation and, if so, the general lines such change might take.

I would like to take this opportunity to assure the House that the primary objective of the current review and of any legislative initiatives resulting from it will be to ensure and provide a regulatory environment that is supportive of the co-operative movement and of its capacity to contribute to economic and social well being into the future.

Health and Safety Regulations.

68. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of workplace accidents and workplace deaths recorded in each year from 2002 to 2008 and to date in 2009; her proposals to ensure a reduction in the number of such accidents and deaths; and if she will make a statement on the matter. [27446/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The Health and Safety Authority is responsible for the administration and enforcement of the Safety, Health and Welfare at Work Act 2005 and associated statutory provisions.

There have been 18 workplace deaths reported to the Authority to date in 2009 (as at 02.07.09). The numbers of workplace deaths reported to the Authority for the years 2002-2008 are as follows: 57 in 2008; 67 in 2007; 51 in 2006; 74 in 2005; 50 in 2004; 68 in 2003 and 61 in 2002.

Non-fatal accidents, resulting in an absence of more than three days from normal work following the accident, are required to be reported to the Authority.

There have been 3,147 non-fatal work related accidents reported to the Authority to date in 2009 (as at 02.07.09). There were 6,998 in 2008, 7,816 in 2007, 7,844 in 2006, 8,104 in 2005, 8,453 in 2004, 6,622 in 2003, and 7,746 in 2002.

While the reduction in workplace fatalities since 2007 is welcome, we still had 57 fatalities and thousands of workplace injuries in 2008, many of them preventable. We cannot afford to relax our vigilance in this area. In these times when we are tempted to look at costs, we have to continually emphasise the message that keeping people safe and healthy at work and saving money are not mutually exclusive concepts.

The Health and Safety Authority’s 2009 Programme of Work, which was launched in February last, sets out a comprehensive range of activities to make workplaces safer and it contains a good balance between prevention, advice and enforcement.

This year the Authority is again focussing on the high-risk sectors of agriculture and construction, which have seen the highest proportions of fatalities in the last four years — in 2008, 21 fatalities occurred in Agriculture and 15 in Construction.

Day to day responsibility for workplace safety rests with those in the workplace — employers and employees and safe workplaces can ultimately only be delivered by those who control and work in them.

The Health and Safety Authority publishes guidelines, codes of practice and other advice on safety on a regular basis as well as organising sectoral seminars or conferences to promote the occupational safety and health message, as part of its advocacy role. These activities, together with the information on the Authority’s website, are of critical importance to all those in the workplace if Ireland’s safety record is to be improved.
Questions— 7 JULY 2009.

Written Answers

Job Losses.

69. **Deputy Mary Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the announcement of the loss of 107 jobs at a company (details supplied) in County Dublin; the discussions, she has had with the industrial development agencies with a view to securing replacement jobs; and if she will make a statement on the matter. [27450/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I am aware of the announcement of the job losses. A global review of the organisation in question has been in place since February of this year with a view to reducing costs and numbers employed worldwide.

While the news of the job losses is very disappointing, Enterprise Ireland continues to work extensively with the company in Dublin on the implementation of Research and Development projects which are proceeding as planned. Over the next three years, Diageo will invest €24m in expanding its R&D activity across an extensive range of innovative project areas. This investment will be underpinned by a management development initiative to lead the development of the R&D Centre and drive the delivery of the new projects. These R&D projects are expected to contribute to increasing annual sales by €250m over three years with a significant percentage of this coming from export sales, making a major contribution to growing exports from the Irish economy.

The Enterprise Development agencies adopt a coordinated response to deal with such situations. The agencies work together in making employees aware of the supports available to assist in finding new employment or start their own businesses. The agencies will also work to attract new investment and jobs to the area. However, the final decision as to where projects locate rests with the promoters of the particular projects.

Job Creation.

70. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she will take to promote, incentivise or generate job creation and retention with particular reference to the need arising from the current economic situation; the measures she will take to assist small medium enterprises who are prepared to offer employment; if she has carried out an assessment of the best way to improve the employment creating environment with the objective of meeting the needs of employers and potential employees at this time; and if she will make a statement on the matter. [27514/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I am very much aware that the key to creating employment is to provide the necessary support to the enterprise sector. In this regard, the Government made provision in the recent Supplementary Budget for in excess of €500 million for capital investment in enterprise. In doing so, the Government has prioritised investment in the most productive sectors of our economy and is investing in the creation of jobs by cementing the foundations of export led recovery and growth.

The Enterprise Development agencies under the aegis of my Department are working together and with local interests in order to maintain an integrated approach to investment and enterprise development. The strategies and policies being pursued by the Enterprise Development agencies will continue to support enterprise development and bring about job creation and retention throughout the country. I recently announced the Enterprise Stabilisation Fund which will enable internationally trading companies survive the current global downturn by supporting their drive to reduce costs and gain sales in overseas markets. Sus-
taineable economic recovery will be driven by enterprises focused on increasing their exports of innovative products and services in global markets.

Enterprise Ireland, in recognising the significant changes in the current economy both in Ireland and globally, has prepared a new recovery strategy to identify the actions that will be undertaken to help clients in 2009. Enterprise Ireland has refocused its efforts on strengthening and sustaining companies of strategic importance through a range of initiatives focused on the needs of its client base.

The focus of IDA Ireland is on securing inward investment from new and existing clients and on working with its existing client base to further embed their investments in Ireland. It has an active programme of engagement with its clients to target new investment opportunities from them. The agency assists its client companies to move up the value chain in terms of both carrying out higher skilled operations and expanding their presence in Ireland. These activities are aimed at improving the quality of employment opportunities and retaining existing jobs.

The County and City Enterprise Boards were established to develop indigenous potential and stimulate economic activity at a local level, primarily through the provision of financial and technical support for the development of small and micro enterprises. The Boards form a nationwide support network for small business, continue to be actively involved in the area of economic development and continue to ensure that available funds are targeted to maximise entrepreneurial development regionally and nationally.

A properly functioning banking sector is an essential element for the maintenance and development of enterprises, especially Small and Medium sized Enterprises (SMEs).

Government focus has been on creating a fit for purpose banking system as is evidenced by the bank guarantee scheme, the recapitalisation scheme, the nationalisation of Anglo Irish Bank and the establishment of the National Assets Management Agency (NAMA). Substantial guarantees and funding have been committed to the banking sector in order to keep the banks functioning to support the broader economy. A key principle of all these actions is the recognition of the importance of business lending particularly in relation to SMEs. The SMEs are central to our economy and the provision of bank credit to the sector is a primary target of all these initiatives. The Banks’ Recapitalisation Package contains a range of initiatives to directly assist our enterprise sector.

Proposed Legislation.

71. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish legislation to address employee representation at work which was promised by June 2009 under the review of Towards 2016; and if she will make a statement on the matter.  [27443/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The Towards 2016 Review and Transitional Agreement 2008-2009 provides for the establishment of a review process which will consider the legal and other steps which are required to enable the mechanisms addressing the issue of employee representation, which were established under previous Agreements, to operate as they had been intended. This review will be carried out under the auspices of the Department of the Taoiseach. In this context, I understand that, notwithstanding the priority which is being accorded to the ongoing discussions with the Social Partners aimed at agreeing an integrated response to the current fiscal and economic difficulties, it is intended to get the process underway at the earliest possible date.
Questions—

Job Creation.

72. **Deputy Martin Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if employment opportunities will exist after re-training programmes have finished; if these upcoming sectors have developed sufficiently to absorb the new skill intensive workers; if job opportunities are not available after training, when she expects them to become available; the alternatives which will exist for jobseeker’s if they can not be absorbed into the workforce after training; and if she will make a statement on the matter. [27102/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Despite the present unemployment challenge which we are currently facing I would like to point out that in the twelve months to the end of May 144,000 people left the Live Register as they had secured employment. This means that even in the most difficult period in terms of employment creation, jobs are still being created in our economy.

According to the FÁS paper *Job Opportunities in the Downturn*, and the more recent *National Skills Bulletin* by the Expert Group on Future Skills Needs a number of areas are currently showing demand for labour, these include:

- Repairs and Maintenance;
- Green Energy — installation and maintenance;
- Healthcare sector;
- Financial — Accountants/ risk managers and regulatory compliance;
- Marketing and Sales;
- Engineering — Software, design and process diagnostic engineering;
- IT – networking experts, programmers, telecommunications experts.

The activation places that are available in both the education and training sectors are aimed at providing individuals with the skills so they can secure employment in areas that will be in demand. For instance my Department is currently providing through FÁS in excess of 129,000 training places for the unemployed. The majority of this provision, 92,000 are being provided under FÁS Training Initiatives Strategy and are short courses in specific skills training. These courses are designed to develop new skills and competencies for the unemployed to assist them in securing employment in specific sectors, where employment opportunities exist.

Those who are unemployed may also apply to participate in the Work Placement Programme, which provides 2000 unemployed individuals with a six-month work placement, while retaining their social welfare entitlements.

County Enterprise Boards.

73. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she is taking to support the role of county enterprise boards; and if she will make a statement on the matter. [27138/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The County and City Enterprise Boards (CEBs) are the principal deliverers of State support to the micro-enterprise sector in Ireland. They provide support to businesses with 10 or less employees in the start-up and expansion phases, promote indigenous micro-enterprise potential and stimulate economic activity and entrepreneurship at local level. As locally based
enterprise development agencies the Boards are well positioned to meet the needs of their local economy.

I have secured a Capital Allocation for the CEBs of over €20m for provision of both financial and non-financial supports to the micro-enterprise sector in 2009. This was secured against a background of savings in other areas of Government activity and is an acknowledgement of the importance of the Boards and of the need that exists for their services particularly at this time. Using this funding the Boards will continue to ensure that available funds are targeted to maximise entrepreneurial development.

Given the challenges which the business sector is currently facing I will, in association with the CEB Central Coordination Unit within Enterprise Ireland (CCU), and with the CEB network itself, continue to monitor the level of funding and range of supports offered by the CEBs in order to ensure that the CEBs are able to respond appropriately to these challenges and I will continue to support the CEBs, in the delivery of assistance to the micro-enterprise sector, to the greatest extent possible given the significant pressures on public finances.

**Job Creation.**

74. **Deputy Paul Connaughton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the proposed job subsidy scheme which is proposed to form part of the national recovery plan; the companies to which it will apply; and the way it will be funded. [27535/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Government is working on the detail of a Temporary Employment Subsidy Scheme. The purpose of this scheme will be to:

- Help the economy to retain its productive capacity and help employers to retain the labour, knowledge and skills of the workforce, thereby supporting a faster return to sustainable growth;
- Help employees to retain their jobs, and
- Ensure that economic and fiscal stability is promoted by avoiding the costs of unemployment including statutory redundancy payments and the longer-term cost of social welfare.

It is proposed that the scheme will involve paying a subsidy to firms to retain a person in employment who may otherwise have been made redundant.

It is proposed that the Temporary Employment Subsidy Scheme will apply to companies in the manufacturing or internationally traded service sectors that are currently engaged in exporting. In addition in order to qualify for support it is intended that a company must not have been in difficulty on 1st July 2008, and a financial assessment must establish that it is now facing such difficulties as a result of the global and financial economic crisis that redundancies are likely to have to be considered within 12 months. It is also intended that a company must also be judged to be viable and capable of growth in the medium term in order to receive support under the scheme.

In the discussions with the Social Partners a figure of €250 million was referred to in relation to this scheme.

The Government will continue these discussions with the Social Partners with a view to implementing the Temporary Employment Subsidy Scheme over the coming period.
Questions— 7 July 2009.  Written Answers

Departmental Staff.

75. Deputy Michael D. Higgins asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of vacancies expected to arise by end of 2009 which will remain unfilled as a result of the circular issued by the Department of Finance on 27 March 2009 in respect of her Department and each of the State agencies or boards for which she has responsibility. [27430/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): It is not possible to accurately predict the number of vacancies expected to arise in my Department by the end of 2009, which will remain unfilled as a result of the circular issued by the Department of Finance on 27 March 2009 placing a moratorium on the filling of vacancies in the Public Service.

The only area where predictions can be made relate to those staff who will retire in accordance with the compulsory retirement scheme. Since 27 March 2009 ten staff members have retired from the Department with a further two compulsory retirements to take place before the end of 2009. Consequential vacancies will not be filled. Additional vacancies will be created as a result of the following incentives introduced by the Minister for Finance in recent months:

- Incentivised Scheme of Early Retirement (Circular 12/09), whereby employees of 50 years of age and over who have already accrued entitlement to preserved superannuation benefits under a public service scheme, and who have not yet reached normal preserved pension age can apply for early retirement. The Scheme is open to applications from 1 May 2009 until 1 September 2009 after which the scheme will be reviewed in the context of Budget 2010. The scheme will result in some staff retirements with consequential vacancies; however at this early stage it is not possible to predict what the take up will be in relation to this scheme.

- Special Civil Service Incentive Career Break Scheme 2009 (Circular 13/2009) whereby staff can avail of applying for a three year career break and will be paid an incentive payment of a third of gross basic pay to a maximum of €12,500, per year, payable quarterly in arrears, for each year of the 3 year period of the career break incentive scheme (this figure is based on staff who work full time). My Department has received 32 applications from staff wishing to avail of the scheme.

County Enterprise Boards

Based on information to hand it is expected that there will be at least 6 vacancies across the CEB network by the end of 2009, which will be unfilled. However this does not take account of the take-up on the ISER scheme and the Career Break Scheme as no formal decisions on the expressions of interest received to date have yet been made. It is expected that a clearer picture will emerge in coming weeks.

FÁS

The number of vacancies expected to arise in FÁS by the end of 2009, which will remain unfilled is 105.18 (full-time equivalent posts).

IDA Ireland

IDA Ireland expects that 14 vacancies will arise by the end of 2009, which will remain unfilled.
Written Answers

[Deputy Mary Coughlan.]

Additional vacancies will be created as a result of the Incentivised Scheme of Early Retirement (Circular 12/09), and the Special Civil Service Incentive Career Break Scheme 2009 (Circular 13/2009). Both schemes will result in some staff retirements and career breaks with consequential vacancies, however at this stage it is not possible to predict what the take up will be in relation to these schemes.

The Personal Injuries Assessment Board

The Personal Injuries Assessment Board expects to have 4 vacancies arising in 2009, which will remain unfilled (1 application for the Incentivised Scheme for Early Retirement, 3 fixed term contracts due to expire).

The Competition Authority

Currently the Competition Authority has 7 vacancies and, at this time, is aware of 1 further vacancy that will arise during 2009. The Competition Authority cannot predict if any other vacancies might arise between now and the end of 2009 Irish Auditing and Accounting Supervisory Authority (IAASA) IAASA currently has 3 vacancies. It is not aware of further vacancies that will arise in 2009.

Enterprise Ireland

Enterprise Ireland expects that 53 vacancies will arise by the end of 2009.

Forfás

Forfás expects that 17 vacancies will arise by the end of 2009.

InterTradeIreland

InterTradeIreland expects 2 vacancies to arise by the end of 2009.

Shannon Development

Currently, Shannon Development has 2 vacancies for which there can be no external recruitment. The Health and Safety Authority The Health and Safety Authority expects 5 vacancies to arise before the end of 2009.

National Standards Authority of Ireland (NSAI)

The National Standards Authority of Ireland expects 13 vacancies to arise by the end of 2009. It is anticipated that this could rise to at least 25 by year end, through normal retirements and the take up of initiatives announced by the Minister for Finance.

The National Consumer Agency

A staffing complement of 80 was approved for the National Consumer Agency. This complement was never reached. Numbers have declined to the current level of 45. By end 2009 the National Consumer Agency expects to employ 39 whole time equivalents. Discussions are currently taking place with the Department of Finance with a view to returning the Agency, as an interim measure, to its early 2009 staffing level of 51.

Job Losses.

76. Deputy Thomas P. Broughan asked the Tánaiste and Minister for Enterprise, Trade and
Employment if her attention has been drawn to the announcement of the loss of 200 jobs at plants in Coolock, Dublin and Rathmore, County Kerry; the discussions she has had with the industrial development agencies with a view to securing replacement jobs; and if she will make a statement on the matter.  [27453/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am aware of the job losses at the company in its plants at Coolock and Rathmore. The company is a client of Enterprise Ireland and the agency has been maintaining close contact with the company.

There have been large scale voluntary redundancies at the company in recent years. While significant progress was made over the last two to three years, the Irish operations continue to be under pressure. It was clear that further redundancies were necessary from the company’s point of view.

While the news that 170 jobs in Coolock and 30 jobs in Rathmore will be lost is extremely disappointing, I am encouraged by the plans that the company has for a large scale investment in new moulded equipment and technology. The agency has provided significant support to the company’s operations in relation to capital, human resource development and research and development over the years.

The Enterprise Development agencies adopt a coordinated response to deal with such situations. The agencies work together in making employees aware of the supports available to assist in finding new employment or start their own businesses. The agencies will also work to attract new investment and jobs to the areas. However, the final decision as to where projects locate rests with the promoters of the particular projects.

**Labour Inspectorate.**

77. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the cross-departmental joint labour investigation teams will be operational; the current number of labour inspectors actively performing inspections; and if she will make a statement on the matter.  [27139/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The joint investigation teams between the National Employment Rights Authority (NERA), the Department of Social and Family Affairs and the Office of the Revenue Commissioners have been operational since 2007.

The Social Partnership Agreement ‘Towards 2016’, provided for greater co-ordination between organisations concerned with employment rights compliance, with a view to realising the considerable potential for synergy that exists in this area. In particular, the Agreement provides that authorised officers of the National Employment Rights Authority (NERA) will join with officers of the Department of Social and Family Affairs and the Revenue Commissioners to work together in Joint Investigation Units. The role of these Joint Investigation Units, or JIUs, is to address areas where evidence suggests that non-compliance with employment rights legislation exists.

The Social Welfare and Pensions Act, 2007, which came into operation on 30th March, 2007, provides for the disclosure of relevant employment data between the Office of the Revenue Commissioners, the Minister for Social and Family Affairs and the Minister for Enterprise, Trade and Employment/NERA. This legislation effectively enables NERA to join with the Department of Social and Family Affairs and the Office of the Revenue Commissioners to work together in Joint Investigation Units.
Since the enactment of the Social Welfare and Pensions Act, 2007, exchange of information activity has taken place between the bodies in a number of specific cases. In addition, JIUs, involving NERA with Revenue and/or Social and Family Affairs have also taken place. In 2007, joint investigation activity, involving NERA for the first time, took place during the Construction Industry Campaign in May-July 2007. In 2008, joint investigation activity has been undertaken in a number of sectors including the catering, the hotel and the haulage sector. In 2009, joint investigation activity has continued both through exchange of information and through joint inspections.

The three bodies are proactively promoting and encouraging joint activity at a central and local level. I understand that a series of regional meetings were held late last year involving the relevant inspectors in those regions. These meetings have ensured that all officers understand their respective roles and potential synergies arising from working together within the parameters set out in the legislation.

I believe that the effective operation of JIUs provides a key opportunity for us to maximise the work of the three inspectorates. This has been proven in the past with JIU operations between Revenue and the Department of Social and Family Affairs. NERA’s experience to date of JIU activity, both exchange of information and joint inspections, has been very positive and has added greatly to their ability to provide an effective inspection service.

In relation to the number of inspectors, NERA currently has in place a team of 77 Inspectors. Recruitment competitions have been held to bring the number of Inspectors from the original level of 31 Inspectors up to the level of 90 committed to under Towards 2016. Sixty inspectors were assigned to NERA from these competitions. Fourteen Inspectors have left NERA over the past year as a result of promotion or internal and external Departmental transfers and re-assignments. As a result, the total number of NERA Inspectors currently stands at Seventy Seven. One of the seventy seven inspectors is currently not actively performing inspections due to maternity leave.

The Minister for Finance recently introduced a moratorium on the filling of vacancies until the end of 2010, in light of which NERA will not be in a position to fill current and future Inspector vacancies during that timeframe.

Community Employment Schemes.

78. Deputy Michael Ring asked the Tánaiste and Minister for Enterprise, Trade and Employment if a drug specific community employment have been introduced on foot of the report of the working group on drugs rehabilitation; and if she will make a statement on the matter. [23047/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The role of FÁS in relation to the National Drugs Strategy is to facilitate the rehabilitation of stabilised drug users and to prepare them to re-enter the active labour market through focused training which will enable them to re-integrate into working life. This is being achieved through participation in a range of FÁS programmes, including Community Employment (CE), and also integration into mainline training aimed at progression into the active labour market.

FÁS aims to promote labour market re-integration through targeted and mainstream initiatives including guidance & support from the referral point which is the FÁS Employment Services/Local Employment Services and pre-CE initiatives to support stabilisation.

Currently, there are 1,000 ring fenced places for Drug users on Community Employment based in approximately 100 rehabilitative schemes. In addition, the Programme for Govern-
ment contains a commitment to implement the recommendation of the Working Group on Drugs Rehabilitation to increase the number of places on specific Drug Rehabilitation Community Employment schemes.

Proposed Legislation.

79. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish the legislation to amend the Competition Acts to uphold the rights of certain freelance workers such as actors and musicians to collective bargaining, which was promised as part of the review of the Towards 2016; and if she will make a statement on the matter. [27444/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** During the course of Social Partnership talks in 2008, the Government committed itself to introducing legislation amending Section 4 of the Companies Act 2002 to the effect that certain categories of vulnerable workers, formerly or currently covered by collective agreements, when engaging in collective bargaining, would be excluded from the Section 4 prohibition. The commitment will take into account that there would be negligible negative impacts on the economy or on the level of competition and will have regard to the specific attributes and nature of the work involved, subject to consistency with EU competition rules. It is proposed that three specific categories of worker, namely voice-over actors, freelance journalists and session musicians will be covered by the exclusion.

How best to give effect to this commitment, in a manner consistent with EU competition law, is being examined in the context of the on-going work on the drafting of a new Bill which, *inter alia*, will include amendments to the Competition Act, 2002 (following a review process in 2008) and the merger of the Competition Authority and the National Consumer Agency. It is intended to publish this Bill before the end of the year.

*Question No. 80 withdrawn.*

Competition Authority Report.

81. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the publication of the Competition Authority report on the retail related import and distribution sector; the action, she will take arising from the report; and if she will make a statement on the matter. [27424/09]

117. **Deputy Rory O’Hanlon** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she will take to deal with the issues raised in the report by the Competition Authority into trading in the grocery, clothing and pharmaceutical sector; and if she will make a statement on the matter. [27342/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 81 and 117 together.

The publication last week of the study by the Competition Authority of the retail-related import and distribution sector is part of my own and the Government’s ongoing commitment to bring greater transparency to structure and pricing in the retail sector.

I asked the Competition Authority to carry out the study following the findings of a Forfás report, which suggested that the strong Euro, which had failed to translate into lower import costs on goods from the United Kingdom, could be indicative of a lack of competition in the import, distribution and retail sectors. This study will, I believe, greatly assist in informing the
wider debate on why Irish consumers have not seen the full benefits of the strengthening Euro against Sterling over the past year in the prices they were paying for certain goods.

Overall, this study confirms that while there are no major systemic problems in the overall retail market, the market dynamics can differ across the various retail sectors with some being more flexible than others.

The study also shows that price adjustment to currency movements varies across sectors while also providing evidence which suggests that the ‘high low’ pricing policy that operates in this country, while less transparent than the everyday low prices policy that operates in the UK and Northern Ireland, is in fact a function of what the Irish consumer had grown to know.

However, it is now clear that demand for the ‘high low’ policy is changing and that Irish consumers now want everyday lower prices. This is evidenced by the success of new entrants to the market, by consumers travelling to shop in other markets and by more recent changes in certain supply, distribution and pricing structures.

The report also finds that increasingly price-conscious consumers are shopping around for the best prices, which in turn spurs more competition between retailers and their suppliers. This is causing prices to fall. For example, between January and May 2009 grocery prices fell by over 2% with additional grocery price reductions signalled this month.

Reductions in the cost of goods cannot be viewed in isolation however. Continued focus on reducing the cost of doing business in this country is necessary in order to help suppliers increase and maintain their competitiveness. The development of any policy affecting the grocery goods sector must reflect the importance of the indigenous food industry and of the retail sector, both of which must be vibrant and competitive while also best serving the consumer and their welfare.

As regards future steps, I can confirm that work is ongoing in my Department on the drafting of a Code of Practice for the grocery sector that would aim to bring further transparency and ensure a balanced relationship between all elements of that retail chain, including retailers, suppliers, distributors and consumers.

The study has been brought to the attention of the European Commission and also to the Oireachtas Joint Committee on Enterprise, Trade and Employment in order to assist with their respective retail sector examinations.

I have also arranged for copies of the report to be distributed to all Deputies in the House.

EU Directives.

82. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made with regard to the implementation of the Temporary Agency Workers Directive, agreed at the Council of Ministers meeting on 23 May 2009; and if she will make a statement on the matter. [27439/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Directive 2008/104/EC of the European Parliament and of the Council on Temporary Agency Work was adopted, on 19 November 2008. Under the terms of this directive there is a three-year period within which Member States will be required to transpose the Directive into national legislation i.e. by 5 December 2011.

Some months ago, I invited the Social Partners to discussions with my Department, with the aim of agreeing a framework within which agency workers in Ireland would achieve equal treatment within an agreed timeframe having regard also to the need for flexibility in enterprises. The Towards 2016 Review and Transitional Agreement 2008-2009 concluded by
the Social Partners and the Government contains a commitment to developing such a framework.

My Department has already facilitated an initial meeting between the Social Partners to help them to develop a national framework within the parameters established in the EU Directive. The successful conclusion of a Framework Agreement will enable the Government to consider transposing the terms of the Directive, including the terms of the Framework Agreement, at a date in advance of the maximum period allowed under the Directive i.e. end 2011.

Job Creation.

83. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the economic black spots of unemployment here; if she is working in cooperation with regional groups to stimulate employment; if strategic planning has taken part on her behalf to counteract regional disparities in unemployment; and if she will make a statement on the matter. [27099/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The latest Quarterly National Household Survey published on 25 June, 2009, shows that unemployment in the Border, Midlands and Western region was 11.4%. For the Southern and Eastern region the figure was 9.7%. The figure for the country as a whole was 10.2%.

The Enterprise Development agencies under the aegis of my Department are working closely and with local interests in order to maintain an integrated approach to investment and enterprise development. The strategies and policies being pursued by the State Development agencies will continue to support enterprise development and bring about job creation throughout the country. However, the final decision as to where a particular project will locate rests with the promoter of that project.

Enterprise Ireland delivers a wide range of supports to Irish companies, targeted at the specific requirements of clients throughout all regions to ensure that they develop to their full potential in terms of employment, innovation and exports. This in turn, stimulates job creation. The Enterprise Stabilisation Fund will enable internationally trading companies survive the current global downturn by supporting their drive to reduce costs and gain sales in overseas markets. Sustainable economic recovery will be driven by enterprises focused on increasing their exports of innovative products and services in global markets.

The 35 County and City Enterprise Boards (CEBs) provide support for micro-enterprises in the start-up and expansion phases, promote and develop indigenous micro-enterprise potential and stimulate economic activity and entrepreneurship at local level. The CEBs deliver a series of programmes to underpin this role and they can provide both financial and non-financial assistance to a project promoter. The unemployed can access the services of their local CEB if they are considering setting up their own business.

FÁS are providing in excess of 129,000 training and work experience activation places this year. These places are designed to give the unemployed opportunities to improve their skills levels and increase their employability. Places are allocated throughout the 8 FÁS Regions in consultation with the relevant regional. In this process each region will identify their training needs based on regional profiles, which include:

- Response to the live-register activity of the region
- The demand for specific training courses from jobseeker's living in the region
- Response to regional redundancy situations

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The skills required by local enterprises to sustain businesses

Current or future (short — longer term) labour market needs of the region

Regional variations in the type and level of training provided to meet the above will exist across regions. Budgets for training courses are allocated across regions based on the above factors.

Question No. 84 answered with Question No. 58.

Labour Inspectorate.

85. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of workplace inspections carried out by the labour inspectorate to date in 2009; the way this compares with the same period in 2008; and if she will make a statement on the matter. [27449/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The National Employment Rights Authority (NERA) has carried out a total of 10,445 calls, visits and inspections up to the 26th of June 2009. This compares with 11,499 for the corresponding period in 2008. The number of actual inspections increased by 94 while the number of calls and interviews decreased by 688 and 460 respectively.

NERA conducted almost twice as many workplace inspections in 2008 when compared with 2007 — almost 28,000 workplace inspections in 2008 as against 14,500 in 2007. This increased level of inspection activity in 2008 and 2009 is reflective of the greater level of Inspection resources available to NERA, from the original level of 31 inspectors in 2007 to a current complement of 77 NERA inspectors.

Since it commenced operations on an interim basis in 2007, NERA has had considerable success in raising awareness of employment rights. Early in 2008, NERA undertook a nationwide information and awareness campaign, which has been instrumental in bringing about a much greater level of awareness both by employers and by employees of their respective rights and obligations under employment law. The information role has been enhanced through the inspection process. This information and awareness role continues to play a significant part in NERA’s employment rights compliance and information strategy.

Job Losses.

86. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she is taking to stem the number of job losses in view of the further increase in the number of people on the live register published on 1 July 2009; her plans to provide new training opportunities for persons who have lost their jobs and to encourage the creation of new employment opportunities; and if she will make a statement on the matter. [27422/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Despite the recent increase in the Live Register figures for June I would point out that in the twelve-month period to the end of May 2009, 144,000 people left the Live Register as they had secured employment. This is important as it shows that jobs are still being created.

In response to the rising numbers of unemployed the Government has already taken a number of actions, including doubling the capacity of the job search supports system provided by FÁS Employment Services and the partnership-based Local Employment Service to 147,000 places per year for referrals under the National Employment Action Plan.
In addition, my Department is now funding approximately 128,000 activation training and work experience places through FÁS. This is a substantial increase on the 66,000 places, which were available at the end of last year. This has been achieved by redeploying significant resources towards activating the unemployed.

Included in these places are specific new measures such as a work placement programme, which is providing 2,000 six-month places to individuals who are unemployed and includes the placement of graduates. A new training programme of 277 places at a cost of €1 million is being introduced. Under this programme 277 workers who are on a three-day week and receiving social welfare payments for the days they are not working will receive 2 days training a week for a period of 52 weeks. Also 2,500 places are being provided for those who are unemployed to participate in part-time third level education.

The Government is also assisting redundant apprentices complete their apprenticeships through a number of special measures which will result in over 3,600 redundant apprentices being able to progress their training this year.

The Government recently presented proposals to the Social Partners which focused on measures to prevent job losses including the possible introduction of a temporary employment subsidy scheme which aims to help employees retain their jobs and employers their skilled workforce in these difficult times.

While activation measures will assist individuals in securing employment and enhancing their skills, the key to addressing our unemployment problem is the creation of more jobs. Enterprise Ireland has refocused its efforts on strengthening and sustaining companies of strategic importance through a range of initiatives focused on the needs of their client base which includes the management of the Enterprise Stabilisation Fund which provides €100 million to assist viable but vulnerable companies overcome the present economic difficulties.

The key to IDA Ireland’s strategy is to progress the development of a knowledge-based economy so that the county can compete both nationally and internationally for foreign direct investment. IDA has an active programme of engagement with its clients to identify and target new investment opportunities. The aim of this is to retain existing clients, improve the quality of employment opportunities in Ireland and increase the positive economic impact.

**Social Inclusion.**

87. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the employment rate of people with disabilities; the progress being made in meeting the goal nine target of the National Action Plan Against Social Inclusion for employment of people with disabilities; and if she will make a statement on the matter. [27512/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy John Moloney):** Based on an analysis of the figures contained in the National Census 2006 carried out by the National Disability Authority, the total number of people with disabilities in the 20 — 64 years age group who were in employment was 72,889, representing an employment rate of 35.1%.

The Government is committed to increasing the overall employment participation of people with disabilities in the open labour market. The immediate objective under the Department of Enterprise, Trade and Employment’s Sectoral Plan under the Disability Act, 2005, and the National Action Plan for Social Inclusion 2007-2016, is to have an additional 7,000 people with disabilities who do not have a difficulty in retaining a job in employment by 2010. The longer term target under the National Action Plan for Social Inclusion 2007-2016 is to increase the
employment rate of people with disabilities from 37% to 45% by 2016, as measured by the Quarterly National Household Survey.

In the period 2006-2008 a total of 5,210 people with disabilities have been placed in jobs from the various FÁS programmes.

The Sectoral Plan of the Department of Enterprise, Trade and Employment includes as a key commitment the development of a comprehensive employment strategy for people with disabilities. The Department has led on the advancement of such a strategy in discussions with other relevant Government Departments, and with key stakeholder representatives who form the Consultative Forum on an Employment Strategy established under the Department’s Sectoral Plan. The aim of this strategy is to address the diversity of circumstances, needs and abilities of people with disabilities, and to work towards achieving the highest possible levels of employment for them.

Discussions on the further development and finalisation of the comprehensive employment strategy are being actively pursued with the Consultative Forum and inter-departmental groups with a view to completing the strategy as soon as possible.

FÁS Training Programmes.

88. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the training programmes she is introducing to upskill persons left unemployed; the number of places there will be in each programme; the basis on which the allocation of places in these programmes will be made; the body which will be in charge of allocation of these places; and if she will make a statement on the matter. [27100/09]

114. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the additional courses that have been organised by FÁS in view of the increase of people who are unemployed. [27205/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 88 and 114 together.

This year the Government have almost doubled the number of FÁS activation training and work experience places for the unemployed to over 129,000. This is a substantial increase on the 66,000 places, which were available at the end of last year. The majority of these additional places are on short courses and will be delivered through three core-training initiatives, Short Courses, Night Courses and Online Courses. These courses are designed to develop new skills and competencies for the unemployed to assist them in securing employment.

Other new programmes which have been rolled out for the unemployed are the Work Placement Programme and the Short time Training Programme. The Work Placement Programme is a six-month work experience programme for 2,000 individuals who are currently unemployed. Under this programme individuals will retain their social welfare entitlements.

The Short Time Working Training Programme will provide two days training a week for 277 workers over a 52-week period who are on systematic short time. Participants on this programme will also continue to receive their existing social welfare entitlements. Information on the range of training programmes offered by FÁS for the unemployed is provided in tabular format.

In terms of the allocation of training places each of the 8 FÁS Regions in consultation with the relevant regional stakeholders — develop appropriate plans regarding the range, mix and
type of training courses appropriate to the needs of that region. In this process each region will identify their training needs based on regional profiles, which include:

- Response to the live-register activity of the region
- The demand for specific training courses from jobseeker’s living in the region
- Response to regional redundancy situations
- The skills required by local enterprises to sustain businesses
- Current or future (short — longer term) labour market needs of the region

Regional variations in the type and level of training provided to meet the above will exist across regions. Budgets for training courses are allocated across regions based on the above factors.

### FÁS Activation Training for the Unemployed

<table>
<thead>
<tr>
<th>Programme</th>
<th>Programme Type</th>
<th>Number of Places in a Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridging Foundation Training</td>
<td>Aimed at disadvantaged clients</td>
<td>4,643</td>
</tr>
<tr>
<td>Return to Work Programme</td>
<td>Bridging Programme specifically for persons wishing to return to employment</td>
<td>855</td>
</tr>
<tr>
<td>Specific Skills Training</td>
<td>Wide range of skills training with an appropriate vocational qualification</td>
<td>10,237</td>
</tr>
<tr>
<td>Short Course Programme</td>
<td>Short courses targeted at redundant people</td>
<td>15,710</td>
</tr>
<tr>
<td>Evening Courses</td>
<td>Provided for unemployed persons and fee paying employed clients to upskill and obtain accreditation</td>
<td>30,448</td>
</tr>
<tr>
<td>On-line learning</td>
<td>Training in a wide range of skills and knowledge for persons with access to PC</td>
<td>6,200</td>
</tr>
<tr>
<td>Blended Learning</td>
<td>On-line learning with tutor support and workshops</td>
<td>16,120</td>
</tr>
<tr>
<td>Traineeship</td>
<td>Occupational specific and industry endorsed training</td>
<td>4,015</td>
</tr>
<tr>
<td>Redundant Apprenticeship Training</td>
<td>Skills and knowledge training and assessment for apprentices</td>
<td>3,600</td>
</tr>
<tr>
<td>Community Employment</td>
<td>Employment programme</td>
<td>22,700</td>
</tr>
<tr>
<td>Job Initiative (closed to new recruitment November 2004)</td>
<td>Employment programme</td>
<td>1,450</td>
</tr>
<tr>
<td>Community Training Centres</td>
<td>Training programme</td>
<td>2,300</td>
</tr>
<tr>
<td>Local Training Initiatives</td>
<td>Training programme</td>
<td>2,340</td>
</tr>
<tr>
<td>Job Clubs</td>
<td>Training programme</td>
<td>7,840</td>
</tr>
<tr>
<td>Work Placement Programme</td>
<td>A work placement programme for the unemployed including graduates. Participants on the scheme will retain their social welfare entitlements.</td>
<td>2,000</td>
</tr>
<tr>
<td>Short Time Working Training Programme</td>
<td>Will provide training to people on systematic short-time for the days they are not working</td>
<td>277</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>130,735</td>
</tr>
</tbody>
</table>

**Departmental Payments.**

89. **Deputy Joe Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps being taken to ensue compliance by Departments with the new arrangements announced on 20 May 2009 to reduce the payment period by Departments to their business suppliers from 30 to 15 days; if there are plans to extend this arrangement to semi-State companies; and if she will make a statement on the matter. [27426/09]
Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Responsibility for implementing the terms of the Government Decision relating to the payment by Central Departments of business suppliers within 15 days rests with each individual Department. Suppliers experiencing difficulties with payments should contact the relevant Departmental section with which the contract was arranged.

The Secretary General of my Department wrote to all Government Departments on 26th May, asking them to take the necessary steps to implement this commitment and to ensure that Department line staff and Finance Units are made aware of the need to prioritise payments to suppliers to meet the 15 day deadline.

The Government Decision of 19 May included a requirement for Departments to report quarterly to my Department on their performance in meeting these requirements. These reports are to be submitted by the 15th day of the month following the end of the quarter and the first such report will now be due by 15 October 2009. Departments are also required to include information on the implementation of the measures in their subsequent Annual Reports.

In addition to the commitment for Departments, the Government also stated that an assessment would be completed of the impact of extending this requirement to the local authority, health and education sectors. This assessment is currently underway. Specific proposals in relation to these sectors will be developed following the completion of the assessment.

Departmental Schemes.

90. Deputy Olwyn Enright asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether the work placement programme and the pilot short time working training programme are adequate in responding to the number of unemployed people seeking work experience and training; her plans to extend eligibility to these schemes; and if she will make a statement on the matter. [23443/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): In response to the rising numbers of unemployed, the Government has formulated and implemented a realistic and practical strategy to prioritise the activation and training of such individuals. My Department, along with the Department of Social and Family Affairs and the Department of Education and Science, have been working closely together to ensure a significant response to the unemployment situation. The Work Placement Programme and the Short Time Working Training Programme, which were announced in the Supplementary Budget, are but two initiatives that have been created to contribute to the challenge of activating and training the unemployed. It should be noted that these Programmes form only an element of the Government’s response to the unemployment challenge, which also includes a substantial increase in job search, training and education supports.

The Work Placement Programme has been created to provide 2,000 six-month work experience places for graduates and other individuals. The aim of this scheme is to provide invaluable work experience to individuals who are unemployed, who have recently graduated from college or have very limited experience of the workplace.

To date the number of individuals who have expressed an interest with FÁS in the Programme and who meet the eligible criteria stands at 192. In terms of places, FÁS have received 180 enquiries to date from potential providers, which has resulted in 155 actual places being offered by providers. Considering that FÁS are in the process of finalising their targeted publicity campaign of the Programme, it is encouraging that they are experiencing a considerable level of interest from individuals and providers in the Programme.
The Short Time Training Programme will provide training and income support to 277 workers currently on systematic short time working. Under this Programme workers who are on a three-day week and receiving social welfare payments for the days they are not working will receive 2 days training a week for a period of 52 weeks.

FÁS are in the process of allocating the places on this Programme across a number of Regions using either their Local Employment Services office or their Local Services to Business Unit. To date approximately 120 places have been allocated across two FÁS Regions. FÁS are continuing to explore a number of other possible enquiries from other FÁS Regions in relation to the allocation of the remaining places. It is intended that these places will be allocated in the coming weeks.

Finally, it is my intention to review the effectiveness and impact of the Programmes upon the satisfactory completion of their roll-out. It will be in this context that any potential changes, such as changes to the eligibility and scale of these Programmes will be considered.

*Question No. 91 answered with Question No. 57.*

**Job Creation.**

92. *Deputy Arthur Morgan* asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures she will introduce to create employment at this time; her plans in this regard; and if she will make a statement on the matter. [27096/09]

_Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):_ I am very much aware that the key to creating employment is to provide the necessary support to the enterprise sector. In this regard, the Government made provision in the recent Supplementary Budget for in excess of €500 million for capital investment in enterprise. In doing so, the Government has prioritised investment in the most productive sectors of our economy and is investing in the creation of jobs by cementing the foundations of export led recovery and growth.

The main focus of IDA Ireland on securing inward investment is from new and existing clients in the areas of high-end manufacturing, global services, research and development and innovation. The agency is working with its existing client base to further embed their investments in Ireland. It has an active programme of engagement with its clients to identify and target new investment opportunities from them. The agency continues to assist its client companies to move up the value chain in terms of both carrying out higher skilled operations and expanding their presence in Ireland. These activities are aimed at improving the quality of employment opportunities in Ireland.

Enterprise Ireland has prepared a new recovery strategy to identify the actions that will be undertaken to help clients in 2009. The agency has refocused its efforts on strengthening and sustaining companies of strategic importance through a range of initiatives focused on the needs of its client base. In identifying the short term issues, the agency has developed a series of proposals which deal with access to finance, winning new sales, encouraging competitiveness, continuous innovation / research and development and development of entrepreneurship. The medium term focus of the revised strategy is to continue to drive a sound, sustainable, competitive export-oriented indigenous sector. I also recently announced the Enterprise Stabilisation Fund which will enable internationally trading companies survive the current global downturn by supporting their drive to reduce costs and gain sales in overseas markets. Sustainable economic recovery will be driven by enterprises focused on increasing their exports of innovative products and services in global markets.
The County and City Enterprise Boards provide support for small businesses with ten employees or fewer in the start-up and expansion phases. The CEBs promote and develop indigenous micro-enterprise potential and stimulate economic activity and entrepreneurship at local level, with priority being given to manufacturing and internationally traded services. The Boards recognise that business growth and job creation are inherent considerations in their activities. They deliver a series of programmes to underpin this role and can provide both financial and non-financial assistance to a project promoter.

**Departmental Schemes.**

93. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the scheme to retrain workers in certain employment sectors; the person who will administer the fund; the timeframe involved; and if she will make a statement on the matter. [27093/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** It is crucial that with the increasing numbers of people who are now unemployed that we seek to further enhance the activation and training opportunities to assist these individuals. It is vital that we ensure jobseeker’s are supported, and have access to appropriate and relevant guidance, education and training services.

Specifically in relation to responding to the significant numbers of people who have been made redundant from the construction sector, the Government is committed to providing assistance to these workers. We will achieve this through increasing their skills levels and, in some cases, helping them develop new skills sets that will allow them take advantage of opportunities in new emerging growth areas within the construction sector. These include the installation of energy efficient and renewable technologies, together with compliance and energy rating work.

At present FÁS offer courses in Gas Safety and Gas Installation; Sustainable Energy equipment installation; Building Energy Ratings; Smart/Intelligent Buildings design; Insulation Technologies and Techniques, with a total of over 3,000 training places available in these disciplines.

Plans are well advanced for the provision of additional courses that are due to come on stream later this year: Micro-Electricity Generation Wind Turbine and Photovoltaic Courses and Passive House Building.

In addition to these type of courses unemployed individuals from the construction sector can access the other FÁS training courses, in order to develop new skills. Since the end of last year this Government has almost doubled the number of my Department’s activation training and work experience places to 129,000 from the 66,000 that were provided last year.

The majority of these additional places, 92,000 are being provided under FÁS Training Initiatives Strategy and are short courses in specific skills training. These courses are designed to develop new skills and competencies for the unemployed to assist them in securing employment. FÁS are providing such courses for a broad range of different sectors including the retail, IT, construction, manufacturing and services sectors.

These training courses represent a substantive commitment on the part of this Government to assist those affected by the current downturn in the construction sector.

**Redundancy Payments.**

94. **Deputy Brian O’Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employ-
ment the number of redundancies notified to her in respect of each year from 2002 to 2008 and to date in 2009; the number of projected redundancies for 2009; the amount of money paid out in statutory redundancy payment in respect of each year from 2002 to 2008; the projected figure for 2009; and if she will make a statement on the matter. [27438/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): Table 1 sets out the number of statutory redundancies for years 2002 to 2008 and provisional figures for January to June 2009. These figures reflect the number of employees who actually qualified for statutory redundancy lump sum payments. They do not reflect those who lost their jobs with less than two years service in employment. It is not possible to project the number of redundancies which will accrue in 2009 as this will depend on a number of factors, including economic indicators, and the rate of recovery in the economy.

Table 2 sets out the monies paid out of the Social Insurance Fund in respect of redundancy claims for the years 2002-2008 up to and including the end of June, 2009. It should be noted that the figures provided for 2008 and to date in 2009 are provisional figures. Equally, it is not possible to project the amounts which will be paid out in 2009 given that this will hinge on a number of variables including the number of claims received, the length of service of the claimants etc.

Table 1: Actual Statutory Redundancies for years 2002 to 2008 and to date (end of June 2009)

<table>
<thead>
<tr>
<th>Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24,432</td>
<td>25,769</td>
<td>25,041</td>
<td>23,156</td>
<td>23,684</td>
<td>25,459</td>
<td>40,607</td>
<td>42,724</td>
</tr>
</tbody>
</table>

*Provisional.

Table 2: Expenditure on Statutory Redundancies for years 2002 to 2008 and (provisional figure up to end of June, 2009)

(€000)

<table>
<thead>
<tr>
<th>Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008*</th>
<th>2009*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>53.978</td>
<td>88.933</td>
<td>152.162</td>
<td>149.172</td>
<td>166.483</td>
<td>183.328</td>
<td>183.206</td>
<td>126.789</td>
</tr>
</tbody>
</table>

*Provisional.

Departmental Staff.

95. Deputy Eamon Gilmore asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons working on temporary contracts, and the number of such contracts that are due to expire by the end of 2009 in respect of her Department and each of the State agencies or boards for which she has responsibility; and if she will make a statement on the matter. [27429/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): There is one person working in my Department whose temporary contract will expire before the end of 2009. The expiry date for the contract is 14th August 2009.

Science Foundation Ireland

Science Foundation Ireland has 25 staff on fixed term contracts, none of which is due to expire by the end of 2009.
FÁS
FÁS has 23 persons (21.7 full time equivalent posts) on temporary contracts, 11 of which will expire by end of 2009.

The National Consumer Agency
The NCA has 2 students on a training placement scheme, which will run until the end of September 2009.

County Enterprise Boards
The CEBs currently have 4 posts, which are the subject of temporary contracts, 3 of which are due to expire by the end of 2009.

IDA
Ireland The number of persons working on temporary contracts in IDA Ireland is 29, 5 of which are due to expire by end of 2009.

The Personal Injuries Assessment Board
The Personal Injuries Assessment Board currently has 5 staff employed on Fixed Term Contracts (including the CEO). 3 of which are due to expire during 2009.

National Employment Rights Authority (NERA)
Currently NERA has 3 posts that are held on the basis of 5-year appointments, which commenced in 2007. Health and Safety Authority The Health and Safety Authority has one staff member employed on a fixed term contract.

Enterprise Ireland
The number of persons working on temporary contracts in Enterprise Ireland is 31 and they will all expire by end 2009.

Forfás
The number of persons working on temporary contracts in Forfás is 14, 6 of which are due to expire by end 2009.

Shannon Development
The number of persons working on temporary contracts in Shannon Development is 16 with a whole time equivalent job number of 4.5. They will all expire by the end of 2009.

The Labour Court
The Labour Court has 9 members on temporary contracts. 2 of these contracts are due to expire by end of 2009.

The Labour Relations Commission
16 members of the LRC are appointed on temporary contract. 2 of these appointments are due to expire by the end of 2009.
**National Standards Authority of Ireland (NSAI)**

The National Standards Authority of Ireland has 10 staff on temporary contract.

**InterTradeIreland**

There is 1 person working on temporary contract in InterTradeIreland, and this is due to expire by the end of 2009.

**Job Losses.**

96. **Deputy Brian O’Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the announcement of the loss of 177 jobs at a company (details supplied) in County Waterford; the discussions she has had with the industrial development agencies with a view to securing replacement jobs; and if she will make a statement on the matter. [27452/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On the 25th June 2009 ABB advised IDA that it has decided to close their electrical transformer manufacturing operation in Waterford with the loss of all 185 jobs. Closure will take place by March 2010. The plant has sufficient contracts in place to ensure that the factory remains open until March 2010. The Waterford operation has been operating at break-even and an expected upturn in business from growth in wind generation has not materialised.

Key to IDA Ireland’s Strategy for County Waterford within the South East Region is to progress the development of a knowledge based economy so that the county and particularly the Gateway of Waterford City can compete both nationally and internationally for foreign direct investment. IDA Strategy for County Waterford includes:

- The provision of world class property solutions of scale in the Waterford City area and also developing property solutions in the county town of Dungarvan, with appropriate supporting infrastructure in both cases.

- Working with local development partner agencies in Waterford City and County to advance critical infrastructure, both hard and soft, which will contribute to a sustainable business environment for the long term.

- IDA Ireland is also actively engaged with the existing IDA client base in the City and County to encourage their transition to continually higher value activities and to promote further investment in Ireland.

- Waterford has a long and strong track record as a centre of manufacturing expertise. Waterford has a key strength in engineering, in both indigenous and overseas sectors. In more recent years however, these have been giving way to newer, more advanced manufacturing, particularly in the Life Sciences sector and also to International & Financial Services activities. For companies in lower value manufacturing, the business environment has become more challenging in recent years.

- Currently there are 31 IDA Ireland supported companies in Waterford City and County employing approximately 5,960 people. Clear evidence of a transition to more knowledge based and higher value activity is seen in the resilience of companies such as Bausch & Lomb, Teva, Honeywell, GlaxoSmithKline, as well as newer additions to the county’s portfolio, such as Citi Hedge Fund Services, Genzyme and Sun Life Financial. In marketing Waterford for new foreign direct investment (FDI), IDA Ireland is focused on
attracting overseas companies in the services and knowledge-based industries, including advanced manufacturing. Sectors of focus in the medium term are Life Sciences, International and Financial Services and High Technology Engineering.

Key interventions in support of the above efforts in recent years have been the development of the Waterford Business & Technology Park (28 hectares), the Dungarvan Business Park (additional 14 hectares developed) and a large scale 55 hectare Greenfield site in Belview.

IDA Ireland recognises that Waterford City has some way to go before it has developed the critical mass of infrastructure, population and economic development to assert itself as a true regional gateway. Key positive developments that have occurred or are about to take place that will enhance Waterford’s attractiveness for FDI and greatly encourage Waterford’s economic success and national profile into the future include the following:

- The completion of the outer ring road in Waterford City has already eased local traffic congestion and improvements on all radial routes into the City are also progressing well.
- Construction of the Waterford City By-pass including a new cable stay bridge is underway and is due for completion in Q4 2009. The N9 upgrade to high specification dual carriageway between Waterford and Dublin has also commenced and is targeted for completion by 2010.
- Major commercial/retail developments in Waterford City such as the Railway Square development and the planned development by KRM of a large scale shopping facility, Hotel and Conference Centre, apartments and car-parking on a 5 acre site in the City Centre.
- The City Council is investing €20m on the development of a Historic Quarter in the City Centre including the redevelopment of the Theatre Royal.
- High profile national and local events such as the Tall Ships Race 2005 and the Spraoi Street Festival. The Tall Ships Race is due to be staged in Waterford for a second time in 2011 and this will bring a lot of additional visitors to Waterford.
- Further development of WIT, particularly the development of the new Campus at Carriganore with its flagship project being the Arc Labs facility which houses the Telecoms Software and Systems Group, itself a key magnet of attraction for Waterford.
- Recent completion of the Metropolitan Area Networks in Waterford City and Dungarvan.
- Developments at Waterford Port — a 190 metre quay extension has been constructed involving investment of €10m by the Port of Waterford.

These and other developments will provide a critical mix that will be a vital stimulus for further investment and economic development in Waterford City and the wider county including Dungarvan.

**Proposed Legislation.**

97. **Deputy Pat Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish the Employment Agency Regulation Bill which was promised under the review of the Towards 2016; and if she will make a statement on the matter. [27441/09]
Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I am confident the Employment Agency Regulation Bill can be published shortly as drafting has now been completed.

Retail Sector.

98. Deputy Jim O’Keeffe asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the evidence of the removal of some Irish products and the downgrading of other Irish products from the shelves of a major supermarket chain (details supplied); and if she has any proposals to deal with the situation. [27459/09]

134. Deputy Bernard J. Durkan asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she has identified a trend whereby supermarkets source their products outside the jurisdiction thereby putting Irish jobs at risk; and if she will make a statement on the matter. [28003/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 98 and 134 together.

Issues in relation to the strategies employed by businesses, including in the area of sourcing supplies, are primarily matters for the businesses themselves. The need to reduce costs and streamline operations at all stages of the supply chain is particularly more pressing in these difficult economic times. Nevertheless, I do appreciate the concerns that have been expressed in relation to the possible implications for employment in Ireland particularly if changes in supply chain arrangements reduce the level of purchases by retailers from Irish producers.

In this regard, the Government is anxious to ensure that we continue to have vibrant and successful food and retail sectors, given the important role these sectors play in the national economy. The Government accepts the importance of ensuring that there is a balance in the relationship between the various players in the grocery goods sector, which takes account of the interests of all the various parties, including the interests of consumers. My Department is currently working on the details of a Code of Practice in this area which will have as its key objective the need to achieve a balance in the relationships between grocery goods undertakings, taking into account the need to enhance consumer welfare and the need to ensure that there is no impediment to the passing-on of lower prices to consumers.

It is my intention to seek the views of all stakeholders in relation to the details of the provisions of the Code, which I hope to publish for public consultation in the coming weeks. The Code in setting out the framework in which the different elements of the retail chain can enter into negotiations and agree contractual arrangements between themselves will help to ensure that those arrangements are balanced and fair and ultimately ensure that interests of all parties, including consumers, are respected.

Unemployment Levels.

99. Deputy Bernard J. Durkan asked the Taoiseach the number of persons registered as unemployed in County Kildare on a monthly basis in each of the past five years to date in 2009; and if he will make a statement on the matter. [27996/09]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): The Live Register series gives a monthly breakdown of the number of people claiming Jobseeker’s Benefit, Jobseeker’s Allowance and other registrants as registered with the Department of Social and Family Affairs. Figures are published for each county and each social welfare office. The most recent information is for June 2009.
The table contains the number of persons signing on in County Kildare on the last Friday in each month from January 2004 to June 2009. The County Kildare social welfare offices are situated in Athy, Maynooth and Newbridge. It should be noted that the areas served by these offices do not correspond to specific geographic boundaries. Therefore, registrants at a given local office do not necessarily come from a particular region or area which can be precisely delineated.

### Persons on the Live Register (Number) in County Kildare by month January 2004-June 2009

<table>
<thead>
<tr>
<th>County Kildare</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>4,921</td>
<td>4,430</td>
<td>4,817</td>
<td>5,292</td>
<td>6,606</td>
<td>13,279</td>
</tr>
<tr>
<td>February</td>
<td>4,832</td>
<td>4,452</td>
<td>4,903</td>
<td>5,359</td>
<td>7,110</td>
<td>14,428</td>
</tr>
<tr>
<td>March</td>
<td>4,745</td>
<td>4,432</td>
<td>4,859</td>
<td>5,375</td>
<td>7,327</td>
<td>15,057</td>
</tr>
<tr>
<td>April</td>
<td>4,788</td>
<td>4,365</td>
<td>4,840</td>
<td>5,434</td>
<td>7,330</td>
<td>16,046</td>
</tr>
<tr>
<td>May</td>
<td>4,708</td>
<td>4,344</td>
<td>4,772</td>
<td>5,411</td>
<td>7,614</td>
<td>16,553</td>
</tr>
<tr>
<td>June</td>
<td>4,912</td>
<td>4,684</td>
<td>5,252</td>
<td>5,827</td>
<td>8,324</td>
<td>17,311</td>
</tr>
<tr>
<td>July</td>
<td>5,294</td>
<td>5,002</td>
<td>5,471</td>
<td>6,195</td>
<td>9,096</td>
<td>17,311</td>
</tr>
<tr>
<td>August</td>
<td>5,212</td>
<td>5,076</td>
<td>5,543</td>
<td>6,187</td>
<td>9,538</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>4,605</td>
<td>4,543</td>
<td>4,987</td>
<td>5,735</td>
<td>9,556</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>4,329</td>
<td>4,440</td>
<td>4,950</td>
<td>5,662</td>
<td>9,851</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>4,216</td>
<td>4,459</td>
<td>5,010</td>
<td>5,731</td>
<td>10,718</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>4,350</td>
<td>4,662</td>
<td>5,187</td>
<td>6,061</td>
<td>11,533</td>
<td></td>
</tr>
</tbody>
</table>

### Departmental Expenditure.

100. **Deputy Ruairí Quinn** asked the Taoiseach the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27124/09]

**The Taoiseach:** The following table details the cost of my Departmental mobile telephone for the periods May to December 2008 and January to June 2009, it includes the percentage of the cost relating to data and roaming charges:

<table>
<thead>
<tr>
<th>Period</th>
<th>Cost</th>
<th>Data Charges as % of Total</th>
<th>Roaming as % of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>May to December 2008</td>
<td>€1,482.80</td>
<td>2.3</td>
<td>40.3</td>
</tr>
<tr>
<td>January to June 2009</td>
<td>€478.37</td>
<td>2.4</td>
<td>39.3</td>
</tr>
</tbody>
</table>

101. **Deputy Enda Kenny** asked the Taoiseach the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27185/09]

**The Taoiseach:** In 2008 my Department appealed a decision of the Commissioner for Environmental Information that on foot of Directive 2003/4/EC on Public Access to Environmental Information, a document that records discussion at a meeting of the Government should
be released notwithstanding the terms of the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No 133 of 2007) which transposed the Directive in Ireland and the terms of Article 28.4.3 of the Constitution concerning the confidentiality of discussions at meetings of the Government.

Leave for Judicial Review and Appeal Motion were granted on 8 December 2008 and the case is scheduled to commence in the High Court on 29 July 2009. The Department has paid no costs to date.

Unemployment Levels.

102. **Deputy Charlie O’Connor** asked the Taoiseach the latest social welfare figures in respect of a social welfare office (details supplied) in Dublin 24; and if he will make a statement on the matter. [27413/09]

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** The Live Register series gives a monthly breakdown of the number of people claiming Jobseeker’s Benefit, Jobseeker’s Allowance and other registrants as registered with the Department of Social and Family Affairs. Figures are published for each county and each social welfare office. The most recent information available is for June 2009. The number of persons signing on in the Tallaght social welfare office on the last Friday in June 2009 was 9,555.

Departmental Expenditure.

103. **Deputy Michael D’Arcy** asked the Taoiseach the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27598/09]

**The Taoiseach:** My Department has not paid any rent costs in the past three years. The National Economic and Social Development Office (NESDO) has paid an annual rent cost to OPW of €588,295 which has been a fixed amount for the past three years. A rent review took place last year resulting in no change to the current situation.

104. **Deputy Leo Varadkar** asked the Taoiseach the amount of money spent on paying delegates allowance to officials for each of the past three years; and if he will make a statement on the matter. [27745/09]

**The Taoiseach:** The amount of money paid in respect of delegates allowance to officials in my Department in accordance with the terms specified by the Department of Finance for each of the years 2006, 2007, 2008 and 2009 to date are detailed as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>€20,459.50</td>
</tr>
<tr>
<td>2007</td>
<td>€15,301.87</td>
</tr>
<tr>
<td>2008</td>
<td>€10,554.55</td>
</tr>
<tr>
<td>2009 (6 Months)</td>
<td>€5,824.21</td>
</tr>
</tbody>
</table>

Departmental Contracts.

105. **Deputy Terence Flanagan** asked the Taoiseach the print jobs carried out for his Depart-
The Taoiseach: No printing contracts have been awarded by my Department to companies based outside the State.

In one case, a Dublin-based Irish publishing company, with whom my Department has a three-year contract (since January, 2008) for the production and distribution of a newsletter, has sub-contracted printing work in respect of five recent editions of that newsletter to a firm based in Northern Ireland. A small number of copies of a report published last year (200 out of 5,200) were also printed by the same firm, with the remainder printed by a company within the State.

The publishing company involved have stated that the selection of the printer is based on capacity issues and was conducted through a transparent tendering process open to companies in Ireland (North and South) as well as across Europe, which is in line with tendering procedures.

Departmental Schemes.

106. Deputy Ciarán Lynch asked the Tánaiste and Minister for Enterprise, Trade and Employment the mechanism which has been put in place to enable graduates who are unemployed to gain professional experience with businesses unable to hire as a result of financial difficulties; the provision which has been made to enable unemployed graduates to progress their professional development in conjunction with professional bodies; and if she will make a statement on the matter. [27164/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): In response to the rising numbers of unemployed including graduates, the Government has formulated and implemented a realistic and practical strategy to prioritise the activation and training of such individuals. My Department, along with the Department of Social and Family Affairs and the Department of Education and Science, have been working closely together to ensure we respond to this unemployment challenge in a significant manner. The Work Placement Programme, which was announced in the Supplementary Budget, is an initiative that has been created to provide valuable professional work experience for unemployed individuals, including graduates.

The Work Placement Programme has being created to provide 2,000 six-month work experience places for graduates and other individuals. The aim of this scheme is to provide invaluable work experience to individuals who are unemployed, who have recently graduated from college or have very limited experience of the workplace.

To date the number of individuals who have expressed an interest with FÁS in the Programme and who meet the eligible criteria stands at 192. In terms of places, FÁS have received 180 enquiries to date from potential providers, which has resulted in 155 actual places being offered by providers. Considering that FÁS are in the process of finalising their targeted publicity campaign of the Programme, it is encouraging that they are experiencing a considerable level of interest from individuals and providers in the Programme.

Finally, it is my intention to review the effectiveness and impact of the Programmes upon the satisfactory completion of their roll-out. It will be in this context that any potential changes, such as changes to the duration of the Programme, an increase in the number of places and the eligibility criteria of this Programme will be considered.
FÁS Training Programmes.

107. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans for apprentices who have been unable to complete their training due to the unavailability of work placements; the way they can continue their apprenticeships; the number of apprentices that have had their apprenticeships on hold in the past 18 months due to this situation; and if she will make a statement on the matter. [27203/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The number of apprentices notified to FÁS as redundant since 1st January 2008 is 4,933, of these 1,322 have been referred, hence leaving a balance of 3,611.

An apprentice who has been referred has not yet successfully completed all elements of their required assessments and is therefore required to re-sit their outstanding off-the-job modular assessments before they can progress in their apprenticeship.

