



DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 8 July 2009.

Leaders' Questions	707
Ceisteanna — Questions	
Taoiseach	713
Requests to move Adjournment of Dáil under Standing Order 32	723
Order of Business	724
Medical Practitioners (Professional Indemnity) (Amendment) Bill 2009: First Stage	734
Message from Seanad	734
Defamation Bill 2006 [<i>Seanad</i>]: Report and Final Stages	734
Ceisteanna — Questions (<i>resumed</i>)	
Minister for Finance	
Priority Questions	747
Other Questions	757
Adjournment Debate Matters	766
An Bille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009: An Dara Céim	767
Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009: Second Stage	767
Private Members' Business	
Institutional Child Abuse Bill 2009: Second Stage (<i>resumed</i>)	809
An Bille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009:	
An Dara Céim (<i>atógáil</i>)	828
Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009:	
Second Stage (<i>resumed</i>)	828
An Bille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009:	
Céim an Choiste agus na Céimeanna a bheidh Fágtha	849
Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009:	
Committee and Remaining Stages	849
Ráiteas faoi Eolas do Vótálaithe: Tairiscint	850
Statement for Information of Voters: Motion	850
Adjournment Debate	
Service User Involvement in the Health Service... ..	855
Services for People with Disabilities	858
Hospital Services	859
Schools Building Projects	861
Questions: Written Answers	863

DÁIL ÉIREANN

Dé Céadaoin, 8 Iúil 2009.

Wednesday, 8 July 2009.

Chuaigh an Ceann Comhairle i gceannas ar 10:30 a.m.

Paidir.

Prayer.

Leaders' Questions.

Deputy Enda Kenny: This may be the last opportunity we have to question the Taoiseach before the vote for the House to rise for the summer recess. It is perfectly obvious to everybody that there is a jobs crisis. I was looking at the Taoiseach's acceptance speech on his appointment to office and noted it contained no reference at all, good, bad or indifferent, to jobs, either in English or Irish. Some of the comments he made were quite interesting. He stated, "The movement of our people is now by choice; in the past, it was by force of circumstance. [. . .] However, Ireland in 2008 is a much better place to live for more of our people than ever before. [This is true.] Far fewer of our people are struggling on the margins of society."

In the well-publicised speech the Taoiseach made to the Dublin Chamber of Commerce on 5 February this year, he pulled no punches and made no bones about the fact that the jobs crisis was the central focus of the Government. He stated jobs must be the priority in the coming years, with which I agree. In this regard, Fine Gael has put forward a detailed, costed plan for the protection and creation of 180,000 jobs. IBEC, the Construction Industry Federation and ICTU have produced plans for job creation. In this regard, I agree with Mr. Danny McCoy, Mr. David Begg and Mr. Tom Parlon on the necessity to create jobs. The plans are by no means perfect but they are plans nevertheless and contain targets and objectives.

Given that there are now 418,000 on the live register and that small businesses are going to the wall by the day, what is the Government's plan job creation? How many jobs does it expect to create in the next six months, and how does it expect to achieve this?

The Taoiseach: Any plan to create jobs must be predicated on a return to growth in the Irish economy. The quickest way to achieve this is to take three steps: bring order to the public finances; make the economy more competitive; and restructure the banking industry. We have been providing further resources for training, education and job retention. The bottom line is that, in a small open economy, restoring economic growth is the best means by which we can save, maintain and grow jobs.

Growing jobs in the teeth of the worst international recession in seven decades is the context in which the Leader of the Opposition is speaking. It is time for everyone in the House to accept and adapt policies that ensure growth returns to the economy sooner rather than later. That can only be achieved by focusing on the three major areas about which I have spoken. We must restore order to the public finances, increase economic competitiveness so people can compete in the new circumstances in which we find ourselves — we have improved competi-

[The Taoiseach.]

tiveness by 7% in respect of unit labour costs alone this year *vis-à-vis* our European competitors — and ensuring more credit is available in the economy in the aftermath of the biggest seismic shock in the financial world in modern economic history.

Deputy Pádraic McCormack: The Taoiseach should record that and turn it on every day if that is all he has to say.