FÁS has responded to the increase in the level of redundant apprentices, especially in the construction and related sectors, by providing the following supports for redundant apprentices. Over 4,000 places will be provided under the various measures outlined as follows:

- The Department of Social and Family Affairs immediately refers redundant apprentices to FÁS for assistance.

- Following this immediate referral, the FÁS Employment Services and FÁS Services to Business divisions work in collaboration to provide guidance and support in sourcing a new employer and in considering further options. Referred Apprentices are provided with guidance in relation to preparation for a re-sit of their outstanding off-the-job modular assessments.

- FÁS has amended the scheduling rules for off-the-job training to permit redundant apprentices to progress to their next off-the-job training, at phase 2, phase 4 and phase 6, in accordance with the existing scheduling criteria. The number of apprentices who have been scheduled to off-the-job training at phase 2, phase 4 and phase 6 in 2008 was 619. The number of redundant apprentices provided with off-the-job training in the year to the end of June 2009 is 1507, and it is expected that up to a further 900 will be provided with off-the-job training phases before the end-year.

- FÁS introduced an Employer Based Redundant Apprentice Rotation Scheme to provide support for employers to provide on-the-job training for up to 500 redundant apprentices during 2009. This scheme assists them in taking on redundant apprentices when they have released their own apprentices to a scheduled phase 4 and phase 6 off-the-job training phase in the Institutes of Technology. There are currently 197 apprentices participating on the scheme and 49 apprentices have completed their period of rotation and their performance has been assessed. Employers will be requested during the June and September 2009 rotation periods to provide redundant apprentices with on-the-job training with assessments.

- Léargas has provided funding under the EU’s Leonardo da Vinci programme to support the placement of 37 redundant apprentices with overseas employers to complete their phase 7 on-the-job training with assessments. Recently 19 redundant apprentices returned from Germany having completed a phase 7 placement with employers, and 12 apprentices are due to travel on the 5th August 2009 for a placement in Germany. Léargas have recently provided additional funding to support the placement of an additional 60 apprentices with overseas employers.
ESB Networks have agreed a programme with FÁS to provide on-the-job training to eligible redundant electrical apprentices at phase 5 and phase 7. This programme will provide up to 400 places over a period of eighteen months and will be funded by ESB Networks. There are currently 100 previously redundant electrical apprentices in employment with ESB Networks, 25 redundant electrical apprentices have completed their off-the-job training with assessments and a further 75 redundant electrical apprentices will be provided with an opportunity to complete their on-the-job training before the end of December 2009.

Redundant apprentices may also avail of existing specific skills training courses, which are trade related to enhance their employable skills. Redundant apprentices may also avail of the range of trade related night courses, which are available in FÁS Training Centres.

The Institutes of Technology are providing 700 places per annum on an 11-week certified training programme for those redundant apprentices who have completed their phase 4 training but where an on or off-the-job training opportunity is not currently available for them. The programme is divided into Construction and Engineering streams and provides redundant apprentices with education and training support in a number of relevant trade’s areas. The programme is expected to commence in September 2009.

FÁS will be providing redundant apprentices in the autumn with an opportunity to undertake phase 7 assessments where an on-the-job assessment opportunity is not currently available.

FÁS will also be providing in the autumn a facility for redundant apprentices who have reached the minimum qualifying standard in all phases 1-7 inclusive and who have not completed the minimum duration in employment as an apprentice to make an application for consideration under Recognition of Prior Learning for the Award of an Advanced Craft Certificate.

State Agencies.

108. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there are plans for redundancies at the injuries board; and if she will make a statement on the matter. [27728/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Consideration of issues of this kind would, in the first instance, be a matter for the Board. However, I have been advised by their Chief Executive, Ms Patricia Byron, that there are currently no plans for redundancies at the Board.

FÁS Training Programmes.

109. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the training and other programmes available to people who have recently become unemployed. [28146/09]

139. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to incentivise a return to the workforce for persons currently on the live register; and if she will make a statement on the matter. [28008/09]
Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I propose to take Questions Nos. 139 and 109 together.

In terms of unemployment the Government is acutely aware of the negative impacts that unemployment can have on an individual, their family and society as a whole and has invested substantial resources in addressing the unemployment problem.

FÁS employment services together with Local Employment Services have put in place measures designed to increase capacity for the rise in referrals from the Department of Social and Family Affairs (DSFA). Job Search/National Employment Action Plan annual referral capacity has been increased to 147,000 persons in 2009.

The total number of training, activation and work experience places funded by the Department of Enterprise, Trade and Employment through FÁS in 2009 now stands at over 129,000. This is a substantial increase when compared with those available at the end of last year.

In addressing the current challenges in the labour market the Department, in conjunction with FÁS, have enacted several significant measures to improve existing suite of services available to the unemployed. These measures include:

- 92,000 training places on short courses are available to the unemployed and people on short-time work and will be delivered through three core-training initiatives, Short Courses, Night Courses and Online Courses.
- 500 places on the employer based redundant apprentices rotation scheme to assist redundant apprentices progress their apprenticeships this year, which involves a subsidy being paid to employers who provide redundant apprentices with the necessary on-the-job experience.
- 700 places on the Institutes of Technology training programme for redundant apprentices. Combined with existing initiatives for redundant apprentices this means that approximately 3,600 redundant apprentices will now be able to progress their apprenticeships or receive training.
- 2000 places on the work placement programme which is providing six-month places to individuals who are unemployed including graduates. Participants on the scheme will retain their social welfare entitlements.
- 277 places on a short-time training programme which is providing training to people on systematic short-time for the days they are not working
- 2,500 places for those who are unemployed to participate in part-time third level education of which my Department is funding 1,500.
- 400 places on Community Employment Schemes, which has increased places to 22,700 this year.

Through these initiatives Government is providing these unemployed individuals with the opportunities to improve their skills and competencies. Furthermore we are not only increasing their employability but we are also improving the skills level of our entire labour force, which will benefit us all in the years ahead

Departmental Expenditure.

110. Deputy Ruairí Quinn asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of mobile telephone bills paid in relation to the departmental mobile
telephone assigned to her by her Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if she will make a statement on the matter.  [27117/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The information requested by the Deputy is being collated at present and we’ll issue him with a response as soon as the necessary data has been gathered.

111. Deputy Enda Kenny asked the Tánaiste and Minister for Enterprise, Trade and Employment the accumulated cost of court cases taken by her Department in the past five years; the cost of each individual case; the nature of each case; and if she will make a statement on the matter.  [27178/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The information sought by the Deputy in relation to my Department and its Offices is set out in the tables. Employment Rights Prosecutions and Civil Enforcement Cases

NERA, and its predecessor the Employment Rights Compliance Section of the Department of Enterprise, Trade and Employment, processes both the enforcement of awards of both the Labour Court and the Employment Appeals Tribunal through the Courts (civil enforcement cases) and prosecution cases on behalf of Inspection Services where employers fail to comply with certain employment rights legislation and in situations where employers in the construction industry fail to comply with Orders of the Labour Court.

Tables 1 and 2 show the number of prosecution and civil enforcement cases referred in the years 2004, 2005, 2006, 2007 and 2008 and to end June, 2009.

The majority of the legal costs relating to these cases was borne by the Chief State Solicitor’s Office and is not known to NERA. However, NERA did incur costs in respect of legal searches and the registration of a judgement mortgage carried out in advance of certain civil enforcement cases being referred to the Chief State Solicitor’s Office. These costs are shown in Table 2.

The provision of legal services by the Chief State Solicitor’s Office in support of NERA’s prosecution and civil enforcement activities ceased in October 2008. NERA entered into contracts with legal firms in April 2009 for the provision of legal services to NERA. As none of these cases have yet been concluded, the actual costs in each case cannot be determined at this time. For example, of the 29 prosecution cases referred in 2009 to date, summonses have issued in 15 cases.

Table 1: Employment Rights-Prosecutions Referred 2004-2009

<table>
<thead>
<tr>
<th>Number of Cases Referred</th>
<th>Date initiated</th>
<th>Case initiated by</th>
<th>Nature of Cases</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 Cases</td>
<td>2009*</td>
<td>Minister</td>
<td>Breaches of Employment Rights Legislation</td>
<td>Costs (to be borne by NERA) not yet determined</td>
</tr>
<tr>
<td>70 Cases</td>
<td>2008</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
</tr>
<tr>
<td>98 Cases</td>
<td>2007</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
</tr>
<tr>
<td>62 Cases</td>
<td>2006</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
</tr>
<tr>
<td>61 Cases</td>
<td>2005</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
</tr>
<tr>
<td>54 Cases</td>
<td>2004</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
</tr>
</tbody>
</table>

*To end June, 2009.
Table 2: Employment Rights-Civil Enforcement cases Referred 2004-2009

<table>
<thead>
<tr>
<th>Number of Cases referred</th>
<th>Year initiated</th>
<th>Case initiated by</th>
<th>Nature of Case</th>
<th>Costs</th>
<th>Legal Searches and other Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2009*</td>
<td>—</td>
<td>—</td>
<td>Nil</td>
<td>€0</td>
</tr>
<tr>
<td>12</td>
<td>2008</td>
<td>Minister</td>
<td>Enforcement of Labour Court or Employment Appeals Tribunal Awards</td>
<td>Costs borne by CSSO</td>
<td>3,135</td>
</tr>
<tr>
<td>17</td>
<td>2007</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
<td>3,232</td>
</tr>
<tr>
<td>19</td>
<td>2006</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
<td>3,283</td>
</tr>
<tr>
<td>24</td>
<td>2005</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
<td>4,195</td>
</tr>
<tr>
<td>35</td>
<td>2004</td>
<td>Minister</td>
<td>As above</td>
<td>Costs borne by CSSO</td>
<td>4,097</td>
</tr>
</tbody>
</table>

*To end June, 2009.

Table 3: Freedom of Information cases

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Date Initiated</th>
<th>Case Initiated</th>
<th>Nature of Case</th>
<th>Costs</th>
<th>Any other Information for the Minister (may or may not be used in Final Reply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Enterprise Trade and Employment v The Information Commissioner Appeal under S42 of the FOI Act as amended.</td>
<td>14 Dec 2004</td>
<td>Minister</td>
<td>Regarding a decision of the Information Commissioner on 18 October 2004 directing the Department to release records relating to Waterford City Enterprise Board under FOI.</td>
<td>CSSO represented the Department.</td>
<td>Judgment was delivered on 25 January 2006 in favour of the Department. On the advice of the CSSO the Department did not seek costs, as this would entail a transfer from one vote to another.</td>
</tr>
</tbody>
</table>


Written Answers
The Department is unable to supply the details for each individual case, as requested by the Deputy, in the time given. An aggregate number of the cases and costs per annum is provided as follows.

Table 4: Office of the Director of Consumer Affairs cases

<table>
<thead>
<tr>
<th>Year</th>
<th>Aggregate Number of Court Cases*</th>
<th>Nature of Prosecutions</th>
<th>Cost Incurred including VAT</th>
<th>Case Initiated by</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Consumer Information Act, 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>European Communities (Labelling of Footwear) Regulations, 1996 and contrary to Section 3 of the European Communities Act 1972</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>European Communities (Requirements to Indicate Product Prices) Regulations 2002 and contrary to Section 3 of the European Communities Act, 1972</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Merchandise Marks Act, 1887, as amended by Section 4(2) of the Consumer Information Act, 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consumer Credit Act, 1995: Contrary to Sections 21(1) and 26(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>8</td>
<td>Retail Price (Beverages in Licensed Premises) Display Order, 1999</td>
<td>**€180,334</td>
<td>Office of the Director of Consumer Affairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EC (Requirements to Indicate Product Prices) Regulations, 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prices Act, 1958 to 1972</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consumer Information Act, 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Aggregate Number of Court Cases*</td>
<td>Nature of Prosecutions</td>
<td>Cost Incurred including VAT</td>
<td>Case Initiated by</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>2006</td>
<td>14</td>
<td>Retail Price (Beverages in Licensed Premises) Display Order, 1999</td>
<td>€</td>
<td>Office of the Director of Consumer Affairs</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>EC (Requirements to Indicate Product Prices) Regulations, 2002</td>
<td>20,243</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>Consumer Information Act, 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Merchandise Marks Act, 1887, as amended by Section 4(2) of the Consumer Information Act, 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>1</td>
<td>Retail Price (Beverages in Licensed Premises) Display Order, 1999</td>
<td>2,148</td>
<td>Office of the Director of Consumer Affairs</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>EC (Requirements to Indicate Product Prices) Regulations, 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Consumer Information Act, 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Charges (Hairdressing) Display Order, 1976</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>EC (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2002 and 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Retail Price (Food in Catering Establishments) Order 1984</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Totals</strong></td>
<td><strong>99</strong></td>
<td><strong>213,391</strong></td>
<td></td>
</tr>
</tbody>
</table>

*The Aggregate number of cases taken refers to cases taken in the year 01 January-01 December inclusive, with the exception of 2007 in which the ODCA was in existence for the period 01 January-30 April 2007.

**Costs include legal advice sought for a prosecution & appeal brought under the Restrictive Practices (Groceries) Order, 1987
In the course of discharging its functions, the ODCE are involved in taking numerous court proceedings each year. These include a range of civil actions such as applications for the disqualification of directors and applications for directions to comply with legal requirements and criminal prosecutions for breaches of company law as well as a range of other forms of proceedings. Details of the various legal proceedings involving the Office are outlined in the Office’s annual report each year (Appendix 3.2.).

The total legal expenses incurred by the Office for each of the years is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>€000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>136</td>
</tr>
<tr>
<td>2005</td>
<td>207</td>
</tr>
<tr>
<td>2006</td>
<td>452</td>
</tr>
<tr>
<td>2007</td>
<td>913</td>
</tr>
<tr>
<td>2008</td>
<td>630</td>
</tr>
<tr>
<td>2009 (to end-June)</td>
<td>594</td>
</tr>
</tbody>
</table>

In some cases, costs orders in favour of the Office are made. The amount of costs recovered each year is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>€000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>154</td>
</tr>
<tr>
<td>2005</td>
<td>109</td>
</tr>
<tr>
<td>2006</td>
<td>27</td>
</tr>
<tr>
<td>2007</td>
<td>24</td>
</tr>
<tr>
<td>2008</td>
<td>139</td>
</tr>
<tr>
<td>2009 (to end-June)</td>
<td>1</td>
</tr>
</tbody>
</table>

Company and Director prosecutions were taken by the CRO in respect of the failure by companies to file annual returns as required under section 125 of the Companies Act 1963. These cases were prosecuted by the Chief State Solicitor’s Office and the full legal costs relating to these cases are not known to the CRO. The only expenses for the CRO were the cost of swearing the Declaration of Service that has to be sworn for each individual summons before the summonses can be entered in the District Court Office — that is usually 10 euro per Declaration. The expenses incurred for each of the years are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>250</td>
</tr>
<tr>
<td>2005</td>
<td>1,660</td>
</tr>
<tr>
<td>2006</td>
<td>1,470</td>
</tr>
<tr>
<td>2007</td>
<td>1,030</td>
</tr>
<tr>
<td>2008</td>
<td>1,220</td>
</tr>
<tr>
<td>2009 (to end-June)</td>
<td>—</td>
</tr>
</tbody>
</table>
CRO has also initiated several cases under section 371 of the Companies Act 1963 as amended, seeking an order from the High Court directing companies and their directors to file overdue annual returns. Papers are sent to the Chief State Solicitors Office to serve summonses and the only cost that arises for the CRO is the cost of having an affidavit signed and sworn in each case, which amounts to €12 per affidavit plus €2 for each exhibit that accompanies the affidavit.

The costs incurred for each of the years are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>—</td>
</tr>
<tr>
<td>2005</td>
<td>—</td>
</tr>
<tr>
<td>2006</td>
<td>56</td>
</tr>
<tr>
<td>2007</td>
<td>—</td>
</tr>
<tr>
<td>2008</td>
<td>280</td>
</tr>
<tr>
<td>2009 (to end-June)</td>
<td>294</td>
</tr>
</tbody>
</table>

The following information should be borne in mind in relation to the data being supplied.

(1) The costs above relate to legal bills only and do not include internal Department staff costs.

(2) In addition to the cases listed above, the Multilateral Trade Policy Section of my Department is dealing with a case at the European Court of Justice. In that case, Ireland is intervening in a situation where the European Commission has asked the Court for an Opinion on the operation of the EU’s Common Commercial Policy (i.e. the EU trade policy). To date the work in this case, which was initiated on 18th February 2009, has been carried out by the Office of the Attorney General and the Chief State Solicitor’s Office and no fee notes for this work have yet been received.

Job Creation.

112. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will support investment and jobs on the north side of Dublin, particularly Dublin 3, 5, 9 and 17. [27189/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** For the purpose of promoting investment and jobs in Dublin, the Enterprise Development agencies do not distinguish between individual postal districts of the city.

As regards foreign direct investment, there are some 450 IDA Ireland supported companies in the city employing over 50,000 people. In the past week IBM Corporation, the largest information technology company in the world, announced its intention to make an investment of over €25 million in an expansion of its Ireland Software Lab. The expansion will see the company create 100 new software engineering positions in its Ireland Software Lab located in Dublin. In addition, Rottapharm, which is located in Mulhuddart, announced a significant expansion of its Irish manufacturing with a €7 million investment and an increase in employment of 35 people in new high level positions, which will bring employment at the site to 150 people.

In relation to indigenous industry, Enterprise Ireland is focussed on the creation of new jobs through supporting entrepreneurs who are setting up High Potential Start-Up Companies. The agency is also focused on the retention and creation of jobs in existing companies. Since the beginning of 2008, Enterprise Ireland has approved over €47m and made payments of over
€30m in support of development projects for indigenous companies in the north Dublin area. These include support for development and expansion of campus company activity to encourage and support the commercialisation of research and development carried out in the third level sector.

The recently established Enterprise Stabilisation Fund will enable internationally trading companies survive the current global downturn by supporting their drive to reduce costs and gain sales in overseas markets. Sustainable economic recovery will be driven by enterprises focused on increasing their exports of innovative products and services in global markets.

Enterprise Ireland has also provided funding for Campus Incubation Centres in Dublin City University, Blanchardstown Institute of Technology, Dublin Institute of Technology and in the National College of Ireland located in the International Financial Services Centre. Enterprise Ireland also supports Third Level Colleges to foster links with industry thereby encouraging industry to increase its use of technology. Under the Innovation Partnership and Research Funding Programme, Enterprise Ireland approved over €33m in supports and made payments in excess of €24m since the beginning of 2007 in support of such projects in the north Dublin area.

The agency has made significant investment in Community Enterprise Centres in the North Dublin area to support the establishment and expansion of micro enterprises through local community participation. Under the various Community Enterprise Centre Schemes, Centres were supported in Coolock and Darndale. Those Centres are now fully occupied and provide vital accommodation for micro enterprise companies in their formative years. Enterprise Ireland has also funded Community Enterprise Centres in Ballymun, Gloucester Place, North King Street, Oxmantown Lane, the Bolton Trust Centre at East Wall Road and at Mulhuddart and Balbriggan.

Finally, the Dublin City Enterprise Board provides support to micro-enterprises in the start-up and expansion phases in manufacturing, tourism and services. The Board supports individuals, firms and community groups.

*Question No. 113 answered with Question No. 62.*

*Question No. 114 answered with Question No. 88.*

**Job Initiative.**

115. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the difficulties facing professional researchers both in terms of securing permanent employment and choosing a career path; her views on whether meeting these challenges is particularly important in order to enhance Ireland’s position as an attractive research location for Irish and international researchers and that meeting these challenges is an urgent matter in view of the rapid increase in PhD graduates here; the steps she has taken to implement the Forfás report Towards a Framework for Researcher Careers since its publication in October 2008; the number of times the researcher careers working group has met since the publication of the report; the progress it has made; and if she will make a statement on the matter. [27301/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan):** The Strategy for Science, Technology and Innovation (SSTI) 2006-2013 aims to ensure that Ireland, by 2013, will be internationally renowned for the excellence of its research,
and will be to the forefront in generating and using new knowledge for economic and social progress, within an innovation driven culture. The SSTI recognises the vital contribution that highly educated, professional and effective researchers can make to the development of Ireland’s knowledge economy. It acknowledges the importance of putting conditions in place to facilitate our Higher Education Institutions, Public Sector Research Institutes and private enterprise in the recruitment and retention of such researchers. The Strategy highlights the importance of people embarking on 4th level studies having a clear sense of career path options, whether they be in academia, enterprise or administration and calls for the development of a sustainable career path for researchers.

Following publication of the SSTI, the Advisory Science Council (ASC) was requested to consider how the Government could best facilitate the development of researcher careers and to prepare recommendations. The Council’s report ‘Towards a Framework for Researcher Careers’ was published in October 2008. The report contains a number of key recommendations including:

- The establishment of a distinctive and transparent Framework for Developing Professional Careers within the HEIs which would also be recognised and have relevance for the enterprise sector;
- That terms and conditions under which researchers are employed should be consistent irrespective of the sources of funding for their positions;
- That funding agencies and HEIs should establish a programme to ensure Ireland reaches the EU average of female participation rates among senior academic levels by 2018;
- That funding agencies should increase the level of funding available to humanities and social sciences to further support researcher careers in these disciplines;
- That the HEIs, public sector research institutes and enterprise need collectively to develop and implement a researcher careers competency framework;
- That a national programme should be established providing career information, including information on the personal and professional researcher skills required by each sector — HEIs, the public sector and enterprise;
- That, as the first stage of professional career development of researchers, Graduate Schools should be developed to ensure PhD students learn practical business skills such as project management, people and financial management, marketing and skills required for the commercialisation of research;
- That funding agencies should facilitate international mobility, both inward and outward, among all researchers by providing continuity of funding to those seeking international experience and those that seek to return to Ireland.

The Higher Education Research Group (HERG), which is chaired by the Department of Education and Science, oversees and has responsibility for the coherent development of policy and funding initiatives arising under the SSTI which pertain to the higher education and research sector. Following publication of the ASC’s report, a Researchers Careers Working Group was subsequently established under the aegis of the Higher Education Research Group to focus on the development of a clearly and broadly consistent path for career progression across the higher education sector. The group is chaired by the Department of Education and Science
and comprises representatives of employers, funders and promoters of research, the Higher Education Authority and Forfás.

My colleague, the Minister for Education and Science, has informed me that the Researcher Careers Group has met on three occasions to date. In addition DES have engaged in bilateral meetings with a number of key stakeholders. The Group has recently concluded its work and has prepared a report containing proposals to develop a framework for a national researcher careers structure which incorporates clear definitions of title, a performance development and appraisal system, continuing professional skills development and is underpinned by the guiding principle that attainment of titles must be based on a transparent, open and competitive process. An initial briefing on the Researchers Careers Working Group report has been given to the HERG and it is proposed to formally submit the report to the next scheduled meeting of the HERG in September.

**Job Creation.**

116. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs clubs here; the number of clients they have dealt with individually for each of the past three years; and if she will make a statement on their role in tackling unemployment; and if she will make a statement on the matter. [27327/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** FÁS Job Clubs were introduced in 1999 to assist people who were actively seeking employment by providing support for the job search process and an environment in which it could be carried out. Independent Sponsor Groups are contracted by FÁS on a year to year basis to run the programme.

Job Clubs are seen as an important resource and intervention for those who have recently completed training programmes or have recently become unemployed. They provide both a formal and structured input as well as a drop-in resource facility. They also help the individual in overcoming the personal effects of unemployment by providing a mutual support forum from people in a similar situation.

56 Job Clubs nationwide provided formal programmes to the following numbers of clients for the past three years:

2006: 6,417;
2007: 7,100;
2008: 8,814.

I understand that the number of “drop-ins” would be approximately double these figures. During 2009 it is proposed to increase the number of Job Clubs to over 60.

*Question No. 117 answered with Question No. 81.*

**Redundancy Payments.**

118. **Deputy Damien English** asked the Tánaiste and Minister for Enterprise, Trade and Employment when applications by persons (details supplied) for redundancy payment will be decided on; the reason for the delay in processing these applications; and if she will make a statement on the matter. [27464/09]
Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The Redundancy Payments Section of my Department is currently processing the statutory lump sum payment applications in respect of the individuals in question. The necessary support documentation from the Liquidator was recently submitted for checking and assuming the information supplied is in order, it will be possible to process the applications quickly.

Disability Act.

119. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the statutory three year review of the Disability Act 2005 sectoral plan pertaining to her Department and required under the Disability Act 2005 will be published; and if she will make a statement on the matter. [27506/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John Moloney): The Sectoral Plan of the Department of Enterprise, Trade and Employment covers the period 2006-2010 and is currently being reviewed. It is intended that the review will be completed as soon as possible with a view to enabling publication by end October 2009 in line with the statutory timeframe prescribed under the Disability Act, 2005.

Departmental Expenditure.

120. **Deputy Michael D’Arcy** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of properties her Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if she has tried to negotiate the cost of rent downwards in the past year; and if she will make a statement on the matter. [27591/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The buildings and premises occupied by my Department and the 8 Offices of my Department are not rented or leased by the Department or its Offices. The information requested by the Deputy is, therefore, not relevant in the case of my Department and its Offices. The Deputy may wish to know that all buildings and premises occupied by my Department and its Offices are provided by the Office of Public Works without any cost to the Department and its Offices.

Community Employment Schemes.

121. **Deputy John O’Mahony** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs which have been lost due to the curtailment of the community employment schemes in 2006, 2007 and 2008 for each county in tabular form; and if she will make a statement on the matter. [27660/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): 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 work routine and to assist them to enhance/develop both their technical and personal skills.

As can be seen from the following table, the numbers on CE have increased from year-end 2006 to year-end 2008.
Year-End Statistics for Community Employment, by County/Location

<table>
<thead>
<tr>
<th>Location/County</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dublin</td>
<td>5,647</td>
<td>6,105</td>
<td>6,001</td>
</tr>
<tr>
<td>Carlow</td>
<td>319</td>
<td>322</td>
<td>325</td>
</tr>
<tr>
<td>Cavan</td>
<td>254</td>
<td>223</td>
<td>224</td>
</tr>
<tr>
<td>Clare</td>
<td>573</td>
<td>578</td>
<td>573</td>
</tr>
<tr>
<td>Cork</td>
<td>2,064</td>
<td>2,088</td>
<td>2,125</td>
</tr>
<tr>
<td>Donegal</td>
<td>1,109</td>
<td>1,128</td>
<td>1,145</td>
</tr>
<tr>
<td>Galway</td>
<td>1,415</td>
<td>1,421</td>
<td>1,447</td>
</tr>
<tr>
<td>Kerry</td>
<td>889</td>
<td>958</td>
<td>973</td>
</tr>
<tr>
<td>Kildare</td>
<td>613</td>
<td>624</td>
<td>628</td>
</tr>
<tr>
<td>Kilkenny</td>
<td>407</td>
<td>381</td>
<td>401</td>
</tr>
<tr>
<td>Laois</td>
<td>318</td>
<td>310</td>
<td>310</td>
</tr>
<tr>
<td>Leitrim</td>
<td>154</td>
<td>144</td>
<td>149</td>
</tr>
<tr>
<td>Limerick</td>
<td>1,227</td>
<td>1,224</td>
<td>1,221</td>
</tr>
<tr>
<td>Longford</td>
<td>305</td>
<td>304</td>
<td>301</td>
</tr>
<tr>
<td>Louth</td>
<td>740</td>
<td>777</td>
<td>754</td>
</tr>
<tr>
<td>Mayo</td>
<td>749</td>
<td>796</td>
<td>800</td>
</tr>
<tr>
<td>Meath</td>
<td>424</td>
<td>425</td>
<td>422</td>
</tr>
<tr>
<td>Monaghan</td>
<td>355</td>
<td>385</td>
<td>354</td>
</tr>
<tr>
<td>Offaly</td>
<td>398</td>
<td>375</td>
<td>373</td>
</tr>
<tr>
<td>Roscommon</td>
<td>284</td>
<td>310</td>
<td>300</td>
</tr>
<tr>
<td>Sligo</td>
<td>409</td>
<td>411</td>
<td>415</td>
</tr>
<tr>
<td>Tipperary</td>
<td>1,133</td>
<td>1,165</td>
<td>1,130</td>
</tr>
<tr>
<td>Waterford</td>
<td>547</td>
<td>581</td>
<td>557</td>
</tr>
<tr>
<td>Westmeath</td>
<td>512</td>
<td>492</td>
<td>511</td>
</tr>
<tr>
<td>Wexford</td>
<td>775</td>
<td>796</td>
<td>794</td>
</tr>
<tr>
<td>Wicklow</td>
<td>661</td>
<td>669</td>
<td>663</td>
</tr>
<tr>
<td>Actual TOTAL</td>
<td>22,281</td>
<td>22,992</td>
<td>22,896</td>
</tr>
</tbody>
</table>

Note: The figures include supervisors.

Departmental Schemes.

122. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to extend the duration of the work placement programme scheme; and if she will make a statement on the matter. [23248/09]

123. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to extend the number of places on the work placement programme scheme; and if she will make a statement on the matter. [23243/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 122 and 123 together.

The aim of the Work Placement Programme is to put in place a structured mechanism that will provide vital work experience and training opportunities for the broadest number of individuals and also provide invaluable work experience for unemployed persons, including graduates, to improve their skills and to help them into employment as soon as possible.
At this moment in time beyond the 2,000 places currently being offered for 6 months to individuals, I have no immediate plans to extend the number of places or the duration of the Work Placement Programme.

However, during and following completion of the Work Placement Programme it is my intention to review and evaluate the effectiveness and impact of the Programme. It will be in this context that I will consider any potential extensions of numbers and duration of the Programme.

Redundancy Payments.

124. **Deputy Seán Fleming** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will provide a copy of the original RP50 form signed by a person (details supplied) in County Laois in respect of a claim for redundancy. [27695/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The Redundancy Payments Section of my Department has received a redundancy lump sum application in the case of the individual concerned.

I understand that the person concerned has been in direct contact with the Redundancy Payments Section recently and a copy of the RP50 form was sent by post to the individual last week.

Community Employment Schemes.

125. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 124 of 30 June 2009, the Members of the Houses of the Oireachtas who sit on sponsoring committees of community employment projects; the relevant sponsoring committee in each instance; and if she will make a statement on the matter. [27747/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I am advised that FAS is aware that there are a number of sitting Members of the Houses of the Oireachtas on the Sponsoring Committees of Community Employment (CE) projects. In order to accurately establish and confirm the exact numbers and names, it will be necessary to contact all of the CE Sponsors (over 1,100 Sponsors with at least 7 members on each) through our regional management to ascertain who are currently listed as members of the Sponsoring Committees and whether any of them are Members of the Houses of the Oireachtas. When this information is available I will communicate it directly to the Deputy.

Labour Inspectorate.

126. **Deputy John McGuinness** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of inspectors employed by the National Employment Rights Authority; if this number will be increased over the coming months; if all of the inspectors are on contract or employed under the usual terms and conditions of the civil service; if the inspectors are entitled to subsistence and other expenses; the overall cost to date of all of those employed in this category; the number of premises visited in each region here; the number of cases prosecuted through the courts; the numbers of prosecutions or cases pending; the type of breaches being discovered; and if she will make a statement on the matter. [27816/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The National Employment Rights Authority (NERA) currently has in place a team of 77 Inspectors. They are all employed under the standard terms and conditions governing
Civil Servants in general. Inspectors are entitled to receive travel and subsistence in respect of expenses necessarily incurred in the performance of their official duties.

There are no proposals at present to increase the number of Inspectors. The Minister for Finance has recently introduced a moratorium on the filling of vacancies in the Public Service until the end of 2010, which will impact on NERA in common with all other public bodies.

The total costs, comprising pay and travel and subsistence costs, in relation to activities and operations of NERA’s Inspection Services are set out in Table 1. It has not been possible, in the time available, to apportion other non-pay costs between the different services within NERA.

Data in relation to inspection activity is currently maintained on a case basis and information in relation to the number of unique employers visited is not readily available. The data provided in Table 2 below represents an indicative estimate by NERA of the number of employers visited.

The inspection process includes calls, visits and inspections in respect of each case. In 2008 a total of 27,900 were carried out. The figure to date in 2009 is 10,445. NERA Inspectors have an enforcement role under aspects of the following legislation:

- Industrial Relations Acts 1946-2004 — (1) Employment Regulation Orders (Joint Labour Committee system) and (2) Registered Employment Agreement system,
- The National Minimum Wage Act 2000 –
- Protection of Young Persons (Employment) Act 1996 –
- Organisation of Working Time Act 1997
- Payment of Wages Act 1991- statement of wages aspect only.
- Carer’s Leave Act 2001
- Employment Agency Act 1971
- Protection of Employment Act 1977
- Protection of Employees (Employers’ Insolvency) Acts 1984 to 2003
- Parental Leave Act 1998 (Department of Justice, Equality and Law Reform).
- Employees (Provision of Information and Consultation) Act 2006

NERA will shortly be commencing inspections under the Employment Permits Acts 2003 and 2006.

In the course of 2008, prosecution proceedings were initiated by NERA in 70 cases. Proceedings were concluded in 88 cases, which included cases initiated in 2007. Convictions were obtained in 41 cases while in the balance of 47 cases the breaches were rectified before the Court hearing or the cases were withdrawn or struck out.

In the course of 2009 to date prosecution proceedings have been initiated by NERA in 29 cases. Proceedings were concluded in 59 cases. Convictions were obtained in 13 cases while in the balance of 46 cases the breaches were rectified before the Court hearing or the cases were withdrawn or struck out.

NERA inspections indicate a very broad variance in the level of compliance with employment legislation. The level of compliance ranges from over 90% in Protection of Young Persons
and National Minimum Wage to 55% in respect of Organisation of Working Time Act and is as low as 15% in relation to compliance with some Employment Regulation Orders. It would appear the higher the level of awareness the higher the compliance level. This supports the view that most employers want to comply with employment law.

Some of the more serious illegal practices NERA has uncovered include:

- Failure to pay the appropriate rate;
- Falsifying records including payslips and timesheets;
- Paying employees for significantly fewer hours than they actually worked;
- Making unlawful deductions from employees wages;
- Failure to keep records;
- Failing to produce any records for inspection;
- Not providing employees with payslips / statement of wages;
- Providing documentation that purports to show arrears of wages have been paid to employees when this is not the case;
- Inadequate public holiday / annual leave provision.

### Table 1: NERA Inspection Services Costs, 2008 and 2009 (to end June)

<table>
<thead>
<tr>
<th>Category</th>
<th>2008 €000s</th>
<th>2009 (to end June) €000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay</td>
<td>4,813</td>
<td>2,430</td>
</tr>
<tr>
<td>Travel &amp; Subsistence</td>
<td>914</td>
<td>243</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,727</td>
<td>2,673</td>
</tr>
</tbody>
</table>

### Table 2: Estimate of Number of Employers visited by NERA in 2008 and 2009 (to end June)

<table>
<thead>
<tr>
<th>Region</th>
<th>Regional HQ</th>
<th>No. of Employers Visited</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2008</td>
</tr>
<tr>
<td>South East</td>
<td>Carlow</td>
<td>3,287</td>
</tr>
<tr>
<td>South</td>
<td>Cork</td>
<td>1,339</td>
</tr>
<tr>
<td>North East</td>
<td>Dublin</td>
<td>3,080</td>
</tr>
<tr>
<td>West</td>
<td>Shannon</td>
<td>1,318</td>
</tr>
<tr>
<td>North West</td>
<td>Sligo</td>
<td>1,065</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>10,089</td>
</tr>
</tbody>
</table>

**Redundancy Payments.**

127. **Deputy John McGuinness** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her preferential claim against a company (details supplied) under the Redundancy Payments Acts will be struck out; and if she will expedite a response in view of the circumstances of the case. [27817/09]
**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):**

It is up to the employer in the first instance to pay statutory redundancy entitlement to employees. When an employer does so, he is entitled to claim a rebate of 60% from the Social Insurance Fund. If the employer is unable to pay the statutory amount, then the employee can, ultimately, be paid directly by my Department from the Fund. In such cases, 40% of each statutory redundancy lump sum paid is recoverable from the assets of the employer by the Department for the Fund.

This statutory Redundancy Recoveries function is provided for in Sections 42 and 43 of the Redundancy Payments Act, 1967 (as subsequently amended). Section 42 of the Redundancy Payments Acts 1967 — 2007 confers on the Minister, preferential creditor status in a winding-up situation in recovering amounts paid from the Social Insurance Fund. Thus, a redundancy lump sum (or part thereof) is made a priority debt under Section 285 of the Companies Act, 1963, in cases of winding-up, and a priority debt under Section 81 of the Bankruptcy Act, 1988, in cases of a bankrupt or arranging debtor. Section 43 of the 1967 Act also makes general provision whereby all monies due to the Fund (whether in a winding-up situation or not) are debts, which can be recovered in any court of competent jurisdiction.

In the present case, my Department paid a statutory redundancy lump sum in favour of a former employee of the company from the Social Insurance Fund and the Department was involved in written communication with the company at the time. The company was also advised of the fact that given that the payment was made directly from the Social Insurance Fund, the Minister, in line with the provisions of the Redundancy Payments Acts referred to, had preferential creditor status.

The Minister has no discretion with regard to the 40% due to the Social Insurance Fund in terms of any legal powers to divert, from the Social Insurance Fund, monies which may be recovered from the assets of the company at some future point and the Minister is not in a position to strike off the outstanding liability to the Social Insurance Fund.

**Job Losses.**

128. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the full extent of job losses and job creation throughout County Kildare in each of the past five years to date in 2009 in the manufacturing service or knowledge based areas; and if she will make a statement on the matter. [27997/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):**

Employment data in respect of companies supported by the Enterprise Agencies (Enterprise Ireland, IDA Ireland and Shannon Development) is collated by Forfás on an annual basis only, and accordingly data is not available for 2009. The knowledge agenda transcends all sectors of the economy and data is not categorised on this basis. Data on job gains and job losses in Kildare County in Manufacturing and Services for the years 2004-2008 is shown in the table. This table indicates that 1,055 jobs net were lost in the manufacturing sector in the 5 year period, while there was a net increase of 310 in the numbers employed in the Services sector in the same period. At end 2008 the numbers employed in Co. Kildare in enterprise agency assisted firms stood at 14,478.

The enterprise development agencies are committed to promoting Co. Kildare as a location for investment as part of an integrated East Region, with access to a population base of 1.5 million people, as well as supporting and developing businesses already present in the county. The agencies are working closely with educational institutions in the County, and with FÁS in developing the skill sets necessary to attract high value added employment to the County and
to provide guidance in developing the skills needed by those already in the workforce, who are interested in upskilling.

At present there are 25 IDA Ireland supported companies in Kildare County employing 9,837 people, and in recent years IDA have succeeded in attracting some world class manufacturing companies such as Intel, Wyeth Medica, Braun Oral B and Hewlett Packard. In the present competitive global markets, it is increasingly difficult to continue to attract such facilities, as manufacturing companies, in particular, are going to low cost destinations. Despite the downturn, Kildare remains very attractive for FDI as evidenced by the recent announcement by Hewlett Packard of the expansion of its Global Service Desk operation at its Liffey Park Technology Campus in Leixlip, which will result in the creation of 500 jobs over the next 12 months in the areas of technical support, R&D and training. A further example of the attractiveness of the County is the recent announcement of the expansion of the Oral B facility creating 100 jobs in Newbridge.

Enterprise Ireland activity is focused on the creation of new jobs through supporting entrepreneurs in manufacturing and internationally traded services companies who are setting up new High Potential Start-Up Companies. Since the beginning of 2005, Enterprise Ireland has approved over €15m in support to companies in Kildare to help them grow their sales and exports and improve innovation and new product development in order that they can compete on world markets. The consumer foods sector in particular has shown rapid growth in recent years. The last two years have seen significant investment by Green Isle Foods and Dawn Farm Foods Ltd, both supported by Enterprise Ireland, leading to significant employment increases in both of these facilities.

In 2009, EI’s priority is to consolidate the position of existing Irish exporters in key markets (notably UK and US), and to identify and exploit new export opportunities across the Eurozone and in other selected markets. Enterprise Ireland is focusing additional resources on the Eurozone, with the objective of helping Irish companies to win sales in these markets. A number of markets have also been identified that are less affected by the global downturn, including Brazil, Russia, India, China and the Gulf region. Enterprise Ireland Trade Missions, international buyer programmes and client promotional activities at trade fairs, conferences and exhibitions are vital in establishing presences in international markets for goods and services.

During 2008, Enterprise Ireland launched a new Growth Fund, which provides clients with funding of up to €450,000 to help them achieve greater competitiveness by investing in new equipment, implementing new processes, training staff, or hiring key managers or consultants. In 2008, a total €26.23 million was approved under the Growth Fund to support 84 competitiveness improvement projects. This fund will continue to support companies’ competitiveness over the next two years.

| Enterprise Agency Supported Jobs (Gains/Losses) in Co. Kildare 2004-2008 |
|---------------------------|---|---|---|---|---|---|
|                          | 2004 | 2005 | 2006 | 2007 | 2008 | Total |
| Manufacturing            |      |      |      |      |      |       |
| Job Gains                | 896  | 797  | 752  | 526  | 238  | 3,209 |
| Job Losses               | −709 | −332 | −687 | −1,216 | −1,320 | −4,264 |
| International & Financial |      |      |      |      |      |       |
| Services & Other         | 224  | 227  | 165  | 88   | 116  | 820   |
| Job Gains                |      |      |      |      |      |       |
| Job Losses               | −100 | −115 | −32  | −108 | −155 | −510  |

Question No. 129 answered with Question No. 57.
Economic Competitiveness.

130. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs in the manufacturing and service areas which have relocated from Ireland to more competitive economics in each of the past 10 years to date in 2009; the extent to which she monitors this situation; the action in relation to same; the result of the action; her future proposals in this regard; and if she will make a statement on the matter. [27999/09]

131. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to manufacturing and service job relocation to more competitive economies in the course of the past 10 years; the action she has taken to address such issues; the effect of such action; and if she will make a statement on the matter. [28000/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 130 and 131 together.

There are many differing and complex factors, apart from costs, that influences a firm’s decision to relocate. Therefore, it is not currently possible to say how many jobs have ‘relocated’ from Ireland over the past 10 years. Job ‘churn’ occurs in the internationally trading sector of the economy, in a number of ways and for a variety of reasons. Companies adjust their plant location and utilisation strategies to address matters such as accessing new markets, moving production nearer to customers, meeting firm or market specific customer relationship issues, accessing technology, in addition to business takeovers and consolidations. For much of the last decade this churn has been positive for Ireland, with companies replacing lower value activities with activities of higher value, resulting in better paid, more highly skilled jobs.

The phenomenon of globalisation is changing the way economic production is organised around the world over. Lower barriers to trade and improvements in transport technology are increasing the specialisation of production, resulting in global supply chains. Ireland experiences both benefits and costs resulting from globalisation. Inward Foreign Direct Investment (FDI) illustrates the clearest demonstration of the benefits to Ireland from globalisation. This has been one of the principal causes of the strong economic performance of Ireland over the last two decades. However, as Ireland has gained from the mobility of modern production and supply chain models, competition from other locations for mobile investment has intensified. This shift in the structure of international trade poses challenges to economic policy makers in all countries.

Of course, some churn can be negative, when it results in a net loss of employment. Total job numbers employed in enterprise agency supported companies, (which represents a large portion of employment in the internationally traded sector of the economy), increased by approximately 7.5%, in the 10 years to 2008. The global economic downturn has seen a decline in the number of people employed in the internationally trading element of the economy in 2008/09, but this is a phenomenon being experienced by economies at every stage of development around the globe. The International Labour Organisation forecasts global unemployment to rise considerably, over the immediate term. The decline in the level of employment in Ireland’s internationally trading sectors cannot therefore be simply related to job ‘relocation’ alone.

Competitiveness can naturally decline in certain areas when an economy becomes more advanced — for example, developed economies cannot compete with developing countries in
certain areas of low value, labour intensive production. However, competitiveness is vital to ensure Ireland continues to win investment in the areas of manufacturing and service activity in which it competes in with other developed economies, such as high value manufacturing and internationally traded services.

A principal task of government is to ensure that Ireland continues to be an attractive place to do business, and to help foster economic competencies higher up the value chain. This government has made significant attempts to maintain and enhance our framework competitive conditions, and to promote new areas of competitive advantage by developing our R&D base, investing in critical physical and communication infrastructures, and promoting tertiary education and lifelong learning. The Enterprise Strategy Group report outlines the strategy being pursued by Government to move all enterprises in Ireland towards higher value added and knowledge based activities. Subsequent reports and strategies including the “Strategy for Science, Technology and Innovation, 2006-2013”, the “National Skills Strategy” and “Building Ireland’s Smart Economy” further develop and build on these objectives.

Competitiveness is a key driver of economic development and my Department closely monitors Ireland’s competitiveness for this reason — by a variety of means including the National Competitiveness Council’s annual work in the area, which involves benchmarking the country’s competitiveness performance against key competitors across more than 140 competitiveness indicators. The results of this analysis highlight areas where action needs to be taken to improve Irish competitiveness for enterprise, and informs the policy measures formulated to support Irish economic development.

The model of manufacturing in developed countries is changing and Irish enterprises are adapting to those changes. The “Report of the High-Level Group on Manufacturing” contains some 26 recommendations directed at key areas of innovation and productivity leading to transformational change, reskilling and management development, which will ensure Irish manufacturers, can continue to compete successfully on international markets and provide high value sustainable employment.

We continue to be one of the world’s leading service exporting countries. The report of the Services Strategy Group, “Catching the Wave: A Services Strategy for Ireland”, sets out new policy proposals on how we can ensure the continued development and growth of Ireland’s services sector and outlines how to maximise the future returns to the country from services activities in all enterprises, both current and potential. Implementation of the recommendations— some of which are already being acted on by the Enterprise Agencies — will enable Irish service companies to exploit new and exciting opportunities, such as eLearning, business and financial services, professional and consultancy services and others.

132. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has examined the trends in imports and exports in each of the past five years to date; if she has identified issues requiring attention; the action she has taken or proposes to take in response; the effect of such corrective action to date; and if she will make a statement on the matter. [28001/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** In the period 2003-2008, annual growth in total Irish exports has averaged 5.5%. Over the five years in question our Services exports have risen steadily from €37.1bn or 31.1% of total exports in 2003 to €69.2bn or 44.5% in 2008.
With regard to total imports, the annual growth rate averaged 6.6%. The growth in Merchandise imports showed an average annual growth rate of 3.9%, while the average annual growth in our Services imports was 9.1%. Between 2003-2008 our Services imports rose from being 50.7% to 56.6% of our total Services imports. Our trade surplus in 2008 was €23.79bn.

These healthy trade levels were achieved despite poor economic growth in many of our trading partners and also against the backdrop of adverse exchange rate trends in our two biggest export markets, the United States and the United Kingdom. Our performance is especially significant when compared to our EU partners. The latest figures released by Eurostat, demonstrate that in several of the major Member States, exports declined by over 20% in the first quarter of this year, whereas Ireland’s were virtually unchanged at -0.01%. Over recent years, net exports have made a very significant contribution to GDP growth. In 2008 the contribution of net exports was 2.7% and in the first quarter of 2009 it was 6.09%.

The Department of Enterprise, Trade and Employment, through Enterprise Ireland, is active both in assisting Irish indigenous companies to find new markets for their products and services and to increase their existing level of market share. Both my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment, Mary Coughlan T.D. and I, have been active in leading trade missions to develop new opportunities for Irish exporters, in association with Enterprise Ireland. We will continue to do so, to both existing long-established markets, to the new EU Member States and also to other emerging high-growth markets, with a view to increasing the share of exports by Irish companies worldwide. To illustrate the success of these efforts, our exports to the eight priority countries identified in our Asia Strategy, have more than doubled in five years to over €11bn.

The importance of our Services trade to the economy is growing. The future performance in services activities will therefore be increasingly important to overall growth in the economy. The Services Strategy Group, which was set up in 2007 by Forfás and the Department of Enterprise, Trade and Employment, published its Report — “Catching the Wave: A Services Strategy for Ireland”, in September last. The Report sets out new policy proposals on how the State can ensure the continued development and growth of Ireland’s services sector. The recommendations in this Report will guide the development of our services strategy into the future, to further exploit the opportunities that this sector presents.

The manufacturing sector is in transition but is well positioned to meet future challenges. Ireland’s manufacturing future depends on a manufacturing sector that is capital intensive, knowledge intensive and skills intensive, focused on developing innovative products, services and solutions and meeting the needs of markets and customers. The 2007 report of the High Level Group on Manufacturing identifies the focused actions needed by employers, employees and Government to respond to challenges and take advantage of opportunities to further develop the sector in Ireland and these are being pursued through the Government Framework for Economic Renewal.

133. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has identified any issues that are currently deemed to negatively impact on economic growth here; the steps she will take in this regard; and if she will make a statement on the matter. [28002/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** There are a number of factors which impact on economic growth. These are level of investment,
consumption, government spending and net exports. The impact of the fall in housing and construction volumes is well understood and has had a negative impact on economic growth.

One of the primary areas of focus in my Department is on growing exports. The most recent export figures are encouraging. Year-on-year Irish exports to April rose by 6%. Year-on-year pharmaceutical exports rose by 19%. Our export performance is in turn dependant on our productivity levels and our competitiveness. The Government has taken and will continue to take the necessary steps to improve our competitiveness and productivity in order to return to economic growth at sustainable levels.

*Question No. 134 answered with Question No. 98.*

*Question No. 135 answered with Question No. 57.*

136. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to address the concerns of small and medium enterprises with reference to costs, credit and competitiveness; and if she will make a statement on the matter. [28005/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Under the framework for Economic Renewal we are taking a number of measures across Government to improve our competitiveness. Cost competitiveness is a particular focus of action and we are already seeing results. Firstly, Irish inflation declined by 4.7 percent in the year to May 2009. We have also seen a decline in unit labour costs which has a direct effect on competitiveness. We will continue to exert further downward pressure on costs including reviewing the recommendations of the Competition Authority which have most effect on competitiveness. We are working to ease costs to enterprise in administered sectors of the economy under state control such as local authority charges. We are also easing the administrative burden that regulations can create.

Energy prices have come down in recent months and I will continue to work closely with my colleague the Minister for Communications, Energy and Natural Resources to ensure that we continue to exert downward pressure on energy costs. Across Government there is a concerted approach to eliminate structural rigidities that have contributed to high costs. The current initiative to legislate against upward only rent reviews is a further example of this cross Government effort.

With regard to credit, we have taken determined action to address the fundamental issue of access to finance for business, by way of the new code of practice for banks linked to the recapitalisation scheme. The Minister for Finance and I have, furthermore, recently established the Credit Supply Clearing Group to examine where the flow of credit to viable business appears to be blocked and develop solutions that enable adequate business credit flow.

In addition the Minister for Trade and Commerce, Billy Kelleher TD, is holding a series of regional meetings around the country to assess the factors affecting access to bank credit at local and regional level. These meetings allow the Government to hear at first hand the views and experiences of local business representative groups, local bank representatives and state agencies on access to bank lending. This will complement the work of the Credit Supply Clearing Group and feed into future Government policies on the issue.

To improve the competitive strengths of firms we continue to implement a series of policies to encourage a move to higher productivity levels and the production of higher value added...
goods and services. Our competitiveness priorities also include a strong focus on skills, education and training.

Furthermore, our long-term commitment to investing in and supporting science will, I am confident, bring an additional dimension to our competitiveness as well as taking us to a new level of innovation and entrepreneurial activity.

137. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to improve the competitiveness of the economy with reference to improving export opportunities on world markets for Irish products; and if she will make a statement on the matter. [28006/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** Ultimately it is individual businesses that must take advantage of global markets but it is my responsibility to ensure that no barriers are placed in their way. In this regard, my immediate competitiveness objectives are to ensure that the broad business environment is conducive to improved export opportunities and to facilitate a return to sustainable export growth. We will continue to provide the appropriate supports to the enterprise sector, restore our cost competitiveness and safeguard the significant achievements of recent years.

Our current enterprise policies are focused on driving export growth momentum by supporting companies to pursue aggressive and progressive growth strategies. Our priorities include strengthening and sustaining companies of strategic importance through a series of targeted initiatives provided by the development agencies. A central priority is to ensure that companies with high growth potential and in which the State has already invested are brought through this difficult period. These are companies that will continue to be successful on world markets and will provide essential high-value employment in the future.

Irish exporters have proved themselves well able to compete decisively on world markets. Between 2003 and 2007 our total Irish exports increased by more than 6% per annum year-on-year. Merchandise exports for the first quarter of 2009 were up by 2% and rose further in April, giving us a trade surplus for that month of just over €4bn, the highest monthly surplus in eight years and the second highest on record.

Our performance is especially significant when compared to our EU partners. The latest figures released by Eurostat, demonstrate that in several of the major Member States, exports declined by over 20% in the first quarter of this year.

Over recent years, net exports have made a very significant contribution to GDP growth. In 2008 the contribution of net exports was 2.7% and in the first quarter of 2009 it was 6.09%. In both cases this made a significant contribution to counteracting the other GDP elements that were negative.

**Job Creation.**

138. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs created or lost here on a monthly basis for each of the past 12 months to date; and if she will make a statement on the matter. [28007/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Employment and Unemployment is measured by the Quarterly National Household Survey or QNHS and published by the Central Statistics Office. Employment in the last 12 months has decreased by 158,500 while unemployment has increased by 96,100 in the 12 month period (Quarter 2 2008 to Quarter 1 2009).
QNHS Quarter | Unemployment | Change in Quarter Unemployment | Employment | Change in Quarter Employment
--- | --- | --- | --- | ---
Apr-Jun 08 | 126,700 | +17,300 | 2,112,800 | −11,300
Jul-Sep 08 | 159,400 | +32,700 | 2,107,100 | −5,700
Oct-Dec 08 | 169,700 | +10,300 | 2,054,600 | −52,500
Jan-Mar 09 | 222,800 | +53,100 | 1,965,600 | −89,000
Total | | +113,400 | | −158,500

There is no exact measure of the number of jobs lost over the last 12 months. However, my Department records the number of redundancies notified to them on a monthly basis. The following table sets out the number of redundancy notifications received for the last 12 months.

<table>
<thead>
<tr>
<th>Date</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul-08</td>
<td>3,852</td>
</tr>
<tr>
<td>Aug-08</td>
<td>3,147</td>
</tr>
<tr>
<td>Sep-08</td>
<td>3,971</td>
</tr>
<tr>
<td>Oct-08</td>
<td>4,623</td>
</tr>
<tr>
<td>Nov-08</td>
<td>5,361</td>
</tr>
<tr>
<td>Dec-08</td>
<td>3,350</td>
</tr>
<tr>
<td>Jan-09</td>
<td>6,640</td>
</tr>
<tr>
<td>Feb-09</td>
<td>6,279</td>
</tr>
<tr>
<td>Mar-09</td>
<td>7,759</td>
</tr>
<tr>
<td>Apr-09</td>
<td>7,201</td>
</tr>
<tr>
<td>May-09</td>
<td>8,032</td>
</tr>
<tr>
<td>Jun-09</td>
<td>6,813</td>
</tr>
</tbody>
</table>

Question No. 139 answered with Question No. 109.

Job Creation.

140. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent of the incentives available to employers who might be in a position to increase their workforce with reference to the need to incentivise job creation; and if she will make a statement on the matter. [28009/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Enterprise Development agencies under the aegis of my Department, namely IDA Ireland and Enterprise Ireland, together with the County and City Enterprise Boards (CEBs) and the Employment Training agency FAS, provide incentives to assist with jobs.

As part of its marketing strategy to attract foreign direct investment into Ireland, IDA Ireland offers a range of assistance to its clients. The four main types of grants available are employment grants, capital grants, research and development grants and training grants. The agency also offers a range of tailored property solutions.

Enterprise Ireland delivers a wide range of supports to Irish companies, targeted at the specific requirements of clients throughout all regions to ensure that they develop to their full
Questions— 7 July 2009. Written Answers

[Deputy Mary Coughlan.]

potential in terms of employment, innovation and exports, which in turn, stimulates job creation. The agency, in recognising the significant changes in the current economy both in Ireland and globally, has prepared a new recovery strategy to identify the actions that will be undertaken to help clients in 2009. Enterprise Ireland has refocused its efforts on strengthening and sustaining companies of strategic importance through a range of initiatives focused on the needs of its client base. The Enterprise Stabilisation Fund is a new initiative which I announced recently. This Fund, which is being administered by Enterprise Ireland, will help internationally trading companies to survive the current global downturn by supporting their drive to reduce costs and gain sales in overseas markets. Sustainable economic recovery will be driven by enterprises focused on increasing their exports of innovative products and services in global markets.

The types of direct grant-aid available from the CEBs include capital grants, feasibility study grants and employment grants. The 2009 allocation for the CEBs will enable the Boards to continue to be actively involved in the area of economic development and will ensure that available funds are targeted to maximise entrepreneurial development. This will be done not just by direct grant aid to businesses but also through the provision of a range of other important business supports such as mentoring, business training and business advice, all of which help to stimulate indigenous enterprise creation.

In relation to FÁS, the agency provides a range of incentives that are available for clients and employers. The recently announced Work Placement Programme is designed to offer unemployed people, including unemployed graduates, the opportunity to obtain 6 months quality experience in a work situation. The benefit to providers is that they will, by giving someone the opportunity to gain work experience in their field, ensure the future supply of qualified and experienced people for their business or sector. Additionally, should a position become available within the business, they would have a prospective applicant with relevant work experience. The agency also promotes a range of supports and grants including the Wage Subsidy Scheme and the Supported Employment Programme. The Wage Subsidy Scheme provides financial incentives to employers, outside the public sector, to employ disabled people who work more than twenty hours per week. Subsidies available through this scheme are structured under three separate strands and employers can benefit under one or all, simultaneously. The Supported Employment Programme is an active labour market initiative to assist jobseeker’s with a disability to find employment in the open labour market. The programme facilitates the integration of people with disabilities into paid employment in the open labour market and provides support for the jobseeker and employer through a job coach to assist with the integration process.

I am satisfied that the range of actions which I have outlined will continue to address the jobs situation.

Job Losses.

141. Deputy Bernard J. Durkan asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she has monitored the number of jobs lost or created on a county or regional basis in each of the past five years to date; the initiatives she has taken to address issues arising therefrom; and if she will make a statement on the matter. [28010/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The number of people in employment is measured by the Quarterly National Household Survey or QNHS and published by the Central Statistics Office. In the first quarter of 2009, the most
recent quarter for which data is available, employment increased by 48,500 in the five-year period, while unemployment increased by 139,100 over the same period.

The most recent data on employment levels in each of the past five years (on a year on year quarterly basis) are set out in the table:

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employ</td>
<td>1,917,100</td>
<td>2,009,400</td>
<td>2,088,500</td>
<td>2,124,100</td>
<td>1,965,600</td>
</tr>
<tr>
<td>Unemp</td>
<td>83,700</td>
<td>92,900</td>
<td>98,100</td>
<td>109,400</td>
<td>222,800</td>
</tr>
</tbody>
</table>

Source: CSO, Quarterly National Household Survey, Q1 2009 (January-March 2009).

There is no exact measure of the number of jobs lost, however, the Department records the number of redundancies notified to them on a monthly basis. The following table sets out the number of redundancy notifications received on a monthly basis for the years 2004 to 2008.

<table>
<thead>
<tr>
<th>Actual Redundancies 2004-2009 broken down by month</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>January</td>
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<tr>
<td>February</td>
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<td>March</td>
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<tr>
<td>April</td>
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<td>May</td>
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<td>July</td>
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<td>August</td>
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<td>September</td>
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<tr>
<td>October</td>
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<tr>
<td>November</td>
</tr>
<tr>
<td>December</td>
</tr>
</tbody>
</table>

Employment data in respect of companies supported by the Enterprise Agencies (Enterprise Ireland, IDA Ireland and Shannon Development) is collated on an annual basis only, and accordingly monthly figures cannot be supplied. The following table sets out the number of full-time jobs created in enterprise agency assisted firms only, for the years 2004 to 2008.

<table>
<thead>
<tr>
<th>Full-time Job Gains in Enterprise Agency assisted firms</th>
</tr>
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<tbody>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Enterprise Ireland</td>
</tr>
<tr>
<td>IDA Ireland</td>
</tr>
<tr>
<td>Shannon Development</td>
</tr>
<tr>
<td>CEBs</td>
</tr>
<tr>
<td>Totals</td>
</tr>
</tbody>
</table>

The Government remains intent on achieving greater capacity within existing resources to meet the on-going challenges in the labour market. This year the Government have almost doubled the number of FÁS activation training and work experience places for the unemployed to over
129,000. This is a substantial increase on the 66,000 places, which were available at the end of last year. The majority of these additional places are on short courses and will be delivered through three core-training initiatives, Short Courses, Night Courses and Online Courses. These courses are designed to develop new skills and competencies for the unemployed to assist them in securing employment.

Other new programmes which have been rolled out for the unemployed are the Work Placement Programme and the Short time Training Programme. The Work Placement Programme is a six-month work experience programme for 2,000 individuals who are currently unemployed. Under this programme individuals will retain their social welfare entitlements. The Short Time Working Training Programme will provide two days training a week for 277 workers over a 52-week period who are on systematic short time. Participants on this programme will also continue to receive their existing social welfare entitlements.

Recently the Government presented proposals to the Social Partners which focussed on measures to prevent job losses including the possible introduction of a temporary employment subsidy scheme which aims to help employees retain their jobs and employers their skilled workforce in these difficult times.

The Government is also committed to pursuing a job creation strategy that focuses on strengthening our competitiveness, driving down the cost of doing business here and ensuring our return to sustainable export-led growth. My Department’s enterprise development agencies will continue to play a key role in supporting companies in creating new job opportunities.

**Job Creation.**

142. Deputy Bernard J. Durkan asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent of her job creation proposals for the future; if emphasis on the knowledge based economy is likely to ignore the need to generate growth in the manufacturing sector; if her attention has been drawn to the fact that other jurisdictions are more competitive in the manufacturing sectors, are more than likely to become more competitive in the knowledge based economic sectors in the future and that action is required to address these issues; the action she has taken in this regard; and if she will make a statement on the matter.

[28011/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The development of innovative products and services, underpinned by the effective and imaginative use of technology and new research, will be significant contributors to our economic success and job creation in the coming years. We have indeed been seeking, in our policy development and investment, to grow our innovation capacity to develop a knowledge economy. This will put the benefits and opportunities of science, technology and innovation at the heart of Irish economic and social development and grow our enterprise sector in a sustainable manner, thereby creating jobs and facilitate social advancement.

But this in no way diminishes the importance of manufacturing in our economy. The competitiveness model Ireland has to follow is one where innovation, talent and flexibility are our acknowledged core competencies and this is relevant for all industry sectors, including both our existing manufacturing base and for new investment in manufacturing that we continue to attract.

Under the Framework for Economic Renewal we are taking a number of measures across Government to improve our competitiveness. Cost competitiveness is a particular focus of
action and we are already seeing results. Firstly, Irish inflation declined by 4.7 percent in the year to May 2009. We have also seen a decline in unit labour costs which has a direct effect on competitiveness. Other costs are on the way down also. The cost of energy which is a key cost for the manufacturing sector, has reduced by 10% in electricity prices and 12% in the price of gas. I will continue to work closely with my colleague the Minister for Communications, Energy and Natural Resources to ensure that we continue to exert downward pressure on energy costs.

Our policy measures for developing the knowledge economy are designed to translate knowledge into jobs and growth. This includes many horizontal policies, such as education and skills development, along with the development of framework conditions to encourage both technological and non-technological innovation. For the manufacturing sector, this encompasses a broad range of areas, whether it is assisting manufacturing companies to realise the full potential of information technology, to adopt new technologies or leading edge processes or supporting R&D in manufacturing operations.

Manufacturing will continue to play a valuable part in future economic success as was clearly demonstrated in the report of the High Level Group on Manufacturing. The recommendations contained in this Report are being advanced within the Framework for Economic Renewal to ensure that the manufacturing sector is further developed and well positioned for future growth. I would like to emphasise that, as stated in the Report, manufacturing is a key driver of innovation and technological advance.

Sustainable growth must be based on growing Ireland’s manufacturing and services export base, and we are firmly focussed on providing a competitive environment and maintaining our reputation as a ‘good place to do business’.

State Agencies.

143. **Deputy Simon Coveney** asked the Tánaiste and Minister for Enterprise, Trade and Employment the restructuring which will take place within Enterprise Ireland in 2009 and 2010; and the new initiatives which have been introduced in the past 12 months to protect jobs and create employment in Cork city and county. [28031/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Enterprise Ireland (EI) developed a one year plan for 2009 to run in parallel to EI’s existing strategy ‘Transforming Irish Industry 2008-2010’.

The priorities of this plan are as follows:

a. Access to Finance

b. Winning New Sales & Sustaining Exports

c. Stimulating Competitiveness

d. Promoting Innovation

e. Supporting Entrepreneurship

The primary focus of export growth remains an organisational priority, which Enterprise Ireland is supporting through the reorientation of resources and the introduction of a number of initiatives in 2009, all of which are open to client companies in the Cork Region.
(A) A major initiative is the recent establishment by the Government of a €100 million Enterprise Stabilisation Fund for 2009-2010 to help internationally trading companies with robust business models that would otherwise struggle to survive the global downturn. EI also continues to work closely with international and domestic venture capitalists, the banks and the European Investment Bank to secure finance for Irish enterprises.

(B) In 2009, the agency’s priority is to consolidate the position of existing Irish exporters in key markets (notably UK and US), and to identify and exploit new export opportunities across the Eurozone and in other selected markets. Enterprise Ireland is also working to emphasise the role that public procurement plays in economic recovery and development.

(C) During 2008, Enterprise Ireland launched a new Growth Fund, which provides funding to help clients invest in new equipment, implement new processes, train staff, or hire key personnel. In 2008, a total €26.23 million was approved under the Growth Fund to support 84 competitiveness improvement projects. Two new departments are in the process of being established to help companies drive down costs. The Cost Reduction and Lean Manufacturing units are staffed by personnel who have considerable experience and expertise in manufacturing efficiency.

(D) The agency is continuing to promote the importance of R&D and innovation in companies. In the immediate term, Enterprise Ireland’s priority is to help companies to maintain their current R&D levels and encourage them to focus on 6-12 month projects that will yield a short-term positive return, and EI has streamlined its approval and payments procedures to support this.

(E) EI’s strategic approach to regional enterprise aims to foster innovation-based start-ups, to proactively develop existing clients in all regions, and to facilitate entrepreneurship and the enterprise environment in local and rural communities. EI supported 71 High Potential Start-Ups in 2008, nine of which were located in Cork City and County, with a strong pipeline in place for 2009.

Other initiatives include tailored Enterprise Start Programmes, aimed at employees of multinationals, which are either down-sizing or closing, have proved very successful in Cork. A programme was run in 2007 for Motorola employees, with the second programme being run for Freescale Limited employees in Cork, when Freescale Limited terminated operations in Cork, in 2008. In 2009, another programme was run for employees from Pfizer. Enterprise Ireland continues to work with relevant agencies to assist companies in this area.

Redundancy Payments.

144. **Deputy Simon Coveney** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of businesses in Cork city and county waiting on redundancy payments from her; the length of time they have been waiting; and if she will make a statement on the matter. [28032/09]

*Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):* The specific information requested by the Deputy is not available to me however,
the table outlines the number of redundancies notified to my Department for County Cork for the period 1 January 2009 to 30 June 2009 and may be of interest to the Deputy.

Currently, the average time it takes to process rebate applications from employers filed online is 6 months while claims submitted by post are taking 7 months. In respect of lump sum payments paid directly to employees in instances where the employers are unable to pay the statutory redundancy entitlements, the current processing time, assuming all of the necessary supporting documentation is filed, is between 6 — 8 weeks.

Measures to deal with the huge influx of claims since January 2009 include:

- the reassignment of 19.5 staff additional staff from other areas of the Department to the Redundancy Payments area since early 2009 with ongoing review of trends and demands;
- the prioritisation of the Department’s overtime budget towards staff in Redundancy Payments Section to tackle the backlog outside normal hours;
- the establishment of a special call handling facility to deal with the huge volume of telephone calls from people and businesses who are naturally concerned about their payments, using the facilities and cooperation of the National Employment Rights Authority (NERA);
- The provision of better quality information relating to current processing times on the Department’s website.

Actual number of statutory redundancies notified for the period 1/1/09 to 30/6/09

<table>
<thead>
<tr>
<th>County: Cork</th>
</tr>
</thead>
<tbody>
<tr>
<td>Month</td>
</tr>
<tr>
<td>January</td>
</tr>
<tr>
<td>February</td>
</tr>
<tr>
<td>March</td>
</tr>
<tr>
<td>April</td>
</tr>
<tr>
<td>May</td>
</tr>
<tr>
<td>June</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

State Agencies.

145. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 159 of 4 November 2008, the progress to date; and if she will make a statement on the matter. [28061/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I understand from Enterprise Ireland that the position in relation to this matter is unchanged since my reply of 4 November 2008 to which the Deputy has referred to in his Question.

Motor Industry.

146. **Deputy Tom Hayes** asked the Minister for Finance the consideration given to a scrappage scheme for cars older than ten years similar to that introduced in the UK in recent months;
Minister for Finance (Deputy Brian Lenihan): I am aware of the current challenges facing the motor industry, along with most other industries, arising from the impact of weak world economic activity. As the Deputy will be aware the Supplementary Budget announced the introduction of a VAT Margin Scheme for second-hand cars, with effect from 1 July 2009. Under the scheme, dealers would be taxed for VAT purposes on their margin (i.e. the difference between the prices at which the dealer purchased and subsequently resold a vehicle) in regard to second-hand cars they acquired and resold after that date. In conjunction with the introduction of the Margin Scheme, special transitional arrangements were to be put in place regarding second-hand cars in stock on the introduction of the Scheme.

The Margin Scheme would have replaced the existing Special Scheme for second-hand cars, under which dealers/garages are entitled to immediate input credit for the residual VAT included in the price of a second-hand car acquired either through purchase or trade-in. Under the Special Scheme, dealers, when they resell the car, are required to repay this VAT input credit or VAT based on the resale price of the car, whichever is the greater.

Further discussions on the matter took place with SIMI and the motor industry decided, on balance, that it would not be in its overall best interest for the Margin Scheme to be introduced at that time. Consequently, the proposed Margin Scheme and transitional arrangements regarding existing stock of second-hand cars was not introduced in the 2009 Finance Act.

There will be ongoing dialogue over the coming months with SIMI as to what measures might be introduced to assist the motor industry, particularly with regard to removing the current stock of second-hand cars held by dealers. I have no plans to introduce a car scrappage scheme at this time.

Tax Code.

147. Deputy Edward O’Keeffe asked the Minister for Finance if he will grant an exemption to a person (details supplied) in County Cork. [27066/09]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the taxpayer has been exempted from making Income Tax Returns since 1999. If there are any further questions on the case contact should be made with Mr Diarmuid O’Connor, Revenue Commissioners, Revenue House, Blackpool, Cork. Telephone No. 021 6027506.

Consumer Debt.

148. Deputy Enda Kenny asked the Minister for Finance the level of consumer debt here; if he will indicated by sector, the extent of debt of house mortgages, hire-purchase loans, credit cards, and other secured or unsecured loans of a personal nature; and if he will make a statement on the matter. [27095/09]

Minister for Finance (Deputy Brian Lenihan): Private sector credit growth and debt levels are, in the first instance, a matter for the Central Bank and Financial Services Authority of Ireland and details are published by the Bank in their Quarterly Bulletins.

Set out as follows is a breakdown of personal (consumer) debt outstanding at the end of the first quarter of 2009. Information is available for total personal sector lending, house mortgage
finance, other housing finance, finance for investment and other personal lending including credit card debt, as compiled by the Central Bank. The Central Bank does not separately identify personal-sector hire purchase loans in the banks’ returns.

<table>
<thead>
<tr>
<th>€ million</th>
<th>Total Stock at end-Q1 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Personal Sector Lending</td>
<td>171,798</td>
</tr>
<tr>
<td>House mortgage finance</td>
<td>148,332</td>
</tr>
<tr>
<td>Other housing finance</td>
<td>899</td>
</tr>
<tr>
<td>Finance for investment</td>
<td>4,088</td>
</tr>
<tr>
<td>Other personal</td>
<td>18,480</td>
</tr>
<tr>
<td>of which: credit card debt</td>
<td>2,843</td>
</tr>
</tbody>
</table>

Source: Central Bank and Financial Services Authority of Ireland.

Departmental Expenditure.

149. **Deputy Ruairí Quinn** asked the Minister for Finance the amount of mobile telephone bills paid in relation to the Departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27119/09]

Minister for Finance (Deputy Brian Lenihan): Since my appointment as Minister for Finance in May 2008, my Department has paid a fixed monthly sum which covers voice, data and roaming charges in respect of the mobile phone assigned to me by the Department of Finance.

Tax Code.

150. **Deputy P. J. Sheehan** asked the Minister for Finance if it is intended to apply Irish income tax as a top-up on salaries and allowances (details supplied); and if he will make a statement on the matter. [27165/09]

Minister for Finance (Deputy Brian Lenihan): The position is that under the provisions of Article 13 of the Protocol on the Privileges and Immunities of the European Communities salaries, wages and emoluments paid to designated officials and other servants of the Communities are liable to tax for the benefit of the Communities only and such income paid by the Communities is exempt from national taxes. Accordingly under European Law it is not open to levy additional national taxation on the income of designated officials and other servants of the Communities.

Departmental Expenditure.

151. **Deputy Enda Kenny** asked the Minister for Finance the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27180/09]

Minister for Finance (Deputy Brian Lenihan): In general, my department and the offices under its aegis (the Office of Public Works, the Public Appointments Service, the Commission for Public Service Appointments, the State Laboratory and the Office of the Appeals Commissioner) use the services of the Office of the Attorney General and the Office of the Chief State Solicitor, for services of this nature. The cost of any cases taken by those offices on behalf of my Department is borne on their respective Votes and is not charged to my department.
The Valuation Office took three cases and the details of these are set out in the table:

<table>
<thead>
<tr>
<th>Nature of Court Case</th>
<th>Cost of Court Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination of Rateable Occupation</td>
<td>€30,272.65</td>
</tr>
<tr>
<td>Rateability of Garden Centres/Nurseries</td>
<td>€36,965.50</td>
</tr>
<tr>
<td>Rateability of Offices</td>
<td>No Costs</td>
</tr>
</tbody>
</table>

I assume that the Deputy does not have in mind the frequent initiation of legal proceedings by the Revenue Commissioners in the course of the exercise of their independent statutory responsibilities.

**Property Valuations.**

152. **Deputy James Reilly** asked the Minister for Finance if he will postpone an increase in the rateable valuation of commercial properties or postpone the application of the increase in the rateable valuation of commercial properties for 30 months; if he has the authority to postpone such increases; the person who instructed the Rateable Valuations Office to carry out such a review; if he received representations from a council or council officials requesting that such a revaluation be postponed in the current economic recession; and if he will make a statement on the matter.  [27218/09]

**Minister for Finance (Deputy Brian Lenihan):** The revaluation exercise is governed by the terms of the Valuation Act 2001, which, among other things, provides that the specification of publication dates for valuation lists is a matter for the Commissioner of Valuation, who exercises that function by means of the making of Valuation Orders. In each case, the Valuation Order was made by the Commissioner of Valuation only after formal consultation with both the Minister for the Environment, Heritage & Local Government and the rating authority concerned, as required by the Act. The Act further provides that the Commissioner shall be independent in the performance of his functions.

**Tax Code.**

153. **Deputy Edward O’Keeffe** asked the Minister for Finance the self employed income tax, and self employed PRSI contributions paid for the years 1992-93 and 1993-94 and previous years in respect of a person (details supplied) in County Cork; and if he will request the Revenue Commissioners to make the record available.  [27228/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the earliest Income Tax Return held for the taxpayer in question is in respect of the income tax year 6th April 1995 to 5th April 1996. Clarification is required on a number of issues and contact is being made with the taxpayer’s agent regarding these matters. I am informed by the Revenue Commissioners that Mr. Gerry Maher, who can be contacted at Revenue House, Blackpool, Cork Tel 021- 6027227, is dealing with the matter.

**Tax Code.**

154. **Deputy Finian McGrath** asked the Minister for Finance if he will explain a matter (details supplied).  [27347/09]
Minister for Finance (Deputy Brian Lenihan): The Deputy will appreciate that this is a matter for the Revenue Commissioners. I am advised by the Revenue Commissioners that for reasons of taxpayer confidentiality, they cannot comment on any tax issues relating to the transaction referred to.

**Departmental Contracts.**

155. **Deputy Richard Bruton** asked the Minister for Finance the value of contracts for printing and stationary issued each year by the centralised procurement facility; the number and value of each individual tender and the frequency with which they are put out for re-tendering and if he is satisfied that the size and duration of tenders, or, where tenders have been lost, to get an opportunity within a reasonable period to try again bearing in mind the considerable efforts to reduce costs which are underway throughout the small business sector; and if he will indicate the proportion of the total value of contracts which is currently delivered by Irish printers. [27373/09]

Minister for Finance (Deputy Brian Lenihan): The Government Supplies Agency (GSA), a Business Unit of the Office of Public Works, provided a centralised procurement service to Government Departments, Offices and Agencies for a range of goods and services including printing and stationery. This service is provided principally by means of drawdown contracts, which set out prices, terms and conditions under which supplies are delivered; the various Departments, Offices and Agencies can purchase as required from the appointed contracts. These contracts are generally of two to three years duration — this has proven to be a reasonable period having regard to factors such as the protracted timescale involved in organising tender competitions, the requirement for a reasonable degree of certainty and stability (including price stability) for customers, the need for contracts to be of sufficient duration for suppliers to achieve an adequate return on investment, and the desire of unsuccessful tenderers to have new opportunities to compete for the business.

The expenditure on GSA contracts for printing & binding services and for stationary and office supplies in each of the past three years is as follows.

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing and Binding</td>
<td>€9,374,092</td>
<td>€11,157,120</td>
<td>€10,874,780</td>
</tr>
<tr>
<td>Stationery and Office</td>
<td>€5,206,031</td>
<td>€4,916,286</td>
<td>€4,998,888</td>
</tr>
<tr>
<td>Totals</td>
<td>€14,580,123</td>
<td>€16,073,406</td>
<td>€15,873,668</td>
</tr>
</tbody>
</table>

Of the contracts for printing and binding services, the proportion delivered by Irish printers was 97.9% in 2006, 88.6% in 2007 and 88.1% in 2008.

The functions of the Government Supplies Agency have recently been subsumed by the National Public Procurement Operations Unit (NPPOU). This new Unit will provide procurement services to a much larger range of customers across the entire public sector. Before entering into any new contracts or agreements, the NPPOU will analyse both the supply markets and the level of demand for the various products and services, and will develop appropriate strategies for each individual market. This may entail changes in the nature and duration of the contractual arrangements which currently apply.

**Disabled Drivers.**

156. **Deputy Noel J. Coonan** asked the Minister for Finance if he will expand the disabled
drivers scheme to take account of other forms of disability not eligible under the scheme; the reason for not undertaking such an expansion; the last time a review or expansion of the scheme was carried out since the scheme was introduced; and if he will make a statement on the matter. [27393/09]

Minister for Finance (Deputy Brian Lenihan): A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. It examined the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also made a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme. The Group’s report is published on my Department’s website.

Some 13,000 people benefited under the scheme in 2008 at an overall estimated cost of €76 million. Any changes would have to be considered in the context of the annual Budget.

Departmental Expenditure.

157. Deputy Michael D’Arcy asked the Minister for Finance the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27593/09]

Minister for Finance (Deputy Brian Lenihan): I have been informed by the Office of Public Works that they manage around 500 leases on behalf of various Government Departments. The leases have an annual rental charge of €10,000 and above associated with 400 Properties/Buildings and relate to general office space, Garda Stations, Warehouses, Car parks, etc.

Details in respect of the properties rented on behalf of my Department by the Office of Public Works in the past three years are contained in the following tables.

<table>
<thead>
<tr>
<th>Buildings No longer Occupied by Department of Finance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Name</td>
</tr>
<tr>
<td>Hatch Street 13-15</td>
</tr>
<tr>
<td>Nassau Building Setanta Centre</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buildings Currently Occupied by the Department of Finance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Name</td>
</tr>
<tr>
<td>Molesworth Building Setanta Centre</td>
</tr>
<tr>
<td>Merrion Row 2-4</td>
</tr>
<tr>
<td>Finglas Finance Storage</td>
</tr>
<tr>
<td>Le Pole House</td>
</tr>
</tbody>
</table>

I have been informed by the Office of Public Works that every lease agreement that they enter into has at the negotiation stages, the potential to have their own terms and conditions in respect of Rent Reviews, Lease Breaks, etc, that are specific to that lease. Generally with long
term leases, Rent Reviews and Lease Breaks are on a five–year basis. Where agreement for Rent Reviews and Lease Breaks are included in the terms of a lease, due notice must be given before negotiations will be entered into. The Office of Public Works is not in a position to instigate Rent Reviews at will.

It should be noted that although a ‘Rent Review’ date may be specified in terms of a lease, the actual review itself takes time. Negotiations have to take place during which various factors must be taken into account, such as the current market value at any given time, before a new rental figure is agreed. Negotiations can only take where the lease provides for such an event. Where a rent review arises, the Office of Public Works is entering negotiations with a view to effecting a reduction in rent.

Banking Sector.

158. **Deputy Richard Bruton** asked the Minister for Finance if an assessor has been appointed in respect of compensation for shareholders in Anglo Irish Bank; the basis on which the selection was made; the terms of reference; and if a date has been set for completion of the work. [27600/09]

**Minister for Finance (Deputy Brian Lenihan):** Section 22 of the Anglo Irish Bank Corporation Act 2009 provides that I shall appoint an Assessor at an appropriate time having regard to the public interest, to determine the fair and reasonable aggregate value of the transferred shares and extinguished rights and the consequent amount of compensation, if any, that may be payable to persons in respect of Anglo shares transferred and rights extinguished under the Act. The Act provides that the Assessor has significant knowledge or experience of the financial services sector and has no material conflicts of interests with the performance of the Assessor’s function.

The Act sets out certain criteria regarding the performance of the Assessor functions such as that he or she is independent, shall act as an expert only, and shall perform the functions of the Assessor as expeditiously as possible consistent with fairness.

It is my intention to advance the process for the appointment of the Assessor and I expect to announce the person to be appointed in due course.

Departmental Property.

159. **Deputy Terence Flanagan** asked the Minister for Finance the number of Office of Public Works owned buildings at a complex (details supplied) in Dublin 5. [27646/09]

160. **Deputy Terence Flanagan** asked the Minister for Finance further to a previous parliamentary questions, if he will provide this Deputy with more information as to the amount of rental default in relation to a centre (details supplied) in Dublin 5; and if he will make a statement on the matter. [27647/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I propose to take Questions Nos. 159 and 160 together.

There are only two buildings at Northside Civic Centre, the Civic Centre proper and a smaller building which was purposely designed as a crèche. The Civic Centre building is occupied by the following organisations:-

Department of Social and Family Affairs, Health Service Executive, FÁS, The Media Co-op, Citizens Information Centre, Northside Law Centre, MABS, Dublin City Council, Northside
Partnership/Local Employment Service and OPW. The areas of the centre described as occupied by OPW comprise the common areas, meeting rooms, centre manager’s office etc. In addition, occasional use is made of one room in the centre by the Dublin Rape Crisis Centre.

The Civic Centre building is fully occupied with the exception of a small area — 4.72% of the premises — which was recently vacated by the Probation and Welfare Service. As to the future use of the Complex there are no plans to depart from the current use. With regard to the crèche, arrangements are currently being pursued to bring it into operation.

The legalities involved in the transfer of the site of the Civic Centre from Dublin City Council are ongoing and, as they are yet to be finalised, it is still not possible to formalise tenancy details, including rent. As the Deputy has been previously informed, the occupiers were advised at the outset of indicative rents, and, when the legalities of the transfer from Dublin City Council to OPW are complete and the necessary tenancy details formalised, all outstanding monies will be sought.

Financial Services.

161. Deputy Brendan Howlin asked the Minister for Finance further to Parliamentary Question No. 187 of 6 May 2009, if the Financial Regulator has advised in relation to the position of persons on fixed rate mortgages who incur financial penalties if they opt to change to variable rate mortgages; the nature of such advice; and if he will make a statement on the matter. [27709/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy’s question refers to the redemption fee applied by mortgage providers in circumstances where a customer seeks to break a fixed rate mortgage. On 26 March 2009 I undertook to contact the Consumer Director of the Financial Regulator about these fees. As a result the Financial Regulator carried out a review, a report of which has been submitted to my Department. The Financial Regulator asked for specific information from the mortgage lenders. This included the submission of independent actuarial reports based on the formulae applied by the different lenders. The FR’s review based on the information that it had received concludes that lenders are not applying unjustified penalties intended to dissuade borrowers from early redemption of fixed rate mortgages. The principal findings indicate that the early redemption fee calculation in all cases appears to seek to cover the costs and lenders do not generally apply additional fees in the case of early redemption. However, a number of the reports received highlighted certain issues that will require follow-up. Additional work is being carried out by the Financial Regulator with regard to the information provided by institutions, which will include consideration of the mortgage funding models employed by them.

Departmental Funding.

162. Deputy Michael Ring asked the Minister for Finance if he will ascertain from the Office of Public Works the funding it will provide for a project (details supplied) in County Mayo. [27717/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works has no responsibility for the maintenance of the River Deal or the access road in the area concerned. However, the Office of Public Works has had various meetings and
discussions with Mayo Co. Council and is prepared to make a “once off” financial contribution in this case on hardship grounds due to the age and circumstances of the applicants.

Mayo Co. Council proposes to construct an alternative access road for these clients as part of a Local Improvement Scheme and the Office of Public Works are prepared to make a contribution of 1/3 of the cost of these works up to a limit of €20,000.

Architectural Heritage.

163. Deputy Pat Breen asked the Minister for Finance further to Parliamentary Question No. 5 of 8 April 2009, if he will report on the progress regarding a site (details supplied); and if he will make a statement on the matter. [27732/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works is addressing the matter of signage advertising the opening times of Quin Abbey. Arrangements are being made to provide access to the car park during opening times of the Abbey.

Departmental Expenditure.

164. Deputy Leo Varadkar asked the Minister for Finance the amount of money spent on paying delegates allowance to officials for each of the past three years; and if he will make a statement on the matter. [27740/09]

Minister for Finance (Deputy Brian Lenihan): Civil servants who travel outside Ireland and Britain as members of a delegation representing Ireland at meetings of the EU or other international organisations, or with representatives of another government or governments, qualify for payment of a delegate’s allowance. Additional payments are made to those who act as Chairpersons of EU committees or Working Groups during Ireland’s tenure of the EU Presidency.

Travel abroad for the purposes of attendance at training courses, fact-finding or familiarisation visits, seminars or meetings held solely to exchange information does not qualify for payment of delegate’s allowance.

The following table lists the information requested by the Deputy in respect of my Department and Offices under the aegis of my Department.

<table>
<thead>
<tr>
<th>Department/Office</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009 (up to 3 July)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance</td>
<td>€64,361.58</td>
<td>€61,761.71</td>
<td>€70,538.36</td>
<td>€29,798.98</td>
</tr>
<tr>
<td>Revenue Commissioners</td>
<td>€66,156.03</td>
<td>€73,373.86</td>
<td>€96,245.03</td>
<td>€42,271.45</td>
</tr>
<tr>
<td>Office of Public Works</td>
<td>€9,593.74</td>
<td>Nil</td>
<td>€589.21</td>
<td>Nil</td>
</tr>
<tr>
<td>State Laboratory</td>
<td>€9,212.23</td>
<td>€6,925.13</td>
<td>€9,158.86</td>
<td>€6,640.82</td>
</tr>
<tr>
<td>Ombudsman</td>
<td>Nil</td>
<td>€259.78</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Valuation Office</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Appeals Commissioners</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Public Appointments Service</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Commission for Public Service Appointments</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Comptroller and Auditor General</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Departmental Contracts.

165. **Deputy Darragh O’Brien** asked the Minister for Finance the steps being taken to allow companies tender for Government business, taking into account the fact that the €3,000,000 turnover requirement is precluding many Irish companies from tendering for public contracts; and if he will make a statement on the matter. [27761/09]

**Minister for Finance (Deputy Brian Lenihan):** There is no €3,000,000 turnover requirement for companies to tender for public contracts. A general requirement of this kind would be inappropriate.

However, it is essential that contractors performing any public contract be of sufficiently sound economic and financial standing. The general position is that criteria used to determine the appropriate level of financial capacity must be proportionate and relevant to the needs of the particular contract. Company turnover can be one measure of financial capacity but contracting authorities have other means of obtaining the necessary evidence to satisfy themselves in this regard, such as extracts from balance sheets, banker’s letters and proof of access to professional indemnity, public liability and employer liability insurance and performance bonds.

Tax Code.

166. **Deputy Paul Kehoe** asked the Minister for Finance the status of a review of tax paid on maternity benefit for a person (details supplied); when the person can expect to received a reply from the Revenue Commissioners; and if he will make a statement on the matter. [27784/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that a claim for tax relief on the Maternity Benefit from the person in question was received on 29th June 2007. The claim was processed and a repayment cheque for €1,168.76 issued to the taxpayer on the 12th July 2007. This cheque was cashed on the 16th July 2007.

The recent claim submitted by the taxpayer is a duplicate of the earlier claim therefore no further repayment is due.

Tax Collection.

167. **Deputy Paul Kehoe** asked the Minister for Finance the status of a refund of emergency tax in the case of a person (details supplied); and if he will make a statement on the matter. [27785/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that a Form P45 for the tax year 2007 was received from the taxpayer’s former employer on 2 July 2009. Based on this submission, a tax review initiated on that date resulted in an overpayment of emergency tax in the amount of €1,046.58. Repayment cheque will issue within five days.

National Monuments.

168. **Deputy Bernard J. Durkan** asked the Minister for Finance further to Parliamentary Questions Nos. 31 of 2 December 1987 and 106 of 27 January 1988, the full extent of national monuments, listed sites, buildings or historic ruins in County Kildare which are in the guardianship of the Office of Public Works or otherwise protected by State, to which the public has access under various statutes including the National Monuments Amendment Act 1994; the degree to which the State carries out protective or improvement works in such cases; if the public right of way or right of access to such sites is preserved and protected; the extent to
which such rights, if not already established, will be acquired voluntarily or compulsorily; the extent to which Rathcoffey Castle, County Kildare falls within the remit of the Commissioners of Public Works; the extent to which the structure, access thereto and right of way is preserved and protected or will be preserved and protected by the OPW for the purpose of the heritage preservation; and if he will make a statement on the matter. [28012/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Office of Public Works is responsible for the day to day operational management of some 750 National Monuments in the ownership or guardianship of the State. The following lists these National Monuments in County Kildare.

<table>
<thead>
<tr>
<th>Monument</th>
<th>Townland</th>
<th>Status</th>
<th>Access Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Round Tower</td>
<td>Taghadoe</td>
<td>Ownership</td>
<td>Total access</td>
</tr>
<tr>
<td>High Crosses, Round Tower</td>
<td>Old Kilcullen</td>
<td>Ownership</td>
<td>Total access</td>
</tr>
<tr>
<td>Round Tower, Church</td>
<td>Oughterard</td>
<td>Ownership</td>
<td>Total access</td>
</tr>
<tr>
<td>Castledermot Abbey (Fran)</td>
<td>Abbeyland</td>
<td>Ownership</td>
<td>Total access</td>
</tr>
<tr>
<td>Castle, Church, Cross</td>
<td>Kilteel Upper</td>
<td>Ownership</td>
<td>Limited access through local keyholder</td>
</tr>
<tr>
<td>Standing Stone</td>
<td>Punchestown Great</td>
<td>Ownership</td>
<td>No access</td>
</tr>
<tr>
<td>Furness Church</td>
<td>Forenaghts Great</td>
<td>Guardianship</td>
<td>No access</td>
</tr>
<tr>
<td>Castle</td>
<td>Rathcoffey Demesne</td>
<td>Guardianship</td>
<td>No access</td>
</tr>
<tr>
<td>Round Tower, Crosses</td>
<td>Castledermot</td>
<td>Guardianship</td>
<td>Total access</td>
</tr>
<tr>
<td>Castle</td>
<td>Maynooth</td>
<td>Ownership</td>
<td>Access during tourist season</td>
</tr>
<tr>
<td>St. John’s Tower</td>
<td>Skenagun</td>
<td>Guardianship</td>
<td>Access with permission of owner</td>
</tr>
<tr>
<td>Manorial House</td>
<td>Jigginstown</td>
<td>Ownership</td>
<td>Total access (following the completion of conservation works)</td>
</tr>
<tr>
<td>Church &amp; Graveyard (Monastic site)</td>
<td>Taghadoe</td>
<td>Ownership</td>
<td>Total access</td>
</tr>
<tr>
<td>Ringfort</td>
<td>Mullaghreelan (Athy Forest)</td>
<td>Ownership</td>
<td>Total access</td>
</tr>
<tr>
<td>Grange Castle</td>
<td>Grange West</td>
<td>Ownership</td>
<td>Restricted access</td>
</tr>
<tr>
<td>Conolly’s Folly</td>
<td>Barrogsown Town</td>
<td>Ownership</td>
<td>Total access (following the completion of conservation works)</td>
</tr>
</tbody>
</table>

An annual programme of works is carried out to effect the required maintenance, repairs and conservation measures identified under a systematic inspection programme of Monuments.

The prime function of the State under the National Monuments Acts 1930-2004, is the protection and preservation of National Monuments Where a monument in State care is situated on private lands, the Office of Public Works, in conjunction with the Department of the Environment, Heritage and Local Government take into account factors, such as safety, impact on adjoining properties, security of the site, etc., when considering trying to obtain access to such monuments.

The gatehouse at Rathcoffey Castle was placed in the guardianship of the State in 1941. The guardianship deed, that conferred on the Commissioners of Public Works the responsibility for the maintenance of the gatehouse structure only, did not include a provision for a public right of way.

**Public Service Contracts.**

169. **Deputy Seán Fleming** asked the Minister for Finance the value of an individual public contract that must go to tender under EU procurement rules; if pre-selection criteria are relevant in all such cases; and if he will make a statement on the matter. [28017/09]
Minister for Finance (Deputy Brian Lenihan): The current thresholds above which public contracts must be awarded in accordance with EU public procurement directives are for works contracts €5,150,000; for supplies and services contracts of Government Departments — €133,000; for supplies and services contracts of other public bodies — €206,000; for supplies and services contracts of entities in the utilities sector — €412,000.

The directives provide for the pre-selection of tenderers to participate in a tendering process. The purpose is to ensure that only tenderers who have the necessary technical expertise and capacity to perform the contract are awarded public contracts. The level of expertise and capacity for pre-selection must be proportionate and relevant to the needs of the contract.

Contracting authorities have the choice of pre-qualifying tenderers in a one stage or two stage tendering procedure. In a one stage open procedure, candidates are given all the tender documentation, including the necessary minimum capacity requirements, and invited to submit tenders. Procurement guidelines require that minimum conditions are made clear to avoid unqualified bidders incurring the expense of preparing and submitting tenders. Alternatively, contracting authorities may choose a two stage process whereby, as a first step, interested parties are asked to provide details of their capacity and expertise after which only those who meet the necessary standard are invited to submit tenders.

While the public procurement directives set out the relevant criteria and procedures for pre-qualification of tenderers for contracts covered by the directives, the principles of pre-qualifying suitable tenderers apply for all public contracts.

House Repossessions.

170. Deputy Simon Coveney asked the Minister for Finance the number of homes which have been repossessed during the past 12 months in Cork City and County in tabular form. [28026/09]

Minister for Finance (Deputy Brian Lenihan): Figures supplied by Cork Circuit Court to the Courts Service show 25 orders granted for possession of residential premises in the 12 months to end June 2009. 18 were for the county and seven for the city. The Deputy may wish to note that orders for possession do not necessarily equate with actual repossessions. It is up to the person or company who obtained the order for possession to pursue its execution.

In addition possession orders may also have been granted by the High Court for residential premises in Cork City and County. However the High Court is unable to supply such statistics to the Courts Service.

Banking Sector.

171. Deputy Simon Coveney asked the Minister for Finance the value of the deposit base in Anglo Irish Bank at present compared to pre-nationalisation. [28027/09]

Minister for Finance (Deputy Brian Lenihan): According to Anglo Irish Bank’s last published accounts in advance of nationalisation, as at 31 September 2008, the deposit base of the bank — made up of retail deposits, non-retail deposits, and deposits from banks — was €71.9 billion.

According to Anglo’s latest published accounts, as at 31 March 2009, the bank’s deposit base was €64.6 billion, again made up of retail deposits, non-retail deposits and deposits from banks. Deposits from banks includes funding from Central Bank sources.
The Deputy will appreciate that, as with any financial institution, information on Anglo’s financial position, other than that in the bank’s published accounts, is market sensitive.

**Departmental Staff.**

172. **Deputy Simon Coveney** asked the Minister for Finance the number of people who have availed of the early retirement scheme as announced by him in budget 2009 in tabular form; the sections of the public service they are from; and the level of position they held. [28028/09]

**Minister for Finance (Deputy Brian Lenihan):** Officials from my Department are currently engaged in a process of collecting the necessary information that is required to provide a fuller answer to this Parliamentary Question from the line Departments. It is anticipated that this information will be available shortly and I will be writing to Deputy Coveney in the near future.

The information to hand indicates that, by the end of June, some 400 civil servants had applied to the Incentivised Scheme for Early Retirement and that sanction had been conveyed in some 213 cases. Furthermore, there had been some 17 applications from public servants. Departments are reporting a high level of queries about the scheme. It is anticipated therefore, at this stage, that significantly higher numbers of applications will be received by the time of the closing date on 1 September next, although, at this stage, it is not possible to quantify the likely number of applicants.

173. **Deputy Simon Coveney** asked the Minister for Finance the number of people who have availed of the career break scheme as announced by him in budget 2009 in tabular form; the sections of the public service they are from; and the level of position they held. [28029/09]

**Minister for Finance (Deputy Brian Lenihan):** Officials from my Department are currently engaged in a process of collecting the necessary information that is required to provide a fuller answer to this Parliamentary Question from the line Departments. It is anticipated that this information will be available shortly and I will be writing to Deputy Coveney in the near future.

The information to hand indicates that, by the end of June, nearly 300 civil servants had applied to the Special Incentive Career Break Scheme. The closing date of the scheme for civil servants was 1 July 2009. Other areas of the public service have set later dates for applications so that the overall impact of the scheme cannot be assessed until later this year. The HSE has suspended the scheme because several Trades Union have instructed their members not to cooperate with redeployments arising from the operation of the schemes outlined in the supplementary budget.

**Civil Service Confined Competitions.**

174. **Deputy Olwyn Enright** asked the Minister for Finance the position in relation to the panel created as a result of a Public Service Commission confined executive officer competition 2006 which expired on 30 June 2009; the number of persons who remained on that panel; his views on sanctioning further promotions from this panel at this stage; and if he will make a statement on the matter. [28034/09]

**Minister for Finance (Deputy Brian Lenihan):** The Department of Finance Circular 26/2006 sets out details of a confined competition for promotion to Executive Officer in the Civil Service. In accordance with normal procedure in respect of promotion to this grade, the circular was agreed with the Civil and Public Services Union.
The terms of the circular did not envisage appointments being made from the competition after 30 June 2008. For operational reasons, my Department agreed with the CPSU to the extension of the panel until 30 June 2009.

In the context of the implementation of savings measures on public service numbers, in March 2009 the Government announced a moratorium on recruitment and promotion in the public service. Having regard to the moratorium, my Department decided that it would not be appropriate to seek any further extension to the panel set up under Circular 26/2006 and the panel closed on 30 June 2009. This is in line with the policy applying to promotion panels for other Civil Service grades where panels for promotion to the grades of higher executive officer, assistant principal officer and principal officer have also closed in recent months.

The Public Appointments Service informs me that in order to be placed on the panel candidates must be successful at all stages of the selection process. In the competition in question, 110 candidates were appointed from the panel and 50 remained unassigned on the closure date of the panel. It is not possible to make an appointment from a panel that has expired.

Departmental Staff.

175. **Deputy Olyn Enright** asked the Minister for Finance the vacancies which have been filled and promotions sanctioned at all grades in all Government Departments and offices by him since the announcement of the moratorium on recruitment and promotions in the Public Service in March 2009; the basis on which these vacancies and promotions were sanctioned; if he will provide a list of these sanctioned vacancies and promotions showing the relevant Department or office, the grades involved and the dates the vacancies were filled and promotions made; and if he will make a statement on the matter. [28035/09]

**Minister for Finance (Deputy Brian Lenihan):** The information to hand indicates that, by the end of June, the Department of Finance had received approximately 620 applications for the filling of specific posts comprehended by the moratorium, of which, the filling of 191 have been sanctioned. Of these Civil Service full-time posts accounted for 103 applications of which sanctions was conveyed in 69 cases. The filling of Public Service posts accounts for some 517 posts and sanction has been conveyed in 122 cases.

Tax Code.

176. **Deputy Denis Naughten** asked the Minister for Finance his plans to tax child benefit; and if he will make a statement on the matter. [28053/09]

**Minister for Finance (Deputy Brian Lenihan):** The position in relation to child benefit is as set out in my supplementary budget on 7 April 2009. The Government does not believe that it is fair to pay the same level of benefit irrespective of the level of income of the recipient. In times of scarce resources the Government believes support should be targeted at those most in need. My Department, together with the Department of Social and Family Affairs and the Revenue Commissioners are considering how best to achieve this policy objective. The tax treatment of child benefit is also being considered by the Commission on Taxation. I will be informed by its proposals on this matter.

Tax Collection.

177. **Deputy Denis Naughten** asked the Minister for Finance if he will review the VAT rate on defibrillators; and if he will make a statement on the matter. [27638/09]
Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that in matters relating to the VAT rating of goods and services, I am constrained by the requirements of EU VAT law with which Irish VAT law must comply.

In relation to the VAT rate that applies to defibrillators, the position is that under the VAT directive, member states may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. The zero VAT rate cannot therefore be applied to defibrillators which are subject to the standard rate.

In addition, member states may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT directive. While Annex III does include the supply of medical equipment for the exclusive personal use of a disabled person, it does not include defibrillators for general use. The reduced rate cannot be applied to the supply of defibrillators.

Therefore the only rate of VAT that can apply to the supply of defibrillators is the standard VAT rate.

Hospitals Building Programme.

178. Deputy Jan O'Sullivan asked the Minister for Finance the number of private hospitals which have been constructed and which are under construction with the assistance of tax incentives since such incentives were introduced; the number of beds thus provided; and if he will make a statement on the matter. [26312/09]

Minister for Finance (Deputy Brian Lenihan): The scheme of capital allowances for the construction or refurbishment of buildings used as private hospitals was introduced in the Finance Act 2001 and came into effect in May 2002. Under the legislation governing that scheme hospitals are required to be certified by the HSE as satisfying the qualifying conditions of the scheme. My Department’s records show that five hospitals have been certified since the introduction of the scheme. These hospitals have indicated a capacity to provide in excess of 500 beds, including day care beds.

As regards hospitals which are under construction, capital allowances can be claimed for qualifying expenditure on the construction or refurbishment of buildings used as private hospitals only when the relevant facilities have been completed and become operational. Provided hospitals, either planned or under construction, are certified in due course, as private hospitals meeting the necessary qualifying conditions and also satisfy the criteria under the transitional arrangements for the termination of the scheme detailed below, qualifying expenditure can be written off against an investor’s tax liability at the rate of 15% per annum for the first six years with the remaining 10% in year seven. It is not possible to say at this point, however, how many hospital projects in the pipeline will qualify under the scheme.

As announced in the budget on 7 April last and as reflected in section 8 of the Finance Act 2009, this scheme is to terminate on 31 December 2009 along with certain other health-related capital allowances schemes, subject to transitional arrangements for pipeline projects. Under the transitional arrangements, if certain qualifying criteria are met, the termination date for qualifying expenditure is extended.

The qualifying conditions depend on the type of work to be carried out and whether or not the work requires planning permission. Where the work to be carried out does not require planning permission, the termination date is 30 June 2010 so long as at least 30% of the construction or refurbishment costs have been incurred on or before 31 December 2009.
[Deputy Brian Lenihan.]

Where planning permission is required in respect of the work to be carried out, the qualifying condition for a termination date beyond 31 December 2009 is that a valid application for full planning permission be submitted on or before that date and be acknowledged by the relevant planning authority. In such cases, the termination date for qualifying expenditure in the case of qualifying hospitals is 31 December 2013. Thus, where planning permission for a private hospital has already been obtained, Finance Act 2009 provides for qualifying expenditure to be incurred up to 31 December 2013.

Tax Code.

179. Deputy Joanna Tuffy asked the Minister for Finance the status of the parking space at work levy; and if he will make a statement on the matter. [25069/09]

Minister for Finance (Deputy Brian Lenihan): Consultations between my Department and the Department of the Environment, Heritage and Local Government with regard to the implementation of the levy are well advanced and details of its introduction will be announced shortly.

As previously indicated, the levy will apply in the five urban areas of Dublin, Waterford, Cork, Limerick and Galway. Within these urban areas, regard will be had to factors such as, the availability of public transport, the level of congestion in the relevant parts of those cities, and the relative value of the car parking spaces.

Each employee who has an entitlement to use a parking space provided directly or indirectly by his or her employer is liable to pay the levy, there is no distinction in this regard between private sector and public sector employees. Certain official cars owned or provided by the State, the Garda Síochána, the Defence Forces and certain other services such as the fire and ambulance service and the Customs service are excluded.

Departmental Reports.

180. Deputy Willie Penrose asked the Minister for Finance the terms of reference of the credit supply steering group; when it is expected that the steering group will report; and if he will make a statement on the matter. [27433/09]

Minister for Finance (Deputy Brian Lenihan): In the context of the recapitalisation of AIB and Bank of Ireland, the recapitalised banks agreed to fund and co-operate with an independent review of credit availability to be managed jointly by the banks, Government and business representatives. The intention behind the review was to obtain a clear picture regarding the flow of credit in the Irish economy which will inform future policy. The steering group for the review consisted of representatives of the Departments of Finance and Enterprise, Trade and Employment, Forfás, Enterprise Ireland, the Irish Banking Federation and the six main banks involved in lending to SMEs, business representatives from ISME, Chambers Ireland and Small Firms Association. It was this steering group who were initially tasked with setting the terms of reference for the independent review of bank lending. The final report of the Review of Lending to SMEs has now been received and shortly will be published. The complete terms of reference are included in the report, which will be made available on my Department’s website once published.
Inter-Country Adoptions.

181. **Deputy Tom Hayes** asked the Minister for Health and Children the status of negotiations with Vietnam in relation to the interim agreement on inter-country adoption and the new bi-lateral agreement on inter-country adoption; the length of time before she has finished negotiating on both; and if she will make a statement on the delays experienced by families to date. [27166/09]

189. **Deputy Alan Shatter** asked the Minister for Health and Children the outcome of the visit of her Minister of State for Children to Vietnam to put in place a new agreement with regard to inter-country adoption; the arrangements agreed; when the licence of an agency (details supplied) will be renewed by the Vietnamese authorities; when new arrangements will come into operation; if she will clarify any remaining issues that require to be resolved; and if she will make a statement on the matter. [28590/09]

190. **Deputy Jimmy Deenihan** asked the Minister for Health and Children if, in the case of inter-country adoption between Ireland and Vietnam, has either country cancelled the agreement in writing; if so, when; and if she will make a statement on the matter. [27067/09]

205. **Deputy Tom Hayes** asked the Minister for Health and Children when the new bilateral agreement with Vietnam will be signed; if an interim agreement is being worked on; the progress on both the bilateral agreement and the interim agreement; the number of staff that are allocated to resolving this issue; the number of families that are waiting for these agreements in order that their adoptions can be completed; and the length of time she expects that the parents here and children in orphanages will have to wait. [27152/09]

234. **Deputy Terence Flanagan** asked the Minister for Health and Children the delays in relation to the signing of a new interim agreement for adoption with Vietnam; and if she will make a statement on the matter. [27335/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 181, 189, 190, 205 and 234 together.

I have, in recent weeks, reported in detail to both Houses on the situation regarding the negotiation of a new bi-lateral inter-country adoption agreement with the Socialist Republic of Vietnam. This process has been on-going since the start of 2008 and the dialogue with the Vietnamese authorities is continuing.

In light of concerns raised by other countries during 2008, the Government decided that it was necessary to seek a strengthening of the bi-lateral inter-country adoption agreement with the Socialist Republic of Vietnam. With the publication of the Adoption Bill, 2009, on 23 January last, it was also considered necessary to ensure that both the content of any such agreement and its implementation would meet the minimum standards set out in that Bill and under the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption.

Article 25 of the former agreement between Ireland and the Socialist Republic of Vietnam stipulated that the agreement would be automatically extended for a further five-year term unless one state notified the other state to the contrary six months before the expiry of the agreement on 1 May, 2009. The Government decided that, given the changes to Irish adoption legislation being introduced by the Adoption Bill, the agreement could not be allowed to ‘roll over’ in its present form for another five years. As a result, the Government was obliged to
[Deputy Barry Andrews.] formally notify the Vietnamese authorities of the fact that there could be no automatic renewal of the agreement when its five-year term came to a close. This formal notification, made via Third Party Note (TPN) No. 185, was conveyed through diplomatic channels to the Vietnamese Ministry of Foreign Affairs on 30 October 2008, on foot of the Government Decision of 29 October, 2008.

As the Deputies are undoubtedly aware, I have just returned from the Socialist Republic of Vietnam, where I met with the Vietnamese Minister for Justice on 30 June last to discuss international adoption issues. There were follow-up discussions on these issues with the Standing Vice-Minister at the Vietnamese Ministry of Justice and with the newly appointed Director of the Vietnamese Department of Adoptions and his deputy, as well as a number of informal meetings.

During the discussions, careful consideration was given to possible interim arrangements for inter-country adoptions between both jurisdictions. The Vietnamese side clarified that their legal requirements were such that this was not considered to be an appropriate option. Therefore, it was proposed to continue the focus on a new bi-lateral inter-country adoption agreement.

I would like to again reiterate the point that both countries remain firmly committed to concluding a new bi-lateral inter-country adoption agreement. Work on the draft text of a new agreement, which was previously circulated in March of this year and discussed the following month, is continuing. Good progress has been made in the past week and, during the course of the talks in Hanoi, it was agreed that further face-to-face discussions to resolve outstanding issues should take place in August.

However, it is still not possible for me to either give a precise timetable to the House or anticipate when the discussions with the Vietnamese Government on a new bi-lateral inter-country adoption agreement and associated matters will be concluded. The negotiations remain live and officials from my Office, from the Office of the Attorney General, from the Department of Foreign Affairs and from the Adoption Board are working on all outstanding issues with a view to preparing a final text for a new agreement as a matter of urgency.

I am acutely aware of the stress and anxiety that this process has caused to many prospective adoptive parents. I am given to understand that, at present, approximately 360 couples have registered with the Helping Hands Adoption Mediation Agency and are hoping to adopt from the Socialist Republic of Vietnam.

I can assure the Deputies that work regarding a new bi-lateral inter-country adoption agreement with the Socialist Republic of Vietnam continues to be given the very highest priority by my Office.

182. **Deputy Tom Hayes** asked the Minister for Health and Children the status of negotiations with Russia in relation to the interim agreement on inter-country adoption and the new bi-lateral agreement on inter-country adoption; the length of time before she has finished negotiating on both; and if she will make a statement on the delays experienced by families to date. [27167/09]

188. **Deputy Catherine Byrne** asked the Minister for Health and Children the status of the adoption agreement with Russia; the number of post-placement reports which are outstanding in each of the Health Service Executive regions; her plans to resolve this matter and ensure that prospective parents who have received letters of commitment will be able to proceed with the adoption of a child from Russia; and if she will make a statement on the matter. [28375/09]
191. **Deputy Jimmy Deenihan** asked the Minister for Health and Children the number of post placement records which are outstanding in the case of inter-country adoption with Russia; when they will be completed; when adoption with Russia will resume; and if she will make a statement on the matter. [27068/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 182, 188 and 191 together.

As the Deputies are aware, the Adoption Bill, 2009, which will give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption, was published on 23 January 2009.

Under the proposed new legislative regime, prospective adoptive parents will be able to adopt from countries that have ratified the Hague Convention as well as from those countries with which Ireland has a bi-lateral agreement based on Hague standards. As part of the preparations for the likely passage and entry into force of these new legislative arrangements, my Office has been liaising with the Department of Foreign Affairs to identify and negotiate with countries who continue to seek homes abroad for children in need of alternative care that cannot be provided domestically. We are working actively to assess the possibilities of entering into bi-lateral inter-country adoption agreements with a small number of countries, including with the Russian Federation.

Ireland has no official bi-lateral inter-country adoption agreement in place with the Russian Federation. However, preparatory work to consider the contents of a draft agreement with the Russian authorities is currently being undertaken. Officials in both my Office and the Department of Foreign Affairs have been taking soundings in relation to inter-country adoption in the Russian Federation since April 2008. This has included contacts with the Irish Embassy in Moscow and legal and other preparatory work on the possibility of a draft bi-lateral inter-country adoption agreement between the two countries. A first formal meeting, arranged with the assistance of the Department of Foreign Affairs, was held on 7 May, 2009, between officials from my Office and from the Embassy of the Russian Federation in Ireland. I will continue to advance this matter with the assistance of my colleague Minister Martin and of his officials in both Dublin and Moscow.

While every effort will be made to conclude a bi-lateral inter-country Adoption Agreement with the Russian Federation, it must be acknowledged that this matter will be determined to a considerable degree by the Government of the Russian Federation.

With regard to the issue of post-placement reports, an extensive examination of the list of alleged “missing” post-placement reports has been carried out by the Health Service Executive and the Adoption Board. While I await the final numbers, which are expected shortly, it appears that the list supplied by the Russian Ministry of Education and Science is inaccurate. In short, the majority of the outstanding reports (which are estimated to be around 30) have been completed and are with the adoptive parents for translation, apostilling and notarisation — that is, the Social Workers have already conducted the home visit and the report. In a small number of cases, parents have neglected or have been unwilling or unable to arrange for a home visit with their Social Worker. Further contact has been made again to arrange for all outstanding visits to be undertaken and is being prioritised by the Health Service Executive Adoption Services to ensure that the parents can have the required reports forwarded to the Russian Embassy.
1,229 children from the Russian Federation have had their names entered into the Register of Foreign Adoptions in the period between 1991 and 2008. This equates to approximately 5,000 post-placement reports. Of the total number of reports required, just over one half of one per cent have not been transmitted to the Russian authorities. Despite the current difficulties, I believe that these statistics make it clear that the vast majority of parents are complying with the commitment that they gave to co-operate with such reports and, also, that they are being fully assisted in doing so by the Health Service Executive and the Adoption Board.

Officials have indicated to the Russian side the importance that we are attaching to resolving the matter. Once finalised, the Adoption Board has advised that it will contact the Russian authorities with the validated list. The Health Service Executive and the Adoption Board have already contacted any families where reports are outstanding.

I acknowledge that persons applying for inter-country adoption are experiencing delays with regard to waiting times for assessment and am also acutely aware of the stress and anxiety that this process has caused to many prospective adoptive parents. The Adoption Bill, which has now passed all stages in the Seanad, provides for an updated and more standardised regime of assessment and mediation services across the country that will assist in the reduction of waiting times in areas where these are longest.

183. **Deputy Tom Hayes** asked the Minister for Health and Children the status of negotiations with China in regard to inter-country adoption; and if she will make a statement on the delays experienced by families to date. [27168/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy is aware, the Adoption Bill 2009, which will give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption, was published on 23 January 2009. Under the proposed new legislative regime, prospective adoptive parents will be able to adopt from countries that have ratified the Hague Convention as well as from those countries with which Ireland has a bi-lateral inter-country adoption agreement based on Hague standards.

Ireland has no official bi-lateral inter-country adoption agreement in place with the People’s Republic of China.

Currently, an administrative arrangement operates between Ireland and the Chinese Government with regard to adoption. The People’s Republic of China is a contracting State under the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption and, as such, a bi-lateral inter-country adoption agreement is not, and will not, be required between both jurisdictions.

I acknowledge that persons applying for inter-country adoption are experiencing delays with regard to waiting times for assessment and am also acutely aware of the stress and anxiety that this process has caused to many prospective adoptive parents. The Adoption Bill, which has now passed all stages in the Seanad, provides for an updated and more standardised regime of assessment and mediation services across the country that will assist in the reduction of waiting times in areas where these are longest.

**Departmental Schemes.**

184. **Deputy Michael Noonan** asked the Minister for Health and Children the arrangements being put in pace to enable families who wish to apply for the back to school clothing and
footwear allowance in 2009; when details of the scheme will be advertised; and if she will make a statement on the matter. [27625/09]

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.

Youth Services.

185. **Deputy Tom Hayes** asked the Minister for Health and Children if consideration will be given to an application for funding by an organisation (details supplied) for the appointment of a youth officer in 2009. [27678/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): An application on behalf of the Fethard Area Youth Project was received in 2008 to be considered for funding under the Special Projects for Youth Scheme, which then operated under the Department of Education and Science, but due to the large number of applications received and the limited funding available it was not possible to provide the funding requested.

The 2009 budget allocation for youth work services is over €48 million, a decrease of some 8% on the 2008 figure. In light of budgetary constraints it is intended that the 2009 Youth Affairs budget will continue to focus on supporting existing programmes and services for young people including those with fewer opportunities. In that context, the Youth Affairs Unit of my Department is not in a position to consider any new applications for admission to this scheme in the current year.

Health Services.

186. **Deputy Willie Penrose** asked the Minister for Health and Children when the appeal against a decision to disallow domiciliary care allowance for a person (details supplied) in County Westmeath will be heard and determined; if steps will be taken to pay a pro rata share of the said respite care grant to this person; and if she will make a statement on the matter. [27765/09]

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.

Pre-School Services.

187. **Deputy Simon Coveney** asked the Minister for Health and Children the number of pre-school places she expects to provide by December 2009. [28030/09]

283. **Deputy Olivia Mitchell** asked the Minister for Health and Children the number of places available for pre-school provision based on the number of play-schools which have to date opted to join the new State play-school free scheme; and if she will make a statement on the matter. [27846/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 187 and 283 together.

As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced recently by the Minister of Finance.
The scheme will allow children to avail of a free playschool place in their pre-school year, which will be provided for three hours per day, five days per week for 38 weeks. It will also allow children in their pre-school year who are attending a full or part-time daycare service to avail of a free session of two hours and 15 minutes per day, five days per week for 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010 and children availing of the scheme in January 2010 will have a reduced period of free pre-school provision.

The age at which children commence primary school varies depending on a number of factors and, for this reason, the scheme provides for a 15 month age range for eligibility. The number of children who avail of the scheme in January 2010 could, therefore, exceed the number of children who would be expected to commence primary school in September 2010. However, this is not expected to be the case and it is estimated that the maximum number of children who will avail of the scheme in January 2010 will be 65,000. This figure takes account of data sources including the live births register, the 2006 census of population and the number of enrolments in junior infant classes in recent years. For a number of reasons, in particular those outlined below, it is anticipated that the actual take-up of places under the scheme in January 2010, will not amount to the full cohort of 65,000 and will be closer to 60,000.

- Up to 3,000 children are expected to continue to avail of pre-school provision within full and part-time pre-school services supported under the Community Childcare Subvention Scheme (CCSS). The CCSS provides significant support funding for disadvantaged parents using community childcare services.

- International experience suggests that, it can take some time to achieve a full participation rate when schemes of this type are introduced. Assuming a high participation rate of 95% in the first year, rather than a 100% participation rate, would further reduce the anticipated demand for places in January 2010 by some 3,000.

- As is the case with fee-paying primary schools a minority of parents may choose to send their children to pre-school services which opt to remain outside the ECCE scheme. Assuming the number of children attending such pre-schools will mirror the number at children entering private primary schools, the demand for places will be reduced by a further 1,000 places.

Given the rise in the birth rate between 2005 and 2008, the number of places required under the scheme is expected to increase in September 2010 and during 2011-2012.

Applications to the scheme are made, in the first instance, to the 33 City-County Childcare Committees (CCCs). Over the course of the last three weeks, the CCCs have provided weekly returns to my Office of the numbers of applications received. These show the following:

19 June: 4,517 places;
26 June: 19,253 places;
3 July: 1,033 places.

Past experience suggests that many applications are made in the week prior to the closing date for acceptance. While the closing date for applications is 10 July, late applications will be considered where good cause for the late application is demonstrated. However, as some coun-
ties already show a supply of places which exceeds the expected demand, in these counties late applications will be accepted on an exceptional basis only. Based on the rate of applications to date, I am confident that the total number of places available in pre-schools applying to enter the scheme will more than meet the number of places required.

From the time of the budget announcement, I have stated clearly that there may be a small number of areas where the demand for places will exceed the supply. My Office and the CCCs will continue to monitor the situation between now and September 2010 when the first full year of the scheme will take effect and I am confident that the scheme will encourage new pre-school services in areas where a need for additional places is demonstrated.

Question No. 188 answered with Question No. 182.

Question Nos. 189 and 190 answered with Question No. 181.

Question No. 191 answered with Question No. 182.

Medical Cards.

192. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27084/09]

**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.

193. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will intervene in the case of a person (details supplied) in County Cavan. [27090/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

194. **Deputy Tom Hayes** asked the Minister for Health and Children the facilities available for drug and alcohol addition treatment for minors here; the number of places available annually for children in that situation; the average length of time for persons on the waiting list; and if she will make a statement on the matter. [27109/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy’s question relates to a service matter it has been referred to the HSE for direct reply.

Departmental Expenditure.

195. **Deputy Ruairí Quinn** asked the Minister for Health and Children the amount of mobile telephone bills paid in respect of the departmental mobile telephone assigned to her by her Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if she will make a statement on the matter. [27121/09]

**Minister for Health and Children (Deputy Mary Harney):** The costs of roaming charges and data charges paid in relation to the departmental mobile telephone assigned to me in 2007, 2008 and 2009 are detailed in the table:
Questions—

July 2009.

Written Answers

[Deputy Mary Harney.]

<table>
<thead>
<tr>
<th>Year</th>
<th>Roaming charges</th>
<th>Data Charges</th>
<th>Total Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>€1,193.00</td>
<td>€1,198.24</td>
<td>€5,409.73</td>
</tr>
<tr>
<td>2008</td>
<td>€2,247.95</td>
<td>€1,631.05</td>
<td>€6,288.30</td>
</tr>
<tr>
<td>2009 to date</td>
<td>€374.16</td>
<td>€603.36</td>
<td>€2,214.00</td>
</tr>
</tbody>
</table>

Child Care Services.

196. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the level of funding being provided to a company (details supplied) to operate the Emergency Place of Safety Service; and if she will make a statement on the matter. [27126/09]

197. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regrading the Health Service Executive process of linking all existing emergency care services with the Emergency Place of Safety Service through the central telephone number of a company (details supplied); the cost of operating this central telephone number; and if she will make a statement on the matter. [27127/09]

198. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of children each carer family, contracted by a company (details supplied) for the Emergency Place of Safety Service will be allowed to care for at any given time; and if she will make a statement on the matter. [27128/09]

199. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of times the Garda Síochána has requested a placement for a child under the Emergency Place of Safety Service since its inception; and the number of children who have been given a placement under the EPSS since its inception. [27129/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 196 to 199, inclusive, together.

As these are service matters they have been referred to the HSE for direct reply.

Health Services.

200. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the aspects of the Health Service Executive national inter-cultural health strategy which have not been implemented; and if she will make a statement on the matter. [27130/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy’s question relates to a service matter it has been referred to the HSE for direct reply.

Children in Care.

201. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has consulted with the Department of Justice, Equality and Law Reform on developing an appropriate inspection scheme for the under 18 age group in St. Patrick’s Institution; the details of these discussions; and if she will make a statement on the matter. [27132/09]
Minister of State at the Department of Health and Children (Deputy Barry Andrews): As indicated to the Deputy in my response dated 25 June 2009, it is my intention to consult with my colleague, the Minister for Justice, Equality and Law Reform in relation to this matter.

Health Service Executive Reports.

202. Deputy Caoimhghín Ó Caoláin asked the Minister for Health and Children the number of reports which have been conducted by either the Health Service Executive or former health boards during the past 20 years which have not been published or have only been published in redacted form; the subjects of these reports; and if she will make a statement on the matter. [27133/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy’s question refers to information held by the Health Service Executive and the former health boards, it has been referred to the Executive for direct reply.

Departmental Investigations.

203. Deputy Caoimhghín Ó Caoláin asked the Minister for Health and Children if she will instruct the Health Service Executive to publish the recommendations of the reports into the deaths of persons (details supplied); and if she will make a statement on the matter. [27134/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I advised the Deputy in my reply to a Parliamentary Question of 25 June on this matter that I had asked the HSE to advise me on the potential for publication by the HSE of the key findings of the reports where they relate to service provision generally and with a view to informing the development of child welfare and protection policy and services. The HSE believes it is feasible to publish the findings and recommendations in so far as they relate to service development/improvement while at the same time maintaining the right to privacy of children and families. The HSE is developing a framework that will take into account the requirements of publishing the final review reports, implementing the recommendations and applying the learning. This work will be completed shortly and will inform the publication of any review report involving a child including those referenced by the Deputy.

Hospital Waiting Lists.

204. Deputy John McGuinness asked the Minister for Health and Children if an early date for an operation at Crumlin Children’s Hospital, Dublin, will be arranged in the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [27145/09]

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. 205 answered with Question No. 181.

Inter-Country Adoptions.

206. Deputy Tom Hayes asked the Minister for Health and Children the reason that an agency (details supplied) has had its licence revoked; if this is a permanent measure; the actions that are being taken to help parents and children associated with this agency; and if she will make a statement on the matter. [27156/09]
Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy is aware, I was informed by the Department of Foreign Affairs on 12 June last that the Vietnamese licence held by the Helping Hands Adoption Mediation Agency had been revoked by the Vietnamese authorities. The Government had previously requested that this licence be suspended rather than revoked in light of the on-going discussions with Vietnamese officials on a strengthened bilateral inter-country adoption agreement. Unfortunately, in the absence of a full agreement between Ireland and the Socialist Republic of Vietnam, the Vietnamese Government was not in a position to make any exception to the granting of a licence to Helping Hands.