Deputy Enda Kenny: The Taoiseach has pointed out three objectives of the Government. When appointed as Taoiseach, he said, “We know only too well from our relatively recent economic history that the wrong policies, the wrong decisions, the wrong behaviour, can carry a very high price in an economy as open and dependent on international trade as we are.” These words are true. The IMF report, which we debated in the House last week, indicated clearly that this economy was overheating during the Taoiseach’s reign as Minister for Finance. The Taoiseach is correct to state the wrong policies, decisions and behaviour can carry a very high price. That high price is now being borne by every household in the country because people have lost their jobs or their jobs are threatened. If the Government was big enough to accept its own mistakes and admit to having been wrong, it would be much farther down the road towards achieving national consensus on what we must do.

I agreed with the Taoiseach that it is important that every single job be protected. That is why last week I told the Taoiseach to have the Fine Gael proposal examined and costed and come back to us with his considered opinion. We will supply our personnel today to the Taoiseach because this is far too important an issue to indulge in the normal political rant that can take place here.

Deputies Bruton, Coveney and our party have put forward a plan which is costed, has proposals to protect 80,000 jobs and create 100,000 and which can use money from cash rich Irish pension funds or the European Investment Bank or some from the National Pensions Reserve Fund. Surely in light of the Taoiseach’s words to the Dublin Chamber of Commerce on 5 February, “jobs, jobs, jobs has to be the priority in the coming years”, let me take this 1st opportunity to question the Taoiseach before we are forced into a summer recess——

Deputy John Cregan: The Deputy can say what he likes——

Deputy Enda Kenny: Yes. The Government parties will all vote on it later despite the fact that all over the country Fianna Fáil Deputies are on local radio stations saying the House should sit through all of July.

Deputy John Cregan: Deputy Kenny will be gone on Thursday.

Deputy Enda Kenny: On this last day of questions to the Taoiseach, in the interests of moving our country forward and of transcending the normal political cut and thrust, I offer our plan to him. If he takes it and implements it I will give him credit and support him.

Deputy Dermot Ahern: The Deputy had a contract.

Deputy Enda Kenny: I await the Taoiseach’s considered opinion. Will he take that and agree that while it may have flaws it has the capacity to protect and create 180,000 jobs? Surely any Taoiseach should examine that on the basis of his own words that jobs are the priority.

Deputy Pádraic McCormack: They are paralysed.

The Taoiseach: I am not in the business of playing games on the last day of Leader's Questions for this session.

Deputy P. J. Sheehan: The Taoiseach has been playing too long.

The Taoiseach: That is assuming that Deputy Kenny is not playing games.

Deputy Pádraic McCormack: The game is up.

The Taoiseach: Here we go again. That is Deputy McCormack's job every morning.

A Deputy: Deputy McCormack should go back to sleep for a while like a good man.

The Taoiseach: The Government has plans in place, the smart economy, some of which Fine Gael took up in its document and which the Government is implementing. The plans for restructuring the banking system are in place, will be pursued and are gaining support internationally and at home. Someone who was involved in the reconstruction of the Swedish banking system spoke to the Oireachtas Joint Committee on Finance and the Public Services yesterday and supported our approach. He did not support the idea of resiling from commitments to bond holders which is the central plank of Fine Gael's supposed proposal on banking.

In the interests of avoiding partisanship this morning and the importance of the issues to be dealt with, the Government is dealing with all matters on a planned basis. Part of that correction must involve reducing expenditure. Fine Gael's policy is more cuts but no cuts, that is Fine Gael's problem.

Deputy Enda Kenny: Our policy was made clear before the Government's budget.

Deputy Bernard J. Durkan: Some things never change.

Deputy Paul Kehoe: No wonder the country is in the state it is in.

Deputy Eamon Gilmore: On this the last day that the Taoiseach will be answering questions here before September, at the earliest, he has told us that the Government has three economic objectives, to improve competitiveness, to sort out the banks and to restore order to the public finances. Before we rise on Friday and the Dáil breaks for the summer I want to know what that means. The public is entitled to know what each of those objectives means.