I subsequently advised the representative groups on these developments, and the applicants involved were also contacted by Helping Hands. Despite these events, I must emphasise that all of the applicants who have already received a referral in respect of a child from the Socialist Republic of Vietnam will have their applications processed to conclusion, and applicants will be supported by Helping Hands in that process, by agreement with the Vietnamese authorities.

The Socialist Republic of Vietnam is a sovereign state and the decisions that it makes regarding the internal regulation and management of its adoption services must be treated sensitively as appropriate to a sovereign state.

The reinstatement of the Helping Hands Adoption Mediation Agency’s licence would be a necessary part of any new bilateral inter-country adoption agreement with the Socialist Republic of Vietnam. I can assure the Deputy that the work to prepare for and advise the Government on a strengthened bilateral inter-country adoption agreement with the Socialist Republic of Vietnam has been given, and continues to be given, the very highest priority by my Office.

Pre-School Services.

207. Deputy Denis Naughten asked the Minister for Health and Children further to Parliamentary Questions Nos. 127 and 128 of 27 May 2009, if in view of the fact that most children commence school at around five years of age, the reason the cut off age for this scheme is not five years of age; and if she will make a statement on the matter. [27170/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which will be implemented in January 2010.

Children will be eligible to avail of the scheme if they are aged between three years three months and four years six months on 1 September each year. Those entering the scheme in January 2010 will be eligible if they are aged between three years seven months and four years ten months at that time. Exceptions to the upper age limit will be allowed where children are assessed by the HSE to have special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school.

As the Deputy notes, most but not all children commence primary school at around five years of age. The provision of a 15 month age range for eligibility is designed to give flexibility to parents to access the scheme at the most appropriate time for their children prior to commencing school and the majority of children who participate in the scheme would be expected to commence primary school between the age of four years three months and five years six months.
Departmental Expenditure.

208. Deputy Enda Kenny asked the Minister for Health and Children the accumulated cost of court cases taken by her Department in the past five years; the cost of each individual case; the nature of each case; and if she will make a statement on the matter. [27182/09]

Minister for Health and Children (Deputy Mary Harney): The information requested by the Deputy is being collated within my Department and will be forwarded as soon as it is available.

Health Services.

209. Deputy Finian McGrath asked the Minister for Health and Children if she will support a matter (details supplied). [27193/09]

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.

Care of the Elderly.

210. Deputy Jack Wall asked the Minister for Health and Children the position regarding a proposed closure or reduction in bed capacity at a nursing home (details supplied) in County Laois; and if she will make a statement on the matter. [27198/09]

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.

Cystic Fibrosis Screening Programme.

211. Deputy Tom Hayes asked the Minister for Health and Children when the national screening programme for cystic fibrosis in new-born infants will be implemented; the money that has been allocated to this screening scheme for 2009; the location at which the funding for this programme was used in 2008; and if she will make a statement on the matter. [27204/09]

Minister for Health and Children (Deputy Mary Harney): I am informed by the HSE that its Expert Advisory Group on Children and Families has produced a draft policy document on the introduction of a cystic fibrosis screening programme for newborns. A Steering Group has been established under the Chairmanship of Professor Gerry Loftus, Dean, Medicine, Nursing and Health Sciences, NUI Galway The Steering Group will oversee the development of the plan for implementation with a view to ensuring that the programme is appropriately introduced at the earliest possible juncture.

The operational issues raised by the Deputy have been referred to the HSE for direct reply.

Medical Training Programmes.

212. Deputy James Reilly asked the Minister for Health and Children if there is a scheme in place which provides for Health Service Executive staff to train or retrain as nurses while in receipt of salary support; if so, the number of people who have availed of the scheme; the budget for same; the amount expended on it in the past five years; her views on whether the scheme should continue in view of the fact that nurse graduates are being trained who when qualified have no job opportunities and have to emigrate to source job opportunities; and if she will make a statement on the matter. [27221/09]
Minister for Health and Children (Deputy Mary Harney): I assume that the Deputy is referring to the sponsorship scheme which provides for public health service employees to train as nurses. This scheme was introduced in 2002 on commencement of the undergraduate nursing degree programme.

On the introduction of this degree programme, an interdepartmental steering committee saw considerable merit in introducing a sponsorship scheme specifically for suitable employees of the health service (such as health care assistants and other non-nursing grades) who wished to train as nurses. Under the scheme employees who successfully apply for sponsorship are allowed to retain their existing salaries throughout the four years of the degree programme in return for a commitment to work as nurses for their employer for a period of five years following registration.

The following is the information requested by the Deputy in respect of the past five years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of people availing of the Sponsorship scheme</th>
<th>Budget provided for salaries under this Scheme (€m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/05</td>
<td>98</td>
<td>2.0</td>
</tr>
<tr>
<td>2005/06</td>
<td>147</td>
<td>3.4</td>
</tr>
<tr>
<td>2006/07</td>
<td>165</td>
<td>4.6</td>
</tr>
<tr>
<td>2007/08</td>
<td>197</td>
<td>5.6</td>
</tr>
<tr>
<td>2008/09</td>
<td>212</td>
<td>6.5</td>
</tr>
</tbody>
</table>

It should be noted that a quota of places on the undergraduate nursing degree programme is allocated to mature code applicants and the sponsored students are selected from this group. I support this sponsorship scheme which provides a new career development path for health service employees, many of whom are already involved in the delivery of care under the supervision of nurses.

My Department, in co-operation with the Health Service Executive is initiating a strategic review of the undergraduate nursing degree programme. This study will review the arrangements currently in place for the General, Psychiatric and Intellectual Disability undergraduate nursing degree programmes and will have particular regard to the appropriateness of the existing number of allocated student places within the context of national and local employment trends having regard to workforce planning needs to ensure that there are sufficient numbers of nurse graduates for new patterns of service delivery. The findings of the review will provide a basis to inform decision makers on the future direction of undergraduate nursing education in Ireland.

Departmental Schemes.

213. Deputy David Stanton asked the Minister for Health and Children if personnel employed by the Health Service Executive are eligible to participate in the recently announced cycle to work scheme; if so, the procedures involved; and if she will make a statement on the matter. [27226/09]

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.

Care of the Elderly.

214. Deputy James Reilly asked the Minister for Health and Children if she will review and
reverse the planned closure of a six bed acute psychiatric unit for older people in Offaly-Laois; the provisions being put in place to care for elderly patients with acute psychiatric problems who benefit from care from a specialised psychiatric team who deal with elderly needs; and if she will make a statement on the matter. [27230/09]

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.

Medical Aids and Appliances.

215. Deputy Joe Costello asked the Minister for Health and Children the reason a person (details supplied) in Dublin 7 has not been provided with an electric wheelchair as promised by the Health Service Executive; and if she will make a statement on the matter. [27233/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Staff.

216. Deputy Joe Costello asked the Minister for Health and Children the number of beds in the Mater Hospital, Dublin, which are occupied by people whose treatment is completed for each day throughout the months of May and June 2009; the measures she proposes to resolve the crisis; and if she will make a statement on the matter. [27234/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Service Executive Investigations.

217. Deputy Joe Costello asked the Minister for Health and Children if the investigation into the circumstances surrounding the death of a person (details supplied) has been completed; and if she will make a statement on the matter. [27235/09]

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.

218. Deputy James Reilly asked the Minister for Health and Children if external legal advice or representation was sought by the Health Service Executive on an incident (details supplied) before the matter was settled as a private matter; if so, the costs incurred by the HSE for this legal advice; and if she will make a statement on the matter. [27237/09]

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.

Pharmacy Regulations.

219. Deputy Finian McGrath asked the Minister for Health and Children if she will support a matter (details supplied). [27243/09]

238. Deputy Finian McGrath asked the Minister for Health and Children if she will support a matter (details supplied). [27346/09]

249. Deputy Pat Breen asked the Minister for Health and Children her plans to ensure the supply of medicines to the people of County Clare affected by the ongoing dispute between
pharmacists and the Health Service Executive; and if she will make a statement on the matter. [27482/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 219, 238 and 249.

I am aware that a number of community pharmacists have indicated that they may withdraw from participation in the GMS and community drugs schemes in the light of my decision to reduce certain payments under the Financial Emergency Measures in the Public Interest Act 2009. The Health Service Executive (HSE) has written to all 1,600 community pharmacy contractors to clarify whether they intend to continue the provision of services under the GMS and community drugs schemes.

A contingency plan is being put in place by the HSE, and will be implemented if required, to ensure that supplies of medicines to patients under the GMS and community drugs schemes will continue in the event of discontinuation of services by community pharmacists. I believe that threats of withdrawal from the community pharmacy contract are unjustified and not in patients’ interests. There can be no grounds for causing upset or anxiety about the supply of prescriptions to patients. In order to ensure patients are not inconvenienced in any way, I would urge community pharmacists to fulfil their professional obligations under the terms of their contracts.

**Health Services.**

220. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) in County Dublin will be supported. [27244/09]

228. **Deputy James Reilly** asked the Minister for Health and Children when a medical card will be issued to a person (details supplied) in County Dublin; and if she will make a statement on the matter. [27309/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 220 and 228 together.

As these are service matters they have been referred to the Health Service Executive for direct reply to the Deputies.

**Pharmacy Regulations.**

221. **Deputy Pádraic McCormack** asked the Minister for Health and Children how her recent decision to decrease by an average of 34% the payments pharmacists receive from the Health Service Executive was arrived at; her views on the alternatives put forward by a union (details supplied) the which would save a similar amount of money; and if she will make a statement on the matter. [27247/09]

**Minister for Health and Children (Deputy Mary Harney):** The decisions I have made on the reduction in payments to community pharmacists under the Financial Emergency Measures in the Public Interest Act 2009 will reduce their income from the Health Service Executive (HSE) by €133m in a full year, from a total of approximately €550m. This is a reduction of 24% and not 34% as representatives of the Irish Pharmacy Union (IPU) have claimed. My decisions followed a public consultation process conducted under that Act. All interested stakeholders were invited to make submissions on the matter. The IPU made both a written and an oral submission to my Department. In addition, 104 other written submissions were received largely
from community pharmacists. These submissions were analysed and considered before I made my decision to reduce payments.

Reductions are absolutely necessary for two reasons. Firstly, the cost of the community drugs schemes has doubled since 2002 to over €1.6 billion in 2008; and fees and other income earned by pharmacists have doubled accordingly. Secondly, it cost an exorbitant €640 million to get €1 billion of drugs from the factory gate to the patient in the community in 2008. This level of expenditure on delivery and dispensing is no longer sustainable, given the current financial circumstances of the country and the other priorities for spending in the health sector.

Savings from the measures have been estimated at €55 million for the remainder of this year and €133 million on a full year basis. This is almost exactly what would have been saved if I had imposed an across the board 8% reduction in fees and retail mark-ups and re-imposed the reduction in wholesale mark-up to 8%, as attempted by the HSE last year. However, I have decided to achieve broadly the same level of reduction through a revised common fee structure for dispensing, a reduced retail mark-up, removal of the special payment for over-70s dispensing and reduction in the wholesale mark-up to 10%.

In its submissions, the IPU indicated that it was prepared to consider yielding savings in an amount equivalent to 8% of dispensing fees only, which it calculated would save €21m in a full year. This would imply that their earnings from the HSE were just €260m in 2008. However, this is far from the case. In addition to dispensing fees, pharmacists also received a retail mark-up of 50% on items dispensed under the Drug Payments and Long Term Illness Schemes and special payments in respect of dispensing to persons aged 70 years and over. These payments brought their income from the HSE in 2008 to €440m. In addition pharmacists have benefitted from approximately half the €200m value of the wholesale margin. For the reasons outlined earlier, savings of €21m as proposed by the IPU would not have been an adequate response to the financial problems that we face in the pharmacy sector.

The IPU also suggested that savings of €30m could be obtained through generic substitution and €33.7m through a combination of changes in the High Tech Scheme, implementation of the Barry Report and the IPHA agreement. These are matters that are being pursued by my Department and the HSE. Any savings that arise under these headings will be additional to, and not a substitution for, the reductions in payments to pharmacists that I have announced.

**Health Services.**

222. **Deputy John McGuinness** asked the Minister for Health and Children the status of proposals within the Health Service Executive relative to new procurement processes; and if agreement has been reached to modernise the system of procurement in order to effect savings. [27256/09]

**Minister for Health and Children (Deputy Mary Harney):** This is a matter appropriate to the Health Service Executive and has been referred to the Executive for direct reply.

**Tobacco Regulation.**

223. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children if her attention has been drawn to the protocols and checklists devised by the Health Service Executive, the Office of Tobacco Control and her Department providing a series of directions and advice to environmental health officers to police and monitor the retail sector after the commencement of outstanding sections of the Public Health (Tobacco) Act 2002 and the Public Health (Tobacco) (Amendment Act) 2004; if she will provide a simple checklist to retailers of obli-
224. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children her views on whether retailers that do not sell tobacco products to persons under the age of 18 years of age should be commended in writing by environmental health officers subsequent to test purchase visits, and that such commendation would act as a positive spur to employees and management to continue in their vigilance; and if she will make a statement on the matter. [27261/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 223 and 224 together.

The Deputies questions relate to the duties of the Environmental Health Officers of the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputies.

**Ambulance Services.**

225. **Deputy James Reilly** asked the Minister for Health and Children her views on the efficiency of operating two ambulance services in Dublin City; if both services have integrated communications; if there is a central tracking system in order that a central controller would know the location of each ambulance in the event of an emergency and to maximise the use of the ambulances available; the adequacy of the ambulance fleet for the capital city of Dublin; and if she will make a statement on the matter. [27284/09]

**Minister for Health and Children (Deputy Mary Harney):** The HSE and Dublin City Council are in discussion regarding a number of practical issues, including the nature and terms on which Dublin Fire Brigade provides emergency ambulance services in Dublin. It is important to ensure that all of our pre-hospital emergency services, including the service provided by the Dublin Fire Brigade, function as a high quality, integrated health service. The advice of the Health Information and Quality Authority on pre-hospital care issues will be a significant factor in determining how services should be organised so that they operate efficiently and that clinical governance, patient safety and quality standards are met. I have requested the HSE respond directly to the Deputy regarding the detailed service matters raised.

226. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if funding will be approved in respect of a person (details supplied) in County Cork. [27295/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter the question has been referred to the HSE for direct reply.

**Health Service Allowances.**

227. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the home improvement scheme for the elderly which was administered by the Health Service Executive but was then to be administered by the county council; her plans to ensure that the necessary improvement works for the elderly are carried out; the reason the HSE are not dealing with these applications in view of the fact that the county councils have no funding for the scheme; and if she will make a statement on the matter. [27302/09]
Minister for Health and Children (Deputy Mary Harney): The Deputy may be aware that the Special Housing Aid for the Elderly Scheme previously operated by the Health Service Executive is no longer operational. The scheme was replaced by the Housing Aid for Older People (HAOP) in August 2008 which is being administered by the local authorities. The HSE no longer takes applications under the old scheme. However, it continues to process outstanding applications received before August 2008. An allocation of €3.5m was made by my colleague Minister Finneran to the HSE recently to deal with these cases. The funding was allocated as follows:

- Dublin/North East: €700,000;
- Dublin/Mid Leinster: €500,000;
- Western: €1,800,000;
- Southern: €500,000.

Question No. 228 answered with Question No. 220.

Child Care Services.

229. Deputy Dan Neville asked the Minister for Health and Children if he will make a statement on the case of a school (details supplied) in County Limerick. [27311/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy is aware I have responsibility for the National Childcare Investment Programme 2006-2010 (NCIP) under which the Community Childcare Subvention Scheme (CCSS) which is implemented. I understand that the service applied to and was approved by my Office for capital grant funding under the NCIP and that a further application, to receive support funding under the CCSS is currently under consideration. A decision in regard to the service’s application for funding under the CCSS is expected to be made shortly following which the applicant will be advised of the position.

Departmental Expenditure.

230. Deputy Terence Flanagan asked the Minister for Health and Children the print jobs carried out for her Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if she will make a statement on the matter. [27315/09]

Minister for Health and Children (Deputy Mary Harney): My Department has reviewed all printing commissioned in the last three years in the context of this Question, and I can confirm that no printing company outside the State was engaged in that period.

Health Services.

231. Deputy Mary Upton asked the Minister for Health and Children if she will review the decision to close respite wards at Cherry Orchard Hospital, Dublin; and if she will make a statement on the matter. [27323/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.
Long-term Illness Scheme.

232. **Deputy Andrew Doyle** asked the Minister for Health and Children the reason autoimmune Crohn’s disease is not on the long term illness list of the Health Act 1970 particularly in view of the increase in incidence in younger people; the review procedure for inclusion or exclusion of illnesses on the list; and if she will make a statement on the matter. [27324/09]

**Minister for Health and Children (Deputy Mary Harney):** There are currently no plans to extend the list of eligible conditions covered by the Long Term Illness Scheme, which was introduced on a statutory basis in 1971. Under the Drugs Payment Scheme, which was introduced in 1999, no individual or family unit pays more than €100 per calendar month towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

Health Services.

233. **Deputy Terence Flanagan** asked the Minister for Health and Children if she will respond to a matter (details supplied); and if she will make a statement on the matter. [27328/09]

**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. 234 answered with Question No. 181.*

Hospital Accommodation.

235. **Deputy Joe Costello** asked the Minister for Health and Children the number of persons who are occupying beds for over 100 days in the Mater Hospital, Dublin, whose treatment has been completed; the reason these persons have not returned to their homes or community care; and if she will make a statement on the matter. [27337/09]

**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.

236. **Deputy Jim O’Keeffe** asked the Minister for Health and Children the number of children who have been assessed and have received orthodontic treatment in the Health Service Executive south area from 1 January 2008 to 31 December 2008 and from 1 January 2009 to date; and if she will make a statement on the matter. [27338/09]

237. **Deputy Jim O’Keeffe** asked the Minister for Health and Children the number of children who are awaiting orthodontic treatment and assessment in each of the Health Service Executive areas; the waiting time for assessment and treatment in respect of each HSE area; and if she will make a statement on the matter. [27339/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 236 and 327 together.
As these are service matters, they have been referred to the HSE for direct reply.

*Question No. 238 answered with Question No. 219.*

239. **Deputy Seán Fleming** asked the Minister for Health and Children if a personal assistant will be provided to a person (details supplied) in County Laois. [27348/09]

**Minister for Health and Children (Deputy Mary Harney):** 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.

**Medical Aids and Appliances.**

240. **Deputy Seán Fleming** asked the Minister for Health and Children the details of all medical appliances and equipment that are being rented or leased by the Health Service Executive; the actual cost to purchase the items that are currently being rented or leased; the period for which these various appliances and equipment are being rented; if the HSE has carried out a cost benefit analysis of purchasing certain appliances and equipment as opposed to renting and leasing; if this policy is being implemented; the financial report on the outcome of this policy which must lead to savings when the cost of renting or leasing appliances and equipment over a period of time can be greater than the purchase cost of same; and if she will make a statement on the matter. [27349/09]

**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.

**Hospital Services.**

241. **Deputy James Bannon** asked the Minister for Health and Children the reason a person (details supplied) in County Longford has to travel to St. Vincent’s Hospital, County Dublin by ambulance, when they could avail of the same service at Cavan General Hospital; and if she will make a statement on the matter. [27359/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service issue, it has been referred to the Health Service Executive for direct reply.

**Hospitals Building Programme.**

242. **Deputy Joe Costello** asked the Minister for Health and Children when she will submit a planning application for the national paediatric hospital; and if she will make a statement on the matter. [27364/09]

**Minister for Health and Children (Deputy Mary Harney):** The project is proceeding as planned and is being overseen by the National Paediatric Hospital Development Board which was established in May, 2007. The HSE is working closely with the Board in progressing the project, which is scheduled for completion in 2014. The planning application in respect of this development will be submitted by the National Paediatric Hospital Development Board. The operational issue raised by the Deputy has been referred to the HSE for direct reply.

**Health Service Staff.**

243. **Deputy David Stanton** asked the Minister for Health and Children the number of radiation therapists employed directly by the Health Service Executive in the respective HSE regions; the amount spent on securing the services of radiation therapists on an agency basis
Minister for Health and Children (Deputy Mary Harney): The number of radiation therapists employed directly by the Health Service Executive in the respective HSE regions is set out in the following table.

<table>
<thead>
<tr>
<th>Radiation Therapy Grades at 31st May 2009</th>
<th>Dublin/Mid-Leinster</th>
<th>Dublin/North-East</th>
<th>South</th>
<th>West</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radiation Therapist</td>
<td>58.2</td>
<td>0</td>
<td>22.6</td>
<td>15.52</td>
<td>96.32</td>
</tr>
<tr>
<td>Radiation Therapist, Clinical Specialist</td>
<td>17.4</td>
<td>0</td>
<td>8.25</td>
<td>0</td>
<td>25.65</td>
</tr>
<tr>
<td>Radiation Therapy Service Manager II</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. With regard to the amount spent on securing the services of radiation therapists, as this is a service matter it has been referred to the HSE for direct reply.

Hospital Accommodation.

244. Deputy Noel J. Coonan asked the Minister for Health and Children the position regarding a facility (details supplied) in County Tipperary; if she will indicate when this project will be advanced to the next stage; if she will outline the reason for the delay in progressing this project; and if she will make a statement on the matter. [27398/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive is currently reviewing its capital programme proposals to take account of the capital allocation available to it following the supplementary budget. Information on the extent and timing of commitments already entered into is being updated as part of this review process. It is clear at this stage that expenditure in 2009 will need to be managed carefully within the available limits and that further commitments will require prioritisation within the expected funding envelope for future years. When the review is completed, the Executive is required to submit its proposed capital investment programme for my approval with the agreement of the Minister for Finance. Details of the individual projects being included in the capital plan will be made available when the plan is approved.

Sheltered Housing.

245. Deputy Thomas P. Broughan asked the Minister for Health and Children how the budgetary allocation for sheltered housing was allocated in 2008 and 2009 by organisation, location and amount; and if she will make a statement on the matter. [27405/09]

Minister for Health and Children (Deputy Mary Harney): Funding for sheltered housing is a matter for the Minister for the Environment, Heritage and Local Government. In the 2008 Budget the Health Services Executive (HSE) received an allocation of €1.1 million to fund a best practice initiative to support sheltered housing. No additional funding was allocated in 2009. As this is a service matter it has been referred to the HSE for direct reply.
Suicide Incidence.

246. **Deputy Dan Neville** asked the Minister for Health and Children the number of persons who died by suicide by gender and county in 2008. [27454/09]

**Minister for Health and Children (Deputy Mary Harney):** Data on mortality is compiled by the Central Statistics Office and published in the Annual and Quarterly Reports on Vital Statistics. Full year figures for 2008 are not yet available. Data for 2007 is available in the following table. However, figures are based on year of registration and are therefore subject to future revision.

Death by suicide by province, county and sex: 2007

<table>
<thead>
<tr>
<th>Province</th>
<th>County</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leinster</td>
<td>Carlow</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Dublin</td>
<td>78</td>
<td>23</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Kildare</td>
<td>20</td>
<td>3</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Kilkenny</td>
<td>9</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Laois</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Longford</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Louth</td>
<td>12</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Meath</td>
<td>9</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Offaly</td>
<td>9</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Westmeath</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Wexford</td>
<td>16</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Wicklow</td>
<td>16</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Munster</td>
<td>Clare</td>
<td>15</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Cork</td>
<td>58</td>
<td>9</td>
<td>67</td>
</tr>
<tr>
<td></td>
<td>Kerry</td>
<td>9</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Limerick</td>
<td>16</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Tipperary</td>
<td>16</td>
<td>6</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Waterford</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Connacht</td>
<td>Galway</td>
<td>16</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Leitrim</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Mayo</td>
<td>10</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Roscommon</td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Sligo</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Ulster (part of)</td>
<td>Cavan</td>
<td>10</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Donegal</td>
<td>14</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Monaghan</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>378</td>
<td>82</td>
<td>460</td>
</tr>
</tbody>
</table>

Pharmacy Regulations.

247. **Deputy James Reilly** asked the Minister for Health and Children the number of pharmacists who have issued notices of resignation from the general medical scheme and drugs payment scheme; and if she will make a statement on the matter. [27469/09]
Minister for Health and Children (Deputy Mary Harney): It is not possible to provide the definitive information requested by the Deputy at this point. The Health Service Executive (HSE) has written to the country’s community pharmacy contractors to clarify whether they intend to continue the provision of services under the GMS and community drugs schemes. The HSE have requested that community pharmacy contractors reply by Tuesday 7 July 2009.

Health Insurance.

248. **Deputy Lucinda Creighton** asked the Minister for Health and Children when extra relief for older subscribers to the VHI will be implemented consequent on the Supreme Court ruling on risk equalisation; and if she will make a statement on the matter. [27477/09]

Minister for Health and Children (Deputy Mary Harney): The legislation providing for the new age-related tax credit for older persons with private health insurance was passed by the Dail last Wednesday (01 July) and is currently before the Seanad. It is the intention of the Government that this legislation will be enacted in the current session.

*Question No. 249 answered with Question No. 219.*

Disability Act.

250. **Deputy David Stanton** asked the Minister for Health and Children when the statutory three year review of the Disability Act 2005 sectoral plan pertaining to her Department and required under the Disability Act 2005 will be published; and if she will make a statement on the matter. [27508/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): I will publish a review of the sectoral plan of my Department later this year.

Departmental Expenditure.

251. **Deputy Michael D’Arcy** asked the Minister for Health and Children the number of properties her Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if she has tried to negotiate the cost of rent downwards in the past year; and if she will make a statement on the matter. [27595/09]

Minister for Health and Children (Deputy Mary Harney): The sourcing of property on behalf of Government Departments is a matter for the Office of Public Works. I have asked the OPW to furnish this information directly to the Deputy as soon as possible.

Health Services.

252. **Deputy Mary O’Rourke** asked the Minister for Health and Children when orthodontic treatment will be resumed for a person. [27622/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

253. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if extra home help hours will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27631/09]
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.

Services for People with Disabilities.

254. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when early intervention services will be made available to a child (details supplied) in County Dublin; when an assessment under the Disability Act 2005 will be carried out in their case; and if she will make a statement on the matter. [27632/09]

Minister for Health and Children (Deputy Mary Harney): 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.

Dormant Accounts Fund.

255. **Deputy John O'Mahony** asked the Minister for Health and Children, further to Parliamentary Question No. 102 of 24 June 2009, when will a reply be issued; and if she will make a statement on the matter. [27658/09]

Minister for Health and Children (Deputy Mary Harney): As previously stated the Dormant Accounts Fund for projects in the health sector is administered on a joint basis by POBAIL and the Health Service Executive. In the circumstances, the matter has again been referred to the Executive for direct reply.

Hospital Waiting Lists.

256. **Deputy James Bannon** asked the Minister for Health and Children when a person (details supplied) in County Longford will get an operation at Tullamore orthopaedic hospital, County Offaly; and if she will make a statement on the matter. [27667/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue, it has been referred to the Health Service Executive for direct reply.

Minister for Health and Children (Deputy Mary Harney): As these are service matters, they have been referred to the Health Service Executive for direct reply.

Medical Cards.

258. **Deputy James Bannon** asked the Minister for Health and Children the number of full medical cards which have been removed from persons over 70 years of age in the past six months up to 1 July 2009; and if she will make a statement on the matter. [27669/09]

Minister for Health and Children (Deputy Mary Harney): Following enactment of the Health Act 2008, the Health Service Executive (HSE) wrote to all medical card holders aged 70 years and over in January 2009. Persons who were in receipt of a medical card on a non means tested basis were requested, if over the income limits set out in the Act, to make a declaration to the Executive, on or before 2 March 2009.
As at 1 May 2009, 19,954 medical cards for persons aged 70 and over have been returned or removed from the medical card register. 10,690 of these cards were returned to the HSE by persons aged 70 or over whose weekly income was in excess of the specified thresholds and a further 9,264 medical cards were removed from the medical card register as part of a data quality exercise, where for example, the HSE had been advised that the card holder is deceased or the card holder was not known at the address.

Health Services.

259. **Deputy Jack Wall** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare is not entitled to chiropody treatment in view of their health circumstances; and if she will make a statement on the matter. [27677/09]

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.

Ambulance Service.

260. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason funding for an advanced paramedic programme for three members of the Kildare ambulance service has not been used for the purpose for which the funding was allocated. [27681/09]

261. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason two new cars for the national advanced paramedic programme for the Kildare ambulance service are only in use Monday to Friday from 9 a.m. to 5 p.m. when they should be available 24 hours seven days a week to the Kildare paramedic team. [27682/09]

262. **Deputy Emmet Stagg** asked the Minister for Health and Children if she has satisfied herself that ambulance personnel in Naas, Maynooth, Athy and Baltinglass ambulance stations have adequate access to essential materials to carry out their work in an efficient manner such as disinfectants to clean the ambulances after use, oxygen masks, adequate defibrillation pads and blood pressure cuffs. [27683/09]

263. **Deputy Emmet Stagg** asked the Minister for Health and Children if her attention has been drawn to the fact that emergency drugs carried on ambulances in the Kildare service are regularly out of date and cannot be administered to patients; and if she will investigate this matter. [27684/09]

264. **Deputy Emmet Stagg** asked the Minister for Health and Children the regularity with which the ambulance fleet in County Kildare must receive routine maintenance; and if she has satisfied herself that the fleet is properly maintained to required standards. [27685/09]

265. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason on call coverage was removed from the Kildare ambulance service a number of years ago; if her attention has been drawn to the fact that only four ambulances cover the County Kildare area at night, down from six a number of years ago; and if she has satisfied herself at this level of service in view of the increase in the population of the county. [27686/09]

266. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason it took six weeks for a directive to issue to Kildare ambulance service staff regarding the swine flu crisis in view of the fact that they are front line staff. [27687/09]
267. **Deputy Emmet Stagg** asked the Minister for Health and Children if she will direct the Health Service Executive to negotiate with the existing staff in the Naas ambulance control room in relation to their concerns at the relocation of ambulance control to Dublin. [27688/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 260 to 266, inclusive, together.

As these are service matters, they have been referred to the HSE for direct reply.

**Medical Aids and Appliances.**

268. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will expedite a decision on an application for hearing aids by a person (details supplied) in County Cork; and if she will make a statement on the matter. [27727/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

**Health Services.**

269. **Deputy James Reilly** asked the Minister for Health and Children if she will review and reconsider the purported closure of Cherry Orchard respite centre, Dublin, whether it is a temporary closure or otherwise; and if she will make a statement on the matter. [27731/09]

**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.

**Departmental Expenditure.**

270. **Deputy Leo Varadkar** asked the Minister for Health and Children the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if she will make a statement on the matter. [27742/09]

**Minister for Health and Children (Deputy Mary Harney):** Allowances are payable to persons who represent Ireland at meetings of international organisations abroad under certain conditions, as laid down in Department of Finance circulars. The amounts paid to officials at my Department in respect of these allowances in the three years 2006, 2007 and 2008 were €41,319, €49,694 and €31,427 respectively.

**Health Services.**

271. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [27755/09]

**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.

**Long-Term Illness Scheme.**

272. **Deputy John Browne** asked the Minister for Health and Children her plans to include a long-term illness (details supplied) for either medical card or drugs card entitlement. [27762/09]
Minister for Health and Children (Deputy Mary Harney): There are currently no plans to extend the list of eligible conditions covered by the Long Term Illness Scheme, which was introduced on a statutory basis in 1971.

Under the Drugs Payment Scheme, which was introduced in 1999, no individual or family unit pays more than €100 per calendar month towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

Drugs Payment Scheme.

273. **Deputy James Reilly** asked the Minister for Health and Children if the Financial Emergency Measures Services in the Public Interest Act 2009 will be used to set the price of goods supplied by pharmacy retailers as distinct from setting the price of services; and if she will make a statement on the matter. [27776/09]

Minister for Health and Children (Deputy Mary Harney): Under the Financial Emergency Measures in the Public Interest Act 2009, the wholesale mark-up paid to pharmacists is being reduced from 17.66% to 10%. This will have the effect of reducing the cost of drugs dispensed under the GMS and community drugs schemes. The following example illustrates the change. When the wholesale mark-up was 17.66% a pharmacist would have received €100 for a drug with an ex-factory price of €85. With a 10% wholesale mark-up, the pharmacist will receive €93.50 for the same drug at the same ex-factory price, yielding a saving to the State of €6.50. The total expected full year savings from this measure are €77 million.

I might also mention that my Department and the HSE concluded agreements with the Irish Pharmaceutical Healthcare Association (IPHA) and the Association of Pharmaceutical Manufacturers of Ireland (APMI), representing the proprietary and generic manufacturers respectively, in mid-2006. As a result of these agreements there have been reductions, totalling 35%, in the price of a range of off-patent drugs and medicines.

A report published by the National Centre for Pharmaco-economics in May 2009 has estimated that a total of €248.5 million will be saved due to off-patent price cuts, up to August 2010, when the agreements come up for renewal.

My Department and the HSE are continuing to examine all aspects of pharmaceutical expenditure with a view to containing costs. Among the matters which continue to be kept under review are the price of drugs (including generic and off-patent drugs), the volume of drugs prescribed, more cost effective prescribing by GPs and the greater use of generic medicines.

Under the measures mentioned above, the State is setting a price at which it pays for drugs, ingredient and distribution costs. It is not setting the price which any party in the supply chain — manufacturers, wholesalers and pharmacists, may charge for drugs sold which are not reimbursed by the State.

Health Services.

274. **Deputy Michael Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo will be called for a specified test. [27778/09]
Minister for Health and Children (Deputy Mary Harney): The issue raised by the Deputy is an operational one and accordingly, I have requested the HSE to respond directly to the Deputy on the matter.

275. Deputy Mary Upton asked the Minister for Health and Children the amount of funding an organisation (details supplied) has received in each of the past four years; and if she will make a statement on the matter. [27796/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy’s question relates to a service matter it has been referred to the HSE for direct reply.

276. Deputy Joanna Tuffy asked the Minister for Health and Children if the contract for the construction and fit-out of the new units at a hospital (details supplied) in County Dublin for people with intellectual disabilities has been completed; if not, the reasons for the delay; if she will confirm a projected opening date for same; and if she will make a statement on the matter. [27797/09]

Minister for Health and Children (Deputy Mary Harney): Progress on the completion of the construction and the fit-out of health facilities is a matter for the Health Service Executive. The matter has been referred to the Executive for direct reply.

Hospital Staff.

277. Deputy Jan O’Sullivan asked the Minister for Health and Children if all surgical non-consultant hospital doctors working in the mid-west network of acute hospitals are registered with the Medical Council; and if she will make a statement on the matter. [27803/09]

Minister for Health and Children (Deputy Mary Harney): Under the Medical Practitioners Act 2007 it is an offence for an unregistered medical practitioner to practise medicine.

As the question refers to non-consultant hospital doctors working in the Health Service Executive I have asked the Executive to investigate the matter and reply to the Deputy directly.

National Treatment Purchase Fund.

278. Deputy Caoimhghín Ó Caoláin asked the Minister for Health and Children when a person (details supplied) in County Wexford will receive an appointment; and if same will be expedited. [27804/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply. The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Dormant Accounts Fund.

279. Deputy P. J. Sheehan asked the Minister for Health and Children further to Parliamentary Questions Nos. 158 of 28 April 2009 and 167 of 30 June 2009, the number of applications received by Pobal for funding under the suicide prevention measure; the groups who applied for same; the amount sought by each group; the amount sought in total by these groups; the average sought by each of these groups; the date by which these applications had to be submitted to Pobal; the date that Pobal had completed their assessments of these applications; the
date she received these assessments from Pobal; the dates of each meeting that the economic and social disadvantage interdepartmental committee has met since August 2008; the dates of each meeting of the economic and social disadvantage interdepartmental committee at which the funding under the suicide prevention measure was an item on the agenda for that meeting; the date of the next meeting of the economic and social disadvantage interdepartmental committee; the dates of meetings arranged for the remainder of 2009 of the economic and social disadvantage interdepartmental committee the date she expects to have completed the assessments made by Pobal of the applications received regarding suicide prevention; the date she expects to present the completed assessment to the economic and social disadvantage interdepartmental committee; if she will confirm that €1 million is available and will be given to these groups for funding to these applicants; when she expects to issue this funding; the activity that took place on assessing these applications between 28 April 2009 and 30 June 2009; and if she will make a statement on the matter. [27805/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): The Department of Community, Rural and Gaeltacht Affairs, through POBAL, invited applications for funding under the suicide prevention measure on 4th July 2008 with the closing date for applications cited as 26th September 2008. €1m was identified to fund the measure. I understand that a total of 111 applications were received totalling €7.7m.

Funding decisions are made by Government on the basis of recommendations made by the Economic and Social Disadvantage Interdepartmental Committee, which is chaired by my colleague, the Minister for Community, Rural and Gaeltacht Affairs, and his Department will address the information sought in respect of the work of the Committee.

My Department is considering the assessments made by POBAL of the applications received and, in light of the current national economic situation, is also considering the timeframe for the funding of this measure. Recommendations in this regard will be made to the Interdepartmental Committee shortly.

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.

Medical Cards.

281. Deputy John McGuinness asked the Minister for Health and Children if a medical card will be approved for persons (details supplied) in County Kilkenny; if she will expedite the matter. [27820/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.
Hospital Services.

282. **Deputy Denis Naughten** asked the Minister for Health and Children the average waiting time for an appointment in each speciality in each acute hospital; the corresponding figure for outpatient appointments; and if she will make a statement on the matter. [27845/09]

**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.

**Question No. 283. answered with Question No. 187.**

284. **Deputy Olivia Mitchell** asked the Minister for Health and Children the status of the promised facility for cystic fibrosis sufferers at St. Vincent’s Hospital, Dublin; if building has commenced; the expected completion date; the estimated opening time; the number of rooms provided for isolation purposes; and if she will make a statement on the matter. [27847/09]

**Minister for Health and Children (Deputy Mary Harney):** The next stage in the development of St. Vincent’s Hospital will involve the building of a new ward block to replace existing accommodation. The new facility will include accommodation for cystic fibrosis patients with appropriate isolation facilities for the treatment of their condition. All of the rooms will be single, en-suite, significantly enhancing the hospital’s capacity to provide appropriate isolation facilities for patients.

Clinical and infrastructural needs at St. Vincent’s will determine the configuration of beds across various specialities. There has been no upper limit placed by the hospital or the HSE on the allocation of beds to a particular specialty.

I am anxious to ensure that the project is delivered without delay. The HSE, in partnership with St. Vincent’s Hospital, have structured the tender for this development in such a way that payments for the works can be deferred towards the end of the construction period. Tenders for this development will be issued shortly, which should result in the signing of a contract before the end of the year. It is intended that the construction, equipping and commissioning of this block will be completed as early as possible in 2011.

Health Services.

285. **Deputy Simon Coveney** asked the Minister for Health and Children the position regarding the Carrigaline health centre, County Cork; the stage the development of the centre is at; the funding available for the centre; the timescale of the overall project; and if she will make a statement on the matter. [27859/09]

**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 Services.

286. **Deputy Simon Coveney** asked the Minister for Health and Children the moving of the breast cancer treatment unit from the South Infirmary Hospital Cork to the Cork University Hospital; the impact the move will have on patients; the timescale involved; and the cost of the overall move. [27860/09]
Minister for Health and Children (Deputy Mary Harney): The issues raised by the Deputy are operational matters and have been referred to the Health Service Executive for direct reply.

287. Deputy Simon Coveney asked the Minister for Health and Children the position regarding the co-location hospital proposals; the number of these projects which will proceed; the cost of each project to the taxpayer; and the timescale involved in each of these projects. [27861/09]

Minister for Health and Children (Deputy Mary Harney): Significant progress has been made in advancing individual co-location projects. The Board of the HSE has approved preferred bidder status for the development of co-located hospitals at Beaumont, Cork University Hospital, the Mid-Western Regional Hospital Limerick, St. James’s, Waterford Regional and Sligo General Hospitals.

Project Agreements for the Beaumont, Cork, Limerick and St James’s projects have been signed. Planning permission has been granted for the first three of these projects. A planning application has been submitted in respect of the St James’s project.

The necessary preparatory work for the Project Agreements in respect of Waterford Regional Hospital and Sligo General Hospital is proceeding.

Two further projects are at earlier stages of the procurement process.

It is the responsibility of the successful bidders to arrange the financing of the projects. The HSE is continuing to work with the successful bidders to provide whatever assistance it can to help them advance projects in the context of the challenging financial environment.

It is an essential requirement that each co-location project demonstrates clear value for money to the taxpayer. The Finance Act 2009 provides that the schemes of capital allowances for private hospitals and certain other health facilities will be terminated, subject to transitional arrangements for projects already in development. Provided that a co-located private hospital project conforms to the requirements of these transitional arrangements, and otherwise satisfies the general requirements of the scheme of capital allowances, the tax relief will apply. The value of the tax relief in each case will depend on the level of qualifying capital expenditure. I do not accept that, relative to its value, a high proportion of tax would be forgone by the Exchequer in respect of co-location projects as additional revenues would accrue to the Exchequer from the extra activity generated by the construction of the hospitals, the employment arising and the related services provided on which taxes will be paid.

As regards the costs incurred by the HSE on its legal and other expenses in respect of the co-location initiative, there is a requirement on each of the preferred bidders to pay a non-refundable deposit to the HSE on the signing of the project agreement. The intention of this requirement is to allow the HSE to recoup the expenses that it has incurred in this context.

The HSE estimates that, from the start of building, the overall construction and commissioning period for the projects will be about 28 to 36 months.

Health Service Staff.

288. Deputy Michael McGrath asked the Minister for Health and Children the bonuses paid to members of the Health Service Executive management for each of the years 2006, 2007 and 2008; the number and grade of persons who received such bonuses; and if she will confirm, in view of the current economic climate and the HSE’s budgetary situation, that no bonuses will be awarded in 2009 to members of senior HSE management. [27865/09]
Minister for Health and Children (Deputy Mary Harney): The Performance Related Awards Scheme was introduced following a decision by the Government on the implementation of recommendations of the Review Body on Higher Remuneration in the Public Sector. The primary function of the Review Body is to advise the Government from time to time on the general levels of remuneration appropriate to certain public sector posts, including higher management grades in the health service not covered by the Public Sector Benchmarking Body process.

Staff at the grade of National Director, Assistant National Director and Hospital Network Manager are eligible to participate in the PRA Scheme.

The level of awards made to individuals is a matter for the HSE Board and my Department has, therefore, asked the HSE to reply to the Deputy about the bonuses paid for each of the years 2006, 2007 and 2008.

I can tell the Deputy that no performance related awards have been paid to eligible senior managers in the HSE in respect of 2008. My Department wrote to the HSE recently, at the request of the Department of Finance, suggesting that consideration of any bonus payments be suspended pending the issue of further guidelines.

Medical Cards.

289. Deputy Bernard J. Durkan asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27994/09]

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.

290. Deputy Bernard J. Durkan asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [27995/09]

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.

291. Deputy Finian McGrath asked the Minister for Health and Children if he will support the case of a person (details supplied) in Dublin 5. [28021/09]

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.

Medical Cards.

292. Deputy Olwyn Enright asked the Minister for Health and Children further to Parliamentary Question No. 138 of 1 July 2009, if a direct contact person will be made available for the public to the new Dublin-based medical card section for each county; and if she will make a statement on the matter. [28036/09]

Minister for Health and Children (Deputy Mary Harney): The HSE will be reviewing the phased changes to the processing of medical cards proactively and on an ongoing basis. As the
Questions—7 July 2009.

Written Answers

[Deputy Mary Harney.] new structures evolve, all methods of providing easy access to information will be examined and considered by the HSE.

Question No. 293 withdrawn.

Complementary Therapies.

294. Deputy Denis Naughten asked the Minister for Health and Children further to Parliamentary Question No. 264 of 17 February 2009, the action taken to date; and if she will make a statement on the matter. [28046/09]

Minister for Health and Children (Deputy Mary Harney): The Report of the National Working Group on the Regulation of Complementary Therapists in 2006 made recommendations on strengthening the regulatory environment for complementary therapists. The Report of the National Working Group outlined guidance for professional associations and provided examples of codes of ethics and good practice, including grievance and disciplinary procedures. To support the development of robust voluntary self-regulation, my Department has facilitated the provision of work days to facilitate different therapies to come together to undertake a process of harmonisation and development with regard to common basic standards of practice, education and training.

Among the recommendations contained in the Report of the National Working Group on the Regulation of Complementary Therapists was that the Higher Education and Training Awards Council (HETAC) take a role in the accreditation of programmes of higher education and training for complementary therapists. HETAC has now determined and published a set of standards for complementary therapies to be used in the accreditation of any programmes submitted by providers of education and training in complementary therapies. These standards will be a valuable tool in the accreditation of relevant education and training programmes. In adopting these standards, HETAC has identified a requirement that each programme within a therapy should only be validated when there is federation into one representative organisation for that therapy.

Federation of individual professional therapy associations into one representative organisation for that therapy is a key component required for the development of common standards of education and training for complementary therapies. This approach is essential to ensure harmonisation of standards and to eliminate variations in standards of education and training or codes of practice within each complementary therapy discipline. The complementary therapy sector is currently engaged in forming the solid frameworks and federations with which to link and to govern the sector, and it is hoped that further progress in this area can be achieved over time.

Departmental Reports.

295. Deputy Denis Naughten asked the Minister for Health and Children if she will publish the report of the vaccine damage steering group; the reason for the delay in its publication; and if she will make a statement on the matter. [28055/09]

Minister for Health and Children (Deputy Mary Harney): I am currently considering the recommendations in the report of the Vaccine Damage Steering Group and it is my intention to publish the report when I have completed my deliberations. I expect to be in a position to do so shortly.

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Health Service Executive Reports.

296. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 142 of 16 June 2009, if the report has been finalised; if a decision has been made on the publication date; and if she will make a statement on the matter. [28056/09]

**Minister for Health and Children (Deputy Mary Harney):** The Government is committed to ensuring quality health services, delivered efficiently and effectively. Ensuring patient safety is paramount, so that people can have confidence in the services and that the best possible patient outcomes are achieved.

In 2008 the HSE commissioned a comprehensive review of adult critical care services in order to inform the planning and future provision of this key element of the acute hospital system. Prospectus Strategy Consultants undertook this work. The company’s brief was to consider the current provision of adult critical care services in the public health system and to provide advice on the appropriate model and configuration of critical care provision. It was also asked to advise on such matters as appropriate governance arrangements and on HR, work practice, clinical audit and training issues, as well as supporting provisions such as transport and infrastructure.

The Prospectus Team included four international advisors, together with two critical care experts nominated by the Intensive Care Society. Their work included site visits to each of 37 hospitals with Critical Care facilities, a 30-day survey and audit of critical care activity in each hospital, stakeholder consultation and a review of best international practice. I understand that the report is expected to be completed shortly.

Health Repayment Scheme.

297. **Deputy Dan Neville** asked the Minister for Health and Children if an application for funding under the health repayment scheme by a person (details supplied) in County Limerick will be processed as soon as possible. [28079/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

298. **Deputy Jim O’Keeffe** asked the Minister for Health and Children her general policy on the provision of orthodontic treatment for young people here; and if she will make a statement on the matter. [28080/09]

**Minister for Health and Children (Deputy Mary Harney):** The report of the Orthodontic Review Group in 2006 recommended that existing guidelines for eligibility for Orthodontic treatment be replaced with new criteria based on the internationally recognised Index of Orthodontic Treatment Need (IOTN). These new guidelines have been implemented by the HSE.

299. **Deputy Jim O’Keeffe** asked the Minister for Health and Children her views regarding the long delays in the provision of orthodontic treatment for young people here; and her proposals in this regard. [28081/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.
300. **Deputy Jim O’Keeffe** asked the Minister for Health and Children the annual salary paid to orthodontic consultants and to orthodontic specialists in the public service; and if she will differentiate between the work normally undertaken by consultants and specialists. [28082/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

301. **Deputy Jim O’Keeffe** asked the Minister for Health and Children if, as a matter of policy, she expects that treatment facilities would be put in place to permit orthodontic consultants and specialists to begin treatment on a patient soon after appointment; and if this has not occurred, if she will have the situation investigated and remedied. [28083/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

302. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 86 of 18 June 2009, when a decision will be made on the antibiotic requirements in the event of an influenza pandemic; and if she will make a statement on the matter. [28095/09]

**Minister for Health and Children (Deputy Mary Harney):** Decisions on the procurement and stockpiling of medicines and other requisites for use during an influenza pandemic are taken by the National Public Health Emergency Team (NPHET) usually based on advice from the Pandemic Influenza Expert Group. While there has been a number of discussions at NPHET on antibiotic requirements in the event of an influenza pandemic no decisions have yet been taken.

In the event that a decision is taken to purchase additional stocks of antibiotics it would be a matter for the Health Service Executive to put in train the usual procurement procedures.

303. **Deputy Michael Ring** asked the Minister for Health and Children the reason an appointment has been postponed for a child (details supplied) in County Mayo. [28097/09]

**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 Expenditure.**

304. **Deputy Ruairí Quinn** asked the Minister for Transport the amount of mobile telephone bills paid for the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27125/09]

**Minister for Transport (Deputy Noel Dempsey):** The amount spent on mobile phones assigned to me by the Department (including roaming charges) since I was appointed Minister in June 2007 is set out in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>€1,686.13 (includes roaming charges of €568.33)</td>
</tr>
<tr>
<td>2008</td>
<td>€3,607.36 (includes roaming charges of €1,501.85)</td>
</tr>
<tr>
<td>2009 (Jan-June)</td>
<td>€1,417.78 (includes roaming charges of €171.67)</td>
</tr>
</tbody>
</table>
305. **Deputy Enda Kenny** asked the Minister for Transport the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27186/09]

**Minister for Transport (Deputy Noel Dempsey):** There are no accumulated costs in relation to court cases taken by my Department in the past five years.

### Parking Regulations.

306. **Deputy Noel J. Coonan** asked the Minister for Transport his plans to increase the fine for people who illegally use designated disabled parking spaces; and if he will make a statement on the matter. [27389/09]

**Minister for Transport (Deputy Noel Dempsey):** Measures to strengthen provisions were put in place in amendments to the Road Traffic Acts from 2004 to 2007. Offences include submitting a false declaration in the application for a permit, and forgery, alteration or other illegal use or lending of a permit.

Gardai and local authority traffic wardens have powers to inspect permits and to detain any permit that is invalid or is being used in an illegal manner.

The fixed charge of €80 (increasing to €120 after 28 days) that applies to illegal parking in a designated disabled persons parking bay is double the fixed charge that applies to any other illegal parking offence.

I am satisfied with this level of fixed charge. I have no plans to alter it.

### Driving Tests.

307. **Deputy Noel J. Coonan** asked the Minister for Transport the pass and failure rates in driving tests in all centres nationally, including north Tipperary; and if he will compare these rates to the corresponding numbers for 2008; and if he will make a statement on the matter. [27391/09]

**Minister for Transport (Deputy Noel Dempsey):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) this is a matter for the Road Safety Authority.

### Airport Development Projects.

308. **Deputy Charlie O’Connor** asked the Minister for Transport when he expects preclearance for the USA facilities to be available at Dublin airport; and if he will make a statement on the matter. [27414/09]

**Minister for Transport (Deputy Noel Dempsey):** Preclearance is scheduled to become operational at Dublin Airport after the completion and opening of Terminal 2 in November 2010.

### Public Transport.

309. **Deputy Michael McGrath** asked the Minister for Transport the position regarding an application by Bus Éireann for a licence to extend a bus service (details supplied). [27468/09]

**Minister for Transport (Deputy Noel Dempsey):** The initiation or alteration of a bus service by Bus Éireann is subject to compliance with a requirement to give advance notice to my Department and to compliance with the provisions of Section 25 of the Transport Act 1958 concerning competition with licensed private operators.
Where proposed services by the Company are deemed to be in competition with services that are the subject of a licence held by a private bus operator issued under the Road Transport Act, 1932, Bus Éireann is required to obtain my consent under section 25 of the Transport Act 1958 before it can introduce such services.

My Department received a proposal from Bus Éireann on 20th August 2007 for changes to its Route 226. Following an examination of the proposal, my Department deemed that the proposal would give rise to competition with an existing licensed service. Accordingly, my Department advised Bus Éireann on 18th May 2009 that an application in accordance with Section 25 of the Transport Act, 1958 was required. Such an application has not been received to date.

**Disability Act.**

310. **Deputy David Stanton** asked the Minister for Transport when the statutory three-year review of the Disability Act 2005 sectorial plan pertaining to his Department and required under the Disability Act 2005 will be published; and if he will make a statement on the matter. [27510/09]

**Minister for Transport (Deputy Noel Dempsey):** The review of my Department’s Sectorial Plan under the Disability Act 2005, Transport Access for All, was published on 1st May 2009 and is available on my Department’s website www.transport.ie.

**Departmental Property.**

311. **Deputy Michael D’Arcy** asked the Minister for Transport the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27599/09]

**Minister for Transport (Deputy Noel Dempsey):** The Office of Public Works is responsible for the procurement of office accommodation required by my Department and accordingly that Office deals with any rental or leasing issues arising in those properties.

**Airport Development Projects.**

312. **Deputy Paul Connaughton** asked the Minister for Transport his views on an application by Ireland West Airport at Knock, County Mayo for operational support of €500,000 from the Government’s core airport management operational expenditure subvention scheme; if his attention has been drawn to the fact the airport has received no funding under this scheme for over three years; and if he will make a statement on the matter. [27608/09]

316. **Deputy Willie Penrose** asked the Minister for Transport if he will confirm having received an application under the core airport management operational expenditure subvention scheme 2009 in respect of Ireland West Airport Knock; his views on same; and if he will make a statement on the matter. [28019/09]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 312 and 316 together.

Under this scheme which was introduced in 2006, regional airports may be considered for annual subvention in respect of operating costs incurred in providing core airport services, to
the extent that these cannot be met by prudent commercial management and by any surpluses available from other sources such as carparking charges and catering.

Ireland West Airport Knock has not received any subvention under the scheme to date because it traded profitably during the years in question.

Applications in respect of 2009 are currently being examined. The airports have been advised that in view of constraints on Exchequer resources this year, it is likely that any payments under the scheme in 2009 will have to be made on a pro rata basis, with no airport getting the full amount it might otherwise expect.

Harbours and Piers.

313. Deputy Joe McHugh asked the Minister for Transport the number of non-tidal ports in counties Donegal and Galway; and if he will make a statement on the matter. [27680/09]

Minister for Transport (Deputy Noel Dempsey): The only port in counties Donegal and Galway that falls under the aegis of my Department is Galway Harbour, which is a tidal port.

Departmental Expenditure.

314. Deputy Leo Varadkar asked the Minister for Transport the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27746/09]

Minister for Transport (Deputy Noel Dempsey): The amounts paid to staff in my Department in respect of delegates allowance for each of the past three years are as follows:

2006: €47,874.94;
2007: €52,886.52;
2008: €53,032.26;
2009 to date: €23,408.05.

315. Deputy Terence Flanagan asked the Minister for Transport the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27844/09]

Minister for Transport (Deputy Noel Dempsey): Details of print jobs carried out for my Department by companies outside the Republic of Ireland are set out in the following table.

<table>
<thead>
<tr>
<th>Print jobs carried out from 2006 to present and being provided by companies based outside ROI</th>
<th>Date contract awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Practice for the Safe Operation of Recreational Craft (Gaelic language version printed *October 2006)</td>
<td>22 March 2006</td>
</tr>
<tr>
<td>Code of Practice for the Safe Operation of Recreational Craft (reprint December 2006)</td>
<td>22 March 2006</td>
</tr>
<tr>
<td>Code of Practice for the Safe Operation of Recreational Craft (reprint December 2008)</td>
<td>22 March 2006</td>
</tr>
<tr>
<td>To provide secure financial printing services in relation to Aer Lingus IPO.</td>
<td>September 2006</td>
</tr>
<tr>
<td>Printing of Vehicle Registration Certificates</td>
<td>26 September 2008</td>
</tr>
</tbody>
</table>
Immigration System.

317. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform his views on the criticisms of his Department expressed in the Crosscare migrant project report, Invisible Pathways: A critique of the Irish immigration system; the way it can contribute to people becoming undocumented; if he will undertake to make any of the changes recommended in the report; if he will identify the changes which he will make; and if he will make a statement on the matter. [27089/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The report, referred to by the Deputy, relates to the experiences of clients of the Crosscare service when interacting with the Irish immigration system. It is a lengthy report with many comments and over 90 recommendations. As a result it is not possible for me to comment in detail on the issues raised but rather to give a general response.

There is no doubt as to the sincerity of the Report and any commentary on the operation of the Immigration system, or indeed of any State service, is worthwhile. That is not to say that I would accept its findings or analysis in each area. The Report approaches the issue from the migrant perspective, somewhat in isolation from broader policy considerations and without significant consideration of resource constraints. Government on the other hand has to take a broader view balancing sometimes conflicting demands.

The Report highlights general issues of customer service and lack of information. These comments are noted. Neither I as Minister nor the Irish Naturalisation and Immigration Service would claim that there is no room for improvement. On the contrary, efforts to improve the service are ongoing and INIS is implementing a change management programme aimed at managing its enormous and changing workload into the future. The Crosscare report will input into that change management process. INIS has also established a customer forum, chaired by its head of Corporate Services, at which NGOs, including Crosscare, have the opportunity to meet with senior personnel and raise issues of concern.

The Report is critical of the level of discretion in the decision making process. While the need for transparency and consistency is accepted, ultimately decisions have to be made by the State authorities based on best judgement and with reference to the circumstances presented in a particular case. Each case must be determined on its merits.

In relation to persons who become undocumented, it does not follow that this is the result of State inaction. First and foremost all migrants have a responsibility to maintain their immigration permission. Many of the people who enter into correspondence with the immigration authorities or make an application for leave to remain have no immigration status at the time they do so. Arrangements are being put in place to deal with cases where persons who formerly held a work permit have become undocumented through no fault of their own.

Road Traffic Offences.

318. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of drivers who have been charged with driving unaccompanied in each of the past three years; the number that were convicted; and if he will make a statement on the matter. [27091/09]
Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Drug Abuse.

319. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the extent to which heroin use is a factor in crime here; his policy regarding heroin use and addiction treatment; the additional measures being taken to tackle heroin related crime; the statistics he has in relation to heroin use and under-age heroin use here including in South Tipperary.

[27110/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): While it is not possible to estimate the overall extent to which heroin use is a factor in crime, what is clear from available studies and research is that the provision of drug treatment in general substantially reduces drug use and related involvement in crime. The recently published Rosie Study by the National Advisory Committee on Drugs (available at www.nacd.ie) which measured drug treatment outcomes demonstrates this clearly in the Irish context.

Overall the Government’s approach to tackling the problem of drug misuse, including heroin use, is through a co-ordinated and integrated approach under our National Drugs Strategy which tackles the issue under pillar headings of drugs supply reduction, education and prevention, treatment, rehabilitation and research. This Department’s involvement is primarily (although not solely) concerned with the drug supply reduction pillar.

With regard to measures in place to tackle drug crime, An Garda Síochána undertakes a number of multi-agency actions designed to target the activities of criminal organisations involved in the sale and supply of illicit drugs, including: conducting targeted operations against individual and organisation operating within this jurisdiction with known links to international criminals, including Irish nationals based abroad; continued co-operation with the Revenue Commissioners (Customs Service) under the terms of the Memorandum of Understanding in the proactive investigation of persons suspected of being involved in international drug-trafficking; exchanging strategic and operational intelligence with other law enforcement agencies, including Interpol and Europol, in accordance with legislation and operational protocols; and assisting international law enforcement agencies who are conducting investigations with suspected involvement by Irish nationals, through the Mutual Assistance Agreement in criminal matters.

As the Deputy will appreciate, the provision of addiction treatment is a matter for the Department of Health and Children and the Health Services Executive. I am advised that there are no up-to-date statistics on heroin use in the population. A special capture recapture study done in 2002 provided an estimate of 14,500 heroin users. A similar type study is currently underway under the auspices of the National Advisory Committee on Drugs. Nationally there were 8,794 clients on the Central Treatment List for methadone maintenance at the end of March 2009. I am advised that eleven of these clients were registered on the Central Treatment List with addresses in the South Tipperary /Local Health Office Area. I am informed that there were no under 18’s on methadone maintenance treatment or awaiting methadone maintenance treatment during the above periods.
Questions—

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Departmental Expenditure.

320. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform the amount of mobile telephone bills paid in relation to the Departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27122/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that since I was appointed as Minister in May 2008, the cost of my official mobile telephone to date amounts to around €234 a month. I understand that, when annualised, approximately 3% of the costs relate to data charges and around 59% to roaming charges.

Proposed Legislation.

321. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that one of the objectives of the national children’s strategy is to end physical punishment of children; if he will introduce legislation to prohibit a parent from administering physical chastisement of a child; and if he will make a statement on the matter. [27131/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will be aware from my reply to Parliamentary Question No. 121 of 25 June 2009, Government policy in this matter is expressed in the National Children’s Strategy. One of the objectives of the Strategy, which was launched in 2000 and has a ten year life span, states “…As part of a policy of ending physical punishment, parenting courses will focus on alternative approaches to manage difficult behaviour in children”. The present legal arrangements governing reasonable chastisement can be reviewed in light of developments arising from the Strategy.

Residency Permits.

322. **Deputy Mary O’Rourke** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Westmeath who is seven years here and has applied for long-term residency. [27146/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for long-term residency from the person referred to by the Deputy was received on 02 August 2007. His application is currently in the latter stages of processing. As soon as a decision is reached in his case, he will be notified directly.

Crime Levels.

323. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform his plans to deal with the increased number of robberies and violent robberies; the number of robberies recorded to date in 2009, in comparison to 2006, 2007, and 2008; the measures taken to encourage older people to use the post office, credit union or bank to store their money in order that they are safer in their homes; and if he will make a statement on the matter. [27149/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Policing Plan for 2009, which reflects the priorities set for the Force by me as Minister, includes a number of strategic actions aimed at significantly reducing the incidence of crime and criminal
behaviour. These include a commitment to continue and intensify intelligence-led operations against groups and individuals engaged in criminality.

One of these operations is Operation Anvil, the primary focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrols. The Operation has resulted in the seizure of over 2,500 firearms and the recovery of stolen property worth almost €32.2 million.

The Garda Commissioner has established the Organised Crime Unit with the specific objective of targeting those suspected of involvement in organised crime. It works in association with other specialised units, including the National Bureau of Criminal Investigation. To date the Unit has participated in numerous intelligence-led operations. The Criminal Justice (Amendment) Bill 2009 and the Criminal Justice (Surveillance) Bill 2009 will further enhance the capabilities of An Garda Síochána to develop strategies to prevent, detect and reduce the opportunities for violent crime.

Local Garda management closely monitors crime trends and puts strategies in place to prevent, detect and reduce the number of incidences of the type of crime referred to. Divisional Scene of Crime Units provide a flexible and immediate response to emerging crime issues and assist in identifying and monitoring crime trends as they are emerging. Injured parties are offered crime prevention and personal security advice by members of An Garda Síochána attending the scenes of such crimes. The Divisional Crime Prevention Officer can also be requested to attend at the scene and conduct a security audit, providing specific crime prevention or personal security advice, depending on the circumstances of the individual or business.

Members of the local Community Policing Unit and local Garda management liaise with local communities and provide crime prevention advice to the community, including older members. Community Gardaí attend regular meetings with residents and any issues raised are pursued. An Garda Síochána have organised a number of Community Safety Weeks, which included a series of high profile crime prevention and reduction initiatives nationally, in addition to initiatives by local community Gardaí and Garda Crime Prevention Officers. During these Weeks, An Garda Síochána emphasise how householders and residents can make their homes safer and more secure.

Community Alert, which my Department has supported on an ongoing basis, places particular emphasis on its volunteers visiting older and more vulnerable people in their community and offering their assistance in enabling such people to increase their security. The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

### Citizenship Applications.

324. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform when, in view of the fact that the information referred to in Parliamentary Question No. 94 of 9 April 2009 was supplied some time ago, a decision will be made in this case; and if he will make a statement on the matter.  [27161/09]
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 August 2007. The average processing time from application to decision is now at 23 months. Officials in that Section inform me that the documentation requested from the person concerned has been received and further processing of the application has resumed.

More complicated cases can at times take more than the current average while an element of straightforward cases are now being dealt with in less than that time scale. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Departmental Expenditure.

325. Deputy Enda Kenny asked the Minister for Justice, Equality and Law Reform the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27183/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Litigation costs in relation to my Department are borne by the Office of the Chief State Solicitor and the Office of the Attorney General and, as such, the information sought by the Deputy is not available in my Department.

Prison Staff.

326. Deputy Jack Wall asked the Minister for Justice, Equality and Law Reform the position regarding the competition for position of recruit prison officer which closed on 9 October 2008; when applicants will be called for interview; the number of vacancies which exist for recruit prison officers in prisons here; his plans to deal with the prison officer vacancies caused by the retirement of long serving officers; and if he will make a statement on the matter. [27211/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A public recruitment competition for Recruit Prison Officers was held during 2008 and a panel of candidates successful at the first round of the process was established. There are currently no vacancies in the Irish Prison Service for Recruit Prison Officers. This recruitment competition panel will, of course, be available to draw from should posts be sanctioned in the short to medium term in the context of overall Government policy on public sector numbers.

Departmental Programmes.

327. Deputy David Stanton asked the Minister for Justice, Equality and Law Reform if members of the Garda Síochána will be eligible to participate in the recently announced cycle to work scheme; if so, the procedures involved for the members of the force availing of the scheme; and if he will make a statement on the matter. [27214/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by the Garda Commissioner that An Garda Síochána is a participating organisation in the Government’s cycle to work scheme. Garda members wishing to avail of this scheme must complete and submit the cycle to work scheme application form which outlines the items to be purchased
328. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform if prison officers are eligible to participate in the recently announced cycle to work scheme; if so, the procedures involved; and if he will make a statement on the matter. [27219/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to advise the Deputy that Prison Officers are eligible to participate in the cycle to work scheme. The Irish Prison Service circulated all prisons on the 23rd June, 2009 with the relevant details. Briefly, to avail of the scheme an Officer must comply with the following procedures: visit approved supplier and select the new bicycle/cycle safety equipment s/he wishes to purchase; complete the official application form in conjunction with the supplier; attach original invoice to the application form; ensure that the supplier will accept payment by way of electronic funds transfer (EFT) and provide relevant details; complete salary deduction form accepting the terms and conditions of the scheme; submits all original documentation, to include original invoice, to the Pay and Personnel Office in his/her prison for approval and onward transmission to Financial Shared Services Centre (FSCC); FSCC arrange salary deduction; and when deductions are arranged the Officer is notified that s/he can collect equipment. When the aforementioned procedures are complied with the Supplier is paid.

**Asylum Applications.**

329. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the position in the case of persons (details supplied) in County Tipperary; and if they will be allowed to remain in the State. [27220/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The persons concerned arrived in the State on various dates and applied for asylum. Their applications were refused following consideration of their cases by the Office of the Refugee Applications Commissioner, and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, the persons concerned were informed in writing that the Minister proposed to make Deportation Orders in respect of them. The persons concerned were given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State i.e. why they should not be deported.

The persons concerned were notified of their entitlement to apply for Subsidiary Protection pursuant to the European Communities (Eligibility for Protection) Regulations, 2006. Subsequently applications for Subsidiary Protection were made on behalf of the persons concerned by their legal representative. Following consideration of the information submitted, the applications were refused. The persons concerned and their legal representative were notified of this decision in writing.

Their cases were then examined under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended, on the Prohibition of Refoulement. Consideration was given to representations submitted on their behalf by their legal representative for permission to remain in the State. On 27 May 2009, I refused permission to remain temporarily in the State and instead signed Deportation Orders in respect of the persons concerned. Notice of these orders were served by registered post which oblige the persons...
Concerned to leave the State. To this end the persons concerned are required to present themselves at the Garda National Immigration Bureau (GNIB) 13-14 Burgh Quay, Dublin 2 on Tuesday 30 June 2009 in order to make travel arrangements for their removal from the State.

I am satisfied that the applications made by the persons concerned, for temporary leave to remain in the State and for Subsidiary Protection, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport them is justified. The effect of the Deportation Orders is that the persons concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Orders is, and remains, an operational matter for the GNIB.

Residency Permits.

330. Deputy Michael Creed asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in Dublin 4 will have an adjudication on their application for long term residency; and if he will make a statement on the matter. [27222/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for long-term residency by the person referred to by the Deputy was made on 10 October 2007. Officials in the Long-Term Residency section of my Department have advised me that applications from October 2007 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Asylum Applications.

331. Deputy Michael Creed asked the Minister for Justice, Equality and Law Reform the position regarding an application for asylum by persons (details supplied) in County Cork; and if he will make a statement on the matter. [27223/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): If an application for asylum has been made by the persons concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

332. Deputy Michael Creed asked the Minister for Justice, Equality and Law Reform the position regarding an application for asylum by persons (details supplied) in County Cork; and if he will make a statement on the matter. [27224/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): If an asylum application has been made in respect of the first named person, the Deputy should note that it is not the practice to comment on asylum applications that are pending.

The second named person arrived in the State on 23 November, 2007 and applied for asylum. On 5 December, 2007 she gave birth to a daughter, the third named person, and included her in her asylum application. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner, and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, the second person was informed, by letter dated 22 September, 2008, that the Minister proposed to make Deportation Orders in respect of her and her daughter. The person concerned and her daughter were given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making represen-
tations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State, i.e. why they should not be deported.

She was also notified of her entitlement to apply for Subsidiary Protection pursuant to the European Communities (Eligibility for Protection) Regulations 2006. By correspondence dated 10 October, 2008, an application for Subsidiary Protection was made on behalf of the second named person by her legal representative. Following consideration of the information submitted, the application was refused. The second named person and her legal representative were notified of this decision by letter dated 26 January, 2009.

Her case was then examined under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act, 1996 as amended, on the prohibition of refoulement. Consideration was given to representations submitted on her behalf by her legal representative for permission to remain in the State. On 4 February, 2009, I refused the person concerned permission to remain temporarily in the State and signed Deportation Orders in respect of her and her daughter. Notice of these orders was served by registered post requiring the person concerned and her daughter to present themselves at the Garda National Immigration Bureau (GNIB) 13-14 Burgh Quay, Dublin 2 on Monday 23 February, 2009 in order to make travel arrangements for their removal from the State.

By letter dated 2 February, 2009, representations were received from the legal representative of the second named person seeking reconsideration of the refusal of the application for temporary leave to remain in the State. The representations received were considered as an application pursuant to Section 3(11) of the Immigration Act 1999, as amended, seeking the revocation of the Deportation Order of the person concerned. Following consideration of the information submitted, the Deportation Order was affirmed and the second named person was notified of this decision by letter dated 23 February, 2009.

On 23 February, 2009 Judicial Review proceedings were instituted seeking leave to challenge the Deportation Orders. Leave to apply was refused in the High Court on 17 June, 2009. I am satisfied that the applications made by the second named person and her daughter for asylum, for temporary leave to remain in the State and for Subsidiary Protection, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport them is justified.

The effect of the Deportation Orders is that the second named person and her daughter must leave the State and remain thereafter out of the State. The enforcement of the Deportation Orders is, and remains, an operational matter for the GNIB.

333. Deputy Michael Creed asked the Minister for Justice, Equality and Law Reform the position regarding an application for political asylum by persons (details supplied) in County Cork; and if he will make a statement on the matter. [27225/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): If an application for asylum has been made by the first and second named person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending. The third named person concerned is the infant daughter of the first and second named person concerned. On 24 November 2008 an application for asylum in the State was made on her behalf. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner. She did not appeal this recommendation to the Refugee Appeals Tribunal.
Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 29 May 2009, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned 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.

**Court Procedures.**

334. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform if there is a growing trend for persons who are fined in the courts to commit themselves to prison rather than pay fines; and if he will make a statement on the matter. [27231/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The number of persons currently imprisoned for the non-payment of a fine by the due date is 6. This represents a tiny fraction of 0.2% of the overall prison population. The numbers have always been on the low side and there is no discernible upward trend.

On 20th April 2009 I published the Fines Bill 2009. The Bill, which was referred to the Select Committee on Justice, Equality and Women's Rights on 14th May 2009, provides that where a court imposes a fine on a person, that person may apply to the court to pay the fine by instalments. If the court is satisfied that paying the fine in full by the due date would result in undue financial hardship for that person or his or her dependants, it can direct that the fine be paid by instalments over the period of a year. An extension of up to a year may also be given by the court where it is satisfied that the financial circumstances of the person have changed and that the change is not due to the person’s culpable neglect.

The Bill also provides the courts with three new options where a fine has not been paid by the due date. These are the appointment of a receiver, where the fine was imposed following conviction on indictment, recovery of the fine as if it was a civil debt and the imposition of a community service order.

**Criminal Prosecutions.**

335. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the steps taken to investigate an allegation of abuse by a person (details supplied); and if he will make a statement on the matter. [27236/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): From enquiries made within the time available, my Department has been unable to
establish any formal allegation or complaint made to the centre in question in relation to this case. Any complaint or serious allegation of this nature would have been referred to An Garda Síochána in the first instance. I have asked the Garda Commissioner if any such investigation was carried out in the past and will revert to the Deputy when that information is to hand.

**Residency Permits.**

336. **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 County Meath; and if he will make a statement on the matter. [27266/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 3 March 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 19 August 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of *refoulement*. When this latter consideration has been completed, the case file is passed to me for decision.

337. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform the position of an application for residency by a person (details supplied) in County Galway; and if he will make a statement on the matter. [27297/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for long-term residency from the person referred to by the Deputy was received on 25 September 2007. His application is currently in the latter stages of processing. As soon as a decision is reached in his case, he will be notified directly.

**Asylum Applications.**

338. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Westmeath who has applied to remain here on humanitarian grounds and is seeking subsidiary protection. [27304/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** There is currently no application pending in my Department for subsidiary protection or for leave to remain on humanitarian grounds 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.

339. Deputy Pat Breen asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 118 of 5 March 2009, the status of an application by a person (details supplied) in County Clare; and if he will make a statement on the matter. [27307/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the person referred to in the Deputy’s Question was received in the Citizenship Division of my Department in October 2008.

The average processing time from application to decision is now at 23 months. Officials in that Section are currently commencing further processing of applications received in early 2008. Applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. However, I understand that the person concerned is married to an Irish national and every effort is made to ensure those applications are dealt with as quickly as possible.

340. Deputy Pat Breen asked the Minister for Justice, Equality and Law Reform the status of an application for a person (details supplied) in County Clare; and if he will make a statement on the matter. [27310/09]

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 August 2007.

The average processing time from application to decision is now at 23 months. The Citizenship Division is currently commencing further processing of applications received in early 2008. More complicated cases can at times take more than the current average while an element of straightforward cases are now being dealt with in less than that time scale. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Drugs Seizures.

341. Deputy Michael McGrath asked the Minister for Justice, Equality and Law Reform his views regarding the recent upsurge in the level of heroin seizures in Cork City and County; and the action taken in response to this growing problem. [27313/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that An Garda Síochána has recorded significant successes in intercepting substantial quantities of heroin, resulting in the arrests of individuals involved in the trafficking and distribution of heroin in Cork and elsewhere in the State.

As well as measures taken by An Garda Síochána on a national level to target the importation sale and supply of illegal drugs including heroin, local Garda management in Cork City and County are responding in a number of ways to target this problem including: rigid proactive enforcement of the drugs legislation particularly in relation to heroin; additional financial resources being made available under Regional Budgets and Operation ‘Anvil’; a dedicated heroin unit being established in Cork City under the umbrella of the Cork City Divisional
Drugs Unit; additional personnel being allocated to the District Drug Units in all three Garda Divisions encompassing County Cork; specific targeting of suppliers, through intelligence initiatives, including ‘Clean-Street’ style operations, whereby on-street test purchases were made, in conjunction with the Garda National Drugs Unit. The most recent operation took place in May 2009 and resulted in the arrest of fourteen persons.

On 23rd March, 2009, a ‘Dial to Stop Drug Dealing’ initiative in conjunction with the Cork City Local Drug Task Force and the Southern Region Drug Task Force, commenced, for a six-week period.

Multi-agency meetings, involving An Garda Síochána, the Health Service Executive, Local Authority Representatives, addiction counsellors and members of Local Drugs Task Force, take place every month. In addition there is close liaison between the relevant agencies under the forum of the Joint Policing Committees in the relevant Local Authority areas where strategies are discussed, agreed and implemented to reduce the availability and prevent and detect such criminality in these areas.

Strong inter-divisional cooperation and intelligence sharing led by the Divisional Detective Superintendent is in place between the three Garda Divisions to ensure a uniform approach to the targeting of those involved in the importation, trafficking, sale and supply of illegal drugs in Cork City and County.

**Garda Deployment.**

342. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the yearly cost of supplying cars, fuel and Garda drivers to former Taoisigh since 1997 in tabular form; the estimated cost for 2009; his plans to review this practice; and if he will make a statement on the matter. [27354/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have requested this information from the Garda authorities and I will contact the Deputy when it is to hand.

343. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the duties and role of the gardaí allocated to Áras an Uachtarán. [27355/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The policing function of the Garda Síochána necessarily involves protection duties, including in relation to the Office of the President. It is not the practice, and it would be contrary to the public interest, to comment on the details of such protection duties. Operational decisions in relation to the fulfilment of protection duties are a matter for the Garda authorities.

**Asylum Applications.**

344. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in County Cork; when this application will be processed; and if he will make a statement on the matter. [27357/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 23 July 2004. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. The person concerned initiated Judicial Review proceedings, challenging the decision of the Refugee Appeals Tribunal in his case. The High Court refused the
Judicial Review leave application with the consequence that the earlier decision of the Refugee Appeals Tribunal decision stood.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 8 July 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

**Drug Seizures.**

345. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the number of drug seizures in County Meath over the past two years. [27361/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda Authorities that the following table sets out the number of drugs cases for analysis, as provided by the Forensic Science Laboratory for the Meath Garda Division in 2007, 2008 and to date in 2009:

<table>
<thead>
<tr>
<th>Drug Type Detected</th>
<th>No. of Cases Analysed 2007</th>
<th>No. of Cases Analysed 2008</th>
<th>No. of Cases Analysed 2009*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannabis Herb</td>
<td>26</td>
<td>45</td>
<td>7</td>
</tr>
<tr>
<td>Cannabis Plants</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Cannabis Resin</td>
<td>69</td>
<td>44</td>
<td>15</td>
</tr>
<tr>
<td>Cocaine</td>
<td>36</td>
<td>41</td>
<td>6</td>
</tr>
<tr>
<td>Heroin Diamorphine</td>
<td>12</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>MDMA</td>
<td>25</td>
<td>40</td>
<td>3</td>
</tr>
<tr>
<td>Amphetamine</td>
<td>2</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>BZP</td>
<td>0</td>
<td>10</td>
<td>2</td>
</tr>
</tbody>
</table>

*Statistics are valid to 1st July, 2009.

**Road Traffic Offences.**

346. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the number of arrests for drink driving in County Meath during the past two years. [27362/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In the time available it has not been possible for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.
Prisoner Transfers.

347. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will facilitate the repatriation of a person (details supplied) to a prison here; and if he will make a statement on the matter. [27365/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The 1983 Council of Europe Convention on the Transfer of Sentenced Persons provides a mechanism whereby prisoners can be repatriated to their home state in order to serve prison sentences they have incurred abroad. The Convention is provided for in legislation in this State by virtue of the Transfer of Sentenced Persons Acts, 1995 and 1997 and the process is administered by my Department.

The process requires extensive documentation to be exchanged between the relevant jurisdictions in order to allow an application to be fully considered. A three way consent is also required to enable any transfer to take place, i.e., from the authorities of both jurisdictions and from the person concerned. On receipt of those consents (assuming they will be forthcoming), an application must then be made to the High Court for a warrant authorising the transfer of the person concerned and their continued detention here.

I wish to advise the Deputy that my Department has not as yet received a formal application for a transfer to Ireland in respect of this person from the United Kingdom authorities. My officials have contacted the UK authorities responsible for such repatriations regarding this matter and they have stated that they have not received an application from the person concerned either. If he has not already done so, he should now apply for a transfer via his Prison Governor in the United Kingdom.

Public Order Offences.

348. **Deputy Charlie O’Connor** asked the Minister for Justice, Equality and Law Reform if he will confirm that he is reviewing the operation of anti-social behaviour orders; if he appreciates the continued need to deal effectively with anti-social behaviour; and if he will make a statement on the matter. [27374/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, relating to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. I believe that these provisions have made a significant contribution to addressing anti-social behaviour. Nevertheless, I believe that it is appropriate at this stage to review the operation of the legislation to see whether any improvements can be made, and in this regard my Department is in consultation with the Garda authorities.

The Garda Policing Plan for 2009, which reflects the priorities set for the Force by me as Minister for Justice, Equality and Law Reform, contains a series of measures aimed at reducing the impact of crime and criminal behaviour. One of the strategic goals identified in the Plan is to reduce significantly the incidence of public disorder and anti-social behaviour in communities.

Joint Policing Committees provide a forum where An Garda Síochána and the local authority — the two organisations which make the most significant contribution to preventing and tackling crime in a specific area — can come together, with the participation of members of the Oireachtas and community and voluntary interests, on matters affecting the area. A Committee has a range of functions and monitor two broad areas. The first is the levels and patterns of
crime, disorder and anti-social behaviour in its area, including patterns and levels of misuse of alcohol and drugs. The second is the broader issue of the factors underlying and contributing to crime, disorder and anti-social behaviour. Following on from this the Committee advises the local authority and An Garda Síochána on how they might best perform their functions, having regard to the need to do everything feasible to improve the safety and quality of life and to prevent crime, disorder and anti-social behaviour within the area.

I am of the view that the Committees have enormous potential for tackling the problems of anti-social behaviour.

**Garda Investigations.**

349. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if correspondence from a person (details supplied) in County Wexford has been investigated; the course of action taken; and if he will make a statement on the matter. [27380/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A report has been requested from the Garda authorities. I will be in contact with the Deputy when it is available.

**Departmental Expenditure.**

350. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if he will support an organisation (details supplied). [27412/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I provided €1.383m for funding for services to victims of crime in 2009. The allocation of this funding is a matter for the Commission for the Support of Victims of Crime. The Commission operates independently under the aegis of my Department. It would be inappropriate for me to comment on, or seek to influence the Commission in its allocation of funding. Funding has been provided in the past to the organisation by the Commission and prior to the establishment of the Commission by my own Department. I understand that the Commission received an application for funding for 2009 from the organisation. I am told that after careful consideration of the application the Commission decided not to fund the organisation in 2009. This decision has been conveyed to the organisation. The organisation can apply for funding for 2010 in the context of the next funding cycle.

**Proposed Legislation.**

351. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform when it is intended to establish a judicial council to invigilate the performance of judges and assess complaints about their handling of cases and to establish and monitor guidelines on judicial performance and behaviour; and if he will make a statement on the matter. [27420/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The work on the scheme of the Judicial Council Bill is at an advanced stage of development. The Chief Justice is in consultation with his fellow members of the judiciary on the details of the proposals and his response, taking into account that consultation, is expected in the near future. I intend to seek Government approval as quickly as possible for drafting of the Bill.

**Remembrance Commission.**

352. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied). [27455/09]
Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Remembrance Commission was established in 2003 on foot of the report of the Victims’ Commission, *A Place and a Name*. It was charged with administering the Scheme of Acknowledgement, Remembrance and Assistance for Victims in this Jurisdiction of the Conflict in Northern Ireland. The Remembrance Commission was established for an initial period of 3 years. The Commission’s term of appointment was subsequently extended on two further occasions to give more time to those persons eligible for payments under the Scheme to make applications to the Commission. The Commission undertook extensive advertising campaigns to ensure the widest possible awareness of its role and of the categories of payments which could be made.

To avail of a payment under the Scheme, an application was required to have been made during the term of appointment of the Remembrance Commission. The Commission’s term of appointment came to an end on 31 October 2008 and no further payments can therefore be made. However, as I have previously stated to the House, the long-term medical expenses of survivors of incidents in this jurisdiction arising from the conflict in Northern Ireland will continue to be provided for.

In relation to support services, the Deputy will be aware of the organisation Justice for the Forgotten, to which my Department has previously provided funding. I am also aware, from my time as Minister for Foreign Affairs, that the Department of Foreign Affairs provides funding to a number of Irish societies and organisations in the Birmingham area which work with and support the Irish community there. That Department can no doubt provide the Deputy with details of these organisations.

**Drugs Seizures.**


Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In the time available it has not been possible to compile the detailed statistics requested. I will communicate further with the Deputy when the information sought is to hand.

**Garda Investigations.**

354. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of suspected and proven instances respectively of jury intimidation and tampering as opposed to that of witnesses. [27475/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is a specific statutory offence of intimidation of members of a jury. Section 41 of the Criminal Justice Act 1999 makes it an offence to harm or threaten or in any other way intimidate or put in fear another person who is assisting in the investigation by An Garda Síochána of an offence, or is a witness or potential witness or a juror or potential juror in proceedings for an offence, or a member of his or her family, with the intention thereby of causing the investigation or the course of justice to be obstructed, perverted or interfered with.

I am informed by the Garda authorities that separate records are not maintained of offences under section 41 as between those directed against witnesses and those directed against jurors. Accordingly, the information available from the Gardaí covers both categories of individuals. The Deputy will appreciate that, of their nature, instances of intimidation of jurors are less likely to come to notice than instances of witness intimidation.
The following table shows the position with regard to the number of proceedings that have been commenced for offences under Section 41 of the 1999 Act for the period from 2002 to 29 May 2009.

<table>
<thead>
<tr>
<th>Year</th>
<th>Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009 (to 29 May)</td>
<td>7</td>
</tr>
<tr>
<td>2008</td>
<td>16</td>
</tr>
<tr>
<td>2007</td>
<td>16</td>
</tr>
<tr>
<td>2006</td>
<td>44</td>
</tr>
<tr>
<td>2005</td>
<td>22</td>
</tr>
<tr>
<td>2004</td>
<td>30</td>
</tr>
<tr>
<td>2003</td>
<td>30</td>
</tr>
<tr>
<td>2002</td>
<td>11</td>
</tr>
</tbody>
</table>

The statutory provisions available to counteract jury intimidation reflect the gravity of the offence. The Gardaí rigorously enforce these provisions and, of course, will continue to do so. Further legislative action is being taken, including a significant increase in the penalty following conviction for jury intimidation, in the context of the Criminal Justice (Amendment) Bill 2009 which is before the House at present.

**Anti-Racism Measures.**

355. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform when he will publish the final report of the steering committee on the implementation of the national action plan against racism, which concluded its work at the end of December 2008; the reason the report has not been published to date; and if he will make a statement on the matter. [27478/09]  

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** I will shortly arrange to publish the final report of the Steering Group set up to oversee the implementation of the National Action Plan Against Racism on the new website for my Office which was launched on 25 June. The website is available at www.integration.ie. The Group states that, while the National Action Plan Against Racism was an ambitious plan and not everything was achieved “there has been a substantial penetration of anti-racist policies, programmes and activities and awareness raising initiatives”. My Office will build on the achievements to date by strategic use of the funding streams available and the recommendations made by the Group will continue to inform decision making into the future.

**Criminal Prosecutions.**

356. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of prosecutions commenced and convictions obtained respectively in for the offence laid down by section 72 of the Criminal Justice Act 2006. [27479/09]  

357. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of prosecutions commenced and convictions obtained respectively in respect of the offence laid down by Section 73 of the Criminal Justice Act 2006. [27480/09]  

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 356 and 357 together.
The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

358. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of occasions that sections 28, 29 and 30 respectively of the Criminal Justice Act 2007 have been used in court proceedings. [27481/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In the time available it has not been possible for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the Garda report is available.

### Departmental Property.

359. **Deputy Michael D’Arcy** asked the Minister for Justice, Equality and Law Reform the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27596/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Deputy will be aware that the Office of Public Works (OPW) has responsibility for the provision of office space for Government Departments. I am informed that generally, with long-term leases, rent reviews and lease breaks are provided for on a five year basis. I understand that where there is provision for a rent review or a lease break, the OPW does enter into negotiations based, in part, on current market values.

As regards my own Department, there are three offices under lease where rent is paid. The rent in each case is fixed but where there is provision for a rent review, I can inform the Deputy that my Department will be negotiating for a review downwards. In some cases, this process has already been initiated in advance of the formal review date.

### Residency Permits.

360. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in respect of residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27626/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Officials in my Department have conducted an extensive search of the relevant immigration databases, and have been unable to locate any records for the person concerned. The person is advised to write to my Department at Repatriation Unit, INIS, 13 — 14 Burgh Quay, Dublin 2 setting out his current residency arrangements so that his case can be examined.

### Visa Applications.

361. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a working visa or alternative will be arranged for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27627/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person referred to by the Deputy is the spouse of an Irish national. While marriage to an Irish national by a non EU national does not grant any automatic right to reside in the State, if a non EU national
spouse of an Irish national was already legally resident in the State prior to the marriage, then he or she can make a request to the local Registration Officer for a change of their immigration status to reflect their marriage to that Irish national.

If, however, the non EU national has no legal status in the State at the time of the marriage, he or she may make an application to the Spouse of Irish National Unit, Immigration Services Section, Irish Naturalisation & Immigration Service, 13/14 Burgh Quay, Dublin 2 seeking permission to reside in the State on that basis. It is a fundamental requirement that a non EU national seeking residency in the State on the sole basis of marriage to an Irish national resides in the same household and in a family unit with that Irish national. Consideration of such application will involve the provision of documentary evidence to support the application and may also involve an interview by the Immigration authorities of either or both parties. If a non EU national is granted permission to reside in the State on the sole basis of marriage to an Irish national, he or she is permitted to work in the State without the requirement of a work permit and to operate a business in the State without seeking further permission.

Residency Permits.

362. Deputy Pat Rabbitte asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in Dublin 24, has had their approval for temporary permission to remain in the State accompanied by a cautionary reference to the applicant having been convicted of driving offences when such convictions were annulled; if he will confirm that the record in his Department has been corrected and that the applicant has never broken the criminal law here; and if he will make a statement on the matter. [27676/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The letter the Deputy is referring to was issued to the person concerned on 22 June 2009 informing him that his temporary leave to remain in the State had been extended by one year. This temporary leave to remain in the State is granted under Section 3 of the Immigration Act 1999 (as amended). As part of assessing all cases, including renewals, under Section 3 of the Immigration Act 1999 (as amended), consideration must be given to eleven factors set out in Section 3(6) of the Immigration Act, 1999 (as amended); one of which is, Section 3(6) (g), the character and conduct of the person both within and (where relevant and ascertainable) outside the State (including any criminal convictions). In this regard, as is standard procedure, a Garda report was sought in relation to the person concerned during examination of his application for renewal of temporary leave to remain. The Garda report received indicated that the person concerned was convicted in Cork City Court of a number of driving offences. Notwithstanding this information, it was decided to renew the temporary leave to remain in the State. As is standard procedure in such cases, the letter notifying the person concerned of this decision also cautioned him that the renewal of his leave to remain was conditional to him obeying the laws of the State and that he should not involve himself in any further criminal activity.

However, subsequent to the issuing of this letter, further information was received from the person concerned on 27 June 2009, which indicated that the convictions against him had been overturned on appeal. Following receipt of this information, a further Garda report was sought on the matter. The Garda report confirmed the appeal outcome. In light of this information the person concerned was issued with a new temporary permission to remain letter on 6 June 2009, in which all references to the driving offences have been removed.

Garda Strength.

363. Deputy Charles Flanagan asked the Minister for Justice, Equality and Law Reform the
number of gardaí who have voluntarily retired to date in 2009; and if he will make a statement on the matter. [27706/09]

364. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he will provide an update of the data requested in Parliamentary Question No. 568 of 24 March 2009; and if he will make a statement on the matter. [27707/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 363 and 364 together.

I am informed by the Garda Commissioner that the number of Gardaí who left the Force up to the end of May 2009 is as set out in the following table.

<table>
<thead>
<tr>
<th>Category</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compulsory Retirements</td>
<td>2</td>
</tr>
<tr>
<td>Voluntary Retirements</td>
<td>224</td>
</tr>
<tr>
<td>Resignations</td>
<td>8</td>
</tr>
<tr>
<td>Medical Discharges</td>
<td>5</td>
</tr>
<tr>
<td>Deaths</td>
<td>8</td>
</tr>
<tr>
<td>Dismissals</td>
<td>4</td>
</tr>
<tr>
<td>Resignations in Lieu of Dismissals</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>253</strong></td>
</tr>
</tbody>
</table>

**Citizenship Applications.**

365. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason for the approximate two month delay between the time a naturalisation application is referred to him for a decision and the decision being made and notified to the applicant; the procedures taken when an application is referred to him for a decision; and if he will make a statement on the matter. [27718/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Nationality and Citizenship Act, 1956, as amended provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation, provided certain statutory conditions are fulfilled. There are currently over 16,000 applications for naturalisation with the Citizenship Division of this Department that are still awaiting a decision. This is primarily due to the significant increase in the volume of applications received in the last number of years. In 2002 there were 3,500 applications whereas in 2008, the number of such applications was 10,885. This upward trend seems set to continue and it is anticipated that applications for naturalisation will increase to over 15,000 in the present year.

Recently, substantial increased resources have been made available to this Department in order to reduce backlogs and provide a better quality service to all applicants. This has also had a positive impact on processing times. The average processing time from application to decision for the generality of valid applications for certificates of naturalisation is now at twenty three months. The Division is currently commencing further processing of applications received in early 2008.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks and the time taken waiting for resources to become available to
perform those checks. In practice, a necessary period of time elapses while files that are finished processing have submissions prepared, those submissions are batched for transmission to the Minister’s Office, decided upon and batched for return to Citizenship Division for the issuing of decision letters.

I am sure that the Deputy will appreciate that a certificate of naturalisation is an exceptional and important document that facilitates a non-national becoming a citizen of Ireland. Therefore, there is a limit to the reduction in the processing time that can be achieved, as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of Citizenship is not undervalued, and is only given to persons who genuinely satisfy the necessary qualifying criteria. The procedures involved have been developed and refined over a number of years and the Minister is satisfied that they are necessary to maintain the integrity of the naturalisation process.

The increased resources that have been allocated to this area have resulted in a considerable improvement in processing times over the past year, even though the number of applications for a certificate of naturalisation has continued to see significant growth. However, as I have pointed out, there is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

**Departmental Expenditure.**

366. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27743/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

**Departmental Correspondence.**

367. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [27757/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again when the report is to hand.

**Garda Recruitment.**

368. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [27758/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to the reply to Parliamentary Questions 279 to 281 of 26 May 2009 which sets out the position.

**Garda Strength.**

369. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number in each rank of the Garda Síochána who have retired in each of the past three years; the number of promotions to each rank above the rank of garda in each of the past three years;
the number of persons recruited to the Garda Síochána in each of the past three years; the net cost to the Exchequer of employing a member of the Garda Síochána at each rank; and if he will make a statement on the matter. [27770/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question 21919/09 of 28 May 2009. The information regarding the number of promotions to each rank and the number of persons recruited to An Garda Síochána in the past three years is contained in the reply that question.

The total number of members who retired, both voluntarily and on age grounds, in each of the previous three years is as set out in the table:

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>304</td>
<td>184</td>
<td>259</td>
</tr>
</tbody>
</table>

With specific regard to the rank of each member who has retired and the net cost to the Exchequer of employing a member of An Garda Síochána, I have requested this information from the Garda Commissioner and I will write to the Deputy directly when this information is to hand.

Illegal Activities.

370. Deputy Jim O’Keeffe asked the Minister for Justice, Equality and Law Reform the steps he has taken to implement the recommendations of the Council of Europe Nos. 1178/92 and 1412/99 on the illegal activities of sects and cults in so far as such recommendations pertain to the justice area. [27789/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Any complaint of illegal activities will be investigated by An Garda Síochána and an investigation file submitted as appropriate to the Law Officers for their consideration.


A robust and effective equality infrastructure has been developed in Ireland over the last number of years. Both direct and indirect discrimination on the ground of religion in the area of employment and in the provision of goods and services is prohibited by law. Moreover, the Equality Authority, which has a statutory function to work towards the elimination of discrimination and to promote equality of opportunity, may itself refer a matter to the Equality Tribunal for investigation where it appears to it that such discrimination is being generally practised against persons.

371. Deputy Jim O’Keeffe asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a religious organisation (details supplied) has gone on trial for organised fraud in France and that this could lead to the closure of that organisation there; if this church is regarded as a religion here. [27790/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It would not be appropriate for me to comment on criminal proceedings before the courts in another jurisdiction. I have no function with regard to the recognition or otherwise of a religion.
Crime Levels.

372. **Deputy Caoimhghí́n Ó Caolá́ín** asked the Minister for Justice, Equality and Law Reform the number of section two and section three assaults which have occurred in Athlone over the past 12 months; and the way this compares to previous years. [27832/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I assume the Deputy is referring to sections 2 and 3 of the Non-Fatal Offences Against the Person Act 1997.

The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Departmental Contracts.

373. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27841/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** My Department uses one company outside of Ireland for printing purposes. The work in question is in respect of the printing of visa stickers. The most recent order was placed in December 2008.

The company, based in Paris, has successfully produced Irish visa stickers for several years on behalf of the Irish Naturalisation and Immigration Service. A core consideration in accessing such services is that the company is a recognised and reputable provider of such visa stickers to several European countries. In order to minimise illegal immigration and fraud, visa stickers utilise a range of essential security features such as hologram, unique serial number identification and other specialised printing features, and they must conform to an agreed EU standard.

Residency Permits.

374. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will confirm he has received correspondence from a person (details supplied) in County Westmeath; if in this context he will take steps to review and address the issues raised therein; the way their problem will be resolved, in view of their history and the circumstances; and if he will make a statement on the matter. [27854/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person concerned made an application for residency in June 2009.

The General Immigration Division of INIS has recently been in contact with the person in question requesting further information and documentation. On receipt of that information the application will be processed further.

375. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [27993/09]
Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 213 of Thursday 25 September 2008 and the written Reply to that Question.

The person concerned has been granted Leave to Remain in the State for the period to 13 January 2010. This decision was conveyed in writing to the person concerned by letter dated 14 January 2009.

Asylum Applications.

376. Deputy Bernard J. Durkan asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 147 of 25 June 2009, the various procedures which have been used in the case of a person (details supplied) in County Cork whose case for asylum has been before him for some time; if the full extent of due process has been followed in this case; the length of time the process has taken to date; and if he will make a statement on the matter. [28015/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person referred to by the Deputy applied for Asylum on 25 June 2004. The claim was assessed by the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. The Commissioner’s recommendation was communicated to him by letter dated 27 June 2005. This communication advised the person of his entitlement to appeal the Commissioner’s recommendation to the Refugee Appeals Tribunal, which he duly did.

The person concerned initiated Judicial Review Proceedings on two separate occasions against the Refugee Appeals Tribunal. The Refugee Appeals Tribunal considered the person’s appeal, following which the Tribunal affirmed the Commissioner’s earlier recommendation to reject his claim. The outcome of the appeal was made known to the person concerned by letter dated 29 June 2009.

In accordance with normal procedures, the file of the person concerned has been forwarded to my Department’s Ministerial Decisions Unit for final processing of the Asylum claim. A letter will issue to him from my Department advising him formally that his asylum claim has been rejected and affording him three options as follows:

1. Return home voluntarily
2. Consent to the making of a deportation order, or
3. Make written representations to me within 15 working days for temporary leave to remain in the State and/or make an application for subsidiary protection under the European Communities (Eligibility for Protection) Regulations 2006 (SI No. 518 of 2006).

Crime Levels.

377. Deputy Simon Coveney asked the Minister for Justice, Equality and Law Reform the crime figures for Cork city and county for 2008 and the first six months of 2009 in tabular form; and the types and quantities of drugs seized in this area over the same period. [28024/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In relation to the first part of the Deputy’s question, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO) as the national statistical agency. The CSO has established a dedicated unit for this purpose.
I have requested the CSO to provide the crime statistics sought by the Deputy directly to him.

With regard to the second part of the Deputy’s question, it has not been possible to compile the detailed statistics requested in the time available. I will communicate further with the Deputy when the information sought is to hand.

Registration of Title.

378. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting times for processing land registry dealings on a county basis; and if he will make a statement on the matter.  [28039/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have arranged for the CEO of the Property Registration Authority to compile the requested information and to forward it to the Deputy. I understand that this will be done very shortly.

Passport Forgeries.

379. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of forged Irish passports seized at ports and airports here in 2008 and to date in 2009; and if he will make a statement on the matter.  [28044/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Records on PULSE indicate that there were 199 passports recorded as seized in 2008, with 132 passports seized up to 5th July 2009.

Information recorded on PULSE does not indicate whether the passports seized are Irish or from other jurisdictions and it would necessitate a disproportionate amount of Garda time and resources to establish same, as it would require each individual entry to be examined to establish the origin of the documents seized and/or if it was forged.

Proposed Legislation.

380. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 324 of 6 May 2009, the progress made on the drafting of the legal costs Bill and the family law Bill; and if he will make a statement on the matter.  [28051/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The position remains, as I indicated in my previous reply, that work on the general schemes of both Bills is ongoing in my Department.

Sexual Offences.

381. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Questions No. 48 of 27 May 2009, if he has received a report from the anti-human trafficking unit on the Immigrant Council of Ireland study; and if he will make a statement on the matter.  [28052/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have asked my Department to examine the Report commissioned by the Immigrant Council of Ireland, entitled “Globalisation, Sex Trafficking and Prostitution — The Experiences of Migrant Women in Ireland”, in conjunction with the Departments/agencies to whom the Report’s
recommendations and findings are relevant. That process is in train. As the Deputy will be aware the report and its recommendations are wide-ranging and require extensive consultation. I expect to receive a Report in relation to this matter later this year. I will consider what further actions, if any, are necessary once this examination has been completed and a Report on the matter is referred to me.

**Visa Applications.**

382. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of student visa applications granted in the past 12 months; the number which were for third level full time education; the number for English language education; and if he will make a statement on the matter. [28057/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The statistical data requested is retained in annual (calendar year) format. The number of student visa applications granted for 2008 was 4563 and the number of student visa applications granted for 2009 (up to the end of the June) is 1799. Figures for 2009 are provisional.

Figures are not available in relation to whether the visas were granted for third level full time education or specifically for English language education.

383. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of student visa applications refused in each of the past five years; the number refused on the basis of unsatisfactory credentials of the college; and if he will make a statement on the matter. [28058/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The table contains figures in respect of all study visa application decisions for the years 2005 to 2008 inclusive.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total study visa applications decided</th>
<th>Approved</th>
<th>Refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>6,801</td>
<td>4,563 (67%)</td>
<td>2,238 (33%)</td>
</tr>
<tr>
<td>2007</td>
<td>9,254</td>
<td>4,849 (52%)</td>
<td>4,405 (48%)</td>
</tr>
<tr>
<td>2006</td>
<td>6,516</td>
<td>3,548 (54%)</td>
<td>2,968 (46%)</td>
</tr>
<tr>
<td>2005</td>
<td>7,838</td>
<td>3,213 (41%)</td>
<td>4,625 (59%)</td>
</tr>
</tbody>
</table>

Comparable figures are not readily available for the year 2004. Figures are not available as to the number refused on the basis of unsatisfactory credentials of the college, as data on cases where a visa is refused for this reason is not recorded in statistical format. However, I am informed by the INIS that such cases are, quite rare and figures for such refusals would be very low in comparison with the overall number of study visa applications received in any given year.

**Garda Operations.**

384. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the abuse highlighted in a report (details supplied) is no longer taking place; the type of institutions involved; the services which they were to provide; the action taken to address this issue; and if he will make a statement on the matter. [28059/09]
Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Report to which the Deputy refers outlines in a broad sense the threat associated with organised crime engaging in fraudulent activities associated with the visa regime. There are also specific references to the potential for student immigration in the United Kingdom and Ireland to be exploited by organised crime whether through false documentation or the establishment of bogus schools.

The Irish immigration authorities in the course of their day to day operational activities, including the processing of visas, maintain a vigilant watch so as to identify fraudulent practices and documentation. Where activities in a particular sector give rise to a suspicion of irregular activity the matter may be further investigated by the immigration section within my own Department or, depending on the activity, may be referred to the Garda National Immigration Bureau (GNIB). Arising from such investigations a number of actions may be taken by the immigration authorities depending on the extent of the identified irregular activities. Clearly the immigration authorities have to be alert to potential abuse when administering the visa system. Visa applications are frequently rejected on the grounds fraudulent documents or general lack of credibility.

The Deputy will be aware that my Department is currently engaged in a review of the immigration regime for full time non-EEA students. The purpose of the review is two fold. First, there is a need for greater coherence in the way we deal with non-EEA students via a transparent system that is consistent with Irish immigration policy generally. Secondly, it is generally accepted that there is a need for greater regulation in the student area. This will be beneficial both in curbing abuses and in assisting the future development and marketing of the sector on a solid foundation.

The Deputy will appreciate that the policing of this area is a matter for the Garda Commissioner. I can however inform the Deputy that a report on the matters referred to in the Report has now been sought from the Garda Commissioner.

Garda Investigations.

385. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if the Garda National Immigration Bureau has completed its investigations as outlined in an article (details supplied); the action the Garda will take; and if he will make a statement on the matter. [28060/09]

386. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if the Garda has wound down Operation Feather; if there are ongoing investigations; if there are pending prosecutions under this operation; and if he will make a statement on the matter. [28062/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 386 and 386 together.

The Deputy will appreciate that policing operations are a matter for An Garda Síochána. I have sought the information from the Garda authorities and I will forward the information to the Deputy as soon as possible.

Deportation Orders.

387. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if it is his policy to offer convicted prisoners here, who are citizens of other states, voluntary deport-
Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My policy, and that of my predecessors, is to ensure that any foreign national who finds himself, or herself, illegally present in the State and who has been convicted of an offence in the State, should serve the sentence handed down by the Courts. In certain circumstances, however, where prisoners are approaching the end of their periods of detention and there has been consultation between the Garda National Immigration Bureau, the Irish Prison Service and officials in my Department, foreign nationals subject to Deportation Orders may be removed from the State in accordance with Immigration law. The enforcement of Deportation Orders is an operational matter for the Bureau.

There is no statistical mechanism currently in place to determine the numbers of persons removed under the circumstances outlined above, however the numbers involved are small.

Asylum Applications.

388. Deputy Denis Naughten asked the Minister for Justice, Equality and Law Reform the number of asylum applications made in each of the past 14 months; and if he will make a statement on the matter. [28088/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy in relation to asylum applications received in the last 14 months (May 2008 to June 2009) is set out in the table below.

<table>
<thead>
<tr>
<th>Date</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 08</td>
<td>301</td>
</tr>
<tr>
<td>June 08</td>
<td>329</td>
</tr>
<tr>
<td>July 08</td>
<td>339</td>
</tr>
<tr>
<td>August 08</td>
<td>333</td>
</tr>
<tr>
<td>September 08</td>
<td>360</td>
</tr>
<tr>
<td>October 08</td>
<td>357</td>
</tr>
<tr>
<td>November 08</td>
<td>324</td>
</tr>
<tr>
<td>December 08</td>
<td>300</td>
</tr>
<tr>
<td>January 09</td>
<td>254</td>
</tr>
<tr>
<td>February 09</td>
<td>270</td>
</tr>
<tr>
<td>March 09</td>
<td>270</td>
</tr>
<tr>
<td>April 09</td>
<td>241</td>
</tr>
<tr>
<td>May 09</td>
<td>229</td>
</tr>
<tr>
<td>June 09</td>
<td>244</td>
</tr>
</tbody>
</table>

Deportation Orders.

389. Deputy Denis Naughten asked the Minister for Justice, Equality and Law Reform the average stay by a deportee in prison prior to their deportation from the State; the number detained in the past 12 months prior to deportation and in 2008; the corresponding number held in each prison; the corresponding figure for asylum applicants; and if he will make a statement on the matter. [28090/09]
Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that the information sought is at present being compiled and will be conveyed to him shortly.

Prison Building Programmes.

390. Deputy Denis Naughten asked the Minister for Justice, Equality and Law Reform the projected cost of planting mature trees on part of the boundary of the proposed Thornton Hall prison to a band depth of up to 20 m; the area to be planted; and if he will make a statement on the matter. [28091/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have no further information available to me to add to my replies of the 24th June, 2008 and the 2nd July, 2009.

391. Deputy Denis Naughten asked the Minister for Justice, Equality and Law Reform if he will proceed with the detention facility at the Thornton Hall prison site for non-Irish persons awaiting deportation; the capital cost of this aspect and the capacity of this element; and if he will make a statement on the matter. [28092/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware the Government recently reconfirmed its commitment to developing a new prison campus at Thornton Hall. The revised plans for the new prison complex aim to protect the taxpayers’ interests and provide good quality, regime focussed accommodation. The detailed design for the new revised prison complex will now be finalised. I am not in a position, at this point in time, to say what precise range of facilities will be provided.

Departmental Expenditure.

392. Deputy Ruairí Quinn asked the Minister for Foreign Affairs the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27120/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The table sets out the costs relating to my official mobile telephony service since I was appointed Minister for Foreign Affairs in May 2008.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rental/Subscription</th>
<th>Calls</th>
<th>Roaming</th>
<th>Data</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>€</td>
<td>€</td>
<td>€</td>
<td>€</td>
<td>€</td>
</tr>
<tr>
<td>2008</td>
<td>239</td>
<td>813</td>
<td>140</td>
<td>27</td>
<td>1,219</td>
</tr>
<tr>
<td>2009 to Date</td>
<td>365</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>365</td>
</tr>
</tbody>
</table>

My Department avails of the Department of Finance Central Framework for the provision of mobile telephony services. Under the terms of this contract, in place since last October, the monthly rate for my mobile telephony service is €60.75. This rate covers rental, all calls (including roaming charges), and all national text and data charges.
393. **Deputy Enda Kenny** asked the Minister for Foreign Affairs the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter.  [27181/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** In the past five years my Department has taken one court case. This case was taken in 2005, in Stockholm, against a planning permission which had been granted to develop the attic space of a building, which contained an Embassy property owned by the State. The Department initiated an appeal against this planning permission to the Stockholm Rent Tribunal (part of the Swedish court system). The Rent Tribunal upheld the initial planning permission and, on the basis of legal advice from the Embassy lawyers at the time, it was decided not to appeal this ruling. The legal costs associated with the appeal, including legal advice received on the implications of the ruling, amounted to €11,377.

**Emigrant Support Services.**

394. **Deputy Charlie O’Connor** asked the Minister for Foreign Affairs the progress on the undocumented Irish issue particularly after the visit of the Friends of Ireland chairman, US Congressman Richard E Neal, and his delegation; and if he will make a statement on the matter.  [27410/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government attaches the highest importance to resolving the plight of our undocumented citizens in the United States. We have emphasised our strong support for the undocumented in all our engagements with the US Administration and Congress, including during meetings with President Obama and Secretary of State Clinton in Washington this March. The Taoiseach and I held extensive discussions on the issue with the Congressional delegation, led by Congressman Neal, which visited Ireland last week. This included particularly useful exchanges with influential legislators, Congressman Luis Gutierrez and Congresswoman Nydia Velazquez, both strong proponents of comprehensive immigration reform and leading members of the Hispanic Caucus.

As the Deputy is aware, in the absence of comprehensive immigration reform, the Government has been actively pursuing a bilateral approach, aimed at facilitating greater legal migration between the two countries. The approach has had three core objectives: a reciprocal Working Holiday Agreement (now operational); new bilateral arrangements to provide reciprocal long term E3 working visas; and a solution for our undocumented. While the inclusion of Ireland in an expanded version of the E3 programme would provide extensive new opportunities for Irish people to work in the United States and help ensure that a new generation of undocumented Irish does not develop, our friends on Capitol Hill have been clear that the status of the undocumented Irish cannot be addressed in isolation from other ethnic groups, including by way of an E3. Their advice is that the best prospect for a solution for the undocumented continues to lie with comprehensive immigration reform.

On 25 June, President Obama met with a range of key Congressional figures, including supporters and opponents of reform, to discuss this issue and identify how to begin fixing what he has described as a broken immigration system. His statement following the meeting that his ‘Administration is fully behind an effort to achieve comprehensive immigration reform’ is very welcome. I also note the announcement that the Administration, under the direction of Secretary of Homeland Security, Janet Napolitano, will work with a leadership group from Congress to take forward the issue.
As President Obama noted, however, immigration remains ‘a sensitive and politically volatile issue’ in the United States. Bi-partisan support is considered vital to the success as President Obama noted, however, immigration remains ‘a sensitive and politically volatile issue’ in the United States. Bi-partisan support is considered vital to the success of comprehensive reform and our friends on Capitol Hill, including those within the visiting delegation, have made it clear that progressing legislation will continue to present significant challenges.

While encouraged by recent developments, the immediate prospects for immigration reform remain uncertain. The Government is determined to continue to highlight the difficulties facing our undocumented citizens and to support the Administration in its efforts to implement reform.

**Foreign Conflicts.**

395. **Deputy Charlie O’Connor** asked the Minister for Foreign Affairs the progress in dealing with the difficulties in Zimbabwe; and if he will make a statement on the matter. [27411/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The formation of a unity government in Zimbabwe in February was far from being a solution to Zimbabwe’s problems, but was nonetheless a sign of some limited progress in the political process. Five months on, despite some improvements in the situation on the ground in Zimbabwe, notably in curbing hyperinflation and adopting the South African rand as the reference currency, the political situation remains very fragile. I am gravely concerned by reports of continuing human rights violations, arbitrary arrests, torture of prisoners and abuse of the rule of law. The lack of real progress on many issues vital to Zimbabwe’s recovery and the failure to reform media laws to allow for meaningful press freedom are causes of ongoing concern.

A particular concern is the continued failure of President Mugabe to address the issue of senior government appointments in a manner consistent with the September 2008 power-sharing agreement. The retention of Gideon Gono as Governor of the Reserve Bank of Zimbabwe is detrimental to the interests of the country and his removal is vital to build confidence among international donors and investors.

The international community has stated its willingness to support the economic and social recovery of Zimbabwe. The Prime Minister of Zimbabwe, Morgan Tsvangirai, visited Europe and the United States last month to encourage international re-engagement with Zimbabwe at a political and economic level and support for the power-sharing government. The international leaders he met stated clearly their support for the agenda of reform and democratisation and for implementation of the power-sharing agreement, and their willingness to alleviate the humanitarian crisis in Zimbabwe. Re-engagement remains conditional on the agreed goals set out in the power-sharing agreement being met. These include full access to humanitarian assistance, restoration of the rule of law, commitment to the democratic process, respect for human rights and commitment to macroeconomic stabilisation. Ireland has worked closely with our EU partners in developing a consistent approach to Zimbabwe. Ireland and the EU will continue to monitor the situation, and maintain contacts with key African partners, including the African Union and the Southern African Development Community. It is clear that Zimbabwe’s neighbours have a critical role to play in encouraging reform, and can bring the greatest influence to bear in achieving progress in implementing the power sharing agreement.

In keeping with other international donors, Ireland does not provide funding to the Zimbabwean government, but responds to the humanitarian needs of the Zimbabwean people.
through support for the work of multilateral and non-governmental organisations. Thus far in 2009, Ireland has committed funding of over €5 million to a range of humanitarian programmes in Zimbabwe, focussed on food security, tackling HIV and AIDS and supporting civil society organisations providing essential services for the population. We have repeatedly stated our willingness to re-engage with a Zimbabwean government which returns to respect for human rights, the rule of law and sound economic management.

It is vital for the future of Zimbabwe that the unity government delivers on the promise of reform, and secures for Zimbabwe’s people real political freedoms, a return to the rule of law and economic development. Ireland will continue to work with our partners in the international community to encourage progress in these areas.

**Departmental Expenditure.**

396. **Deputy Michael D’Arcy** asked the Minister for Foreign Affairs the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27594/09]

Minister for Foreign Affairs (Deputy Micheáíl Martin): In the past three years my Department has rented office space in one building in Dublin, the ground floor of Hospitality House, Cumberland Street, Dublin 2 at a cost of €144,900 per annum. All other rent commitments relating to properties in the State occupied by the Department of Foreign Affairs are discharged by the Office of Public Works.

The number of properties rented abroad for use as Chanceries and official Residences was 112 in 2007 and 2008 and 111 in 2009. The total rental cost of these properties in 2008 amounted to €13.825m. approximately.

Rental agreements vary from country to country in accordance with local law and practice. Leases are usually for a fixed period and many include a rent review clause. Rent increases on renewal of leases are generally in line with the Consumer Price Index (CPI) of the particular country.

Rent levels abroad are reviewed each year. In addition, all our Missions have recently been instructed to review rent levels and to explore the scope for negotiated reductions, having regard to local market conditions. In the time available, it has not been possible to collate information from all Missions on the level of savings achieved from this initiative.

**Human Rights Issues.**

397. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support a matter (details supplied). [27712/09]

Minister for Foreign Affairs (Deputy Micheáíl Martin): I was very concerned to learn of the Israeli naval seizure of the Gaza-bound Spirit of Humanity on 30 June and the arrest and detention of the two Irish citizens — Mairéad Maguire and Derek Graham — on board the vessel. The priority for my Department has been to ensure the safety and well-being of Ms. Maguire and Mr. Graham and to secure their prompt release. To that end, we have been in ongoing contact at a senior level with the Israeli authorities, both through the Israeli Embassy here and our own Embassy in Tel Aviv.

Ms. Maguire and Mr. Graham have been held in a detention facility in the city of Lod in Israel. An official from our Embassy in Tel Aviv visited them on both 1 and 2 July to check
on their well-being and ascertain the conditions of their detention. The Embassy also maintained regular contact with the families and lawyer representing Ms. Maguire and Mr. Graham. The Embassy confirmed that Ms. Maguire and Mr. Graham were being treated properly and that the facility at which they were held was satisfactory. I understand that both are expected to be deported from Israel today, and should arrive back in Ireland later this evening.

The sole purpose of the Spirit of Humanity’s voyage was to deliver humanitarian aid to the Gaza Strip. I would urge the Israeli authorities to now ensure that all humanitarian supplies on board the ship are made available to the Palestinian people.

I have been consistent in my condemnation of the economic blockade imposed by Israel upon the Gaza Strip since the summer of 2007, which I regard as amounting to a collective punishment of the people of Gaza. I have emphasised, in discussions with my EU colleagues and directly to Israeli Ministers, my view that the blockade should be brought to an end immediately, and the crossing points opened without restrictions on the normal movement of persons and goods. This is not only vital to allow the dire humanitarian situation in the territory to be addressed, but also so that the long overdue reconstruction of Gaza can begin.

My Department’s official advice to any persons wishing to travel to Gaza is not to travel at present, in view of the current dangerous and fragile security situation in the Gaza Strip. This advice was communicated to the Free Gaza movement which organised this particular voyage in advance of its sailing. My Department’s official advice to any persons wishing to travel to Gaza is not to travel at present, in view of the current dangerous and fragile security situation in the Gaza Strip. This advice was communicated to the Free Gaza movement which organised this particular voyage in advance of its sailing.

**Departmental Expenditure.**

398. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27741/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Delegates’ Allowance is only paid to officers who are serving as a member of a delegation representing Ireland at a meeting of the European Union or other International Organisation overseas. Chairperson’s Allowance is a form of delegates allowance and is paid to officers who chair such international meetings.

Delegate’s Allowance can be paid for up to four nights away in any seven-day period. Payments are made in accordance with the rates authorised by the Department of Finance. These payments are subject to income tax. The costs of delegate’s and chairperson’s allowance incurred by my Department are set out in tabular form.

<table>
<thead>
<tr>
<th>Vote</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign Affairs (Vote 28)</td>
<td>€192,000</td>
<td>€160,423</td>
<td>€202,726</td>
</tr>
<tr>
<td>Irish Aid (Vote 29)</td>
<td>€49,400</td>
<td>€41,883</td>
<td>€33,507</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>€241,400</strong></td>
<td><strong>€202,306</strong></td>
<td><strong>€236,233</strong></td>
</tr>
</tbody>
</table>

It is important to point out that delegate’s allowance is only payable when the travel being undertaken is directly related to representing Ireland at an EU or other International meeting.
A significant proportion of travel undertaken by officials of my Department falls outside of this category and delegate’s allowance would, therefore, not be paid in these cases.

Departmental Contracts.

399. **Deputy Terence Flanagan** asked the Minister for Foreign Affairs the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27840/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** From 2005 to date, my Department has used one non-Irish based printer for a significant contract which was procured on its behalf by the Government Supplies Agency (GSA). The details are as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Contract award date</th>
<th>Quantity/Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graficas Jomagar S.L.</td>
<td>28 November, 2006</td>
<td>1,750,000 copies of Mini White Paper on Irish Aid</td>
<td>€114,546</td>
</tr>
</tbody>
</table>

The Department’s principal print requirement is for passport application forms. This contract is currently held by an Irish company, Ebrook Limited, trading as DC Kavanagh, located in Ballymount Industrial Estate, Dublin 12, following an advertised EU-level tender process which was concluded in early 2008.

For its routine print requirements, the Department generally makes use of drawdown contracts which have been put in place by the Government Supplies Agency (GSA). I understand that the current holders of these contracts are Irish-based companies. These contracts are also used to source routine items (such as headed stationery) for the Department’s Missions overseas. However, the Deputy will appreciate that in some cases it is more practical for Missions abroad to source certain requirements locally, for example when the requirement is small, when items have to be translated and printed in non-roman script, or where shipping costs from Ireland would be prohibitive.

While my Department is very well disposed to doing business with Irish small and medium enterprises, I must point out that, under the rules of the EU Single Market, printers based anywhere in the EU/EEA are entitled to compete for public contracts in Ireland over a value threshold of €133,000 and it is illegal to discriminate against suppliers on grounds of nationality in respect of such contracts. Irish print service providers are of course equally entitled to compete for such contracts in all EU/EEA Member-States. In order to assist and encourage Irish companies to compete for this business, my Department has posted information on accessing public sector market opportunities in the EU/EEA in a section of its website which provides information on public procurement opportunities for suppliers (It can be found at http://dfa.ie/home/index.aspx?id=28436).

Passport Applications.

400. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the number of Irish passports which were reported lost or stolen here and outside the country in 2008 and to date in 2009; the number in each category which have subsequently turned up as forged passports which were presented at entry points here or abroad; and if he will make a statement on the matter. [28043/09]
Minister for Foreign Affairs (Deputy Micheál Martin): Details of the numbers of passports reported in 2008 and for the first half of 2009 as lost or stolen are set out in the table. My Department does not retain statistics as to whether the loss or theft occurred in Ireland or overseas.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total passports issued</th>
<th>Reported lost</th>
<th>Reported stolen</th>
<th>Total reported lost or stolen</th>
<th>% of total issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>577,000</td>
<td>31,262</td>
<td>5,002</td>
<td>36,264</td>
<td>6.3%</td>
</tr>
<tr>
<td>2009 to 30 June</td>
<td>320,000</td>
<td>14,713</td>
<td>2,422</td>
<td>17,135</td>
<td>5.4%</td>
</tr>
</tbody>
</table>

The introduction of the biometric or e-passport on 16 October, 2006 has greatly enhanced the security features of the Irish passport. The microchip in the passport contains a digital image of the holder which cannot be altered. Any attempt to alter the data on the microchip will be apparent when the passport is read at a border control station because of the added security on the chip.

The Passports Act 2008 also introduced a series of new offences relating to the misuse of passports and passport fraud.

The Department draws attention on passport application forms to the fact that a passport is a valuable document and that loss or theft is a serious matter. It recommends in its travel advice that passports should always be kept in a secure place.

Serial numbers of all lost, stolen and mislaid passports are reported to Interpol, through An Garda Síochána, on a weekly basis. This information is then circulated to police forces around the world which helps prevent lost or stolen passports being fraudulently used for travel. Records at Interpol Dublin indicate that some 87 Irish passports listed on the Interpol database as reported lost or stolen were detected at immigration points in 2008. A further 77 instances of such passports being presented arose in the period 1 January to 2 July 2009. The increased frequency of such occurrences is due to an increase in the number of ports and airports carrying out checks against the Interpol database.

The majority of such incidents concern circumstances where a person had reported a passport as lost or stolen, obtained a replacement passport, but subsequently recovered the previous passport and continued to use it. These cases are generally resolved quickly through enquiries with the Passport Office.

The notes accompanying passport application forms state that persons should not attempt to travel on a passport which has been reported lost or stolen. When completing the statement of loss, applicants undertake not to travel on a missing passport if subsequently found.

Departmental Expenditure.

401. Deputy Ruairí Quinn asked the Minister for Arts, Sport and Tourism the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27112/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Since being appointed as Minister for Arts, Sports and Tourism in May 2008, the total telephone bill incurred in relation
to my mobile phone until end of 2008 was €4,804.43, of which €2,976.83 was in respect of roaming charges. There were no data charges applied in 2008. To date in 2009, the total mobile telephone bill is €1,895.07 of which €904.60 is in respect of roaming charges. Data charges to date in 2009 amount to €94.58 or just under 5% of the total bill.

402. Depute Enda Kenny asked the Minister for Arts, Sport and Tourism the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27173/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Department has not taken any court cases in the past five calendar years, so there are no associated costs.

Sports Capital Programme.

403. Depute Maureen O’Sullivan asked the Minister for Arts, Sport and Tourism when he will make a decision in relation to releasing funding approved to a centre (details supplied) in County Cavan under the capital sports programme 2006. [27263/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): A grant of €140,000 was provisionally allocated to the project in question under the 2006 Sports Capital Programme. The grant allocation was subject to the terms and conditions of the Programme, which included the execution of a deed of covenant and charge. A deed of covenant and charge provides, *inter alia*, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated. The Department’s legal adviser, the Chief State Solicitor’s Office — CSSO — deals with the grantee’s solicitor in executing this deed. The Department understands from the CSSO that legal issues are progressing. Documentation regarding a number of charges on the property to be grant assisted has been received by the CSSO and is currently being examined.