I have seen no evidence of anything that Government has done to improve competitiveness. All I have seen is the reverse. Increasing VAT for example, has worsened competitiveness for Irish business. Three months ago the Government told us that its strategy for restoring the banks was to establish the National Asset Management Agency, NAMA. We do not have the legislation to do that, we do not have a precise date for its introduction and when Deputy Burton asked the Taoiseach for a timetable for the NAMA process he was at best vague about it yesterday. Before the Government puts the Dáil into recess for the summer we need to see the NAMA legislation, have it published and, if necessary, address it in the House.

The Taoiseach has told us that the recommendations of the McCarthy report will put order on the public finances. We have not seen the report. We have been told only that Mr. McCarthy was to report before the end of June. That did not happen. With each passing week as we came closer to the recess the submissions of the report has drifted until it is clear that the Government's intention is to receive it after the Dáil goes into recess, or certainly after we have had an opportunity to question the Taoiseach and Ministers about it here, and selectively leak its contents in a softening up exercise during the summer. I want to see the report before we break for the summer.

[Deputy Eamon Gilmore.]

Will the NAMA legislation be published before the House rises for the summer? Will the McCarthy report be published before then? If the Taoiseach cannot assure us that will be done before Friday will he assure us that the House will continue in session until both of those essential pieces of information are put into the public domain and we know where we stand on the Taoiseach's strategy for the economy before the Dáil goes into recess for the summer?

The Taoiseach: We have outlined our strategy in our supplementary budget. We set out our budgetary position for the course of 2009. We indicated at the beginning of this year that all spending programmes would be reviewed and we employed some people to help with that. They are bringing forward their recommendations. The Minister for Finance expects to have that report this week. It is not envisaged that we would act on that report on its receipt, it is part of the budgetary process for 2010. The Minister made it clear in the supplementary budget announcement for 2009 that the adjustments for 2009 have been made in respect of the budget introduced last October and the supplementary budget introduced last April. That was the case at all times.

We will now begin Estimates and preparation for the 2010 budget starting from adoption of a budgetary strategy after mid-year. That work will continue throughout the autumn. There will be plenty of opportunity in the next session for Deputies to discuss all aspects of expenditure policy in a range of areas. The Government will make the decisions on the precise areas of savings, which are necessary, unavoidable, which will not be in any way painless but which must be made in the interest of correcting the public finances and having a prospect of growing the economy as quickly as possible. We know from recent economic history that deferral of that sort of decision under previous Administrations at certain times——

Deputy Pádraic McCormack: Under the Taoiseach's Administration.

The Taoiseach: ——greatly prolonged the period within which Ireland will be able to come back into growth and create jobs again. Those are the facts.

The Minister indicated at all times that he hopes to have the NAMA legislation prepared by July. I believe that timetable will be met. It will be published after the Government has approved it. There will be ample time for everyone to study it. We will come back here in mid-September and have the opportunity to debate and enact the legislation, which is essential and must be enacted.

Deputy Eamon Gilmore: We had a somewhat similar exchange at exactly this time last year when I, on behalf of the Labour Party, asked the Taoiseach not to put the Dáil into recess because of the deteriorating economic situation. I proposed a motion at the time in which I said that the live register figures had gone through the 200,000 barrier and that the economic situation was deteriorating. At the time the Taoiseach seemed to adopt the attitude that the economic business of the country was the private business of the Government which would do what it had to do. It returned here last September in a panic and stumbled from one crisis to another ever since. It would appear that the Government has learned nothing.

Deputy Ruairí Quinn: Hear, hear.

Deputy Eamon Gilmore: The Taoiseach is still behaving like this despite the economic difficulties which people have, with the number of unemployed twice what it was last year. There was a report yesterday from the city and county development boards showing that half the businesses with which they have been in contact are finding it more difficult now to get credit from financial institutions than they did six months ago.

The Taoiseach has come in here and told us that he does not want to defer decisions but he has done nothing else.

The Taoiseach: That is not true.

Deputy Eamon Gilmore: This is not the Taoiseach's own business or a matter for private discussion by the Government. It is public business.

The Taoiseach: Of course it is.