In the interim, my Department wrote to the grantee on 3 July seeking additional information including, *inter alia*, confirmation of the planning status of the project and a preliminary health and safety plan.

404. Depute Darragh O’Brien asked the Minister for Arts, Sport and Tourism if there are moneys not drawn down in respect of capital sports grants since 2004 to date in 2009 in respect of a club (details supplied) in County Dublin. [27286/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The grantee in question was allocated €20,000 under the 2004 Sports Capital Programme for sports equipment, of which €17,109 has been drawn down. The balance of the grant can be paid on receipt of original, paid, valid invoices in respect of eligible items. The Department pays 70% of the value of such invoices submitted. The grantee was allocated a further €60,000 under the 2005 Sports Capital Programme, none of which has yet been drawn down. My Department wrote to the club in question on 25 September 2007 seeking a number of items and a response from the grantee to that letter is awaited.

Arts Funding.

405. Depute Noel J. Coonan asked the Minister for Arts, Sport and Tourism the funding that will be allocated to a facility (details supplied) in County Tipperary; if he will outline the funding that was made in 2008; and if he will make a statement on the matter. [27396/09]
Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Regional Arts Centre in question was allocated grant aid of €2,920,398 under the ACCESS I scheme towards the building of a new arts centre to include, 220-seat performance space, workshop space, exhibition space, reception, toilets, cafe and a fully equipped branch library. The final instalment of that grant was paid in May 2008.

The Arts Council has allocated current funding to the Centre as follows:

- 2007 — €25,000;
- 2008 — €60,000
- 2009 — €52,000.

**Departmental Expenditure.**

406. **Deputy Michael D’Arcy** asked the Minister for Arts, Sport and Tourism the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27586/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Department of Arts, Sport and Tourism has not paid rent on any of the properties or offices it has occupied in the past three years. These properties were managed by the Office of Public Works or, in the case of the offices occupied in Kildare Street and at Frederick Buildings in Molesworth Street, by the Department of Enterprise, Trade and Employment and the Department of Foreign Affairs respectively.

407. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27734/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): My Department has incurred the following expenditure in respect of delegates allowance to officials:

<table>
<thead>
<tr>
<th>Year</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>8,278.89</td>
</tr>
<tr>
<td>2007</td>
<td>10,228.05</td>
</tr>
<tr>
<td>2008</td>
<td>4,102.76</td>
</tr>
<tr>
<td>2009 year to date</td>
<td>1,500.59</td>
</tr>
<tr>
<td>Total</td>
<td>24,110.29</td>
</tr>
</tbody>
</table>

**Sports Capital Programme.**

408. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism the delay in the completion of a deed of covenant which would enable work to proceed on the re-development of a facility (details supplied) in Dublin 18, for which funding has been provided and all other preparations have been made; and if he will make a statement on the matter. [27767/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The local authority in question was allocated €250,000 under the Sports Capital Programme 2007 towards upgrading an old
Cinder pitch to synthetic grass, with floodlighting and fencing. My Department wrote to the grantee on 19 December 2008 seeking a licence agreement to ensure that the grant assisted facility will be available for community use. The grantee in turn wrote my Department on 19 June 2009 and stated the agreement would be forwarded when it has been signed and sealed. When the licence agreement is received by my Department, it will be examined promptly and, if is found to be satisfactory, instructions will issue to the Chief State Solicitor’s Office in respect of the appropriate legal security required to protect the taxpayer funding being provided under the Programme. In the interim, my Department has written again to the grantee on 3 July 2009 seeking, inter alia, copies of tenders and of the final planning permission for the project.

**Departmental Contracts.**

409. **Deputy Terence Flanagan** asked the Minister for Arts, Sport and Tourism the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27834/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Since 1 January 2009, the following print jobs were carried out for the Department by service providers outside the State.

<table>
<thead>
<tr>
<th>Nature of Print Job</th>
<th>Date of Award of Print Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibition Catalogue for Irish Artists at Venice Biennale</td>
<td>30 April 2009</td>
</tr>
<tr>
<td>Exhibition Posters for Use in Venice to Promote Irish Pavilion at Venice Biennale</td>
<td>1 May 2009</td>
</tr>
</tbody>
</table>

In the previous five calendar years 2004 to 2008, no printed material for the Department was printed abroad. The award of printing contracts, as with any other contract award, is subject to the Department of Finance’s public procurement guidelines, with which the Department complies.

**Sports Funding.**

410. **Deputy Simon Coveney** asked the Minister for Arts, Sport and Tourism the location where the money raised by the National Lottery will be spent in 2009; the amount which has been given to each county; the portion of same which is being spent in the area of sport; and if he will make a statement on the matter. [28022/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The distribution of the proceeds of the National Lottery is a matter for the Minister for Finance. The elements of the Department’s Vote which are part-funded by these proceeds are as follows:

- Subhead C.1: Grants for sporting bodies and for the provision of sports and recreational facilities under the Sports Capital Programme;
- Subhead C.3: Grant-in-Aid provided to the Irish Sports Council in respect of general assistance to sports organisations and expenditure in relation to sports activities; and
- Subhead D.7: Grant-in-Aid provided to the Arts Council in respect of arts activities. Details of Revised Estimates allocations for 2009 in respect of these subheads are as set out in tabular form.
In relation to the Grants-in-Aid to the Irish Sports Council and the Arts Council, allocation decisions, by county or otherwise, are made by the agencies themselves and the Department has no function in this matter.

In relation to the Sports Capital Programme, the geographical breakdown by county of spend to date is as set out in tabular form.

<table>
<thead>
<tr>
<th>County</th>
<th>Expenditure Authorised to End June 2009 (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow</td>
<td>515,608</td>
</tr>
<tr>
<td>Cavan</td>
<td>554,052</td>
</tr>
<tr>
<td>Clare</td>
<td>1,913,305</td>
</tr>
<tr>
<td>Cork</td>
<td>3,776,518</td>
</tr>
<tr>
<td>Donegal</td>
<td>1,400,252</td>
</tr>
<tr>
<td>Dublin</td>
<td>5,764,943</td>
</tr>
<tr>
<td>Galway</td>
<td>2,071,263</td>
</tr>
<tr>
<td>Kerry</td>
<td>1,411,137</td>
</tr>
<tr>
<td>Kildare</td>
<td>853,245</td>
</tr>
<tr>
<td>Kilkenny</td>
<td>1,113,813</td>
</tr>
<tr>
<td>Laois</td>
<td>1,844,955</td>
</tr>
<tr>
<td>Leitrim</td>
<td>247,285</td>
</tr>
<tr>
<td>Limerick</td>
<td>2,197,271</td>
</tr>
<tr>
<td>Longford</td>
<td>254,261</td>
</tr>
<tr>
<td>Louth</td>
<td>1,204,400</td>
</tr>
<tr>
<td>Mayo</td>
<td>945,622</td>
</tr>
<tr>
<td>Meath</td>
<td>1,382,328</td>
</tr>
<tr>
<td>Monaghan</td>
<td>668,825</td>
</tr>
<tr>
<td>Offaly</td>
<td>349,620</td>
</tr>
<tr>
<td>Roscommon</td>
<td>592,799</td>
</tr>
<tr>
<td>Sligo</td>
<td>390,001</td>
</tr>
<tr>
<td>Tipperary</td>
<td>2,159,077</td>
</tr>
<tr>
<td>Wexford</td>
<td>1,803,587</td>
</tr>
<tr>
<td>Wicklow</td>
<td>1,024,429</td>
</tr>
<tr>
<td>Total</td>
<td>34,438,596</td>
</tr>
</tbody>
</table>

Sports Capital Programme.

411. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism when the
sports capital grant programme will be reinstated; and if he will make a statement on the matter. [28054/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** No decision has been taken about the timing of future rounds of the Programme.

**Departmental Schemes.**

412. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if carbon monoxide alarms can be included in the scheme of community support for older people. [27094/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** Under the current Scheme, which has been suspended pending the completion of a review, carbon monoxide monitors and similar devices were eligible for support. The review, which I hope to complete by mid-September, will look at the range of issues including the types of equipment that might be supported under a revised Scheme.

**Departmental Expenditure.**

413. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27114/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The amount paid in relation to the mobile phones or combined mobile/Blackberry phones assigned to myself and my driver by my Department, and the breakdown of data and roaming costs, where available, for the period in question is outlined in the table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Mobile costs, including all calls and VAT</th>
<th>Total amount which applies to roaming charges</th>
<th>Total amount which applies to data charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>€ 3,564</td>
<td>Not available</td>
<td>Not available</td>
</tr>
<tr>
<td>2008*</td>
<td>€ 5,250</td>
<td>€ 1,281</td>
<td>32</td>
</tr>
<tr>
<td>2009 to 31/5**</td>
<td>€ 1,257</td>
<td>€ 419</td>
<td>4</td>
</tr>
</tbody>
</table>

*Increased costs due to introduction of combined mobile/Blackberry phones.  
**Decreased costs arising from Civil Service-wide phone tariff package introduced in the current year.

414. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27175/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** My Department has not taken any court cases in the past five years.

**Dormant Account Funds.**

415. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs...
Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Government allocated €1m from the Dormant Accounts Fund for a Suicide Prevention Measure in 2008. The Department of Health and Children, as lead Department for the rollout of this measure, has received the assessment reports in respect of the applications made. In this regard, I would direct you to Question numbers 151 and 167, answered on 30 June 2009 by my colleague the Minister for Health and Children.

Departmental Expenditure.

416. Deputy Michael D’Arcy asked the Minister for Community, Rural and Gaeltacht Affairs the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27588/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department does not pay rent in respect of properties occupied by its staff. That function, and all matters relating to the acquisition and leasing of property, including the question of rent reviews, are the responsibility of the Office of Public Works (OPW).

However, I can confirm to the Deputy that eight properties have been rented on my Department’s behalf by the OPW in the past 3 years. These comprise:

- my Department’s headquarters building in Dublin;
- two properties in Tubbercurry, Co Sligo, in which staff relocated under the Decentralisation Programme are being accommodated on an interim basis;
- temporary accommodation adjacent to my Department’s regional offices in Na Forbacha, Co Galway;
- two local offices in Gaoth Dobhair, Co Donegal, and Acaill, Co Mayo; and
- two warehousing facilities in Jamestown, Dublin, and Tullamore, Co Offaly

The accommodation in Gaoth Dobhair and Acaill is leased from Údarás na Gaeltachta as was the temporary accommodation in na Forbacha.

Departmental Expenditure.

417. Deputy Leo Varadkar asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27736/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy is aware, Delegates Allowance is payable to officials in respect of attendance at certain meetings abroad. Such payments are subject to both income tax and PRSI.
The amount of Delegates Allowance paid to officials in my Department from 1 July 2006 to 30 June 2009 is set out in the table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006 (from 1 July)</td>
<td>€2,882</td>
</tr>
<tr>
<td>2007</td>
<td>€1,514</td>
</tr>
<tr>
<td>2008</td>
<td>Nil</td>
</tr>
<tr>
<td>2009 (to 30 June)</td>
<td>€3,541</td>
</tr>
</tbody>
</table>

**Job Creation.**

418. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs the plans in place to attract new industries to Belmullet, County Mayo following the announcement of the closure of a company (details supplied); and if he will make a statement on the matter. [27754/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy is aware, statutory responsibility for the development of the economy of the Gaeltacht by promoting productive schemes of employment rests with Údarás na Gaeltachta.

My Department is in regular contact with an tÚdarás in a policy context and the job losses in the company to which the Deputy refers are a shared concern. As the Deputy will be aware, competitiveness in national and international markets has intensified in recent times. Unsettled financial markets have created difficulties for a number of companies throughout the Gaeltacht, including in Béal an Mhuirthead, while others have been placed under pressure due to the euro/dollar exchange rate.

I have been assured by an tÚdarás that efforts are ongoing towards identifying new business opportunities for the facility occupied by the company referred to by the Deputy with a view to maintaining employment in the area.

On a broader front, I might add for the information of the Deputy that I and my officials met with senior executives of an tÚdarás twice in the last week in relation to the management of the funding that is currently available to the organisation, particularly in the context of the need to operate within the guidelines set down for public bodies, both in terms of dealing with existing commitments and approving new projects. I am conscious of the need to support job maintenance and job creation in the Gaeltacht, especially in the current economic climate, and my Department will continue to work closely with an tÚdarás in this regard.

**Rural Transport.**

419. **Deputy Frank Feighan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make funding available to continue the evening transport in an area (details supplied) in County Roscommon. [27774/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The Rural Transport Night Scheme was implemented as a pilot project in seven selected areas, including an area in Co. Roscommon.

Following discussions between the seven groups that have been operating the pilot and Pobal, who manage both the pilot on behalf of my Department and the Rural Transport Programme...
on behalf of the Department of Transport, it has been agreed that the groups will continue with some evening services until the end of the year, instead of finishing on 10th July.

I have asked that all possible efforts be made to increase the efficiency and cost-effectiveness of the transport service, involving increased load capacity, re-tendering to operators to seek cheaper quotes where appropriate and focussing more on generating income from passengers. It is also intended that, by end year, the seven operating groups, with support from Pobal, will prioritise routes that can be resourced from existing resources, thus sustaining some level of evening services for 2010.

Community Development.

420. Deputy Mary Upton asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding an organisation (details supplied) has received in each of the past four years; and if he will make a statement on the matter. [27795/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The Community Development Programme is designed to reduce social exclusion by targeting support at disadvantaged and socially excluded communities in order to improve their capacity to benefit from social and economic development.

The project referred to in the Deputy’s question received the following funding under the Community Development Programme in the past four years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>€107,200.00</td>
</tr>
<tr>
<td>2006</td>
<td>€91,780.57</td>
</tr>
<tr>
<td>2007</td>
<td>€135,325.00</td>
</tr>
<tr>
<td>2008</td>
<td>€140,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>€474,305.57</td>
</tr>
</tbody>
</table>

An indicative allocation of €123,704 has been set for 2009.

Dormant Accounts Fund.

421. Deputy P. J. Sheehan asked the Minister for Community, Rural and Gaeltacht Affairs further to Parliamentary Question No. 158 of 28 April 2009, and 167 of 30 June 2009, the number of applications received by Pobail for funding under the suicide prevention measure; the groups who applied for same; the amount sought by each group; the amount sought in total by these groups; the average sought by each of these groups; the date by which these applications had to be submitted to Pobail; the date that Pobail had completed their assessments of these applications; the date he received these assessments from Pobail; the dates of each meeting that the Economic and Social Disadvantage Inter-Departmental Committee has met since August 2008; the dates of each meeting of the Economic and Social Disadvantage Inter-Departmental Committee at which the funding under the suicide prevention measure was an item on the agenda for that meeting; the date of the next meeting of the Economic and Social Disadvantage Inter-Departmental Committee; the dates of meetings arranged for the remainder of 2009 of the Economic and Social Disadvantage Inter-Departmental Committee; the date he expects to have completed the assessments made by Pobail of the applications received regarding
Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Government allocated €1 million from the Dormant Accounts Fund for a Suicide Prevention Measure in 2008. The Department of Health and Children is the lead Department for the roll-out of this measure and have engaged Pobal to manage the application and assessment process on their behalf. As the lead department for this measure, the Department of Health and Children, will address the information sought in respect of the application process.

Assessment reports in respect of the measure were sent to the Economic and Social Disadvantage Interdepartmental Committee, which I chair, in mid-December 2008. The Committee has yet to receive a final position on these applications from the Department of Health and Children.

The Economic and Social Disadvantage Interdepartmental Committee has met on three occasions since mid-2008 — 18 June 2008, 9 October 2008 and 26 March 2009. The Suicide Prevention measure was discussed at the meeting on 26 March 2009.

Meetings of the Interdepartmental Committees are scheduled as required and do not have a fixed timetable. I expect the next meeting of the Economic and Social Disadvantage Interdepartmental Committee to be in September unless otherwise requested.

Care of the Elderly.

422. Deputy Dan Neville asked the Minister for Community, Rural and Gaeltacht Affairs if there is funding towards personal alarms for the elderly. [27807/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): Under the Scheme of Community Support for Older People, which was suspended on 7th April pending a review of the Scheme, personal alarms and other security devices were eligible for support. The review of the Scheme will look at the range of issues, including the types of equipment that might be supported under a revised Scheme. The review is currently underway and I hope to be in a position to launch a revised scheme in the Autumn.

Departmental Funding.

423. Deputy Joanna Tuffy asked the Minister for Community, Rural and Gaeltacht Affairs if he will make available the balance of funding to a centre (details supplied) in Dublin 22, to which a grant was promised in October 2008, to allow for two projects to proceed at the centre; and if he will make a statement on the matter. [27830/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The RAPID programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within designated RAPID areas nationally. Applications for the two projects referred to by the Deputy were submitted for consideration under the RAPID Health Sector Co-Fund. The lead agency in relation to the projects referred to in the Deputy’s question is the HSE.
One of the projects referred to by the Deputy, the provision of a bus, has already been funded under RAPID. A decision on the second application will be made in due course, subject to funding being available.

**Departmental Contracts.**

424. **Deputy Terence Flanagan** asked the Minister for Community, Rural and Gaeltacht Affairs the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27836/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the question does not relate to any particular time period and as my Department compiled a similar update in February 2009, I propose to answer on the basis of that information.

Accordingly, only one print job was carried out for my Department by companies based outside the Republic of Ireland from 2004 to February 2009 and this was:

<table>
<thead>
<tr>
<th>Year</th>
<th>Print job carried out</th>
<th>Location of printing</th>
</tr>
</thead>
</table>

**National Drugs Strategy.**

425. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the difficulties facing local drugs task forces as a result of the lack of clarity in relation to the timing of the provision of funding; the problems they will face if funding is not released promptly and if they are not informed of the amount of funding that will be available to them for the remainder 2009; his views on whether it will be possible for them to meet their legal obligations to their employees if they do not have clarification on the amount of funding committed to them for the remainder of 2009; and if he will make a statement on the matter. [28033/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** The revised funding allocations for the period July to December 2009, taking account of the Supplementary Budget in April, have now been advised to all Local Drugs Task Forces (LDTFs).

As I have pointed out previously, the challenges posed by the reduction in funding arising from the reduced budget allocations means that some schemes will be affected. However, I believe that if properly managed, this may also lead to improved efficiencies in services and foster better interagency working to the benefit of all.

**Social Welfare Benefits.**

426. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when farm assist payment will issue to persons (details supplied) in County Kildare who applied for same in February 2009; and if she will make a statement on the matter. [27267/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The couple concerned applied for Farm Assist on 18 February 2009. In order to determine their entitlement to this...
payment a Social Welfare Investigator has visited them on two occasions and is now awaiting documentation in support of their application before the investigation can be completed. When the investigation has been finalised a decision on their claim will be made immediately thereafter and they will be notified of the outcome as soon as possible.

Family Support Services.

427. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs her plans to provide sufficient finance to continue the provision of area co-ordinators in the family mediation service in the southern and western regions; and if she will make a statement on the matter. [27288/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Family Support Agency funds the Family Mediation Service (FMS), which provides family mediation to separating couples in Ireland. The FMS is a free, professional, confidential service which enables couples, married and non-married, who have decided to separate, or divorce and who together want to negotiate the terms of their separation or divorce with the help of a trained mediator. It assists couples to address the issues on which they need to make decisions including: post-separation living arrangements, finances and parenting arrangements to enable children to have an ongoing relationship with each parent. Some 1,270 couples were assisted in 2008. Funding for the FMS in 2009 amounts to over €3 million.

The service is run by 21 part-time professional Mediators and their supervisory and part-time administrative support staff. There are currently 16 FMS centres throughout the country. Of the 16 centres, 4 are regional offices, open 5 days a week. The four regions are Eastern, Western, Southern and Mid-western. The other 12 centres are part-time offices, open 2.5 days per week.

The FMS has 4 Area Co-ordinator (AC) posts. Each AC has responsibility for 1 regional office and 3 part-time offices. The AC is responsible for all aspects of the day to day management of the FMS in their region, including staff management, service management and managing finance and facilities. The AC is part of the FMS Management Team and assists the FMS Service Manager in the overall management of the FMS.

Following a Government Decision, no public service vacancy arising with effect from 27th March 2009 may be filled by recruitment, promotion or payment of an allowance. Neither should any temporary or fixed term contracts be extended or renewed. Any exceptions to this principle require the prior sanction of the Minister for Finance.

Several vacancies in the FMS occurred from mid-May onwards, most of which were immediate, front-line posts. Following their consideration of the Family Support Agency’s submission, the Department of Finance sanctioned the temporary filling of 6 front-line posts to enable the continuation of the mediation service to the public.

In June 2009, two AC posts (Southern and Western regions) became vacant. Sanction has been sought from the Department of Finance for the filling of these posts on a temporary basis. This would facilitate the Family Support Agency to review its structures and put in place a plan to address the loss of these two posts. This matter is with the Department of Finance for their consideration.

The Government’s support for families remains strong. The Family Support Agency has been allocated funding of almost €36 million for 2009. This includes funding of over €18 million for the Family Resource Centre Programme, supporting 107 FRCs nationwide. It also includes
funding of over €11 million being granted to some 600 voluntary and community organisations providing marriage, relationship, child and bereavement counselling services.

Private Rented Accommodation.

428. **Deputy Mary Upton** asked the Minister for Social and Family Affairs the number of inspections carried out by the Health Service Executive on private rented dwellings in the years 2006, 2007, 2008 and to date in 2009 were the HSE pays rent allowance; and if she will make a statement on the matter.  [27325/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare service of the Health Service Executive (HSE).

Rent supplement is intended as a short-term income support to eligible tenants living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. There are currently almost 90,000 people in receipt of rent supplement, an increase of 50% since the end of December 2007.

The Government approved a package of measures to update minimum standards regulations for rented accommodation early this year. Enforcement of these standards is the responsibility of local authorities. The community welfare service of the HSE is not qualified to undertake this work. However, accommodation occupied by rent supplement tenants should at least meet minimum housing standards.

Under legislative provisions introduced by the Department in 2006 and 2007, the community welfare service can decide that a rent supplement may not be payable where it has been notified by a housing authority regarding non-compliance with housing standards. The objective is to ensure that substandard accommodation does not come within rent supplementation.

The community welfare service must be satisfied that accommodation funded under the rent supplement scheme, is reasonably suited to the residential and other needs of the claimant. In determining whether the accommodation is suited to the person’s accommodation needs, a community welfare officer must have regard to the household composition, the size of the accommodation unit and identify any special needs that the person may have. As part of this process, the community welfare officer would normally carry out a visit to the residential premises in question; this home visit is also used to confirm the applicant’s residence at this address. The number of such visits carried out by a community welfare officer is not available.

Where a community welfare officer becomes aware of accommodation or blocks of accommodation which appear to be sub-standard, it notifies the local authority and it may advise prospective tenants at that premises that rent supplement will not be paid in respect of those tenancies.

Details of rent supplement tenancies are provided to local authorities via the Department of the Environment, Heritage and Local Government on a quarterly basis and this information sharing assists in enforcing housing standards.

The Department is committed to working with and supporting the Department of the Environment Heritage and Local Government and local authorities in meeting their responsibilities in relation to the enforcement of housing standards.
Social Welfare Benefits.

429. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if urgent and immediate rent assistance will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27633/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive.

The Executive has advised that it has not received an application for rent supplement from the person concerned. He should contact his local housing authority with a view to having his housing needs addressed. The person concerned may also contact the community welfare officer at his local health centre to discuss his entitlement, if any, to rent supplement.

430. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent support will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27634/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive.

The Executive has advised that it has not received an application for rent supplement from the person concerned. He should contact the community welfare officer at his local health centre if he wishes apply for rent supplement.

Live Register.

431. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the categories of social welfare recipients that are counted in the live register figures with a breakdown of the number for each recipient category; if people refused jobseeker claims, people signing on for credits, participants on community employment schemes and back to education allowance claimants are counted; if participants on the new work placement scheme, participants on the new short time working scheme and participants on the new third level courses for the unemployed will to be counted; and if she will provide a figure for the number in each of these categories that are not counted in the live register figures. [27720/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The live register is compiled from returns made for each local office to the Central Statistics Office by the Department of Social and Family Affairs. According to the CSO, the compilation basis for the live register statistics from May 1992 onwards is described in the September 1992 issue of the *Statistical Bulletin*.

Those counted on the Live Register include people under 65 years who are claiming jobseeker’s allowance or benefit and people being awarded credited contributions. Those include systematic short-term workers, small holders and other self-employed people over 65 years of age.

The Live Register at 26th June 2009 stood at over 418,000 with 197,000 approximately on jobseeker’s benefit and over 206,000 on jobseeker’s allowance. Over 14,000 were being awarded credited contributions.
Questions—

[Deputy Mary Hanafin.]

Others who are not included in the Live Register figures include: Others who are not included in the Live Register figures include:

- People participating on the Back to Education allowance of whom 7,900 approximately transferred from jobseeker schemes
- Back to work scheme participants of whom almost 5,000 transferred from jobseeker’s schemes
- The 8,000 participants on the Pre-retirement allowance scheme, which was closed in 2007.
- People on the community employment scheme of whom over 8,700 transferred from a jobseeker’s payment

Participants in the new part-time courses under the back to college initiative for unemployed workers will continue to receive their jobseeker’s payment provided they continue to be available for and seeking a job. They will be counted on the live register.

The new work placement scheme and the new short time working training scheme are administered by FAS. Participants will continue to receive their jobseeker payments subject to the qualifying conditions. Applications are being processed by FÁS but cases have not yet been received for approval by this Department. The matter of their status has yet to be decided.

Question No. 432 withdrawn.

Departmental Expenditure.

433. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs the amount of mobile telephone bills paid in relation to the Departmental mobile telephone assigned to her by her Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if she will make a statement on the matter. [27123/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I was appointed to this Department on 7 May 2008 and since then the bills paid in relation to the Departmental mobile telephone assigned to me are set out in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Rent</th>
<th>Calls</th>
<th>VAT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>36.10</td>
<td>1,480.29</td>
<td>310.88</td>
<td>1,827.27</td>
</tr>
<tr>
<td>2009</td>
<td>35.70</td>
<td>1,065.49</td>
<td>229.01</td>
<td>1,330.2</td>
</tr>
</tbody>
</table>

The above includes all costs relating to data, roaming and voice calls as invoiced, however it is not possible to break it down further. The Department is currently in the final stages of a tender process for mobile telephony services provision under the Department of Finance Central Framework, which will lead to a more cost efficient service for future mobile telephone usage.

434. **Deputy Enda Kenny** asked the Minister for Social and Family Affairs the accumulated cost of court cases taken by her Department in the past five years; the cost of each individual case; the nature of each case; and if she will make a statement on the matter. [27184/09]
Minister for Social and Family Affairs (Deputy Mary Hanafin): Cases taken to court by the Department can be taken by way of criminal prosecutions or civil proceedings. All such cases are sent to the Chief State Solicitors Office (CSSO) to initiate legal proceedings through the District Courts. At present, the legal costs involved are not borne by this Department and the information requested by the Deputy is currently being sought from that Office.

The results of cases finalised in court for years 2004 to 2008 inclusive are outlined in the tabular statements

Results of Cases Finalised in District Court in 2008

<table>
<thead>
<tr>
<th>RESULT</th>
<th>JA</th>
<th>JB</th>
<th>IB</th>
<th>OFP</th>
<th>OTHER*</th>
<th>ER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fined</td>
<td>102</td>
<td>75</td>
<td>12</td>
<td>6</td>
<td>4</td>
<td>9</td>
<td>208</td>
</tr>
<tr>
<td>Community Service</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Prison Sentences</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Probation Act</td>
<td>18</td>
<td>18</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>46</td>
</tr>
<tr>
<td>Suspended Sentence</td>
<td>8</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>Struck Out</td>
<td>11</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>21</td>
</tr>
<tr>
<td>Instalment Order granted</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bound to the Peace</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Liberty to re-enter</td>
<td>6</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>Decree Obtained</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Debt paid, costs outstanding</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>153</td>
<td>116</td>
<td>21</td>
<td>11</td>
<td>12</td>
<td>15</td>
<td>328</td>
</tr>
</tbody>
</table>

*Others 12 — Liable Relative (2), Mis-use of PPS No. (4) Obstruction (2) Widow's/Widowers Contributory Pension (1), Widow's/Widowers Non-Contributory pension (1), Enforcement Order (1) and Civil (1).

1 case who received a suspended sentence was also fined. Total number fined was 209.

JA — Jobseekers Allowance; JB — Jobseekers Benefit; IB — Illness Benefit.
OFP — One Parent Family payment; ER — employer.

Results of Cases Finalised in District Court in 2007

<table>
<thead>
<tr>
<th>RESULT</th>
<th>JA</th>
<th>JB</th>
<th>IB</th>
<th>OFP</th>
<th>OTHER*</th>
<th>ER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fined</td>
<td>53</td>
<td>39</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>10</td>
<td>117</td>
</tr>
<tr>
<td>Community Service</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Prison sentences</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Probation Act</td>
<td>19</td>
<td>25</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>53</td>
</tr>
<tr>
<td>Suspended Sentence</td>
<td>11</td>
<td>7</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>22</td>
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<tr>
<td>Struck Out</td>
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<td>4</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Instalment Order granted</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bound to the Peace</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Liberty to re-enter</td>
<td>1</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Decree Obtained</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>101</td>
<td>88</td>
<td>14</td>
<td>12</td>
<td>12</td>
<td>16</td>
<td>243</td>
</tr>
</tbody>
</table>

*Others 12 — Liable Relative (2), Carers Allowance (1), mis-use of PPS No., (6) Widows/Widower’s Contributory Pension (1) and Civil (2).

3 cases who received a suspended sentence were also fined. Total number fined was 120.
### Results of Cases Finalised in District Court in 2006

<table>
<thead>
<tr>
<th>RESULT</th>
<th>JA</th>
<th>JB</th>
<th>IB</th>
<th>OFP</th>
<th>OTHER*</th>
<th>ER</th>
<th>TOTAL</th>
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<td>15</td>
<td>14</td>
<td>6</td>
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<td>266</td>
</tr>
</tbody>
</table>

*Others 6 — Disability Allowance (2), Invalidity Pension (2), FIS (1) & Mis-use of PPS No. (1).

### Results of Criminal Cases Finalised in Court in 2005

<table>
<thead>
<tr>
<th>RESULT</th>
<th>UA</th>
<th>UB</th>
<th>DB</th>
<th>OFP</th>
<th>OTHER#</th>
<th>ER</th>
<th>TOTAL</th>
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<td>0</td>
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<td>2</td>
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<td><strong>TOTAL</strong></td>
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<td>12</td>
<td>12</td>
<td>7</td>
<td>15</td>
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</table>

#Others 9 — Disability Allowance (2), Invalidity Pension (1), OAP (2), Liable Relative (2), Carers (2).
Unemployment Assistance (UA) was renamed Jobseekers Allowance (JA) in Oct 2006.
Unemployment Benefit (UB) was renamed Jobseekers Benefit (JB) in Oct 2006.
Disability Benefit (DB) was renamed Illness Benefit in Oct 2006.

### Results of Criminal Cases Finalised in Court in 2004

<table>
<thead>
<tr>
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<th>UA</th>
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<th>DB</th>
<th>OFP</th>
<th>OTHER#</th>
<th>ER</th>
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<td>3</td>
</tr>
<tr>
<td>Prison sentences</td>
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<td>2</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>10</td>
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<td>43</td>
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<tr>
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<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

624
436. Deputy Noel J. Coonan asked the Minister for Social and Family Affairs her plans to introduce compensation for people suffering health problems as a consequence of working in underground mines (details supplied); and if she will make a statement on the matter. [27386/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Employment under a contract of service as a miner is insurable for occupational injuries benefit under the Social Welfare Acts. Miners who are unable to work due to an accident or illness arising from their employment may be entitled to occupational injury benefit for the first 26 weeks of their claim. The occupational injuries scheme, operated by the Department, provides entitlement to benefit for persons suffering from certain prescribed diseases which are listed in the legislation and where that person has contracted that disease in the course of their employment.

Where a person has contracted one of the diseases listed in the legislation, benefits are payable if they were employed in an occupation which is specifically prescribed in relation to that disease. In addition, benefits may be payable if the claimant can show that the disease was contracted through an employment not specifically prescribed in relation to that disease. If the incapacity extends beyond the 26 week period, claimants may receive illness benefit or invalidity pension, subject to meeting the qualifying conditions for these payments.

Miners may also be entitled to disablement benefit under the occupational injuries scheme. Disablement benefit is a compensation payment specifically for those who suffer a loss of physical or mental faculty as a result of an accident at work or a disease prescribed in legislation that they contracted at work. Medical assessments are undertaken in all such cases to determine the degree of disablement, which is calculated by comparison of the state of health of the applicant with a person of the same age and gender.

437. Deputy James Bannon asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Longford is not receiving any social assistance. [27416/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A claim for Farm Assist from the person concerned was received in the Department on 30th of March 2009. Payment of Farm Assist is subject to a means test and in this regard the claim is currently with a Social Welfare Inspector for investigation of the persons means. It is expected that the report of the Inspector will be completed shortly and a decision on the claim will be made immediately thereafter.
The person concerned is in receipt of Supplementary Welfare Allowance from their local Health Service Executive Community Welfare Officer since 18 September 2007 at the weekly rate of €323.90.

**Departmental Property.**

438. **Deputy Michael D’Arcy** asked the Minister for Social and Family Affairs the number of properties her Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if she has tried to negotiate the cost of rent downwards in the past year; and if she will make a statement on the matter. [27597/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Office of Public Works (OPW) has the main role in the management of the property portfolio in question. I understand that the information requested by the Deputy in relation to the properties occupied by the Department is being compiled by OPW and it will be provided to the Deputy as soon as it becomes available.

**Departmental Expenditure.**

439. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if she will make a statement on the matter. [27744/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Delegates Allowance is a payment made to officials of the Department who represent Ireland at meetings of International Organisations abroad.

The amount of Delegates Allowance paid to officials by the Department from 2006 to July 2009 is set out in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>€31,094.07</td>
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<tr>
<td>2007</td>
<td>€31,565.08</td>
</tr>
<tr>
<td>2008</td>
<td>€39,579.35</td>
</tr>
<tr>
<td>1 Jan-3 Jul 2009</td>
<td>€8,159.75</td>
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</tbody>
</table>

**Social Welfare Benefits.**

440. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason for the delay in processing an application for carer’s allowance in respect of a person (details supplied) in Dublin 11 which was submitted in July 2008; and if she will ensure that a decision is reached as soon as possible. [27751/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** An application for carer’s allowance, by the person concerned, was received by the Department on 23/7/08 and disallowed by a Deciding Officer of the Department on 03 February 2009 on the grounds that the care recipient was not so invalided or disabled as to require full-time care and attention as laid down in the carer’s allowance legislation.
An appeal was opened on 10 March 2009 and I am advised by the Social Welfare Appeals Office that, in accordance with the statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer’s comments on the grounds of the appeal. These are now to hand and have been referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

**Departmental Contracts.**

441. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs the print jobs carried out for her Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if she will make a statement on the matter. [27842/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** All out sourced printing contracts are awarded by the Department following competitive processes which are carried out strictly in accordance with government procurement guidelines and in line with the relevant EU procurement policies. All current print contracts are placed with companies based in the Republic of Ireland. In addition, a number of Departmental forms and reports are printed using the Department’s internal printing facilities.

**Public Service Card.**

442. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the progress made on the concept of a single public service card to streamline access to different entitlements and services; and when it is expected to introduce this system. [27849/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department has developed, in conjunction with a number of other government departments, the specifications for a Public Service Card (PSC) under the SAFE (Standard Authentication Framework Environment) programme. The specification provides for identification features, including a photograph. The PSC is to act as a key for access to public services in general, identifying and helping to authenticate individuals. The necessary legislative provisions were included in the 2007 Social Welfare and Pensions Act.

The project has three other streams of work; design of the organisational changes to support enhanced registration processes, development of new internal technical systems to support registration and issue of the PSC, and the procurement of a managed service provider for the production, supply and support of the PSC.

The organisational change design is complete. The specification for development of supporting ICT systems is complete and ready to issue. The Department issued a Request For Tender for the managed service to physically issue and support the PSC in early 2008. Responses were received, evaluated and a preferred bidder selected in June 2008. Contract negotiations with the preferred bidder are ready to be finalised but it is not possible at this point to give a definite date for implementation.

**Social Welfare Benefits.**

443. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of persons in County Kildare currently in receipt of rent support; and if she will make a statement on the matter. [28016/09]
Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive. There are currently 3,976 recipients of rent supplement in County Kildare.


444. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs her views on the affects the rent allowance reduction has had on people with special needs living in group accommodation, who are on disability allowance or benefit and whose rent allowance has been reduced; her further views on the capacity of some such persons to negotiate directly with their landlords without assistance; and if she will make a statement on the matter. [28037/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Rent supplement is administered on behalf of the Department by the community welfare service of the Health Service Executive as part of the supplementary welfare allowance scheme. The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

The recent Supplementary Budget provided that the weekly minimum contribution which a person is expected to contribute towards their rent, be increased by €6 to €24 with effect from 1 June 2009 and that payments currently being made to existing rent supplement tenants be reduced by 8% from the same date.

Capital funding is provided by the Department of the Environment, Heritage and Local Government through the Capital Assistance Scheme (CAS) to approved voluntary housing bodies to provide accommodation to meet the special housing needs of the elderly, the homeless or people with a physical or intellectual disability. Tenants accommodated in projects funded under CAS are eligible for limited assistance under the rent supplement scheme. The maximum rate of assistance is currently €55 per week for a single person and €60 per week for a couple. Supplementation of rent is reduced to reflect the fact that CAS housing projects are capital funded by the Department of the Environment, Heritage and Local Government.

Rents in CAS accommodation are charged at a reasonable rate having regard to the tenant’s income and the cost of managing and maintaining the dwellings. It is a matter for each housing association to set the rents payable by their tenants.

CAS tenants are subject to the increase of €6 a week in the weekly minimum contribution which they are required to make towards their rent but not the general 8% reduction in existing rent supplement payment. The maximum rate of rent supplement for those in CAS accommodation is therefore still €55 per week for a single person and €60 per week for a couple.

Reductions in rent supplement payments were applied automatically by the Department’s computer systems, with effect from 1 June 2009. However, it was not possible to specifically identify CAS tenants and the rent reductions were applied automatically to their rent supplement payments. Community welfare officers were asked to identify CAS tenants and the necessary adjustments are being made to their rent supplement payments.

The Department is in ongoing discussions with the Department of the Environment, Heritage and Local Government regarding the role of local authorities who are responsible for providing a wide range of social housing supports for those with a long-term housing need. The continued payment of rent supplement to people in CAS accommodation has been raised with the Depart-
ment of the Environment, Heritage and Local Government with a view to having such cases transferred to the Rental Accommodation Scheme (RAS) by the end of 2009.

**Social Welfare Benefits.**

445. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if she will continue to maximise the role of post offices by way of all social welfare payments; and if she will make a statement on the matter. [28089/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The current range of payment options offered by the Department to customers includes payment via local post offices; certain credit unions that have been authorised by the banking and credit union regulators; and bank or building society accounts, including Postbank. Other than jobseekers that can only be paid at a post office, customers opt for a particular payment method having regard to their own circumstances.

The current contract with An Post covers the period up to December 2013.

**Departmental Expenditure.**

446. **Deputy Ruairí Quinn** asked the Minister for Defence the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27115/09]

**Minister for Defence (Deputy Willie O’Dea):** The amount of the mobile telephone bills paid in relation to the Departmental mobile telephones assigned to me by my Department in each of the years 2007, 2008 and to date in 2009 is detailed in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
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<td>2007</td>
<td>1,046.97</td>
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<td>2008</td>
<td>1,296.50</td>
</tr>
<tr>
<td>2009</td>
<td>633.31</td>
</tr>
</tbody>
</table>

A breakdown of data into the other categories i.e. Roaming and Data charges is not held in the required format on our systems and it would take an inordinate amount of time and resources to manually compile the information.

**Departmental Schemes.**

447. **Deputy David Stanton** asked the Minister for Defence if Defence Force personnel will be able to participate in the recently announced cycle to work scheme; if so, the measurers taken by his Department to enable personnel to avail of the scheme; and if he will make a statement on the matter. [27215/09]

**Minister for Defence (Deputy Willie O’Dea):** The cycle to work scheme is being made available to Permanent Defence Force personnel. My Department officials, in consultation with the Military authorities, are finalising the detailed arrangements to implement the scheme in the Permanent Defence Force.
Defence Forces Staff.

448. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the number of members of the Defence Forces allocated to Áras an Uachtaráin and their duties and role. [27356/09]

**Minister for Defence (Deputy Willie O’Dea):** The members of the Defence Forces assigned to duties at Áras an Uachtaráin consist of four Officers and two Non Commissioned Officers. Their duties include ceremonial duties, acting in a representative capacity on behalf of the President at certain events, the provision of armed security and a twenty-four hour duty contact facility at Áras an Uachtaráin and such other related duties as may be required from time to time.

Defence Forces Property.

449. **Deputy David Stanton** asked the Minister for Defence further to Parliamentary Question No. 178 of 25 June 2009, his views on handing over a hall (details supplied) in County Cork to the local community for use as a youth centre for the town; and if he will make a statement on the matter. [27504/09]

**Minister for Defence (Deputy Willie O’Dea):** It is anticipated that this property will be disposed of, taking account of the market conditions, so as to maximise the return to the Defence Forces and generate funding for reinvestment in Defence Forces equipment and infrastructure in accordance with Government policy. Significant progress has been achieved over the past decade in re-equipping and developing Defence Forces capabilities, using the proceeds from the sales of surplus properties and we need to ensure that this progress is continued. Having regard to the investment needs of the Defence Forces and given the current economic circumstances, it is important that my Department realises the full commercial value of the current properties. It would not therefore be possible to make the property available in the manner the Deputy suggests.

450. **Deputy Michael D’Arcy** asked the Minister for Defence the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27589/09]

**Minister for Defence (Deputy Willie O’Dea):** My Department rents 52 properties to cater for the needs of the Reserve Defence Force. The majority of the rents are fixed and the leases do not contain a rent review clause. Those leases that are subject to a rent review would have the method of the review set out in the lease and it may not be possible to negotiate the rent downwards. However, my Department, in conjunction with the Military Authorities, continuously monitors the need and usage of such premises and reviews the rental and lease arrangements on an ongoing basis so as to ensure value for money.

Departmental Expenditure.

451. **Deputy Leo Varadkar** asked the Minister for Defence the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27737/09]

**Minister for Defence (Deputy Willie O’Dea):** Expenditure on delegates’ allowance for the past three years is outlined in the following table:
Questions—

Written Answers

<table>
<thead>
<tr>
<th>Year</th>
<th>Delegates Allowance Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>€5,602</td>
</tr>
<tr>
<td>2007</td>
<td>€3,248</td>
</tr>
<tr>
<td>2006</td>
<td>€6,339</td>
</tr>
</tbody>
</table>

Defence Forces Strength.

452. **Deputy Jimmy Deenihan** asked the Minister for Defence the number of applicants for the Permanent Defence Force for the 2008 and 2009 recruitment years; the number accepted; the number which were unsuccessful due to the fact that they did not reach the required fitness standard; and if he will make a statement on the matter. [27823/09]

453. **Deputy Jimmy Deenihan** asked the Minister for Defence the number of applicants for the Cadet School for 2008/2009; the number accepted for the school; the number which were unsuccessful due to the fact that they did not reach the fitness requirements; and if he will make a statement on the matter. [27824/09]

**Minister for Defence (Deputy Willie O’Dea):** I propose to take Questions Nos. 452 and 453 together.

Entry to the Permanent Defence Force is either through the Cadetship Competition, General Service Enlistment, Apprenticeship Competition or Direct Entry Competitions which are held to fill vacancies in specialist appointments.

I am informed by the Military Authorities that there were 1,183 applications received for the 2008 Cadetship Competition. Following preliminary interviews 220 candidates were called for physical fitness testing. Of those who attended for physical fitness testing 7 failed.

In 2008, 41 Cadets commenced their cadet training on 29 September 2008.

In 2008 Apprenticeship Competitions were held for Aircraft Mechanics, Heavy Vehicle Mechanics and Fitter Armourer Apprentices. A total of 612 applications were received of which 93 underwent physical fitness testing, 15 of whom failed, which equates to 16%.

The number of applications received for General Service Enlistment to the Permanent Defence Force in 2008 was 5,466. A total of 2,916 applicants were called for interview and only 507 General Service Recruits were enlisted in 2008. The failure rates are not readily available, however as soon as I receive them I will pass them on to the Deputy.

Direct Entry competitions were held in 2008 for Doctors, Aeronautical Engineers and Instrumentalists. A total of 103 applications were received for these competitions and as a result 3 Doctors and 4 Aeronautical Engineers were appointed while 1 Instrumentalist was enlisted to the Army School of Music. Direct entrants do not complete induction physical fitness testing as part of the recruitment process.

A key element in military life is the need for personnel to maintain a level of fitness for combat readiness.

Departmental Contracts.

454. **Deputy Terence Flanagan** asked the Minister for Defence the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the
questions—7 july 2009.

written answers

[deputy terence flanagan.]
dates of the awarding of these contracts; and if he will make a statement on the matter. [27837/09]

minister for defence (deputy willie o’dea): my department has not awarded any contracts for print jobs to companies based outside the republic of ireland during the dates 1 january 2007 to date.

constitutional amendments.

455. deputy terence flanagan asked the minister for the environment, heritage and local government his plans to change the constitution which states that a citizen may vote from 18 years old but may not be a candidate to become a member of the houses of the oireachtas until the age of 21; and if he will make a statement on the matter. [27334/09]

minister for the environment, heritage and local government (deputy john gormley): articles 16.1.1 and 18.2 of the constitution provide that every citizen, without distinction of sex, who has reached the age of 21 years and who is not placed under disability or incapacity by the constitution or by law, is eligible for membership of the oireachtas. there are no proposals currently to bring forward a constitutional amendment to lower the age at which a person may become a member of the oireachtas.

grant payments.

456. deputy jimmy deenihan asked the minister for the environment, heritage and local government when a hen harrier payment will be awarded to a person (details supplied) in county kerry; and if he will make a statement on the matter. [27350/09]

minister for the environment, heritage and local government (deputy john gormley): an application on behalf of the person in question was received today in my department and will be examined as soon as possible.

local authority housing.

457. deputy bernard j. durkan asked the minister for the environment, heritage and local government if he will provide the necessary permanent housing to meet the housing needs of persons on housing waiting lists; and if he will make a statement on the matter. [28016/09]

minister of state at the department of the environment, heritage and local government (deputy michael finneran): it is a matter for individual housing authorities to plan their social housing investment programmes having regard to the specific social housing priorities in their areas and to the exchequer funding allocations available to them. €1.3 billion is being provided for the broad range of social housing programmes this year, with €760m of this earmarked for the main local authority housing programme, including €20 million for long-term leasing arrangements.

under the social housing investment programme, local authorities traditionally met social housing needs mainly through the construction of housing in local authority estates. in recent years, the supply channels have been expanded to include an increased number of acquisitions, in particular under part v agreements, new arrangements with private landlords under the rental accommodation scheme and, more recently, the long-term leasing initiative. at the same time there has also been an expansion in the scale of accommodation provided through the voluntary and co-operative housing sector.
Taking all the social housing programmes together, including those of the voluntary and co-operative housing sector, and having regard to the capacity to access suitable housing available in the current housing market through the long-term leasing initiative, it is expected that in the region of 7,000 dwellings will be provided this year.

The scale and composition of the public housing programme in the years ahead will be dependent on a number of factors, including the level of available funding and the evolution of the housing market generally. Subject to these factors, I am determined to ensure that the programme is framed in a manner which maximises the capacity to meet housing needs, particularly in respect of the most vulnerable sections of society.

Departmental Expenditure.

458. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27118/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The information requested in relation to my mobile telephone bills, paid for by my Department, is set out in the following table from 15 June 2007, the date on which I took office.

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>€</td>
<td>€</td>
<td>€</td>
</tr>
<tr>
<td>Data Charges</td>
<td>528.87</td>
<td>1,388.84</td>
<td>851.22</td>
</tr>
<tr>
<td>Roaming Charges (Voice and Data)</td>
<td>351.94</td>
<td>869.84</td>
<td>133.45</td>
</tr>
<tr>
<td>Total Mobile Bills Paid</td>
<td>974.90</td>
<td>2,677.14</td>
<td>2,161.56</td>
</tr>
</tbody>
</table>

Departmental Expenditure.

459. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27179/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

Local Authority Housing.

460. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government if, in formulating housing policy, he has undertaken an inventory of the number and profile of empty dwellings that are available for occupation in each local authority area; and if he will make a statement on the matter. [27269/09]

502. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which an audit of all housing units has been undertaken with a view to determining the extent of new or second hand vacant properties available here on a county basis; the number of construction sites closed down due to the economic situation; the action
he has taken to address the needs of the local authority housing waiting lists from such housing stock; and if he will make a statement on the matter. [28013/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Question Nos. 460 and 502 together.

The Central Statistics Office (CSO) collects data on vacant properties during the Census as this is the most effective and cost efficient way to audit all housing units nationwide. The 2006 Census found that there were 216,533 unoccupied houses and apartments nationally. The number of vacant properties, broken down by county, is available on the CSO website. Information from the Census provides a crucially important input for policy development across many areas of my Department’s brief, including housing policy.

While a significant number of housing units that are vacant may not necessarily be available for sale or alternative use (for example, there are an estimated 50,000 holiday homes), given weaker sentiment in the housing market, combined with a number of years of very strong supply, my Department has been conscious for some time of a growing overhang in the market of housing units for sale.

In order to align economic and social objectives and to make effective use of properties that may be available for re-deployment for social housing purposes, my Department has introduced a number of initiatives of relevance. In the first instance, the Rental Accommodation Scheme (RAS), which was introduced in 2004, is designed to cater for the long term housing needs of rent supplement households. The core objectives of the RAS are to reform the approach towards providing accommodation within the private rented sector for long-term dependents on rent supplement and to enhance the response of housing authorities to meeting long-term housing need. One of the main features of the scheme is that housing authorities, in sourcing accommodation for these households, make use of the private and voluntary sector and enter into contractual arrangements to secure medium to long-term availability of rented accommodation.

To supplement this scheme, I have introduced two additional initiatives in recent months, which will make further use of vacant stock and assist authorities in meeting housing needs. Firstly, in February 2009, I introduced new arrangements for the delivery of social housing under which housing authorities may enter into long term leases of private dwellings for periods of between 10 and 20 years, taking advantage of the extent of available property in the market and at the same time providing a more efficient and effective use of public resources in meeting housing needs. Secondly, my Department has advised housing authorities that they can consider transferring unsold affordable housing stock to both the leasing scheme and the RAS, where appropriate.

Data in relation to the number of construction site closures are not held by my Department.

Local Authority Staff.

461. Deputy Finian McGrath asked the Minister for the Environment, Heritage and Local Government the number of senior posts filled in Sligo County Council and Sligo Borough Council in each of the years from 2004 to 2008 and to date in 2009; the posts filled; the number of these vacancies which were filled by way of acting positions or upgrading; and the number of these posts which were publicly advertised. [27296/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The number of staff employed at Managerial level, (Manager and Director of Services) in Sligo

634
County Council (figures include Sligo Borough Council), as expressed as whole time equivalents and returned to my Department for the years 2004 to 2008, and to date are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of posts</th>
<th>Number of posts filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>2005</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>2006</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>2007</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>2008</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>As of March 2009</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

Local Authorities are advised by my Department that sanction is conveyed to the creation of a particular post, provided that the post is filled in the normal manner, having regard to the Departmental recruitment guidelines, legislative requirements and qualifications. All senior posts within local authorities are recruited through the Public Appointments Service.

Information in relation to acting posts, or upgrading is not held by my Department.

**House Building Guarantee Scheme.**

462. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will request a company (details supplied) to extend their insurance guarantee to five years in respect of deposits from home buyers in view of recent negative media reports regarding deposits not being returned after two years; and if he will make a statement on the matter. [27317/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The HomeBond Scheme is operated by the National House Building Guarantee Scheme Company Ltd. which is a private company. Any modifications or improvements to the scheme are a matter for the company.

**Planning Issues.**

463. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will respond to a matter (details supplied); and if he will make a statement on the matter. [27330/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The primary aim of Guidelines for Planning Authorities on Sustainable Rural Housing published by my Department in 2005 is to achieve a balance between the accommodation of rural housing needs and the need for development to be sustainable in economic, social and environmental terms. The Guidelines set out four rural area types that exist countrywide i.e. rural areas under strong urban influence, stronger rural areas, structurally weaker rural areas and areas with clustered settlement patterns.

It is a matter for each planning authority to adopt the local need criteria which will apply to planning applications as part of its development plan, having regard to the different rural area types which may exist within its area and the varying development pressures within those area types.

The Guidelines state that, in rural areas under strong urban influence, planning applications for a single rural dwelling from persons who can demonstrate ‘local need’ in terms of intrinsic or strong links to the local community should be accommodated, subject to the normal planning
criteria of siting, waste water disposal, road safety etc. The Guidelines give examples of such links, e.g. farmers, their sons and daughters or persons involved in full-time farming or forestry.

The interpretation of policy and its application in individual cases is a matter for each planning authority and, upon appeal, for An Bord Pleanála.

**Architectural Heritage.**

464. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the reason a property (details supplied) in County Mayo was included in a scheme. [27371/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the provisions of the Planning and Development Act 2000, each planning authority is required, for the purpose of protecting structures, or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, to include in its development plan a Record of Protected Structures (RPS) for its functional area. This may be done at the time of the preparation of the development plan or, where appropriate, at any other time.

The Act enables me, as Minister, to make recommendations to a planning authority concerning the inclusion of specific structures in its Record of Protected Structures, and a planning authority must have regard to any such recommendations. The making of an addition to, or deletion from, a Record of Protected Structures is a reserved function of the planning authorities.

In September 2008, I made recommendations to Westport Town Council concerning the inclusion of all seventeen of the sites recorded for Mill Street by the National Inventory of Architectural Heritage (NIAH) survey in the Council's Record of Protected Structures. My recommendations were based on the NIAH survey of Westport Town. The structures included in the survey are objectively recorded and rated in accordance with international guidelines; a copy of the survey is available on www.buildingsofireland.ie. I understand from Westport Town Council that all the buildings recommended in September 2008 were subsequently proposed for inclusion in the Record of Protected Structures for Westport Town; a decision on up-dating the Record of Protected Structures for the town is expected to be considered at a meeting of the Town Council in September, 2009.

**Fire Stations.**

465. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government when an application for funding in respect of a new fire station facility (details supplied) in County Tipperary will be approved by his Department; the timeframe for the provision of the funding; the reason for the delay in providing funding; and if he will make a statement on the matter. [27397/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The provision of funding for a fire station at Cloughjordan will be considered under future fire services capital programmes having regard to the fire authority’s priorities, the existing facilities available, the level of activity, the proximity of other fire stations and competing demands in relation to the resources available. In autumn 2008, the fire authority indicated that improvement to the fire station at Templemore is its first priority and Cloughjordan the second.
EU Funding.

466. Deputy Thomas P. Broughan asked the Minister for the Environment, Heritage and Local Government the action he has taken to ensure the implementation of the new article 7 of the European Regional Development Fund as part of EU structural funds, which allows an allocation of up to 4% of total ERDF funds to be allocated on energy efficiency improvement and on the use of renewable energy in existing housing in favour of low income households such as social housing; his plans to ensure that some voluntary housing stock particularly very old housing stock will be prioritised; and if he will make a statement on the matter. [27402/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Ireland is in receipt of European Regional Development Fund (ERDF) and European Social Fund (ESF) support for the period 2007-2013 under the Regional Competitiveness and Employment Objective. There are three Operational Programmes agreed between Ireland and the European Commission for Ireland’s allocation of Structural Funds. Two Operational Programmes are co-funded by the ERDF, namely the Border, Midlands and Western Operational Programme (BMW OP) and the Southern and Eastern Operational Programme (S&E OP), whereas the Human Capital Investment Operational Programme (HCI OP) is co-financed by the European Social Fund.

EU Structural Funds are governed by a series of European Regulations which are agreed among the European Institutions. Following recent consultation between the Institutions, Regulation (EC) No. 397/2009, relating to the eligibility of energy efficiency and renewable energy investments in housing, was adopted on 6 May 2009. This Regulation broadens the scope of eligibility of ERDF expenditure to allow Member States incur expenditure on energy efficiency improvements and on the use of renewable energy in existing housing, up to an amount of 4% of the total ERDF allocation.

The Managing Authorities of the two ERDF Operational Programmes (BMW OP & S&E OP) have considered the new Regulation but do not propose to change the existing OP priorities as these will fully absorb the level of ERDF funding (€375 million) which has been allocated to Ireland for the period 2007-2013.

However, it should be noted that I have assigned considerable priority to the improvement of the energy performance of the social housing stock and my Department has developed a comprehensive national programme for the “greening” of the social housing stock. This programme includes a range of energy efficiency initiatives for which some €50 million has been set aside in 2009.

The range of energy efficiency improvement initiatives includes a programme of Towards Carbon Neutral demonstration projects, focussed on the construction of dwellings to a minimum Building Energy Rating (BER) standard of A2, as well as a number of demonstration projects for the retrofitting of insulation and other energy efficiency measures in the existing stock of local authority housing to achieve minimum B2 standards. The experience gained from these projects will inform my Department’s approach to both new construction and remedial works schemes, to ensure a viable and energy efficient stock of local authority housing into the future.

Also, I recently announced close to €20m in allocations to local authorities for the retrofitting of insulation and other energy efficiency improvements in local authority housing prior to reletting, and in apartment complexes. Local authorities have been preparing energy efficiency plans for their areas to manage the delivery of these improvements which will see the majority of dwellings achieve a minimum BER of C1.
Finally, local authorities may use their internal capital receipts, subject to approval by my Department of an annual improvement works programme, for measures including the installation of insulation, the replacement of windows and doors, and other initiatives to improve energy efficiency in their housing stock.

**Departmental Agencies.**

467. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government the amount of financial assistance provided to the homeless agency on an annual basis and the number of staff currently employed by the homeless agency; and if he will make a statement on the matter. [27403/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Homeless Agency is administered under the aegis of Dublin City Council. While the staffing of the Agency is therefore a matter for the Council, I understand that it currently has a complement of 14 staff. My Department is responsible for funding for accommodation and related services for homeless persons. In 2008 it provided a total of €53.235 million nationally for this purpose, including €940,894 to Dublin City Council towards the operational costs of the Homeless Agency.

468. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government the functions and responsibilities of the affordable homes partnership and the way in which these differ from the functions of local authorities; and if he will make a statement on the matter. [27404/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The functions of the Affordable Homes Partnership are specified in the Affordable Homes Partnership (Establishment) Order, 2005, as amended by the Affordable Homes Partnership (Establishment) Order, 2005 (Amendment) Order, 2007. By virtue of a provision in the Local Government Services (Corporate Bodies) (Confirmation of Orders) Act, 2008, this order has statutory effect as if it were an Act of the Oireachtas.

The functions of the Partnership are to provide certain services forward on behalf of the Minister for the Environment, Heritage and Local Government and relevant local authorities in particular, the partnership has been tasked to co-ordinate and promote the delivery of affordable housing in the Greater Dublin Area and to provide certain services in relation to affordable housing nationally. Further information relating to the Partnership is available on its website, www.ahp.ie.

**Legislative Programme.**

469. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government when he will introduce regulations to implement the recommendations of the working group to review the management of dog breeding establishments; and if he will confirm that the kennels of non-commercial clubs registered with an association (details supplied) will be fully exempt from such regulations. [27466/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Work has been ongoing for some time in my Department in drafting measures to provide for statutory regulation of dog breeding establishments within the dog control legislative regime. The issues involved are complex and required detailed consideration. This process has included discussions with a number of organisations, bodies, public agencies and interests active in this
area. Following advice, it is my intention to introduce amending legislation which will facilitate the implementation of the recommendations of the Working Group which reviewed the management of dog breeding establishments. My proposals in this regard are at an advanced stage and will be published as soon as possible.

With regard to groups affiliated to the Association referred to, I propose to exempt such groups from the payment of registration fees. However, in order to ensure that proper veterinary and general welfare standards exist in those dog breeding establishments, which the Working Group recommended should be defined as ‘a premises containing more than 5 female dogs, aged over 4 months, with breeding potential’, it is my intention that all relevant dog breeding establishments will be required to comply with specific statutory guidelines in this area and be subject to regulation, registration and inspection by the appropriate local authority. In this regard I will be guided by professional veterinary advice. As the Association referred to informs me that its members operate to a high standard at present, it is not expected that the new regulatory regime will place a significant additional burden on its affiliated groups.

Foreshore Licences.

470. Deputy Jim O’Keeffe asked the Minister for the Environment, Heritage and Local Government the position regarding the co-ordination of the foreshore licensing regime and the planning code in addition to other regulatory codes; his views whether there is a clear need for greater simplification and coordination of regulations particularly on issues such as the development of marinas; and if he will make a statement on the matter. [27476/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As a general principle, I believe that it is important to achieve the necessary co-ordination, and where possible rationalisation, of consent procedures and the removal of unnecessary regulation. When the Planning and Development (Amendment) Bill was published on 3 June, I indicated that I would introduce, by way of committee stage amendments, new provisions aimed at better integrating the foreshore consent processes with the planning processes under the Planning Acts. The necessary work is underway in my Department in anticipation of the formal transfer of the foreshore functions into my Department, the initial focus is on integrating the foreshore consent process for major infrastructure projects with the consent process under the Strategic Infrastructure Act.

Planning Issues.

471. Deputy Bernard Allen asked the Minister for the Environment, Heritage and Local Government his views on the fact that a planning proposal application for a biofuel facility lodged with Cork County Council (details supplied), could be accepted in view of the fact that the land is zoned as A1 and the application would require a material contravention of the development plan; if the applicants were advised by the planners of the situation prior to the lodgement of the application. [27483/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under section 247 of the Planning and Development Act 2000, a person who intends to make a planning application may, with the agreement of the planning authority concerned, enter into consultations with the authority in relation to the proposed development and application. During any such consultations, the planning authority is required to advise the person concerned of the procedures involved in considering a planning application, and, as far as possible, to indicate the relevant objectives of the development plan which may have a bearing on the decision of the planning authority.
[Deputy John Gormley.]

Section 34 of the 2000 Act provides that where a planning application is made to a planning authority in accordance with permission regulations, and all requirements of those regulations are complied with, the authority may grant or refuse the permission sought. When making a decision in relation to a planning application, a planning authority is required to have regard, among other things, to the provisions of the relevant development plan. Under section 30 of the 2000 Act, the Minister is precluded from exercising any power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned.

**Disability Act.**

472. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government when the statutory three year review of the Disability Act 2005 sectoral plan pertaining to his Department and required under the Disability Act 2005 will be published; and if he will make a statement on the matter. [27507/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department’s Sectoral plan, as provided for in section 36 of the Disability Act 2005, was developed in consultation with people with disabilities to assist the Department and local authorities in supporting an inclusive society with accessible buildings, facilities, services and information. There are statutory provisions, codes of practice and guidelines available to assist local authorities in providing the measures required in the Sectoral Plan.