Deputy Eamon Gilmore: The state of the economy is public business and the Taoiseach is withholding from the public. It is not about courtesy to the House, although that may come into it as well. That is not what the issue primarily concerns. The Taoiseach is withholding the McCarthy report; there is some nonsense about it not being delivered or that we will get it later in the week and discuss it then.

Deputy Michael D. Higgins: Hear, hear.

Deputy Eamon Gilmore: The Taoiseach knows what is in the McCarthy report.

Deputy Enda Kenny: Every word.

Deputy Eamon Gilmore: He has it and is simply delaying the receipt of it so he will not have to publish it or answer for it here in the course of debate. If that is to be the basis of how the Government is to deal with public expenditure and the delivery of public services for the rest of this year into 2010, we must see what is in the report. He should put it on the table before the House breaks for the summer.

Deputy Ruairí Quinn: Hear, hear.

Deputy Eamon Gilmore: There is uncertainty in banking and it is three months since the announcement of the NAMA strategy for dealing with the issue. The Taoiseach is addressing the legislation as if it is some obscure amendment to an old statute where the Parliamentary Counsel or Minister has not got around to preparing the heads of the appropriate Bill. On the day of the supplementary budget the Minister for Finance said it was urgent legislation. Three months later and on the eve of the Dáil going into recess for the summer, we do not have the legislation or an exact date for its introduction.

The Taoiseach cannot give us a timetable for the NAMA process and there is continuing uncertainty in banking. He is dithering and delaying, and his incompetence is creating even further difficulties for the country's economy. This is being paid for week in, week out by people who are losing their jobs and businesses which are going to the wall.

Deputy Michael D. Higgins: Hear, hear.

Deputy Ruairí Quinn: Hear, hear.

Deputy Noel Dempsey: More soundbite politics from the Deputy.

The Taoiseach: The Deputy has produced another rhetorical flourish. This Government has been making decisions but it is clear there has been very little support from the Opposition for the necessary decisions.

Deputy Dermot Ahern: Absolutely.

Deputy Seymour Crawford: That is rubbish.

Deputy Simon Coveney: Has the Taoiseach even looked at our proposals?

Deputy Emmet Stagg: The Government has the overall majority.

The Taoiseach: The Deputy asked about the NAMA legislation.

Deputy Emmet Stagg: It has a majority and should get on with it.

The Taoiseach: The Opposition cannot listen. They did not get long enough to speak and want more time.

Deputy Noel Dempsey: There is a new leader in the Labour Party.

An Ceann Comhairle: Deputy Gilmore was listened to in silence and the Taoiseach must be afforded the same courtesy.

The Taoiseach: With regard to the NAMA legislation, the Minister made it very clear at the outset that he believed it would be September before it would be up and running.

Deputy Michael D. Higgins: Do we even have the heads of a Bill?

The Taoiseach: It is an arduous process and a complex piece of legislation, as people know. It is being prepared and will be brought forward in July.

Deputy Joan Burton: The Taoiseach should try it with us. We could understand it, although those on the Government side may not.

The Taoiseach: There will be an opportunity for everybody to study it and enact it in September.

Deputy Kieran O'Donnell: Lending has stopped since the Government stated it was to introduce NAMA.

The Taoiseach: With regard to the lack of credit in the community, the Labour Party did not even back the bank guarantee, which brought about stability.

Deputy Eamon Gilmore: That was right.

Deputy Emmet Stagg: We were right.

The Taoiseach: The Labour Party was not right.

Deputy Eamon Gilmore: It will cost the taxpayer a fortune.

The Taoiseach: The IMF has indicated the Labour Party was not right. A witness attending the meeting yesterday of the Oireachtas Joint Committee on Finance and the Public Services also said that such a policy was not the right one. I suppose the party's committee members did not attend that meeting.

Deputy Joan Burton: He also said that NAMA would be a costly disaster.

The Taoiseach: He did not

Deputy John Cregan: That is the truth.

(Interruptions).

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: I would rather address the issues which were raised.

Deputy Joan Burton: The Taoiseach should read the full contribution. It is on the record.