My Department’s Sectoral Plan outlines the requirement for an update and review to be carried out in 2009 and on a three yearly cycle thereafter. The review and updated Sectoral Plan will be laid before each House of the Oireachtas and will be published as soon as this process is complete.

**Departmental Property.**

473. **Deputy Michael D’Arcy** asked the Minister for the Environment, Heritage and Local Government the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27592/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In the main, property occupied by the Department is acquired through the OPW and rent is paid by that Office. However, in certain circumstances the Department has been required to rent property pending the sourcing of suitable long-term accommodation by the OPW. In mid-2006, the Department leased temporary office accommodation for a period of one year at a total cost of €14,560, pending the upgrade of one of the Department’s local offices. The Department has also rented storage space for specialist equipment on a temporary basis since 01 January 2008. This followed the sale and demolition of the building where the storage had previously been provided by the OPW. Total rent paid since that date is €32,027. My Department is currently working to provide long-term accommodation for the equipment in storage.

**Housing Grants.**

474. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government if Kildare County Council has applied for further funding to renew or revive DP Grants; and if he will make a statement on the matter. [27635/09]
Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question No. 61 of 11 June, 2009. No formal application has been received to date from Kildare County Council.

Planning Issues.

475. Deputy Michael McGrath asked the Minister for the Environment, Heritage and Local Government the number of normal planning appeals lodged to An Bord Pleanála for each of the years 2006, 2007 and 2008 that took greater than six months, greater than eight months, greater than ten months and greater than 12 months for a decision to issue. [27652/09]

476. Deputy Michael McGrath asked the Minister for the Environment, Heritage and Local Government the number of normal planning appeals currently with An Bord Pleanála that have been awaiting a decision for at least six months, at least eight months, at least ten months and at least 12 months. [27653/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 475 and 476 together.

At the end of June 2009, An Bord Pleanála had 1,844 cases on hand, a decrease of 36% compared to 2,875 for the same period in 2008. The specific information sought in relation to 2009 is set out in the following table.

<table>
<thead>
<tr>
<th></th>
<th>&gt; 6 months</th>
<th>&gt; 8 months</th>
<th>&gt; 10 months</th>
<th>&gt; 12 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals on hands (as at 6th July, 2009):</td>
<td>198</td>
<td>107</td>
<td>67</td>
<td>43</td>
</tr>
</tbody>
</table>

Information in relation to the years 2006, 2007 and 2008 is being compiled and will be forwarded to the Deputy as soon as possible.

Docklands Development.

477. Deputy Michael McGrath asked the Minister for the Environment, Heritage and Local Government the details of the membership of the inter-departmental group established to consider the analysis and recommendations of the Cork Docklands Development Forum report; the number and dates of meetings held; the actions taken to implement the recommendations of the report; and if the minutes of the meetings will be published. [27654/09]

478. Deputy Michael McGrath asked the Minister for the Environment, Heritage and Local Government when he will publish the report of the Cork Docklands Development Forum submitted to him in July 2008. [27655/09]

499. Deputy Simon Coveney asked the Minister for the Environment, Heritage and Local Government the progress in relation to the Cork Docklands project; the funding available for this project; the timescale involved; and if he will make a statement on the matter. [27855/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 477, 478 and 499 together.

The Government established the Cork Docklands Development Forum in December 2007, to promote the effective coordination and delivery of sustainable public investment in key infrastructure, to facilitate regeneration, and incentivise private investment in Cork Docklands. The Forum was also tasked to address options in relation to incentives to overcome key barriers to the development of the area.
In July 2008, the Forum submitted a report to the Minister for Enterprise, Trade and Employment, setting out a policy and economic rationale for the regeneration project. The Forum report envisaged very significant investment in public infrastructure, including the proposed Eastern Gateway Bridge, as well as possible supports for relocation of port and other activities. The main findings and recommendations of the report are in the public domain.

The Finance Act 2009 provided for a new tax incentive scheme to facilitate the relocation of SEVESO-listed industrial facilities that hinder the regeneration of docklands in urban areas. This scheme is subject to European Commission clearance regarding compliance with State Aid rules. Funding decisions in relation to the bridge and other related projects have been deferred, having regard to the prevailing budgetary constraints, until at least 2010.

The Inter-Departmental Group established to consider the analysis and recommendations in the Report comprises representatives of the Departments of the Environment, Heritage and Local Government, Finance, Taoiseach and Enterprise, Trade and Employment. It met formally once, on 4 September 2008. There are no formal minutes of this meeting. The members of the Group subsequently liaise, with a view to monitoring the scope for appropriate public actions to move this project forward, as and when economic and budgetary circumstances allow.

Cork City Council has established a special Directorate to co-ordinate and promote delivery of the Docklands project, as well as a Docklands Policy Committee comprising six local councillors. The Directorate has extensive interaction with relevant stakeholders including property owners, developers, public agencies and other stakeholders, as well as with the main Departments represented on the Inter-Departmental Group.

Waste Management.

479. **Deputy Charlie O’Connor** asked the Minister for the Environment, Heritage and Local Government his plans to encourage businesses to compost their waste; the incentives he will make available; and if he will make a statement on the matter. [27691/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The National Strategy on Biodegradable Waste, published in April 2006, envisages that 80% of biodegradable municipal waste will be diverted from landfill by 2016. It also views the separate collection and subsequent biological treatment of organic waste to generate compost as having a critical role in minimising the use of landfill into the future.

While the provision of waste facilities in line with the relevant waste management plan is primarily a matter for the local authorities, recycling, recovery or disposal of commercially arising waste is specifically the responsibility of the producer. Against this backdrop, my Department is working with industry towards the development of a statutory instrument for the source segregation and appropriate treatment of catering waste and former foodstuffs from commercial premises. The regulations have already been the subject of a stakeholder consultation, and will shortly issue for public consultation.

I have also signalled my intention to introduce primary legislation to allow for significant increases in the landfill levy. This will make source segregation of waste streams (including organics), and the presentation of quality material for recycling, more attractive for both the commercial and private sectors, with the potential to reduce resource costs and to contribute to the further development of an indigenous composting and recycling industry.

I am confident that the above will have the potential to divert significant amounts of commercial food waste from landfill towards more sustainable and environmentally beneficial practices.
Questions— 7 July 2009.  Written Answers

Job Creation.

480. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government his plans to introduce rates remission for new businesses to encourage job creation; and if he will make a statement on the matter. [27692/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Rates are local property taxes that are levied by local authorities on commercial properties that are rateable under the Valuation Act 2001. The determination of the annual rate on valuation which is applied to property valuation to calculate rates is a decision taken locally by the elected members of a local authority in their annual budget. In order to support economic activity and employment, both nationally and locally, and to protect the interests of communities, I specifically requested that local authorities exercise restraint in setting any increases in commercial rates in their 2009 Budgets. Local authorities recognise the challenging environment in which business operates and have responded positively to this request. The national average increase in annual rates on valuation in 2009 is 1.15%, with many authorities not introducing any increase at all.

I have also asked that each county and city council establish a small Business Support Unit, or alternative, to act as a point of contact to ensure a quick, streamlined and coordinated response to existing and new businesses from local authorities in areas such as planning, water and roads.

I recognise the importance of rates income as a contribution to the cost of services provided by local authorities. These services are of considerable benefit to all in the local authority area, including ratepayers and businesses generally. The introduction of rates remission for new business could result in a diminution in the ability of local authorities to deliver such services or in the rates income forgone through such a scheme being raised through an increase in rates charges on other establishments. I will continue to keep the approach to rates by local authorities under regular review.

Charters of Rights.

481. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government his views on introducing a charter of rights for mobile home owners. [27716/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I have no responsibility in relation to the matter raised in the Question.

Social and Affordable Housing.

482. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government if an application for funding toward a housing project (details supplied) in County Cork has been received by him; and if he will make a statement on the matter. [27721/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** While an application for funding under my Department’s Capital Assistance Scheme for a 12-unit sheltered housing project at Bridesbridge, Castletownbere, was previously received from Cork County Council, my Department advised the Council in December 2008 that the procurement procedures did not appear to comply with the requirements of the new Forms of Contract for publicly funded projects. I understand the Council subsequently advised the approved housing body to seek tenders in compliance with these requirements.

483. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government his position in relation to a property (details supplied) in North Tipperary; the
[Deputy Noel J. Coonan.]

reason for purchase of this property; the source of funding for same; the proposed development plan for the property; the timeframe for same; if funding was allocated from another Government Department towards the purchase or development of the premises; and if he will make a statement on the matter. [27730/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): In 2007 my Department received an application from North Tipperary County Council for grant assistance under the Capital Assistance Scheme (CAS) in respect of the purchase and refurbishment, by Arlington Novas, of a house at 55 Mitchel Street, Thurles for the provision of accommodation for homeless persons. However, the Council subsequently advised my Department that the CAS application was being withdrawn and this property would be acquired by Thurles Town Council under the Council’s social housing investment programme. It is a matter for the Council to advance the acquisition of this property.

Departmental Expenditure.

484. Deputy Leo Varadkar asked the Minister for the Environment, Heritage and Local Government the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27739/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In accordance with the provisions of Department of Finance Circular 4/79, the Department pays a delegate allowance to qualifying officials for attendance at certain meetings abroad. The table sets out the total amount spent on payment of the delegates allowance to officials during the period from 01 January 2006 to 30 June 2009:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>€ 90,833.83</td>
</tr>
<tr>
<td>2007</td>
<td>€ 100,083.24</td>
</tr>
<tr>
<td>2008</td>
<td>€ 88,987.10</td>
</tr>
<tr>
<td>2009 (01 January-30 June)</td>
<td>€ 50,204.92</td>
</tr>
<tr>
<td>Total</td>
<td>€ 330,109.09</td>
</tr>
</tbody>
</table>

Planning Issues.

485. Deputy Leo Varadkar asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question Nos. 392 and 417 of 23 June 2009, the amount of moneys held from each local authority in a similar manner; and if he will make a statement on the matter. [27748/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the Question refers to the overall Development Contributions balance at 31 December 2008. The accounting code of practice requires local authorities to submit their Annual Financial Statements by 1 July. The information provided is for all city and county councils and is based on the un-audited Annual Financial Statements for 2008 as submitted to my Department or, where the Financial Statements have not yet been finalised, figures have been provided directly by the local authorities. Annual Financial Statements for 2008 are not yet available in respect of all town and borough councils, and my Department is working with local authorities to ensure that the relevant information will be available as soon as possible.
The overall Development Contributions balance at 31 December 2008 for county and city authorities, comprising both cash and debtors, is some €960 million. These funds are being released over time as projects progress to completion. The information requested is set out in the following table:

<table>
<thead>
<tr>
<th>Authority No.</th>
<th>Authority Name</th>
<th>Development Levies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>County Councils</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Carlow</td>
<td>1,462,237</td>
</tr>
<tr>
<td>2</td>
<td>Cavan</td>
<td>7,234,169</td>
</tr>
<tr>
<td>3</td>
<td>Clare</td>
<td>7,704,039</td>
</tr>
<tr>
<td>4</td>
<td>Cork</td>
<td>70,579,222</td>
</tr>
<tr>
<td>5</td>
<td>Donegal</td>
<td>8,586,674</td>
</tr>
<tr>
<td>6</td>
<td>Fingal</td>
<td>191,589,470</td>
</tr>
<tr>
<td>7</td>
<td>Dun Laoghaire Rathdown</td>
<td>130,193,047</td>
</tr>
<tr>
<td>8</td>
<td>Galway</td>
<td>6,900,000</td>
</tr>
<tr>
<td>9</td>
<td>Kerry</td>
<td>16,449,214</td>
</tr>
<tr>
<td>10</td>
<td>Kildare</td>
<td>34,781,944</td>
</tr>
<tr>
<td>11</td>
<td>Kilkenny</td>
<td>22,225,676</td>
</tr>
<tr>
<td>12</td>
<td>Laois</td>
<td>32,088,814</td>
</tr>
<tr>
<td>13</td>
<td>Leitrim</td>
<td>8,308,861</td>
</tr>
<tr>
<td>14</td>
<td>Limerick</td>
<td>15,934,033</td>
</tr>
<tr>
<td>15</td>
<td>Longford</td>
<td>9,556,952</td>
</tr>
<tr>
<td>16</td>
<td>Louth</td>
<td>42,654,788</td>
</tr>
<tr>
<td>17</td>
<td>Mayo</td>
<td>15,011,672</td>
</tr>
<tr>
<td>18</td>
<td>Meath</td>
<td>47,768,401</td>
</tr>
<tr>
<td>19</td>
<td>Monaghan</td>
<td>7,940,563</td>
</tr>
<tr>
<td>20</td>
<td>North Tipperary</td>
<td>9,910,302</td>
</tr>
<tr>
<td>21</td>
<td>Offaly</td>
<td>11,945,120</td>
</tr>
<tr>
<td>22</td>
<td>Roscommon</td>
<td>9,267,143</td>
</tr>
<tr>
<td>23</td>
<td>Sligo</td>
<td>2,693,547</td>
</tr>
<tr>
<td>24</td>
<td>South Dublin</td>
<td>63,346,718</td>
</tr>
<tr>
<td>25</td>
<td>South Tipperary</td>
<td>18,833,113</td>
</tr>
<tr>
<td>26</td>
<td>Waterford</td>
<td>7,190,072</td>
</tr>
<tr>
<td>27</td>
<td>Westmeath</td>
<td>12,117,170</td>
</tr>
<tr>
<td>28</td>
<td>Wexford</td>
<td>34,841,849</td>
</tr>
<tr>
<td>29</td>
<td>Wicklow</td>
<td>4,700,157</td>
</tr>
<tr>
<td></td>
<td><strong>SUBTOTAL</strong></td>
<td>851,814,965</td>
</tr>
<tr>
<td></td>
<td><strong>City Councils</strong></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Cork</td>
<td>5,894,533</td>
</tr>
<tr>
<td>31</td>
<td>Dublin</td>
<td>76,620,242</td>
</tr>
<tr>
<td>32</td>
<td>Galway</td>
<td>7,589,635</td>
</tr>
<tr>
<td>33</td>
<td>Limerick</td>
<td>12,945,067</td>
</tr>
<tr>
<td>34</td>
<td>Waterford</td>
<td>4,823,434</td>
</tr>
<tr>
<td></td>
<td><strong>SUBTOTAL</strong></td>
<td>107,872,910</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>959,687,875</td>
</tr>
</tbody>
</table>
Noise Pollution.

486. Deputy Finian McGrath asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied). [27756/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal options available to persons experiencing noise nuisance is available from my Department and is also on the Department’s website, www.environ.ie. It is also open to local authorities under sections 107 or 108 of the Environmental Protection Agency Act 1992 to initiate an action to deal with noise nuisance and Dublin City Council (Environment Section) is the appropriate authority to contact in this regard.

Noise nuisance and other problems caused by local authority tenants are also covered under legislation. The tenancy agreement, which is the legal basis of the relationship between the local authority and its tenants, will generally contain provisions in relation to the type of behaviour that is, or is not, acceptable. The local authority is empowered, under Section 62 of the Housing Act 1966, to initiate proceedings to secure an eviction where a tenant has breached the conditions of the tenancy agreement.

In the case of noise nuisance being caused by individuals in private rented accommodation, the Residential Tenancies Act 2004 contains a provision for third parties who are adversely affected by a failure on the part of a landlord to enforce tenant obligations to refer a complaint to the Private Residential Tenancies Board (PRTB) in accordance with the procedures in the Act.

While there is already a wide range of measures in place to deal with noise from a variety of sources, I am currently examining options to strengthen legislation on noise pollution as provided for in the Programme for Government. The Government recently approved the drafting of a Noise Nuisance Bill which will take a more integrated approach to noise pollution. There will be a greater emphasis on codes of practice for construction, commercial and domestic situations. There will, in addition, be measures to increase awareness of noise nuisance and of how it can be remedied, and to strengthen existing local authority powers including a system of fixed payment notices in relation to noise nuisance offences. The Bill will also extend to the Garda Síochána some of the more appropriate improved powers of the local authority authorised officers.

Water and Sewerage Schemes.

487. Deputy Kathleen Lynch asked the Minister for the Environment, Heritage and Local Government the position regarding to the sewerage schemes (details supplied) in County Donegal; and if he will make a statement on the matter. [27787/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The Burtonport, Dungloe, Glenties and Gweedore Sewerage Schemes are included for funding in my Department’s Water Services Investment Programme 2007-2009. Tender Documents for the Dungloe and Glenties schemes are under examination in my Department but further information is awaited from Donegal County Council with regard to the possible linking of Burtonport to the Dungloe scheme. Additional information is also awaited from Donegal County Council in order to allow my Department complete its examination of the most recent Design Review Report for Gweedore received from the Council.
488. **Deputy Kathleen Lynch** asked the Minister for the Environment, Heritage and Local Government his plans to replace corroded pipes in an area (details supplied) in County Donegal; and if he will make a statement on the matter. [27788/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Donegal County Council has submitted a proposal to my Department to replace a pipeline in the Rosses Regional Water Supply as an advance contract of mains rehabilitation under its Water Conservation Programme. This proposal is under examination in my Department and will be dealt with as quickly as possible.

**Social and Affordable Housing.**

489. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the national average turnaround time for houses which have been handed back to the relevant local authority and which are then re-let; if these houses are required by law to be refurbished before they can be let to new tenants; if a prospective tenant can agree to waive the necessity of refurbishment works to the house and give a written commitment to this effect, thus saving the relevant local authority time and money and simultaneously speeding up the process of housing a prospective tenant; and if he will make a statement on the matter. [27793/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Under section 58 of the Housing Act 1966, the management and maintenance of the local authority housing stock is a matter for individual authorities. The average time taken to re-let dwellings is a Local Authority Service Indicator and reports on these Service Indicators are available on the Local Government Management Services Board website, www.lgmsb.ie, under the “publications/reports” heading. The latest figures on the website relate to 2007; the 2008 figures will be available shortly.

Minimum standards for rental accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations 2008, made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. With very limited exemptions, these regulations apply to local authority and voluntary housing units, as well as private rented accommodation, and all landlords have a legal obligation to ensure that their rented properties comply with the regulations.

**Planning Issues.**

490. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the proposed community centre for an area (details supplied) in County Dublin, a proposal that the residents have been working on for the past ten years, is being held up due to the freezing of €70 million of development funds within Fingal County Council, by him; and if he will sanction the county manager to release the necessary funding for this important social infrastructure. [27800/09]

492. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if he will report on the delay in the construction of the community centre at an area (details supplied) in County Dublin in view of the fact that it is being held up due to the freezing of €70 million of development funds within Fingal County Council, by him; and if in view of the benefit to the social infrastructure of the area, he will sanction the release of the necessary funding for this scheme to Fingal County Council. [27802/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 490 and 492 together.
In February 2009, my Department set out details of the financial requirements for local authorities relating to the overall management of their capital and current accounts. These arise from the requirements for Government finances as a whole to be managed in accordance with the Stability and Growth Pact established under the Maastricht Treaty, and the associated limitation on budget deficits. This is not a new requirement for 2009, but current economic and budgetary considerations require all sectors, including local authorities, to ensure effective control and management of public finances.

In order to stay within the overall limit for the General Government Balance, it is necessary for local authorities to manage their finances and to maintain their current and capital accounts broadly in balance for 2009. Within this general requirement, there is capability for borrowing by local authorities for capital infrastructure. Development contributions have been an important addition to the capital funding resource of local authorities but they are only one element. Local authorities generate capital income from a variety of sources. There is no prohibition on Councils spending Development Contributions. The only requirement on local authorities is that they seek to equate capital income and capital expenditure in the year.

My Department will continue to work closely with local authorities, including Fingal County Council, to ensure that within the overall financial limits to be met, decisions on these matters are taken in a way which gives the necessary prioritisation to environmental, economic and social infrastructure and taking account of local community effort as part of the overall contribution to economic recovery.

Social and Affordable Housing.

491. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the history of the proposed refurbishment scheme for the council houses in an area (details supplied) in County Dublin; and if he will confirm that the necessary finance is available for the carrying out of the works. [27801/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department gave approval to Fingal County Council to proceed with this project in May 2007, to be funded from the authority’s internal capital receipts. Accordingly, the County Council included the project under its Improvement Works Programme for the years 2007 to 2010. I understand from the Council that a tender was accepted early this year and works have already commenced on Phase 1 of the project.

Question No. 492 answered with Question No. 490.

Local Authority Funding.

493. **Deputy Fergus O’Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the issues raised in correspondence from a person (details supplied); and if he will make a statement on the matter. [27810/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The annual charge proposed under the Local Government (Charges) Bill 2009 is set at a modest level of €200. I do not consider that this will act as a disincentive to business activities relating to rental income from non principal private residences.

Water and Sewerage Schemes.

494. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local
Government the position in relation to a project (details supplied) in County Laois; and when it is expected contracts will be signed on this issue. [27811/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**
The Laois Grouped Towns Sewerage Scheme, consisting of Abbeyleix, Durrow, Rathdowney, Mountrath, Stradbally and Clonaslee, is included for funding under my Department’s Water Services Investment Programme 2007-2009. Laois County Council’s Contract Documents for both the treatment plants and the collection networks elements of the scheme are being examined in my Department and are being dealt with as quickly as possible.

**Departmental Contracts.**

495. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27839/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**
The information requested in the question is set out in the following table. These suppliers were engaged by the Government Supplies Agency in April 2007 and October 2007 respectively.

<table>
<thead>
<tr>
<th>Company</th>
<th>Nature of Contract</th>
<th>Date of Award of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enterprise Stationery Limited</td>
<td>Printing and Supply of File Covers</td>
<td>April 2007</td>
</tr>
<tr>
<td>Paragon Group UK Limited</td>
<td>Printing and Supply of Payslips</td>
<td>October 2007</td>
</tr>
</tbody>
</table>

**Water and Sewerage Schemes.**

496. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the capital projects which will proceed to contract in Counties Kilkenny and Carlow in 2009; the commencement date in each case; the level of funding in respect of each project under the water services programme; and if he will make a statement on the matter. [27850/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**
Details of all major water and sewerage schemes included for funding by my Department in Counties Kilkenny and Carlow are set out in the Water Services Investment Programme 2007-2009 which is available in the Oireachtas Library. Additional information in relation to progress on individual contracts under this Programme, or in relation to activity generally under the small public schemes measure of the devolved Rural Water Programme, may be obtained from the relevant local authorities.

A provision of €500 million is available for the Programme for 2009, which is a 1% increase on the record outturn on the Programme for last year. I expect that the available resources will allow up to 50 major new water and wastewater schemes to commence this year, some of which have already started. My Department will prioritise the remaining schemes yet to start, having regard to both environmental and economic objectives i.e. schemes required to meet National and EU environmental standards in relation to drinking water and wastewater disposal, European Court of Justice cases and works that will support economic development.
Departmental Agencies.

497. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will respond to a request under the Comptroller and Auditor General Amendment Act 1993 for an order to designate the Dublin Docklands Development Authority within its remit; and if he will make a statement on the matter. [27851/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

Having regard to the Second Schedule of the Comptroller and Auditor General (Amendment) Act 1993 and Section 51 of the Dublin Docklands Development Authority Act 1997, the Dublin Docklands Development Authority is specifically excluded from the audit remit of the Comptroller and Auditor General. I am not aware of any provision in the 1993 Act for the making of an order that would place the Authority within the Comptroller and Auditor General’s audit remit.

Environmental Policy.

498. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he has received replies from the management of South Dublin County Council and Kildare County Council in respect of his request to carry out feasibility studies on possible additional lands to be included in the Liffey Valley special amenity order; the next stages to proceed with the proposal to extend the special area of conservation; and if he will make a statement on the matter. [27852/09]

503. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government when he was last in communication with South Dublin County Council regarding the Liffey Valley; the progress made in designating it a national park or a protected area; and if he will make a statement on the matter. [28014/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Question Nos. 498 and 503 together.

In September 2008, I requested South Dublin County Council to arrange for an evaluation of lands between Palmerstown and Lucan Bridge, the existing area of special amenity and the N4/old Lucan Road/Old Hill Road, in order to assess the suitability of some or all of these lands being designated a new area of special amenity, having regard to the provisions of section 202 of the Planning and Development Act 2000. In February 2009, South Dublin County Council submitted a report on the matter. This has been considered within my Department, and it is intended to request the Council to give further consideration to the extent of lands that might be included in such an area.

Also in February 2009, my Department requested Dublin City Council, Fingal County Council and Kildare County Council to carry out evaluations of lands in the Liffey valley which fall within their functional areas, in order to assess the suitability of some or all of these lands being designated as part of an extended area of special amenity. Responses have been received from each of these planning authorities and are under consideration. Following consideration of the relevant information, I will decide whether to give a direction under section 202(2) of the Act regarding the making of a further special amenity area order or orders.

*Question No. 499 answered with Question No. 477.*
Waste Management.

500. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government the position in relation to Haulbowline Island County Cork; if the report has been brought before Cabinet; his plans to deal with the toxic waste at the site; the way the site will be managed; and when he will undertake as promised the health survey of the Cork Harbour area. [27857/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The Government has considered the position in relation to the former Irish Steel/Ispat site at Haulbowline noting the outcome of the site investigations; the requirement for various works and further monitoring recommended by the environmental consultants and the development issues, particularly technical constraints, site boundary issues, zoning issues and regulatory requirements, meriting early address.

The Government decided that the Office of Public Works would chair a working group to develop a structured and coherent approach to the further management and development of the site with Cork County Council continuing to discharge site management responsibilities on an agency basis.

Regarding the issue of any studies in regard to human health the Government noted the outcomes of the independent and rigorous assessment of site conditions on Haulbowline. This comprised three distinct modules: assessing quality of surface water, marine sediment and mussel bivalves in the vicinity; assessment of any health or environmental risks posed by current site conditions; and ambient air monitoring.

The consultants had available the advice of the Environmental Protection Agency, the Marine Institute and the Health and Safety Authority. Ambient air monitoring was undertaken in accordance with relevant national and international occupational exposure limit values, finding that air quality complied with all relevant standards and guidelines, including in Cobh which was the main population centre that was monitored, and that there is no occupational risk to human health from airborne substances. Similarly, the assessment of water, sediment and mussel samples employed the relevant applicable screening criteria and found no identifiable risk to the residents of Cork Harbour.

In the case of assessing the health and environmental risks posed by potential contaminants in the waste material on the East Tip itself the screening was undertaken using human health generic assessment criteria which are derived from guidance issued in the UK. These criteria were considered most appropriate for the site, are conservative for on-site exposures for current land use, and did not suggest a risk to health of people on site undertaking normal activities or to those in the Cork harbour area including the Naval Base.

Local Authority Housing.

501. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government the length of the waiting list in Cork city and county for local authority housing; the number of unoccupied local authority houses in this area; and the number of people who received an offer of a local authority house in 2008 and to date in 2009 in Cork City and County. [27858/09]

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

The number of households on a local authority’s waiting list continuously fluctuates as households on the list are allocated housing and new households apply
for housing support. My Department does not hold information in relation to the numbers currently on waiting lists in local authorities.

A statutory assessment of housing need is carried out every three years by all housing authorities in accordance with the terms of the Housing Act 1988. The last assessment took place in 2008 and indicated that there were 56,249 households in need of social housing support. In Cork, the assessment showed that there were 6,589 households in need of social housing support; 3,725 households in the Cork County Council area (including Town Councils), and 2,864 in Cork City Council's area.

Further information regarding the assessments is available on my Department’s website at www.environ.ie, including a breakdown of the net need figure by housing authority. Information in relation to vacant local authority houses is a Local Authority Service Indicator and reports on these indicators are available on the Local Government Management Service Board’s website, www.lgmsb.ie. The latest available figures relate to 2007; the 2008 figures will be available shortly. Data in relation to the number of offers of accommodation made by individual local authorities are not collected by my Department.

*Question No. 502 answered with Question No. 460.*

*Question No. 503 answered with Question No. 498.*

**Social and Affordable Housing.**

504. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the role and the action taken by him in the past two years in monitoring and regulating the management of approved housing bodies, which are funded for the provision of social rented housing under his Department’s capital funding schemes. [28064/09]

505. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the role and the action taken in the past two years by local authorities in monitoring the management of approved housing bodies, which are funded for the provision of social rented housing under his Department’s capital funding schemes; and the steps he has taken in the past two years in relation to the local authority monitoring function in this area. [28065/09]

506. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the number of complaints and communications that have been received by him from tenants of approved housing bodies; and the subjects of these complaints and communications. [28066/09]

507. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the legal rights that are in place to protect tenants of approved housing bodies, funded by the State under the capital funding schemes in view of recent publicity on a matter (details supplied). [28067/09]

508. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the mechanisms that have been put in place by him or in conjunction with other Departments to put in place an independent supervisory or appeal system for tenants of approved housing bodies which present claims of harassment, intimidation or elder abuse by staff and other tenants. [28068/09]
509. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the representations which have been received by him in relation to modernising the legal relationship between landlord and tenant of approved housing bodies, to improve the position of tenants of approved housing bodies. [28069/09]

510. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government his proposals for modernising the landlord and tenant contract that will be included in the Housing Bill 2008, which will strengthen the position of tenants of approved housing bodies. [28070/09]

512. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will verify that there is no independent appeal or monitoring system for complaints of poor service standards, bad or derogatory treatment, arbitrary possession proceedings or other adverse situations from tenants of approved housing bodies; and his proposals to improve this situation. [28072/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 504 to 510, inclusive, and 512 together.

My Department’s involvement with the voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, and the certification that projects comply with the terms and conditions of the funding schemes, are the responsibility of the local authority.

Approved housing bodies are responsible for the proper management and maintenance of dwellings provided under the terms of the funding schemes and for the operation of letting policies, the fixing of rents and compliance with all relevant statutory requirements. Tenancy matters are generally covered in the terms and conditions of the tenancy agreement between an approved housing body and tenant, which are broadly based on Landlord and Tenant legislation.

Complaints in relation to the management and operation of voluntary housing schemes, including complaints by individual tenants, are, in the first instance, a matter between the tenant and the relevant approved housing body. Tenants may also make complaints to the local authority where accommodation provided by an approved housing body is not considered to be in compliance with the Housing (Standards for Rented Houses) Regulations 2008. Local authorities, may in certain circumstances, mediate in tenancy disputes between an approved housing body and their tenants.

The Irish Council for Social Housing (ICSH) and the National Association of Building Cooperatives (Nabco) are the representative bodies for the voluntary and co-operative housing sector in Ireland. Both organisations provide promotion, information, advice and training services to approved housing bodies. The ICSH provides a range of housing management services to approved housing bodies including a Housing Association Performance Management framework which aims to promote good housing management practice and to demonstrate accountability to customers and stakeholders. The ICSH also makes available a Standard Tenancy Agreement for Housing Associations as well as Rent Books for use by approved housing bodies, details of which are available on the ICSH website at www.icsh.ie.

In line with the commitments set out in the Government’s housing policy statement, Delivering Homes, Sustaining Communities my Department is currently undertaking, with the
assistant of outside consultants, a strategic review of the role of the voluntary and co-operative housing sector in the provision, maintenance and management of social rented accommodation in Ireland. I intend to publish the consultancy report being prepared as part of this review following its completion later in the Autumn and to engage in consultation with stakeholders on the issues arising from the report. It is not possible, from the systems in place, to state definitively the number of representations received by my Department from tenants of approved housing bodies, but it is considered that the numbers involved are not significant. However, the need for an independent review mechanism on tenancy disputes between approved housing bodies and their tenants will be considered in the light of the review referred to above.

511. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the position of local authority and other State officials on the boards of approved housing bodies, either nominated by him or the local authority and where the approved housing body has dealings with that State body or local authority. [28071/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** All matters relating to the appointment of members of the governing body or board of directors or trustees of an approved housing body are the responsibility of the individual body concerned. My Department and the local authorities have no role with regard to the nomination or appointment of board members.

In accordance with the terms and conditions of my Department’s funding schemes, no individual may be elected or appointed as a director or trustee or senior employee of an approved housing body, or retain such a position, where he or she has any material interest of significance in relation to the income or any other benefit derived from any commercial contract or other arrangements for the construction of houses for the approved housing body, or in the supply of goods and services to that body.  

*Question No. 512 answered with Question No. 504.*

513. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the monitoring of the terms of the mortgage agreement relating to the capital funding schemes funding between approved housing bodies and local authorities that takes place; if he will provide documentary evidence of such monitoring. [28073/09]

514. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will clarify if approved housing bodies are free to dispose of properties obtained or developed under the capital funding schemes once the mortgage period has expired; the position regarding the tenants in this situation when such properties are sold; and the way this compares with the charitable objects of approved housing bodies. [28074/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Question Nos. 513 and 514 together.

Section 6 of the Housing (Miscellaneous Provision) Act, 1992 enables housing authorities to provide capital funding to approved housing bodies in respect of the provision of housing. A body seeking to obtain, and to retain, approved status under Section 6 of the Act must have as primary objects, the provision of accommodation for low-income families or persons with special needs such as the elderly, the homeless or persons with a physical or intellectual dis-
ability and must have in its memorandum of association or registered rules, as the case may be, provisions prohibiting the distribution of any surplus, profit, bonus or dividend to members and requiring that the assets of the body be applied solely towards its objects.

Approved housing bodies are the owners of the accommodation schemes financed under my Department’s capital funding schemes. These bodies have overall responsibility for the proper management and maintenance of their dwellings. It is the responsibility of the body to ensure that policy procedures and administrative arrangements are in place to achieve compliance with the terms of the capital funding schemes. It is a matter for the housing authority to have suitable liaison arrangements in place to oversee the administration of the schemes, and to ensure that the investment made in the dwellings provided under the schemes is preserved and that the terms of the mortgage arrangements are complied with.

**Property Transfers.**

515. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will provide details of properties and land which have been transferred from religious orders under the compensation scheme for residential child abuse since 2000 to date in 2009 to approved housing bodies as part of capital funding scheme arrangements; and the number of units in each of these schemes that have been reserved for occupancy by members of religious orders. [28075/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Information in relation to property transferred from religious orders to approved housing bodies under the Compensation Scheme for Residential Child Abuse is not available in my Department.

**Energy Resources.**

516. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he has met with the stakeholders or companies involved in the Corrib gas project in the past six months. [27271/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Over the past six months I have had a number of meetings with the developers of the Corrib Gas Project, along with a wide range of groups with an interest in the project.

**Offshore Exploration.**

517. **Deputy Terence Flanagan** asked the Minister for Communications, Energy and Natural Resources if he will respond to a query (details supplied); and if he will make a statement on the matter. [27087/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** I refer the Deputy to my reply to his Question No. 433 of Tuesday, 23rd June 2009.

**Departmental Expenditure.**

518. **Deputy Ruairí Quinn** asked the Minister for Communications, Energy and Natural Resources the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the
percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27113/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** As the Deputy will be aware I was appointed as Minister in June 2007 and costs for my Departmental mobile phone since then are set out in the table:

<table>
<thead>
<tr>
<th>Date</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>June-Dec 2007</td>
<td>1,920.43</td>
</tr>
<tr>
<td>2008</td>
<td>1,169.55</td>
</tr>
<tr>
<td>to date 2009</td>
<td>867.52</td>
</tr>
</tbody>
</table>

The network operator engaged by the Department has confirmed that in the period May 2008 to June 2009 some 60% of costs relates to roaming charges and 29% to data charges. A breakdown prior to May 2008 is not available from the operator. Value for Money is a high priority issue and in that regard competitive tendering for a fixed price contract for mobile phone service in 2008 has resulted in significant savings across all Departmental users over previous years.

**Telecommunications Services.**

519. **Deputy John McGuinness** asked the Minister for Communications, Energy and Natural Resources the amount of funding granted to the ESB to provide a broadband network using the company's infrastructure; if the project is completed; the stage it is at; the overall cost of the project; the number of users it is hoped to serve; and if he will make a statement on the matter. [27140/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Under the Communications Infrastructure Programme of the National Development Plan 2000-2006, ESB Telecom (ESBT), and other service providers, responded to an open call for proposals for the roll out of electronic communications infrastructure. On 19 January 2001, the then Department of Public Enterprise entered into an Agreement with ESBT for the deployment of 1,300 kilometres of optical fibre cable around Ireland. The ESBT network comprises 48 optical fibre pairs and is wrapped on the electricity high voltage network.

Construction of the network was completed in 2003. The total cost of the project was €48.18m. The total Government investment in the project was €15.66m of which 50% was funded under the European Regional Development Fund. ESBT has strengthened competition in the market and are providing competitively priced managed bandwidth services and dark fibre to telecommunications service providers on a wholesale basis. The number of clients served by ESBT is an operational matter for the company.

**Departmental Expenditure.**

520. **Deputy Enda Kenny** asked the Minister for Communications, Energy and Natural Resources the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27174/09]
Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The identification of records prior to January 2007 cannot be facilitated without undue commitment of staff resources and administrative cost. However, if the Deputy has a question in relation to a specific item I will make appropriate enquiries. I can advise the Deputy that there are no accumulated costs in respect of court cases taken by my Department from January 2007 to date.

Fishing Licences.

521. **Deputy James Bannon** asked the Minister for Communications, Energy and Natural Resources the reason a person (details supplied) in County Longford has been refused renewal of their commercial eel fishing licence; and if he will make a statement on the matter. [27360/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): Conservation of Eel Fishing Bye-law No CS303 2009, which prohibits fishing for eel and Conservation of Eel Fishing (Prohibition on Issue of Licences) Bye-law No 858, 2009, which prohibits the issue of eel fishing licenses in any fishery district, were recently introduced in an effort to protect our dwindling eel stocks. For this reason it is not possible for the regional fisheries board to issue a licence to the applicant mentioned by the Deputy.

The bye-laws give effect to the National Eel Management Plan prepared in compliance with EU Council Regulation No. 1100/2007, establishing measures for the recovery of the stock of European eel and recently approved by the EU Commission.

The target is clearly defined in the Regulation where it states that “the objective of each Member State’s Eel Management Plan shall be to reduce anthropogenic mortalities so as to permit with high probability the escapement to sea of at least 40% of the silver eel biomass relative to the best estimate of escapement that would have existed if no anthropogenic influences had impacted the stock”. In other words, the regulation requires that 4 kg of eels escape to sea for every 10 kg that would have escaped if people did not kill any or prevent any from migrating and the number of elvers coming into the water was as high as it every was. The national percent escapement is calculated as being only 24%.

Stocks are in such perilous condition that the only way the target could be achieved was by undertaking a series of management actions including cessation of the commercial eel fishery and closure of the market, mitigation of the impact of hydropower, including a comprehensive silver eel trap and transport plan, ensure upstream migration of juvenile eel at barriers and improve water quality including fish health and bio-security issues. The effectiveness of these actions will be reviewed in 2012. In the meantime, the Central fisheries board and eel fishermen’s representative will be engaged in investigating possible diversification schemes for the former commercial fishermen.

Fisheries Protection.

522. **Deputy Jimmy Deenihan** asked the Minister for Communications, Energy and Natural Resources the cost of providing a fish counter at a bridge on a river (details supplied); the reason that this location was chosen; if he is satisfied that the counter is working effectively and that it will not lead to flooding in the area and the adjacent land; and if he will make a statement on the matter. [27463/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I am advised by the South Western Regional Fisheries Board
Deputy Conor Lenihan.

(SWRFB) that the installation of the fish counter referred to by the Deputy is not yet complete but will be operating effectively to capture the main run of salmon this season. The total cost of the counter has not yet matured but I understand the projected cost is expected to be close to €100,000.

The location was selected on the basis of the requirement to be sufficiently far down river to capture data on the run of fish to all tributaries. Access to the counter is important and this was influenced by the availability of publicly owned property at the site. I am informed by the SWRFB, which has overseen the installation of the fish counter that on engineering advice the effects on potential flooding upstream and downstream of the installation will be insignificant.

Disability Act.

523. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources when the statutory three year review of the Disability Act 2005 sectoral plan pertaining to his Department and required under the Disability Act 2005 will be published; and if he will make a statement on the matter. [27505/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Disability Act 2005 provides, under Section 31(4), that a Sectoral Plan shall contain a statement of the intervals at which reports shall be prepared relating to the progress made in the implementation of the plan, being at intervals of not more than 3 years from the date of publication of the plan. The Sectoral Plan for my Department was published in July 2006 and contained a commitment to report on progress every 3 years. A representative Monitoring Committee was established, in December 2006, under Section 48 of the Act, to monitor compliance with the 3% employment target for employees of public bodies under the Department’s aegis. That Monitoring Committee also took on the responsibility of overseeing the implementation of the Department’s Sectoral Plan in addition to its role of monitoring public sector employment targets.

The Committee presented a progress report to me within one year of the publication of the Department’s Sectoral Plan. That report, which details progress achieved in meeting the Sectoral Plan commitments, is available on the Department’s website. The Committee is currently drafting a further progress report, which is expected to be presented to me shortly. That second progress report will form the basis of a consultation process, with interested parties, to review the implementation of the Sectoral Plan. It is intended to complete this review process later in the year.

Departmental Property.

524. **Deputy Michael D’Arcy** asked the Minister for Communications, Energy and Natural Resources the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27587/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** As the Deputy will be aware the Office of Public Works (OPW) is largely responsible for the renting of properties used by Government Departments. In the time available, it has not been possible to identify and assemble the information requested. The OPW is compiling the relevant material and I will revert to the Deputy as soon as possible.
Appointments to State Boards.

525. Deputy Liz McManus asked the Minister for Communications, Energy and Natural Resources the reason for two additional directors on the board of EirGrid plc; the names of the directors; the income or expenses earned for their role; and if he will make a statement on the matter. [27665/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): EirGrid recently completed the purchase of the Northern Ireland Transmission System Operator (SONI) from Northern Ireland Electricity (NIE). In consideration of this transaction, I decided to expand the membership of the Board of EirGrid to ensure that the board duly reflects the interests of Northern Ireland transmission system, SONI and Northern Ireland customers. The European Communities (Internal Market in Electricity) Regulations (SI 445 of 2000) has accordingly been amended to provide for an increase in the number of members of the Board of EirGrid from eight to ten members. On 16th June 2009 I appointed Dr. Joan Smyth and Mr. Richard Sterling to the Board of EirGrid. Dr. Smyth and Mr. Sterling bring to the Board considerable experience and track records in business and public service in Northern Ireland. The fees payable to Directors on the Board of EirGrid are €12,600 per annum.

Departmental Expenditure.

526. Deputy Leo Varadkar asked the Minister for Communications, Energy and Natural Resources the amount of money spent on paying delegates allowance to officials for each of the past three years; and if he will make a statement on the matter. [27735/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The total amount of money spent on paying delegates allowance to officials of my Department since its formation in June 2007 is €72,638.81. The amount paid per year is set out in the table.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007 (June to Dec)</td>
<td>€20,148.60</td>
</tr>
<tr>
<td>2008</td>
<td>€37,372.84</td>
</tr>
<tr>
<td>2009 (to end June)</td>
<td>€15,117.37</td>
</tr>
</tbody>
</table>

All the above payments were made in accordance with the relevant Department of Finance guidelines.

Television Licence Fee.

527. Deputy John McGuinness asked the Minister for Communications, Energy and Natural Resources if the cost of operating the free television licence scheme is paid from the Exchequer to An Post or to RTÉ; and the cost involved for each of the past five years. [27818/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Department of Social and Family Affairs operates a Household Benefits Package and those who qualify to receive this package are entitled to a free television licence. The Department of Social and Family Affairs pays the cost of these free licences to my Department. The following table sets out the amounts that the Department of Social and Family Affairs paid to my Department for each of the past five years.
Year | DSFA Gross Receipts in respect of Free Television Licences
---|---
2004 | €44.3
2005 | €49.5
2006 | €48.7
2007 | €51.4
2008 | €53.7

An Post collects the fees for standard television licences, which it pays to my Department. In turn, my Department pays An Post a commission for the collection of the standard licences and for administration in respect of the free licences. Once this payment is deducted, 95% of net television licence fee receipts (both free and standard television licences) are paid to RTÉ and 5% of net television licence receipts are paid to the Broadcasting Commission of Ireland in respect of the Broadcasting Fund. This latter rate will increase to 7% under the Broadcasting Bill 2008, which was recently passed by the Oireachtas.

**Departmental Expenditure.**

528. **Deputy Terence Flanagan** asked the Minister for Communications, Energy and Natural Resources the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27835/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department did not have any print jobs being carried out by companies based outside the Republic of Ireland.

**Telecommunications Services.**

529. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the position regarding the broadband for schools project; when he expects this project to be fully rolled out; the cost of this project; and the timescale involved. [27862/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** 78 schools have been selected to participate in a 100 Mbps to post primary schools pilot project. The pilot project will guide a wider roll out of broadband to post primary schools in due course and will ensure value for money is maximised.

A Request for Tender (RFT) for the access element of the project (connection from the school to HEAnet’s Schools Network via an appropriate service provider) was published on 25 June 2009. Further RFTs for the upgrade of HEAnet’s core infrastructure, router and content filtering and Local Area Networks will issue shortly. I expect rollout of the pilot project to be completed by summer 2010. The cost of the project will depend on the successful tenders.

530. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the details of the broadband infrastructure audit undertaken by him. [27863/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Policy Paper ‘Next Generation Broadband — Gateway to a Knowledge Ireland’, which was published on my Department’s website on 22 June 2009 has, as one of its actions, the establish-
ment of a one-stop-shop to provide service providers with flexible and open-access to existing and future State owned infrastructure suitable for telecoms services.

Leveraging publicly owned ducting has the capacity to significantly reduce costs for private sector investors in rolling out fibre to the regions and thereby improve competition in the electronic communications market.

My officials have worked with the relevant State agencies in the energy and transport sectors to compile a data-base of the supply of publicly-owned-infrastructure, which currently or potentially can support high speed broadband networks.

Following this process, maps have been compiled, which provide an indicative depiction of the supply of relevant State infrastructure including the Metropolitan Area Networks (MANs). These maps were published on my Department’s website in conjunction with the policy paper and can therefore be accessed on the website.

It is important to note that the readiness of this infrastructure to support high speed broadband networks varies between agencies and can depend, for example, on whether an agency is already involved in the telecom sector and, if so, whether existing contractual arrangements may restrict the infrastructure being available on an open-access basis.

The next step in developing the one-stop-shop is to decide on an operational model and I expect to make a decision on this shortly.

**Departmental Reports.**

531. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the number of reports he has compiled in the past 18 months; the reports complied; and the cost of these reports.  [27864/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department compiled 24 reports in the past eighteen months at a cost of €1,198,706.74. Details of the reports are in the table. It should be noted that The Grid Study and the All-Island Renewables Grid Study updated to include Demand Side Management reports were jointly commissioned by the Department of Enterprise Trade and Investment, Northern Ireland and the Department for Communications, Energy and Natural Resources. 60% of the costs in respect of both reports were borne by my Department with the remaining 40% borne by Department of Enterprise Trade and Investment, Northern Ireland.

<table>
<thead>
<tr>
<th>Report</th>
<th>Cost of Report inclusive of VAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Energy Efficiency Action Plan</td>
<td>21,099.00</td>
</tr>
<tr>
<td>Study of Oil and Gas Industry Support Services</td>
<td>27,188.00</td>
</tr>
<tr>
<td>Review of Corrib EIS</td>
<td>47,204.00</td>
</tr>
<tr>
<td>Strategic Environmental Assessment for Oil and Gas Activity in Ireland’s Offshore Atlantic Waters:Rockall Basin</td>
<td>267,953.00</td>
</tr>
<tr>
<td>Technical Assistance on Corrib Gas Safety Matters — Review of Documents</td>
<td>22,870.00</td>
</tr>
<tr>
<td>Comparative study of GSI/GSNI</td>
<td>8,602.79</td>
</tr>
<tr>
<td>Cost/benefit study of INFOMAR project</td>
<td>66,086.00</td>
</tr>
<tr>
<td>The Grid Study</td>
<td>218,607.89</td>
</tr>
<tr>
<td>All-Island Renewables Grid Study updated to include Demand Side Management</td>
<td>54,092.00</td>
</tr>
<tr>
<td>SEI Strategic Review</td>
<td>Prepared in-house</td>
</tr>
<tr>
<td>Make IT Secure evaluation report</td>
<td>14,520.00</td>
</tr>
</tbody>
</table>
Fishing Licences.

532. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources the reason the Central Fisheries Board introduced a new compulsory licence on the River Suck more than four years ago for course angling; the basis of the implementation of such a licence on the River Suck; the further reason it was found not necessary to have a similar licence on other course angling rivers elsewhere here; the number of tourist angling accommodation units which have ceased trading in the River Suck region since the introduction of the new permit; the amount of revenue generated by the licence permit system over the past four years in the region; the cost of enforcing and administering this particular scheme on the River Suck over the past four years; and if he will make a statement on the matter. [28099/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** Under the Fisheries Acts 1959 to 2001, the Regional Fisheries Boards are empowered to apply a permit charge for angling on fisheries under their control. The application of such a permit charge is a day-to-day operational matter for the relevant Board, in this instance the Shannon Regional Fisheries Board (ShRFB). Within the region, the ShRFB controls 27 fisheries including the River Suck.

I am advised by the ShRFB that it has had a permit charge for trout angling for over 50 years on fisheries under its control. I understand that the fisheries board, in reviewing its management and the fees charged for its fisheries in 2002, decided to extend the permit charges to cover coarse angling on the Board controlled fisheries, on the basis that it was unfair to
charge one angler to fish for one species while another angler fishing for a different species, on the same water, was not charged. The cost of managing these fisheries has increased over the years and the ShRFB is of the view that coarse anglers who utilise the fisheries should contribute to the cost of their upkeep.

I am advised by the Board that the revenue generated by the licence permit system over the period 2005-2008 in the region is €317,146. The ShRFB assures me that the permit income is reinvested in the conservation and day-to-day management and development of these fisheries. I am informed that the duties of the staff of the ShRFB are multi-disciplinary and in the circumstances it is not possible to identify the cost of enforcement and administration on a particular stretch of water within the fisheries controlled by the Board.

It has been the Board’s experience that where tourist anglers are informed that funds raised through angling permits, which entitle them to fish on all 27 fisheries controlled by the ShRFB, are reinvested in the fishery, they are willing to contribute.

The Board has no information on the number of tourist angling accommodation units which may have closed or for what reason. The ShRFB, in conjunction with the other fisheries boards and Fáilte Ireland, has taken many initiatives to address the decline in angling tourist activity in this area. The prospects for the future of tourist angling accommodation units will, I believe, be supported by the river restoration programmes, the preservation of healthy stocks through protection and environmental work undertaken by the regional fisheries boards and the marketing initiatives taken at regional and national level.

**Departmental Expenditure.**

533. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27111/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested is not readily available but will be collated and referred directly to the Deputy.

534. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27172/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is not possible to compile the information requested by the Deputy within the short timeframe available. My Department will write to the Deputy within the next two weeks detailing the information requested.

**Grant Payments.**

535. **Deputy John O’Mahony** asked the Minister for Agriculture, Fisheries and Food the reason a payment under the farm waste management scheme was not awarded to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [27188/09]
Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned applied for grant-aid under the Farm Improvement Scheme. Applications under this Scheme are being processed by my Department up to the level of funding provided for the Scheme in the 2006 Partnership agreement, Towards 2016. The decision not to grant approval in this case has been appealed to the Agriculture Appeals Office which has upheld my Department’s decision in the matter.

536. Deputy Finian McGrath asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Westmeath will be granted an outstanding single farm payment. [27194/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The 2007 Single Payment Scheme application form for the person named was received in my Department on 19 November 2007. The closing date for the receipt of applications under the 2007 Single Payment Scheme was 15 May 2007, as provided for in the governing EU Regulation. This deadline was widely advertised by my Department in the local and national media.

The applicant was notified in a letter, dated 27 November 2007, that he was not eligible for payment in respect of the 2007 Scheme, as his application was received after the statutory deadline. The applicant was also informed that he was entitled to submit observations or to appeal the decision within twenty-one days. However, no additional correspondence was received from the applicant on this matter.

Farm Retirement Scheme.

537. Deputy Finian McGrath asked the Minister for Agriculture, Fisheries and Food the position regarding the payment of the early retirement scheme in the case of a person (details supplied) in County Clare. [27195/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Early Retirement Scheme was suspended for new applications on 14 October, 2008. No application for the Scheme of Early Retirement from Farming was received from the person named.

I am, however, conscious that some potential applicants were at an advanced stage of preparing an application when entry to the scheme was suspended and had made, or were making arrangements to meet the requirements of the Scheme. I am examining options for addressing these cases against a background of competing demands for limited resources, with a view to making an early decision on the matter.

Grant Payments.

538. 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 three. [27196/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment issued to the person named on 25 June 2009.

539. Deputy John O’Mahony asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be receive a payment under the farm waste management scheme; and if he will make a statement on the matter. [27207/09]
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.

540. Deputy John McGuinness asked the Minister for Agriculture, Fisheries and Food if all matters relative to the single farm payment of a person (details supplied) in County Westmeath have been resolved; if payment has been made; and if he will make a statement on the matter. [27229/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Single Payment entitlements for the person named were subject to a re-calculation due to consolidation of the entitlements. This process is now complete and, therefore, payment in respect of the 2008 Single Payment Scheme will issue to the applicant shortly.

541. Deputy John McGuinness asked the Minister for Agriculture, Fisheries and Food if the milk quota appeals tribunal will make a decision in the case of a person (details supplied) in County Kilkenny; and the timeframe involved in the process. [27260/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named has submitted an application for an allocation of milk quota under the Hardship Category of the Milk Quota Appeals Tribunal for the 2009/2010 quota year. The closing date for receipt of applications for this Scheme was 25th June last.

Officials of my Department are currently processing the applications. The Tribunal will shortly commence consideration of these applications in strict order of receipt. When a recommendation has been made in this case a letter will issue to the person named and his Co-Operative advising of the result.

Departmental Correspondence.

542. Deputy Terence Flanagan asked the Minister for Agriculture, Fisheries and Food if he will respond to correspondence from a person (details supplied); and if he will make a statement on the matter. [27320/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I will respond in writing shortly to the person concerned on the issue raised.

Grant Payments.

543. Deputy Tom Sheahan asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has not been awarded payment. [27336/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named has received his full payments under the EU Restructuring and Diversification Funds. However, payments are also due on a sugar beet contract in the name of the applicant’s late mother.
My Department is currently resolving the outstanding matters in relation to the application for payment in respect of this contract and the appropriate payments will issue to the person named shortly.

544. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when REP scheme three payments will be made to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [27351/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The farm belonging to the person named was the subject of a REPS inspection on 4 November 2008. Arising from this inspection, my officials asked for an amended plan on 10 November 2008. This amended plan was received on 16 June 2009. The person named was then notified that penalties were being imposed as a result of the inspection. He appealed these penalties on 20 June 2009. No payment can issue until the amended plan has been examined and the appeal process is completed.

545. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Longford has not received their slatted shed grant or his REPS four payment; and if he will make a statement on the matter. [27415/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The first instalment of the 2008 REPS 4 payment issued to the person named on 19 May 2009.

The person named is also an applicant for grant-aid under the Farm Waste Management Scheme and payment of the first instalment of 40% was made on 2 June 2009. Payment of grants under the Farm Waste Management Scheme will come on a phased basis with 40% being paid this year as claims are approved. A further 40% will be paid in early January 2010 and the remaining 20% in January 2011. I have also announced that a special ex-gratia payment not exceeding 3.5% of the value of the deferred amount will be made to applicants whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

**Foreshore Licences.**

546. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food the reason the information sought in Parliamentary Question No. 200 of 25 June 2008 has not been furnished; and if he will provide same. [27474/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Unfortunately the necessary examination of my Department’s files has not been completed, due in a large part to the transfer of certain foreshore functions and files to another location within my Department.

The matter is currently receiving the maximum priority and the information will be forwarded to the Deputy within ten working days.

**Departmental Property.**

547. **Deputy Michael D’Arcy** asked the Minister for Agriculture, Fisheries and Food the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27585/09]
Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): All leases for this Department are arranged by the Office of Public Works.

EU Funding.

548. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his views, in view of the delays surrounding the introduction of the operational programme for fisheries, on whether there will be a need to extend the N+2 rule which currently applies to EU funding; if he has received assurances from Brussels in this regard; and if he will make a statement on the matter. [27705/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Seafood Development Measure contained in the National Development Plan 2007-2013 is divided between the EU Co-funded Operational Programme and the National Seafood Development Operational Programme. The EU Co-funded OP has already commenced and has funded the 2008 decommissioning scheme which has allowed 46 boats to be decommissioned with grant aids totalling €36.6 million already paid and this scheme is now closed.

The N+2 rule relates to the decommitment of EU funds if a member state does not submit a claim for the annual allocation of EU funds within two years of this allocation. The first allocation given to Ireland was in 2008 as the Seafood Development Operational Programme was not adopted by the Commission until September 2008. Therefore, under the N+2 rule Ireland will have a cut-off date of December 31 2010 to submit a claim to the EU commission. Officials in my Department are now in the process of preparing a claim to the EU Commission which is well in advance of the N+2 rule requirement.

The National Seafood Development Operational Programme 2007-2013 which is fully funded by the Exchequer will not be affected by the N+2 rule as no EU funds are committed to this Operational Programme.

Departmental Expenditure.

549. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27733/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The information requested by the Deputy is set out in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009 to 30 June</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegates Allowance</td>
<td>€232,713</td>
<td>€247,188</td>
<td>€250,699</td>
<td>€148,964</td>
<td>€879,564</td>
</tr>
</tbody>
</table>

Pet Passport System.

550. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the position regarding travel arrangements for an animal (details supplied). [27749/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland has been free of rabies for over a hundred years. The arrangements that are in place with regard to the import of non-commercial pets are designed to maintain our rabies-free status. Because of our status, more stringent arrangements apply that in some other European countries. Prior to
2004, all pets being imported from outside the UK, which shared our disease free status, had to be placed in quarantine before being released to their owners.

Since 2004 the EU Pet Passport system has applied. It is a harmonised system covering the movement of pet dogs and cats throughout the EU. However the Member States historically free of rabies, which includes Ireland, the UK, Sweden, Finland and Malta, negotiated additional safeguards. Under this system, pet cats and dogs are allowed to enter / re enter into Ireland provided that:

- The animal is travelling from an eligible country.
- The animal is identified by means of a microchip.
- The animal has been vaccinated against rabies.

In addition, the following conditions are specific for entry / re entry in to Ireland and the UK. The animal has, at least 6 months before entry / re-entry been successfully blood-tested for rabies anti-bodies. The animal has been correctly treated for against tick and tapeworm. The evidence that an animal complies with the last four conditions above will be contained in the Pet Passport, a document standardised throughout the EU.

Given our absolute determination to remain rabies free and the grave implications of any error occurring in the system, all dogs and cats must be checked on arrival to establish their entitlement to enter / re-enter the country. To this end the requirement that pets travel as manifest cargo serves to minimise the risk of ineligible pets entering Ireland. The Deputy will appreciate the ever-present risk of smuggling involving small animals in personal cabin baggage.

On arrival, all animals are transported directly for examination to the secure quarantine facility at Lissenhall, Swords which is in close proximity to the airport. This examination consists of establishing the pet’s identity by scanning of its microchip and a check of details in the Pet Passport to ensure all conditions for entry are met. All the necessary veterinary facilities and support are available there to cater for any of the eventualities that might arise.

Grant Payments.

551. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if he will take steps to have all of the suckler cow welfare scheme payment awarded to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [27763/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has 42 animals for consideration under the 2008 Suckler Welfare Scheme. Payments have issued in respect of 18 animals. A further 12 animals have been validated for payment. Five animals are in eligible arising from the non-confirmation of the disbudding date, with one of these animals also under query as the dam of the calf was sold and the remaining animal events data was not supplied. Letters regarding the errors issued to the applicant in November 2008 and July 2009. The remaining 7 calves, which were born in the autumn of 2008, have not yet been weaned. An officer from my Department has contacted the person named about the outstanding issues.

Veterinary Services.

552. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that there is not a veterinary service available to deal with livestock welfare emergencies in an area (details supplied) in County Donegal; the steps he
will take to provide cover for farmers in this area; and if he will make a statement on the matter.  [27786/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Deputy will be aware, given that veterinary practices are primarily commercial entities, their locations are driven by commercial realities and as such I do not have a direct involvement in the issue referred to by the Deputy.

However, insofar as official regulation impacts on this area of activity, I can point to a number of measures contained in Animal Remedies regulations which should help to alleviate difficulties which may arise in certain parts of the country as a result of an inadequate veterinary service. Under the Veterinary Practice Act 2005, there is a provision which for the first time enables the Veterinary Council to recognise qualifications from applicants in Third Countries generally. This, taken with the enlargement of the EU, will make for improved availability of practitioners to meet shortfalls that may arise on the supply side, particularly in areas such as that referred to by the Deputy.

Furthermore, in regard to treatments, in recent years my Department has, within the limited room for manoeuvre afforded by EU legislation, adapted national medicines legislation to address practical problems, including the ready availability of veterinary practitioners. For example, we have progressively, since 2005, afforded greater flexibility to farmers and their vets to make practical and mutually convenient arrangements for veterinary cover for their animals. This has been achieved by giving the vet much greater scope than heretofore to decide, on the basis of his/her professional judgement, the situations where animals must be physically examined prior to prescribing. The current legal requirement is that the vet must, as a minimum, have visited the farm concerned once within the previous twelve months before prescribing ‘prescription only’ medicines for animals on that farm. In addition, whereas previously vets could only prescribe for one month, they are now allowed, in appropriate circumstances, to prescribe for up to one year. This latter facility enables farmers and their vets to work out prospective treatment requirements for the season and for the farmer to get a prescription which can be dispensed as and when the need arises.

I recognise, of course, that emergency situations also arise where an unforeseen serious problem with an animal can give rise to welfare issues. Existing legislation provides that, in an emergency situation, a person, other than a vet, may treat an animal and a pharmacist may supply ‘prescription only’ medicines (including antibiotics) on the basis of a verbal communication from the vet concerned; in such situations, the vet is required to supply a written prescription with 72 hours. Also in circumstances of emergency animal welfare issues arising on farms, Veterinary Inspectors from my Department’s District Veterinary Offices have powers to deal with such emergencies including the provision of emergency care and feeding of welfare-compromised farm animals.

In summary, my Department has made vigorous efforts over the years to address practical problems which may arise from the unavailability of a veterinary service in particular areas and the changes made to animal remedies regulations should go a long way to ameliorate these problems.

**Grant Payments.**

553. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a farm waste management grant will be awarded to a person (details supplied) in County Kerry; and if he will make a statement on the matter.  [27828/09]
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.

Departmental Contracts.

554. Deputy Terence Flanagan asked the Minister for Agriculture, Fisheries and Food the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27833/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): No printing contracts on behalf of my Department have been awarded to companies based outside this Country.

Higher Education Grants.

555. Deputy David Stanton asked the Minister for Education and Science his policy regarding students studying at third level under graduate through distance learning; the maintenance grants schemes for same; and if he will make a statement on the matter. [27085/09]

Minister for Education and Science (Deputy Batt O'Keeffe): Higher education institutions are conscious of the need to develop more flexible modes of learning and my Department is working with the Higher Education Authority (HEA) to support the expansion of opportunities in this area. Developmental funding has already been allocated under the Strategic Innovation Fund (SIF). One key activity funded by the SIF is the Supported Flexible Learning project. The aim of this project is to establish mainstream flexible learning at the Institutes of Technology, to meet learner and workforce development needs. The Institutes of Technology and the Dublin Institute of Technology are collaborating in this project. Successful implementation will result in mainstreaming supported flexible learning within and across the Institutes.

Undergraduate courses by distance learning are not regarded as full-time study, accordingly, students following such courses are ineligible for grant assistance under the Third Level Student Support Schemes.

Tax relief is available for tuition fees paid by students who are attending certain third level colleges. Such students, or their parents, as appropriate, can avail of tax relief, at the standard rate, on tuition fees paid in respect of part-time undergraduate courses of at least two years duration in such colleges, provided that both the college and the course satisfy the prescribed Codes of Standards and are approved by the Minister for Education and Science. Further details and conditions in relation to tax relief are available from each individual’s local tax office.

Schools Building Projects.

556. Deputy Ruairí Quinn asked the Minister for Education and Science the reason he requires companies who tender for the rapid construction design and build schools and framework 2009-11 contract to have a minimum turnover of €13 million; his views on whether this
precludes many small Irish companies from tendering for this contract; and if he will make a statement on the matter. [27098/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department, as a sanctioning agency has an obligation to ensure that, as part of suitability assessment for placing on tender lists for projects, Contractors have adequate economic and financial capacity. One of the key criteria for assessing financial and economic capacity is the average annual turnover of the contracting company over the previous three years. The purpose of this is to ensure that the firm has adequate capacity and will not be overstretched if it is successful in winning the tender competition.

The turnover requirement for school building projects is normally approximately 2 times the estimated contract value over the three previous financial years. In the case of the rapid construction programme, the turnover required for Building Construction is €10m, and €13m for overall business operations.

The rapid programme is divided into lots. In practical terms what this requirement means is that any firm applying would be capable of taking on two projects (or lots) of similar size at the same time. The contract periods on these projects are set at a reasonable level in compliance with health and safety requirements; however, there is also a strict requirement to meet the completion date in order to comply with school term times. This imposes a requirement on the Design & Build operator to carefully programme the project to ensure timely delivery including off-site construction. Where a Contractor does not have adequate economic and financial capacity and is consequently overstretched, he/she may not be able to meet these targets.

I should mention that in addition to major projects I approve hundreds of smaller building projects each year under the Summer Works Scheme and other Devolved Programmes, most of which may be tendered for by smaller builders. In this regard over 1,600 such projects have been approved in 2009.

**Higher Education Grants.**

557. **Deputy Michael Creed** asked the Minister for Education and Science the grant aid or funding which is available for a student who wishes to pursue postgraduate studies in the University of Limerick; and if he will make a statement on the matter. [27106/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the relevant local authority or Vocational Education Committee.

Students should seek information or clarification directly from the relevant assessing authority. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

**Departmental Expenditure.**

558. **Deputy Ruairí Quinn** asked the Minister for Education and Science the amount of mobile telephone bills paid in relation to the departmental mobile telephone assigned to him by his Department in each of the years 2007, 2008 and to date in 2009; the percentage or amount of same for each year which applies to data charges; the percentage or amount of same for each year which applies to roaming charges; and if he will make a statement on the matter. [27116/09]
Minister for Education and Science (Deputy Batt O’Keeffe): I was appointed Minister for Education and Science on 7 May 2008 and I will provide the information requested from that date. The amount of mobile telephone bills paid in relation to the Departmental mobile telephone assigned to me in 2008 to 31st May 2009 (the latest date for which figures are available) is set out in the following table. I can confirm that the telephone costs refer to business calls and that I have an arrangement in place to pay for personal calls, if any, which are made by me.

Summary of Phone Bill from May 2008 (Start in Education) to May 2009 (Latest available Bill)

<table>
<thead>
<tr>
<th>Year</th>
<th>Mobile Bill Amount</th>
<th>Amount for Messages and Data in Ireland</th>
<th>Amount for Roaming Messages and Data</th>
<th>Amount for Roaming Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>€3,073.60</td>
<td>€60.79</td>
<td>€86.39</td>
<td>€1,706.61</td>
</tr>
<tr>
<td>2009</td>
<td>€4,907.23</td>
<td>€79.85</td>
<td>€48.41</td>
<td>€651.82</td>
</tr>
</tbody>
</table>

School Staffing.

559. Deputy Pat Breen asked the Minister for Education and Science if a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [27151/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating additional resource teachers and Special Needs Assistants (SNAs) to primary and post primary schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support.

SNAs are sanctioned by SENOs to schools specifically to assist in the care of pupils and students with disabilities in an educational context. Where a pupil in receipt of SNA support transfers from one school to another, the care needs of the pupil concerned will be examined in the context of the overall allocation already in the school. This may mean that the SNA support required can be met from within the school’s existing allocation and no additional SNA support is necessary.

The recruitment of any additional SNA support and the deployment of SNAs within schools are matters for the individual Principal/Board of Management. The Board is the SNA’s employer and the terms of employment are subject to the conditions of the contract of employment.

Schools Recognition.

560. Deputy Ruairí Quinn asked the Minister for Education and Science his plans to withdraw recognition of a school (details supplied) in Dublin 7 under section 11 of the Education Act 1998; and if he will make a statement on the matter. [27154/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Patron of this school has indicated to the Department that he wishes the school to continue while fully acknowledging that the difficulties at the school have to be resolved.

I believe these matters must be dealt with in a fair and balanced manner. The Patron and Board of this school are entitled to support in their endeavours to bring about the required
improvement and like any other school with an adverse WSE report they must be granted reasonable time to do so.

My Department’s focus is to support the school in bringing about the desired improvements.

School Patronage.

561. **Deputy Ruairí Quinn** asked the Minister for Education and Science the procedures available to him to replace the patron of a school and to end the involvement of a patron who has mismanaged the running of a school; the number of times that this has happened since the Education Act 1998 came into force; and if he will make a statement on the matter. [27155/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Education Act, 1998 does not contain any provision whereby the Minister can replace the patron of a school.

Section 11 of the Education Act 1998 provides for withdrawal of recognition of a school where the Minister is satisfied that the requirements for recognition of a school are not being met by a school or that the functions of a school are not being effectively discharged.

In accordance with the Education Act 1998, the governance structure of our schools is such that, the day to day management of schools is a matter for the Board of Management as distinct from the patron. The Education Act provides for the dissolution of a Board by the patron where either the patron or the Minister is satisfied that the functions of the Board are not being effectively discharged.

562. **Deputy Ruairí Quinn** asked the Minister for Education and Science if his attention has been drawn to the allegations made against a former patron of schools (details supplied) in County Kilkenny regarding complaints that should have been notified to the National Board for Safeguarding Children; if his further attention has been drawn to a newspaper article on this case; and if he will make a statement on the matter. [27159/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am aware of the newspaper article referred to by the Deputy and I note that the newspaper has asserted that to protect the children’s anonymity the school in question is not mentioned in the article.

Since late 2006, my Department received a number of allegations against some teachers employed at a school in Kilkenny. My Department is aware from this correspondence that the nature of these allegations was brought to the attention of the former school Patron, by solicitors acting for the parents of the children at this school.

Under the statutory guidelines and procedures the Board of Management of the School as employer of the teachers investigated these allegations as did the HSE and the DPP.

Departmental Expenditure.

563. **Deputy Enda Kenny** asked the Minister for Education and Science the accumulated cost of court cases taken by his Department in the past five years; the cost of each individual case; the nature of each case; and if he will make a statement on the matter. [27177/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Department of Education & Science has been an applicant or plaintiff in four cases during the period in question. In two of these cases the Department was a co-applicant with other Government Departments and other public bodies whilst in the two remaining cases the Department was the sole Applicant or Plaintiff. Legal costs incurred by the State, in prosecuting those cases which are brought to court, are not met directly by my Department. In accordance with financial procedures in cases taken by the State, legal costs are generally charged to the Chief State Solicitor’s Office.
Vote as sanctioned by the Attorney General. The Department does not take lightly any decision to take a case against another party. However, there are a range of potential circumstances within which this may be necessary, e.g. for overpayments or misappropriation of monies, or to require compliance with a particular set of statutory or contractual obligations or arrangements. Given the small number of cases involved, an elaboration on the range of circumstances that gave rise to the litigation could lead to the identification of the individual Defendants or Respondents, which would be inappropriate given that some of these cases are still before the Courts.

School Enrolments.

564. **Deputy Niall Collins** asked the Minister for Education and Science if he will assist a person (details supplied) in County Limerick in obtaining a place in a school; and if he will make a statement on the matter. [27199/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The question of enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department. In the case of the latter, only where an appeal under Section 29 is upheld can the Secretary General of my Department direct a school to enrol a pupil.

The Deputy may be aware that a Common Application System (CAS) was agreed between the principals of the post-primary schools in Limerick City. This system has been facilitated through the Limerick Education Centre (LEC) with support from my Department. This administrative system ensures that a coordinated approach can be taken to enrolments in the area.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Schools Building Projects.

565. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 447 of 1 July 2008, the status of an application for a school (details supplied) in County Clare; and if he will make a statement on the matter. [27210/09]
Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department has received an application for major capital funding for the provision of an extension for the school referred to by the Deputy. The application has been assessed and has been assigned a band 2.1 rating under the prioritisation criteria for large scale projects.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Official Engagements.

566. Deputy Enda Kenny asked the Minister for Education and Science if he attended a sod turning ceremony at a college (details supplied) in County Mayo with the purpose of announcing the commencement of the building of a new sports hall; if he will confirm that, at that time, no tender had been awarded and no contract had been signed for the building in question; if he will further confirm that this is now the case; and if he will make a statement on the matter. [27216/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I attended a number of functions in County Mayo on 22nd April including the launch of Mayo Vocational Education Committee Active Living and Learning Initiative. While visiting with the VEC there in Castlebar I did indeed turn a sod at the site of the proposed Joe Langan Sports Hall at Davitt College. The project was out to tender at the time. My Department recently authorised County Mayo VEC to commence the process to award the contract to the preferred bidder.

Departmental Schemes.

567. Deputy David Stanton asked the Minister for Education and Science if teachers will be eligible to participate in the cycle to work scheme which was recently announced by the Government; if so, the procedures involved in applying for the scheme; and if he will make a statement on the matter. [27227/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is making arrangements to introduce the cycle to work scheme for teachers during the 2009/2010 school year. It is proposed to discuss the terms of the scheme including the procedures involved in applying with union and management representatives in the near future.

School Staffing.

568. Deputy Joe Costello asked the Minister for Education and Science the reason a school (details supplied) in County Dublin will lose two teachers in the 2009-10 school year; if his attention has been drawn to the fact that one class in the school will have 38 pupils; and if he will make a statement on the matter. [27232/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I have consistently said that the 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect Education, while protected to a much greater extent than most other areas of public expenditure, could not be totally spared. The various impacts at school level were included in the Budget day announcements and in view of the ominous financial circumstances that we are facing I am not in a position to reverse any of the decisions taken.
I am committed to providing information in relation to the allocation of teachers to schools and as a new feature on my Department’s website. The process has begun with the provision earlier this year of initial information on the allocation of mainstream classroom teachers to primary schools under the revised schedule for 2009/10. In terms of the position at individual primary school level the key factor for determining the level of resources provided by my Department is the pupil enrolment at 30 September 2008. The annual process of seeking this enrolment data from schools took place in the autumn and the data has since been received and processed in my Department enabling the commencement of the processes by which teaching resources are allocated to schools for the school year that begins next September.

My Department has written to the primary schools that are projected to have a net loss or gain in classroom teaching posts in September, 2009. As part of my efforts to ensure that relevant information is openly available to the public detailed information on the opening position for primary schools is published on my Department’s website. This provisional list sets out the details on individual schools that, taken collectively, are projected to gain 128 posts and to lose 382 posts — a net reduction of 254 posts. It is my intention to have this information updated and ultimately to set out the final position when the allocation processes are completed.

School Transport.

569. Deputy Michael Noonan asked the Minister for Education and Science if school bus transport will be provided to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [27238/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of my Department’s School Transport scheme, a pupil with special needs is eligible for school transport if s/he is attending the nearest recognised: mainstream school, special class / special school or a unit, that is or can be resourced, to meet the child’s special educational needs under Department of Education and Science criteria.

Only children who meet the full Department of Education and Science criteria for placement in a special class will be considered for special school transport. Transport Application Forms are completed by the Parent/Guardian, the Principal and the Special Education Needs Organiser (SENO) and forwarded to the School Transport Section of my Department for consideration. In this case, the SENO has reported that the pupil referred to by the Deputy, in the details supplied, does not meet the Department’s criteria and therefore is not eligible for school transport under the terms of the scheme.

School Staffing.

570. Deputy Ruairí Quinn asked the Minister for Education and Science if he will provide a copy of the staffing schedule governing the appointment and retention of mainstream class teachers in all types of secondary schools for the 2009/2010 school year; and if he will make a statement on the matter. [27245/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can now update the Deputy in relation to the publication of teacher allocations to second level schools. My Department is currently finalising the data for publication and I expect that this data will be placed on my Department’s website in the coming period. I am conscious that the Deputy has raised this matter previously and I will arrange to have the Deputy notified when the data is available on the website. I will also provide the Deputy with a hard copy of same when it becomes available.
These allocations when published will be provisional at this stage and will reflect the initial allocation position. The final position for any one school will depend on a number of other factors such as the allocation of support teachers, additional posts for schools that are developing rapidly and posts allocated as a result of the appeals processes.

The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and any appeals to the Staffing Appeals Boards will have been considered. The appellate process is particularly relevant at post-primary level where any specific curricular needs of the school concerned are considered. Also at post-primary there is no effective system wide redeployment scheme at present and this can mean that schools retain teachers, though over quota. The data on my Department’s website will be further updated later in the year when final allocations are determined.

**Schools Building Projects.**

571. **Deputy James Reilly** asked the Minister for Education and Science when building will commence on a school (details supplied) in County Dublin, in view of the fact that this school was granted planning permission in May 2009; if funding is in place for the new school; when it will go to tender; the target date for commencement for the building of a permanent school; and if he will make a statement on the matter. [27272/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, this project was included in my announcement in February 2009, of projects which would proceed to tender and construction during 2009.

The project is at an advanced stage of architectural planning. My Department is currently awaiting the Stage 2b submission. The Local Authority has recently made the Final Grant of planning permission for this project.

As there is still documentation awaited from the design team, it is not possible to inform the Deputy of exact dates when this project will go to tender and construction.

**Special Educational Needs.**

572. **Deputy Joanna Tuffy** asked the Minister for Education and Science the reason special needs assistant care was refused to a person (details supplied) in County Dublin; if he will ensure this service will be provided to the person; and if he will make a statement on the matter. [27283/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to 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.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

**School Enrolments.**

573. **Deputy Ciarán Cuffe** asked the Minister for Education and Science the obligation of
[Deputy Ciarán Cuffe.]

secondary schools to enrol a student (details supplied); and if he will make a statement on the matter. [27287/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The question of enrolment in individual schools is the responsibility of the managerial authority of those schools and the Department does not seek to intervene in decisions made by schools in such matters. The Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department. In the case of the latter, only where an appeal under Section 29 is upheld can the Secretary General of my Department direct a school to enrol a pupil.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Research Funding.

574. Deputy Joan Burton asked the Minister for Education and Science if his attention has been drawn to the difficulties facing professional researchers both in terms of securing permanent employment and choosing a career path; his views on whether meeting these challenges is particularly important in order to enhance Ireland’s position as an attractive research location for Irish and international researchers and that meeting these challenges is an urgent matter in view of the rapid increase in PhD graduates here; the steps he has taken to implement the Forfás report Towards a Framework for Researcher Careers since its publication in October 2008; the number of times the Researcher Careers Working Group has met since the publication of the report; the progress it has made; and if he will make a statement on the matter. [27300/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Strategy for Science Technology and Innovation (SSTI) is an integrated whole of Government approach that Ireland will be internationally renowned for the excellence of its research and at the forefront in generating and using new knowledge for economic and social progress, within an innovation driven culture.
The Higher Education Research Group (HERG) was established under the SSTI to co-ordinate higher education research policy at a national level. The HERG is chaired by my Department. One of the working groups established by the HERG is on researcher careers, to focus specifically on the development of a career path for researchers in the higher education sector. The Group includes representatives from higher education institutions, research funding agencies and government departments.

The Advisory Science Council October 2008 report on researcher careers recommends a framework for developing professional careers in the Higher Education Institutions which seeks to ensure that researchers have an appropriate academic career structure; and are taught the skills needed to work in enterprise. The recommendations of the ASC report have been a key input to the considerations of the HERG working group.

There have been three meetings of the Researcher Careers Working Group since the beginning of October 2008. In addition there have also been bi-lateral meetings between my Department and a number of key stakeholders. The Group has recently concluded its work and a briefing on the report has been given to the HERG. It is proposed to formally submit the Researchers Careers Working Group report to the next scheduled meeting of the HERG in September.

**Home Tuition Scheme.**

575. **Deputy Terence Flanagan** asked the Minister for Education and Science the reason a home tuition grant was refused for a child (details supplied) in Dublin 20; and if he will reconsider the matter. [27316/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Home tuition was not sanctioned for the child in question as the application did not meet the criteria under the terms of the home tuition scheme. Additional information submitted in support of the application is under consideration by officials in my Department. A decision will be conveyed to the parent as soon as this process is completed.

**School Transport.**

576. **Deputy Michael Ring** asked the Minister for Education and Science if a person (details supplied) in County Mayo can avail of the school transport fee waiver. [27369/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Under the terms of the Post Primary School Transport Scheme pupils are eligible for transport if they reside 4.8 kilometres or more from and are attending their appropriate post primary centre.

My Department has requested the Transport Liaison Officer for County Mayo to provide a report on the pupil referred to by the Deputy in the details supplied.

The Deputy should be aware that only eligible pupils from families with medical cards are exempt from school transport charges.

**Special Educational Needs.**

577. **Deputy Jimmy Deenihan** asked the Minister for Education and Science if a school (details supplied) in County Kerry will retain the resource teachers for the 2009/2010 school term; and if he will make a statement on the matter. [27372/09]
Minister for Education and Science (Deputy Batt O’Keeffe): Based on information supplied to my Department by the local Special Education Needs Organiser (SENO), I understand that the school referred to by the Deputy will have one additional resource teacher for the 2009/2010 school year.

School Transport.

578. **Deputy Noel J. Coonan** asked the Minister for Education and Science if transport will be provided for children attending a school (details supplied) in County Tipperary; if not, the reason for same; if his attention has been drawn to the serious need for this service; and if he will make a statement on the matter. [27399/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of the Primary School Transport Scheme pupils are eligible for free school transport if they reside 3.2 kilometres or more from and are attending their nearest school or school of amalgamation.

Bus Éireann, which operates the school transport scheme on behalf of my Department, have advised that a school transport service, catering for eligible pupils, is operating to the school referred to by the Deputy in the details supplied.

Pupils wishing to avail of concessionary fare paying transport, subject to the terms of the scheme, should liaise with their local Bus Éireann office regarding the availability of spare seats.

School Staffing.

579. **Deputy Charlie O’Connor** asked the Minister for Education and Science if he will confirm that a full complement of language teachers will be made available in September 2009 to a school (details supplied) in Dublin 24. [27408/09]

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.

I understand that the school referred to by the Deputy submitted an appeal to the Primary Staffing Appeal Board and that the appeal was upheld. The Board of Management of the school has been notified in this regard.
Schools Building Projects.

580. **Deputy Charlie O’Connor** asked the Minister for Education and Science the progress made in finalising a new site for a school (details supplied) in Dublin 24; and if he will make a statement on the matter. [27409/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware, the proposed project for the school to which he refers involves the acquisition of a site.

The progression of the project from site acquisition and initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme.

In light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

Residential Institutions Redress Board.

581. **Deputy Michael McGrath** asked the Minister for Education and Science if he will consider re-opening the application process to the Residential Institutions Redress Board in view of the level of awareness generated by the recent publication of the Ryan report. [27418/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy may be aware, Section 8 (2) of the Act provides that the Board may, at its discretion and where it considers there are exceptional circumstances, extend the period referred to in subsection (1).

However the issue of a further extension of time for applications to the Redress Board is amongst a range of issues raised by groups representing survivors of abuse. The issues raised will receive full consideration.

Schools Building Projects.

582. **Deputy Pat Breen** asked the Minister for Education and Science if, further to Parliamentary Question No. 168 of 4 March 2009, he will report on the status of a school building project (details supplied) in County Clare. [27419/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The development of a building project for the school to which the Deputy refers is at an early stage. A technical inspection will be arranged in due course and consistent with the priority attaching to the project.

Thereafter, the further progression of the project, from initial design stage through to construction phase will, as with all large scale capital projects, 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 Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

I am pleased to be able to confirm to the Deputy that the school recently received approval for grant aid for the provision of an additional classroom.

Special Educational Needs.

583. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support the case of a person (details supplied). [27456/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local
Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to 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.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

School Staffing.

584. **Deputy Finian McGrath** asked the Minister for Education and Science if she will support a matter (details supplied). [27457/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Teacher allocations to all second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each school management authority is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities.

I have always accepted and acknowledged that the decision in the Budget last October to increase the pupil teacher ratio across all second-level schools will have an impact on class sizes and subject choices in our post-primary schools from the commencement of the 2009/10 school year.

Schools will make choices as a consequence of the changes made in the Budget. Some will decide to increase class size particularly in the subjects taken by most students. Some may decide to eliminate some subjects from the choice of subjects that they offer. Some will combine increasing the numbers in some classes with eliminating subjects. In making such decisions individual schools may also decide to prioritise some subjects or programmes over others. Some schools may give a priority to Junior cycle or particular subjects at Junior cycle and others may prioritise Senior Cycle and particular Leaving Certificate subjects.

At the level of individual schools the changes in relation to the allocation of teaching posts will impact in different ways depending on whether enrolment is rising or declining and the degree to which any one school has more teachers than it is entitled to under the allocation processes. Across the school system generally there will inevitably be an impact on class sizes and my Department will through the normal process of examining applications for curricular concessions endeavour to ensure continuity of provision for those already preparing for the certificate examinations. The changes at second level are more likely to impact on the range of subjects that schools will be able to offer those starting the Junior or Leaving Certificate programmes next September.

I undertook to publish information in relation to the allocation of teachers to schools and this was done earlier this year in relation to primary schools. The Deputy may be interested to know that information on the current position regarding teacher allocations to second level schools, whether enrolment related or otherwise, will be published on my Department’s website in the coming period. My intention is that, just as is the case with the information provided in relation to primary schools, this information will identify the changed position for second level schools and VECs arising from the October budget decisions. The information will represent
the position at this stage and is not the final position. At this point allocations for such as special needs, language support and curricular needs are still in process. The information will be further updated later in the year when final allocations are determined and the final position regarding supernumerary posts remaining in school emerges.

**Schools Building Projects.**

585. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 514 of 23 June 2009, the name, address and roll number of each school at each stage of the school building programme in separate tables for primary and post-primary projects in respect of the school years ending June 2008 and June 2009; and if he will make a statement on the matter. [27461/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The information requested by the Deputy in relation to the school building programme is being assembled in my Department and I will arrange to have it forwarded to the Deputy as soon as possible.

**Departmental Staff.**

586. **Deputy Brian Hayes** asked the Minister for Education and Science the numerical strength of the schools inspectorate at each rank from inspector to chief inspector at primary level in each of the past five years. [27484/09]

587. **Deputy Brian Hayes** asked the Minister for Education and Science the numerical strength of the schools inspectorate at each rank from inspector to chief inspector at second level in each of the past five years. [27485/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 586 and 587 together.

The information sought by the Deputy is contained in the attached tabular statement. I would like to point out to the Deputy that the Inspectorate operates under a unified management structure rather than individual management structures for both Primary and Post-Primary Inspectors.

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<th>31/12/05</th>
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<th>31/12/07</th>
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**School Staffing.**

588. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who retired compulsorily each year during the years 2000 to 2009 inclusive. [27486/09]
589. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers over the age of 60 who retired voluntarily each year during the years 2000 to 2009, inclusive. [27487/09]

590. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers between the age of 55 and 60 who retired voluntarily each year during the years 2000 to 2009, inclusive. [27488/09]

591. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who retired on a disability pension each year during the years 2000 to 2009, inclusive. [27489/09]

592. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who retired with preserved pension benefits each year during the years 2000 to 2009, inclusive. [27490/09]

593. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who took early retirement under strand one of the early retirement scheme each year during the years 2000 to 2008, inclusive. [27491/09]

594. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who took early retirement under strand two of the early retirement scheme each year during the years 2000 to 2008, inclusive. [27492/09]

595. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who took early retirement under strand three of the early retirement scheme each year during the years 2000 to 2008, inclusive. [27493/09]

596. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary teachers who took cost neutral early retirement each year during the years 2005 to 2009, inclusive. [27494/09]

597. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who retired compulsorily each year during the years 2000 to 2009, inclusive. [27495/09]

598. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers over the age of 60 who retired voluntarily each year during the years 2000 to 2009, inclusive. [27496/09]

599. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers between the age of 55 and 60 who retired voluntarily each year during the years 2000 to 2009, inclusive. [27497/09]

600. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who retired on a disability pension each year during the years 2000 to 2009, inclusive. [27498/09]

601. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who retired with preserved pension benefits each year during the years 2000 to 2009, inclusive. [27499/09]
602. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who took early retirement under strand one of the early retirement scheme each year during the years 2000 to 2008, inclusive. [27500/09]

603. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who took early retirement under strand two of the early retirement scheme each year during the years 2000 to 2008, inclusive. [27501/09]

604. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who took early retirement under strand three of the early retirement scheme each year during the years 2000 to 2008, inclusive. [27502/09]

605. **Deputy Brian Hayes** asked the Minister for Education and Science the number of second level teachers who took cost neutral early retirement each year during the years 2005 to 2009, inclusive. [27503/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 588 to 605, inclusive, together.

The information sought by the Deputy is set out in the Tabular Statement. The figures for post-primary teachers do not include VEC teachers where the retirements and pension benefit awards are made by the relevant VEC. The bulk of teachers retirements occur at the end of August each year. The figures for 2009 contained in the Tabular Statement relate to retirements up to 30 June 2009 only and are therefore not reflective of the likely out-turn for the year as a whole.

### Table 1: National School Teachers' Pension Awards 2000-2008 and for 2009 up to 30/6/2009

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<th>Retirement Category</th>
<th>2000</th>
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<th>2002</th>
<th>2003</th>
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<td>2</td>
<td>3</td>
<td>8</td>
<td>11</td>
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</tr>
<tr>
<td>Preserved**</td>
<td>31</td>
<td>27</td>
<td>23</td>
<td>31</td>
<td>35</td>
<td>31</td>
<td>34</td>
<td>25</td>
<td>65</td>
<td>24</td>
</tr>
<tr>
<td>Total</td>
<td>538</td>
<td>416</td>
<td>528</td>
<td>397</td>
<td>766</td>
<td>646</td>
<td>637</td>
<td>649</td>
<td>694</td>
<td>98</td>
</tr>
</tbody>
</table>

**Notes**
1. The statistical information is recorded on a calendar year basis.
2. Preserved Pensions are awarded to teachers at age 60, who left teaching before reaching pension age. Example, a teacher who resigns at age 48 with 25 years pensionable service is not immediately eligible for pension but can apply for a pension on reaching age 60. In the case of "new entrants" as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004 preserved pensions are awarded at age 65.
3. The figures for 2009 relate to retirement awards made to 30 June 2009 whereas the bulk of retirements occur annually at the end of August.
4. 2005 was the first year in which retirements under Cost Neutral Early Retirement took place.
5. The Early Retirement (3-Strands) Scheme does not apply in 2009 following its suspension announced in October 2008.
Table 2: Secondary, Community & Comprehensive Teachers Pension Awards 2000-2008 and for 2009 up to 30 June

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<tr>
<td>Compulsory</td>
<td>54</td>
<td>68</td>
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<td>64</td>
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<td>83</td>
<td>66</td>
<td>63</td>
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<tr>
<td>Voluntary Age 60 &amp; Over</td>
<td>88</td>
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<td>93</td>
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<td>159</td>
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<td>Voluntary Age 55 but under Age 60</td>
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<td>27</td>
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<td>Cost-Neutral E.R.</td>
<td>——</td>
<td>——</td>
<td>——</td>
<td>——</td>
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<td>14</td>
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<td>Early Retirement Strand1</td>
<td>44</td>
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<td>28</td>
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<tr>
<td>Early Retirement Strand3</td>
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<td>59</td>
<td>37</td>
<td>72</td>
<td>52</td>
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<tr>
<td>Preserved</td>
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<td>29</td>
<td>37</td>
<td>44</td>
<td>51</td>
<td>38</td>
<td>32</td>
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<tr>
<td>Total</td>
<td>373</td>
<td>371</td>
<td>391</td>
<td>384</td>
<td>488</td>
<td>584</td>
<td>559</td>
<td>682</td>
<td>617</td>
<td>86</td>
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</tbody>
</table>

Notes:
1. The statistical information is recorded on a calendar year basis.
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3. The figures for 2009 relate to retirement awards made to 30 June 2009 whereas the bulk of retirements occur annually at the end of August.
4. 2005 was the first year in which retirements under Cost Neutral Early Retirement took place.
5. The Early Retirement (3-Strands) Scheme does not apply in 2009 following its suspension announced in October 2008.

Special Educations Needs.

606. **Deputy Brian O’Shea** asked the Minister for Education and Science his proposals to provide a full-time special needs assistant to a person (details supplied) in County Waterford; and if he will make a statement on the matter. [27584/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to 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.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Department Property.

607. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of properties his Department has paid rent on in the past three years; if the rent on such properties is fixed; if such rents have been reviewed in the past year; if he has tried to negotiate the cost of rent downwards in the past year; and if he will make a statement on the matter. [27590/09]
Minister for Education and Science (Deputy Batt O’Keeffe): The cost of renting office property for my Department is the responsibility of Property Management Services, Office of Public Works, who act on behalf of Government Departments in relation to the rental/lease of office accommodation. The terms of the leases are a matter for OPW.

In relation to schools, my Department generally grant aids school authorities who use the funds to rent temporary school accommodation. The terms of the leases are a matter for individual boards of management. In eleven schools, my Department has entered into direct rental arrangements for temporary accommodation over the past three years. The rental arrangements were for temporary fixed periods and the rent was fixed for that period. At the end of the period, the rental arrangement will be reviewed and, if appropriate, a revised rental arrangement will be agreed.

**Schools Building Projects.**

608. **Deputy Deirdre Clune** asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27601/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school to which the Deputy refers was included in my announcement on 12 February of 43 major building projects to proceed to tender and construction during 2009.

Representatives from the board of management and the design team of the school attended a briefing in my Department’s offices in Tullamore on 26 March at which they were appraised of the next steps necessary to progress the project to tender and construction.

A Stage 2(a) submission was approved by my Department in March 2009. The Design Team are currently working on a Stage 2(b) submission which, when completed, will then be submitted to my Department. Following receipt and approval of the Stage 2(b) submission my Department will revert to the school regarding next steps in the progression of the project towards tender and construction.

609. **Deputy Deirdre Clune** asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27602/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school to which the Deputy refers is at an early stage of architectural planning.

The progression of all large scale building projects, including the project for this school will be considered in the context of the Department’s Multi-Annual School Building and Modernisation Programme.

However, in light of current competing demands on the Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

610. **Deputy Deirdre Clune** asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; and if he will make a statement on the matter. [27603/09]
Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that the school to which she refers has recently been completed. The handover of the new building to the school authorities took place at the end of June.

611. Deputy Deirdre Clune asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27604/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school referred to by the Deputy is at an advanced stage of architectural planning.

A Stage 2(a) submission was approved by my Department in January 2009. The Design Team are currently working on a Stage 2(b) submission which, when completed, will then be submitted to my Department. Following receipt and approval of the Stage 2(b) submission my Department will revert to the school regarding next steps in the progression of the project towards tender and construction.

612. Deputy Deirdre Clune asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27605/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that a project for a new 16 classroom building for the school to which she refers, was included in the list of 25 major school building projects which I announced on the 12 of February last to enter into architectural planning.

Officials in my Department are currently assessing the most appropriate construction model for this project. I anticipate that my officials will be in contact with the school authorities shortly regarding progress.

613. Deputy Deirdre Clune asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27606/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school referred to by the Deputy is at an early stage of architectural planning.

The progression of all large scale building projects, including the project for this school 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 Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

614. Deputy Deirdre Clune asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27607/09]
Minister for Education and Science (Deputy Batt O’Keeffe): I am happy to inform the Deputy that the project for this school was included in my February announcement of projects to commence architectural planning in 2009. The brief formulation for this project is nearing completion and my Department will shortly be in touch with the school authority regarding the appointment of a design team.

School Accommodation.

615. Deputy Noel J. Coonan asked the Minister for Education and Science the position regarding additional accommodation in respect of a school (details supplied) in County Tipperary; when the project will proceed to the next stage; and if he will make a statement on the matter. [27609/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that the school to which the Deputy refers made an application to my Department for large scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.3 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Schools Refurbishment.

616. Deputy Noel J. Coonan asked the Minister for Education and Science the position regarding a refurbishment project at a school (details supplied) in north County Tipperary; when the project will proceed to the next stage; the reason for the delay in progressing the project; and if he will make a statement on the matter. [27610/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers to is at an early stage of architectural planning. I am pleased to inform the Deputy that my Department recently gave authorisation for this project to proceed to seek planning permission.

617. Deputy Noel J. Coonan asked the Minister for Education and Science the position in relation to a refurbishment project in respect of a school (details supplied) in County Tipperary; when the project will proceed to the next stage; the timeframe for same; and if he will make a statement on the matter. [27611/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is at an early stage of architectural planning. I am pleased to inform the Deputy that my Department recently gave authorisation for this project to proceed to seek planning permission.

618. Deputy Noel J. Coonan asked the Minister for Education and Science the position in relation to a refurbishment project at a school (details supplied) in North Tipperary; when the project will proceed to the next stage; the reason for the delay in progressing the project; and if he will make a statement on the matter. [27612/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that the school to which the Deputy refers has made an application to the Department for large scale capital
funding for a new school building. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.4 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Schools Building Projects.

619. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a school building project (details supplied) in County Tipperary; the reason for the delay in processing this application; the reason the project has been put on hold; and if he will make a statement on the matter. [27613/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.1 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

620. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of an application for building works in respect of a school (details supplied) in County Tipperary; when he expects a decision to be made; if her attention has been drawn to the urgency of this application; and if he will make a statement on the matter. [27614/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is at an early stage of architectural planning. A response was recently received by my Department to the earlier comments of my Department’s Planning and Building unit on the Design Team’s Stage 2a submission. This response is currently under review by my Department.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

621. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position in relation to the provision of a new classroom at a school (details supplied) in County Tipperary; when the project will proceed to the next stage; and if he will make a statement on the matter. [27615/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the school authority from the school referred to by the Deputy submitted an application for additional accommodation to my Department.
The school was approved for a devolved grant which means that responsibility for the day to day management of the project has been devolved to the school authority. A letter has issued to the school advising them of the decision and how to progress their project.

622. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of an application for grant aid for major capital works for a school (details supplied) in County Tipperary; when he expects a decision to be made; if his attention has been drawn to the urgency of this application; and if he will make a statement on the matter. [27616/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.1 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

623. **Deputy Noel J. Coonan** asked the Minister for Education and Science when work will begin on a school (details supplied) in County Limerick; when he expects a decision to be made; if his attention has been drawn to the urgency of this application; and if he will make a statement on the matter. [27617/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy may be aware, I announced in January 2009 that the project for the school in question was to proceed to re-tender and construction.

The revised Stage 2B (Detailed Design) submission, to comply with requirements under the new form of Government Construction Contracts, was received by my Department from the school on the 15th of June. The Submission is currently being examined. My officials will revert to the school authorities as soon as possible regarding further progress.

624. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status on an application for grant aid in respect of facilities for the disabled at a school (details supplied) in County Tipperary; when he expects a decision to be made; if his attention has been drawn to the urgency of this application; and if he will make a statement on the matter. [27618/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school in question was approved funding under the 2007 Summer Works Scheme to improve disabled access. 70% of the grant aid was drawn down last April. My Department understands that the balance will be requested by the school shortly.

625. **Deputy Noel J. Coonan** asked the Minister for Education and Science the amount of funding a school (details supplied) in County Tipperary has received for works; the timeframe for when the works will commence and be completed; the works which will be carried out as a result of the funding; and if he will make a statement on the matter. [27619/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school referred to by the Deputy applied for funding from my Department to carry out works to the roof of the school
building. A capital grant of €90,450 for the project was approved by letter issued to the school on 16th January 2009.

Work on the project has commenced and 70% of the approved grant has issued to the school, in accordance with the conditions of the grant scheme.

626. **Deputy Noel J. Coonan** asked the Minister for Education and Science if an application has been received in respect of a school (details supplied) in County Tipperary for the emergency works grant; when the application will be processed; and if he will make a statement on the matter. [27620/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school referred to by the Deputy applied for funding from my Department under the Emergency Works Scheme to carry out works to the roof of the school building. Funding for the project has been approved and the school management has been informed of the position.

627. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of an application for building works in respect of a school (details supplied) in County Tipperary; when he expects a decision to be made; and if he will make a statement on the matter. [27621/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A grant was sanctioned under the Small Schools Scheme 2007 to enable the school in question to extend/refurbish the school building. The building works commenced in June 2008 and the project is now completed. The funding for the project has been drawn down.

628. **Deputy Deirdre Clune** asked the Minister for Education and Science the status of a school (details supplied) in County Cork on the school building programme; the stage the process is at; when he envisages work on the site will commence; and if he will make a statement on the matter. [27623/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for a new school project. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band rating of 1.1.

Following a site examination it was established that additional land is required to extend the existing school site to facilitate the proposed building project of a 16 classroom school. My Department is liaising with the neighbouring Community School with regard to a proposed land transfer to achieve an extended school site.

When the issue of the site has been resolved, the progression of this project, as with all large scale building projects, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

**School Accommodation.**

629. **Deputy Deirdre Clune** asked the Minister for Education and Science the progress to
date on a proposal for a Gaelcholáiste for Carrigaline, County Cork; and if he will make a statement on the matter. [27624/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level over the coming years.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools and the school building stock 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.

Overall post-primary accommodation requirements in the Carrigaline area, including the case for the provision of a new Irish language post-primary school, will be considered in this regard.

Home Tuition Grants.

630. Deputy Pádraic McCormack asked the Minister for Education and Science if he will review an application for home tuition grant in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [27644/09]

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.

My Officials are currently reviewing this application and have written to the child’s parents and school to seek additional information.

Higher Education Grants.

631. Deputy Mary Upton asked the Minister for Education and Science if a person (details supplied) is entitled to a State funding while they pursues a Masters degree; and if he will make a statement on the matter. [27650/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the relevant local authority or Vocational Education Committee.

The student referred to by the Deputy should seek information or clarification directly from the relevant assessing authority. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

School Curriculum.

632. Deputy John O’Mahony asked the Minister for Education and Science the number of second level students who took the subjects of physics, chemistry and biology in 2006, 2007 and 2008; and if he will make a statement on the matter. [27659/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The following are the number of second level students who took the following subjects, Physics, Chemistry and Biology in the 2006/2007, 2007/2008 and 2008/2009 school years.
Physics
2006/2007 — 19,996
2007/2008 — 20,270

Chemistry
2006/2007 — 19,358
2007/2008 — 20,123

Biology
2006/2007 — 61,337
2007/2008 — 63,441

The figures for each school year reflect enrolment at the 30th September and are compiled from the annual pupil returns made by each second level school each year.

State Examinations.

633. **Deputy John O'Mahony** asked the Minister for Education and Science the numbers of second level schoolchildren who failed to complete the leaving certificate examination in 2005, 2006, 2007 and 2008 for each county in tabular form; and if he will make a statement on the matter. [27661/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The latest report entitled “Retention Rates of Pupils in Second-Level Schools 1999 Cohort” which is available on my Department’s website at the following address: www.education.ie under Statistics contains details in tabular form on the numbers of students failing to complete the Leaving Certificate in 2005. Data showing the proportions of students dropping out by County are available in Table 5 of this Report. This information is not currently available for later years. It is intended to update the information on Leaving Certificate completion for 2006 and 2007 in the coming months.

My Department has adopted a broad-based approach to tackling early school leaving. This includes the work of the National Educational Welfare Board, established under the Education Welfare Act, 2000, to monitor attendance and help to get young people back to school. Enhancing attendance, progression, retention and attainment are central elements of DEIS. Targeted interventions include the School Completion Programme, Home School Community Liaison services, visiting teacher service for Travellers, additional funding for pupils at risk of early school leaving and alternative curricular options. On Monday 18th May, I announced that from the start of the next school year, in September 2009, a single co-ordinated School Support Programme involving the Home School Community Liaison Scheme, the School Completion Programme and the Visiting Teachers Service for Travellers will be integrated under the National Educational Welfare Board. This development will put in place structures to facilitate closer integration of the services at local, regional and national levels, increase effectiveness
and help bring about real and meaningful improvements in services to confront in a cohesive way the underlying causes that impact negatively on the school life of children, particularly as they relate to school attendance, retention and attainment.

My Department has also widened the range of curricula available to students by promoting the Junior Certificate Schools Programme, the Leaving Certificate Vocational Programme, and the Leaving Certificate Applied Programme in addition to the traditional Junior and Leaving Certificate curricula.

I would like to assure the Deputy that we have greatly intensified our efforts in recent years to keep more young people in school and I will continue to prioritise further progress in this area.

**Third Level Fees.**

634. **Deputy John O’Mahony** asked the Minister for Education and Science his plans to reintroduce third level fees; and if he will make a statement on the matter. [27662/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I have asked my officials to undertake a review of policy options relating to the introduction of a form of student contribution. There are many complex and competing considerations involved. These include considerations relating to institutional funding, family affordability, equity, participation and value for money for the taxpayer. However, it is an issue that merits consideration at this important juncture in the development of higher education and also given the current economic circumstances.

A technical report on the various options available has now been prepared to look at available models, drawing on experience with those that have operated internationally. This assesses the potential policy, cost and revenue impacts of various available approaches in an Irish context. I am now arranging to provide the completed technical report to my Cabinet colleagues for their initial consideration. I would envisage that this will be formally discussed at Cabinet at a later date. As the Deputy will appreciate, I do not wish to pre-empt any decisions of Government in relation to these matters.

I have already signalled that it is not my intention to recommend that any new form of student contribution should be introduced before 2010. In the event that it is decided to introduce a form of student contribution from a future point, such arrangements would also apply, from that time, to those students who would have entered higher education this year i.e. 2009.

**Schools Building Projects.**

635. **Deputy James Bannon** asked the Minister for Education and Science the position regarding the provision of a new primary school for Stonepark, County Longford; and if he will make a statement on the matter. [27670/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the school to which the Deputy refers made an application to my Department for large scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 1.2 rating. The project is awaiting the appointment of a Design Team.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. However, in light of current
competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

636. **Deputy James Bannon** asked the Minister for Education and Science the position regarding the provision of a new primary school for Forgney, Ballymahon, County Longford; and if he will make a statement on the matter. [27671/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers has applied to my Department for capital funding for a new school building.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

The school authority has been advised to apply to my Department for funding to repair the existing school building if the Board of management deems this necessary.

637. **Deputy James Bannon** asked the Minister for Education and Science the position regarding the provision of a new primary school for Ballymahon town, County Longford; and if he will make a statement on the matter. [27672/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The building project for the school to which the Deputy refers is at an advanced stage of Architectural Planning. Planning permission has been granted on this project.

In February, I announced details of 43 major building projects to proceed to tender and construction and 25 high priority projects to commence architectural planning.

The Deputy will understand that it is not possible to advance all projects at the same time. It was not possible to include the project for this school in the February announcement. Therefore, it is unlikely that it will be progressed further in 2009.

The proposed building project for the school will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme for 2010 and subsequent years.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of this project at this time.

**Departmental Staff.**

638. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding a person (details supplied) in County Cork in relation to the application of parental leave in his Department. [27674/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The legislation which governs eligibility to Parental Leave is set out in the Parental Leave Act, 1998 and the Parental Leave (Amendment) Act, 2006. The Department responsible for the preparation and enactment of legislation in relation to Parental Leave is the Department of Justice Equality and Law Reform. As the proposals made in your question represent significant changes to the existing statutory
provisions, I would suggest that it would be appropriate for you to take the matter up with the aforementioned Department.

**Schools Building Projects.**

639. **Deputy Mary O’Rourke** asked the Minister for Education and Science the position with regard to discussions between himself and the authorities of a school (details supplied) in County Longford for the provision of a permanent school building; and if he will confirm that Seán Connolly Barracks in Longford is being considered as a venue for an educational campus and what this campus would comprise. [27701/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware, the proposed project for the school to which she refers involves the acquisition of a site.

The progression of the project from site acquisition and initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

In light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

My officials have had preliminary discussions with the Department of Defence in relation to the availability of the former military barracks in Longford for school accommodation purposes. The Department has expressed interest in acquiring the buildings if deemed technically suitable for school purposes and subject to negotiation procedures.

A technical inspection of the former barracks was completed recently and the report from this inspection will inform the Department’s position on the matter. The Department intends to examine the findings from the report in the very near future and will then liaise with the Department of Defence on the matter.

**Site Acquisitions.**

640. **Deputy John Perry** asked the Minister for Education and Science if he will ensure that a payment due to a person (details supplied) in County Sligo as a result of a land acquisition by his Department for a new school will be awarded and the deal closed; and if he will make a statement on the matter. [27715/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department agreed to pay €10,000 to the landowners referred to by Deputy in April 2008 for an additional piece of land at the school in question. The €10,000 was to be paid upon receipt of a signed Deed of Rectification from the vendors. The CSSO, who is acting on behalf of my Department, has confirmed that they did not receive the signed Deed of Rectification and accompanying documents until the end of May 2009.

I am pleased to inform the Deputy that, following receipt of this documentation, arrangements are now being made to forward the payment to the vendor’s solicitors.

**Special Educational Needs.**

641. **Deputy Tom Hayes** asked the Minister for Education and Science if assistance will be given in the case of a person (details supplied) in County Tipperary. [27729/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local
Questions—

Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) 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.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Departmental Expenditure.

642. **Deputy Leo Varadkar** asked the Minister for Education and Science the amount of money spent on paying delegates’ allowance to officials for each of the past three years; and if he will make a statement on the matter. [27738/09]

**Minister for Education and Science (Deputy Batt O’Keeffe)**: Delegates Allowance is payable to officers who attend meetings abroad as part of a delegation representing this country, for example, at EU meetings, other international organisations or with representatives of other Governments. Payment in respect of delegates’ allowance is made through my Department’s payroll and the sum is taxable and subject to pay related social insurance.

In the years 2006 to 2008 the following sums of delegates’ allowance were paid by my Department:

2008 — €32,760.40;
2007 — €40,942.28;
2006 — €38,583.11.

Schools Building Projects.

643. **Deputy Eamon Gilmore** asked the Minister for Education and Science the delay in the completion of a deed of covenant which would enable work to proceed on the re-development of a facility (details supplied) in Dublin 18, for which funding has been provided and all other preparations have been made; and if he will make a statement on the matter. [27769/09]

**Minister for Education and Science (Deputy Batt O’Keeffe)**: I am advised that the Chief State Solicitors Office (CSSO) which acts on behalf of the Department, has written to the local authority’s legal representatives seeking clarification on the proposal. My Department is advised that a response is awaited. As soon as the CSSO query has been addressed, I have instructed my officials to progress same as a matter of urgency.

School Accommodation.

644. **Deputy Mary Wallace** asked the Minister for Education and Science the way the two year moratorium announced in summer 2008 is applied to growth areas such as a town (details supplied) in County Meath; the steps he has taken to ensure that there is no crisis in school places in the area in 2010; and if he will make a statement on the matter. [27772/09]

645. **Deputy Mary Wallace** asked the Minister for Education and Science the expected student enrolment numbers for each year 2010, 2011 and 2012 in a parish (details supplied) in
County Meath; the way this compares to the accommodation in the existing schools; the basis for these figures, that is, the percentage for children that are baptised in the parish in 2005, 2006 and 2007; and the additional allowances made for children who have moved to the parish from other parishes or who are baptised elsewhere and so on. [27773/09]

646. Deputy Mary Wallace asked the Minister for Education and Science the expected junior class pupil role numbers for each year 2010, 2011 and 2012 in a parish (details supplied) in County Meath; the way this compares to the accommodation in the existing schools in this parish; and the basis for figures such the percentage of children baptised in the parish in 2005, 2006 and 2007 and the additional allowances made for children who have moved to the parish from other parishes or who are baptised elsewhere and so on. [27781/09]

647. Deputy Mary Wallace asked the Minister for Education and Science if the two year moratorium announced in summer 2008 is applied to growth areas such as an area (details supplied) in County Meath; the steps he is taking to ensure that there is no crisis in school places in the same area in 2010; and if he will make a statement on the matter. [27782/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 644 to 647, inclusive, together.

The review of the procedures for the recognition of new primary schools is underway under the Commission on School Accommodation. Pending the outcome of the review, new schools will not be established for reasons unrelated to demographic growth in areas where there is already sufficient school accommodation or where increases in pupil numbers can be catered for by extending existing school accommodation. While the review is ongoing, it is proposed that the Department will identify the areas where new schools may be required based on detailed examination and analysis of the demographics of each area. The process of circulating such details to all existing Patrons has commenced and it will be open to Patrons to bring forward proposals for the expansion of existing schools or indeed to put themselves forward as Patron for any new school.

Accommodation requirements in the areas referred to by the Deputy will be considered in this context. I will arrange to have the specific pupil enrolment data sought by the Deputy in respect of the areas concerned forwarded to her as soon as possible.

School Management.

648. Deputy Mary Wallace asked the Minister for Education and Science the sections of the 1930 Act and the 2001 VEC Amendment Act required to be amended in order to enable vocational educational committees to become patrons of community primary schools; if work has commenced on the proposed legislative changes; and if the amendment to the legislation will be in place for the 2010 school year to coincide with the conclusion of the pilot scheme. [27783/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Draft legislation to put in place a legal framework which will facilitate the involvement of Vocational Education Committees (VECs) in the provision of primary education is currently in preparation.

It has been decided that it is proper that the role and responsibility of VECs in relation to the patronage of primary schools should be set forth in primary legislation and brought before the Oireachtas in due course. As the Deputy will be aware, VECs currently operate in the area of further and continuing education. If their remit is to be expanded to encompass primary
education it is desirable that this should be done by primary legislation setting out the nature and extent of their duties and voted upon by the Houses of the Oireachtas. The General Scheme of an Education (Patronage) Bill 2009 has recently approved by the Government for drafting and I hope to have the Bill published and passed during the Autumn session 2009. The new model of primary school patronage is being explored in a pilot model in two locations in Dublin 15. In order to properly test the model and to thoroughly evaluate its performance, no date has been set for the conclusion of the pilot phase.

School Enrolments.

649. **Deputy Joanna Tuffy** asked the Minister for Education and Science his proposals to meet the enrolment requirement for children and their parents for September 2010 and 2011 in view of the existing waiting list for entry into a school (details supplied) in County Dublin. [27799/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware the Department has provided significant additional school accommodation in that general area, which should relieve pressure on enrolments at the school to which she refers. The Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for future years and the area referred to by the Deputy will be included in this process. Factors under consideration include 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 the area.

Schools Building Projects.

650. **Deputy Seán Fleming** asked the Minister for Education and Science the position regarding the proposed extension and alterations to a school (details supplied) in County Laois. [27812/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently at an advanced stage of architectural planning. In February, I announced details of 43 major building projects to proceed to tender and construction and 25 high priority projects to commence architectural planning.

The Deputy will understand that it is not possible to advance all projects at the same time. It was not possible to include the project for this school in the February announcement. Therefore, it is unlikely that it will be progressed further in 2009. The proposed building project for the school will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme for 2010 and subsequent years. In the interim the school has recently been allocated an all-in grant for the provision of an additional classroom to meet its current needs.

Departmental Contracts.

651. **Deputy Terence Flanagan** asked the Minister for Education and Science the print jobs carried out for his Department and being provided by companies based outside the Republic of Ireland; the dates of the awarding of these contracts; and if he will make a statement on the matter. [27838/09]
Minister for Education and Science (Deputy Batt O’Keeffe): My Department’s officials have reviewed its printing contracts for the past five years and I can confirm that no print jobs were carried out by companies based outside the Republic of Ireland during this period.

Special Educational Needs.

652. Deputy John Perry asked the Minister for Education and Science if he will ensure that a special needs assistant remains in a school for a person (details supplied) in County Sligo; if he will ensure that the results of the assessment of this person for the requirement for a special needs assistant are made known to their family. [28018/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating additional resource teachers and Special Needs Assistants (SNAs) to primary and post primary schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie. I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Grant Payments.

653. Deputy Willie Penrose asked the Minister for Education and Science if a person (details supplied) in County Westmeath is entitled to a mature student grant; and if he will make a statement on the matter. [28020/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the relevant local authority or Vocational Education Committee. The student referred to by the Deputy should seek information or clarification directly from the relevant assessing authority. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

Early Childhood Education.

654. Deputy Mary Upton asked the Minister for Education and Science if there is a minimum age laid down by him for enrolment of a child in a primary school; if it is a matter for each school to set their own age limits for enrolment of children; his views on whether there is a conflict in the setting of a minimum age for enrolment when that age might preclude a child from eligibility for availing of the new child care grant; and if he will make a statement on the matter. [28038/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The compulsory school starting age in a National School is 6 years of age and Rule 64 (1) of the Rules for National Schools provides that a child must be at least 4 years of age before she/he may be enrolled in a National School. The primary school curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year. Pupils commencing school for the first time
should be enrolled at the commencement of the school year in order to complete the full primary school course.

I have been informed by the Office of the Minister for Children and Youth Affairs (OMCYA) that under the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, which will be implemented by the OMCYA from January 2010, children will normally qualify to participate in the scheme where they are aged between 3 years 3 months and 4 years 6 months on 1 September of each year. In January 2010, children will be eligible if they are aged between 3 years 7 months and 4 years 10 months. Exceptions to the upper age limit will be allowed where children are assessed by the HSE to have special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school. The provision of a 15 month age range for eligibility is designed to give flexibility to parents to access the scheme at the most appropriate time for their children prior to commencing school and the majority of children who participate in the scheme would be expected to commence primary school between the age of 4 years 3 months and 5 years 6 months.

Higher Education Funding.

655. Deputy Denis Naughten asked the Minister for Education and Science if he has decided upon proposals on the funding of third level; if he has evaluated the implications this will have on participation rates; and if he will make a statement on the matter. [28040/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy is aware, the process to develop a new national strategy for higher education is now underway which is being overseen by a high level steering group, chaired by economist Dr Colin Hunt and comprising national and international expertise including academic, business, community and student interests, as well as senior government officials.

The process affords a timely opportunity to review the environment for higher education and the challenges and changes that are impacting on the sector. An examination of the overall operational, governance and resourcing framework are important elements of the strategy review. The process will consider objectives for participation in higher education as a key aspect of its work.

In contributing to the achievement of national policy goals for social and economic development, it can be anticipated that there will be continuing significant resource needs for the sector. Our higher education system relies disproportionately on Exchequer sources of funding and it is appropriate to look to wider means of meeting future additional resource requirements having particular regard to the difficult budgetary and economic climate that is in prospect in the medium term. As the Deputy is aware I have asked my officials to undertake a review of policy options in relation to the consideration of the introduction of a form of student contribution. There are many complex and competing considerations including the funding matters referred to by the Deputy which need to be taken into account in the consideration of all available options. I am now arranging to provide the completed technical report to my Cabinet colleagues for their initial consideration. I would envisage that this will be formally discussed at Cabinet at a later date.

Foreign Students.

656. Deputy Denis Naughten asked the Minister for Education and Science the number of non-EU students enrolled in full-time courses at the main universities and institutes of tech-
nology here in the 2008-09 academic year; and if he will make a statement on the matter. [28041/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested by the Deputy is attached.

There has been a 45% increase in international student numbers in Irish higher education institutions, including private institutions, since 2004. “Building Ireland’s Smart Economy: A Framework for Sustainable Economic Renewal” recognises the benefits of further increasing international student numbers. These include significant economic benefits to the higher education institutions and to the wider economy and also longer-term benefits for Ireland, as international students are likely to contribute to the development of stronger networks of influence for Ireland overseas, enhancing exchanges with traditional partners, as well as strengthening our contacts in regions where the country has not traditionally had a strong profile, such as Asia and the Gulf. I will shortly be announcing measures to position Ireland as a destination of choice in the international education market through new regulatory and marketing co-ordination arrangements that will enhance the promotion of Irish education overseas.

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*Notes*
Data is provisional. Final figures will be published in the HEA Statistical Bulletin.
The census date for the above figures was March 1st 2009.

Language Schools.

657. Deputy Denis Naughten asked the Minister for Education and Science the number of language schools recognised by him for 2009; the number that have had their recognition withdrawn in each of the past five years; the reason for same; and if he will make a statement on the matter. [28045/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Advisory Council for English Language Schools (ACELS) was established under the auspices of my Department to administer standards in language schools and organisations through a quality assurance scheme supported by a programme of inspections. Language schools meeting the standards required by the ACELS scheme are recognised by my Department. The list of recognised organisations is published on an annual basis and currently numbers 112. The other information requested by the Deputy is being compiled and will be forwarded as soon as possible.

Schools Building Projects.

658. Deputy Denis Naughten asked the Minister for Education and Science the status of a building project at a school (details supplied) in County Leitrim; and if he will make a statement on the matter. [28047/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The post primary school project referred to by the Deputy is included in the list of seven schools which I have approved for inclusion in the 3rd Bundle of schools to be procured via Public Private Partnership. This
Bundle is in the pre procurement stage and my Department has completed a round of stakeholders’ meetings in each of the locations where PPP schools are to be provided. A detailed output specification and Public Sector Benchmark is being prepared and outline planning permission will be sought for each location. On successful completion of this process, the Bundle will be handed over to the National Development Finance Agency (NDFA) for procurement.

The indicative timeframe for the delivery of a PPP school currently stands at approximately 4 years from the date the Bundle is announced.

659. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a building project at a school (details supplied) in County Roscommon; and if he will make a statement on the matter. [28048/09]

 Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, this project was included in my announcement in February 2009, of projects which would proceed to tender and construction during 2009. The project is at an advanced stage of architectural planning. My Department is currently awaiting the Stage 2b submission from the Design team.

660. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a primary building project at a school (details supplied) in County Roscommon; and if he will make a statement on the matter. [28049/09]

 Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that the project to which he refers is currently out to tender. Subject to the necessary technical and financial approvals, it is expected that I will be in a position to authorise the placing of a contract in the near future.

661. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a building project at a school (details supplied) in County Roscommon; and if he will make a statement on the matter. [28050/09]

 Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that the school to which the Deputy refers made an application to my Department for large scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.1 rating. The progression of all large scale building projects, including this project, from initial design stage to construction phase will be considered in the context of the Department’s multi-annual school Building and modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of this project at this time.

**Student Visas.**

662. **Deputy Denis Naughten** asked the Minister for Education and Science if he has received complaints from persons refused study visas by the Department of Justice, Equality and Law Reform who have failed to receive a refund of their fees from an educational institution; the institutions involved; the action being taken to protect such students; and if he will make a statement on the matter. [28063/09]

 Minister for Education and Science (Deputy Batt O’Keeffe): The number of complaints received by my Department in this area is relatively low. In 2009, four complaints have been
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received involving three institutions in relation to the issue of fee refunds where study visas have been refused. As the circumstances leading to the complaints are varied and sometimes the result of human error and as the institutions concerned have co-operated with the Department and have either issued refunds to the complainants or have committed to doing so within a short timeframe, I feel that the inclusion of their details on the record of the House would be unwarranted. The failure of any institution to deal satisfactorily with such an issue would result in an evaluation of the continued inclusion of its programmes on the Department’s Internationalisation Register.

Schools Building Projects.

663. Deputy Rory O’Hanlon asked the Minister for Education and Science when it is proposed to progress the provision of an extension to a school (details supplied) in County Cavan; and if he will make a statement on the matter. [28087/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is currently at an early stage of Architectural Planning. The progression of all large scale building projects, including this project, from initial design stage to construction phase will be considered in the context of my Department’s multi-annual school Building and modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of this project at this time.

School Accommodation.

664. Deputy Denis Naughten asked the Minister for Education and Science the status of the forward planning section review of the additional accommodation which will be required at primary and post primary level for 2009 and onwards in the Athlone, County Westmeath area; if this review includes primary and post primary schools in County Roscommon; and if he will make a statement on the matter. [28093/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school capacity at both primary and post-primary levels over the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social and Family Affairs in addition to recent schools’ enrolment data.

The study indicates that the requirement for additional primary provision in years 2010, 2011 and 2012 is likely to be greatest in a total of 42 locations across the country based on significant changes to the demographics of those areas. The process of circulating this information to all existing school Patrons has commenced and it will be open to Patrons to bring forward proposals for the expansion of existing schools or indeed to put themselves forward as Patron for any new primary school. The requirement for the establishment of new schools will of course be lessened where it is possible to expand and extend existing schools in those areas.

Forward Planning Section is in the process of carrying out detailed accommodation requirement reports for these locations which will identify the accommodation requirements for each area up to and including the school year 2014/2015. School accommodation requirements in the Athlone area and its environs, including parts of South Roscommon, will be considered as part of this detailed study of the 42 areas identified. It is expected that the report on the Athlone area will be completed in the coming weeks.
Deputy Denis Naughten asked the Minister for Education and Science if the forward planning section review of the additional accommodation which will be required at primary and post primary level for 2009 and onwards includes an assessment of the provision of primary and post primary school capacity in Roscommon Town; and if he will make a statement on the matter. [28094/09]

Minister for Education and Science (Deputy Batt O'Keeffe): Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school provision at both primary and post-primary levels over the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social & Family Affairs in addition to recent schools’ enrolment data.

The study indicates that the requirement for additional primary provision in years 2010, 2011 and 2012 is likely to be greatest in a total of 42 locations across the country based on significant changes to the demographics of those areas. The process of circulating this information to all existing school Patrons has commenced and it will be open to Patrons to bring forward proposals for the expansion of existing schools or indeed to put themselves forward as Patron for any new primary school. The requirement for the establishment of new schools will of course be lessened where it is possible to expand and extend existing schools in those areas.

Forward Planning Section is in the process of carrying out detailed analysis and reports for each of these locations in order to identify the school accommodation requirements for each area up to and including the school year 2014/2015. When the detailed reports are completed for these 42 areas the Forward Planning Section will continue to work on preparing reports on a priority basis for the remainder of the country. The school accommodation needs in Roscommon town will be fully considered in this context.

Teachers’ Remuneration.

Deputy Michael Ring asked the Minister for Education and Science the position regarding the payment of a pension and lump sum to a person (details supplied) in County Mayo. [28098/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The person in question gave intermittent substitute teaching service which was non-pensionable up until recently. However, arising from recently introduced improvements in superannuation, this person now qualifies for a pension and lump sum from my Department in respect of that service. Her case is currently being processing with a view to payment of benefits before the end of July.