An Ceann Comhairle: Deputy Burton has no involvement in Leaders' Questions.

Deputy Paul Kehoe: The Taoiseach will do it his way anyway.

The Taoiseach: That is the position. There is no mystique or dithering. We have made a decision to bring forward the legislation and we have indicated a timeline, which we will stick to. The Opposition will not support it because it has been playing the populist game by saying we are bailing out the banks from the day we had difficulty with financial stability in this country.

Deputy Dermot Ahern: They are soundbites.

Deputy Emmet Stagg: It is a difficulty the Government created.

The Taoiseach: The Labour Party will get its soundbite from that. It can keep at it because that is the way it wants to go. In the meantime we will do what is necessary to take the distressed assets off those balance sheets and get credit into the Irish economy flowing more quickly, with or without the Opposition's support.

Deputy Emmet Stagg: When will that happen? It is a pity it was not done in time.

The Taoiseach: If we cannot get it, unfortunately we will have to do without it.

Deputy Frank Feighan: In another year all the shops will be closed.

The Taoiseach: With regard to the McCarthy report, that informs the Government's consideration of the budgetary position for 2010. There will be cuts and savings and I look forward to the Labour Party being prepared to support an approach that brings our public finances back into order. I doubt it will happen.

Deputy Michael D. Higgins: What about employment?

Deputy Paul Kehoe: Bring them all out to the circus.

Ceisteanna — Questions.

Government and Church Dialogue.

1. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will make a statement on the further dialogue with churches and faith communities which he signalled on 17 June 2009. [24766/09]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the outcome of his meeting on 7 June 2009 with the Church of Ireland Archbishop of Armagh and the Archbishop of Dublin. [24932/09]

3. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the progress of the structured church State dialogue initiated by his predecessor. [24933/09]

4. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent meetings with the church and faith communities; and if he will make a statement on the matter. [27136/09]

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

The meeting with the Church of Ireland archbishops of Armagh and Dublin on 15 June last was my first opportunity to receive them officially since becoming Taoiseach. I was accompanied at the meeting by the Minister for Education and Science and the Minister of State with responsibility for European affairs.

Our meeting was a welcome opportunity to exchange views on matters of shared interest, including reconciliation processes in Northern Ireland, the commitment of the church to ethos-based education, reductions in public expenditure and the implications for services to children and minorities and the effect of the Ryan report on abuse on public esteem and appreciation of the role of churches in society. The meeting was not arranged towards a specific outcome but rather for an exchange of views and perspectives that would be of value and assistance in policy development.

I took the opportunity to inform the archbishops of my interest to continue the process of structured dialogue between the Government and the churches, faith communities and non-confessional organisations in Ireland inaugurated in 2007. While contact at official level has continued, the recent meeting with the Church of Ireland bishops was my first specific encounter in the process as Taoiseach.

The process of structured dialogue was envisaged from the outset as an enduring channel of consultation and communications. I am satisfied that it will develop in the years to come to be a very valuable support in dealing with issues of change in society and I am confident that the opportunity to exchange perspectives and address issues of mutual concern in this way will be of benefit to all the participants.

Deputy Caoimhghín Ó Caoláin: The Taoiseach stated on 17 June that he would study the speech of the Catholic Archbishop of Dublin, Dr. Diarmuid Martin, in which he stated that it was untenable for the position to continue whereby the Catholic Church still managed some 92% of the schools across the State. Has the Taoiseach taken the time to study Dr. Martin's comments and what was clearly an invitation to action?

Does the Taoiseach agree that this is about the long outstanding issue of addressing the need to bring about a full separation of church and State? Does he agree that it is an anomaly that the State pays for education through capitation grants, teachers' salaries and a raft of other payments but that the vast majority of primary and secondary schools are not under democratic control?

Does the Taoiseach accept that the vast majority of these schools are under the patronage of the Catholic bishops and ownership of the Catholic Church? Does he agree that we should move to a democratically controlled education system here which is truly representative of the community and which respects the rights of all religions and none?

Will the Taoiseach heed what I have described, in fairness to Dr. Martin, which is to all intents and purposes a further invitation to action by the State? This recognises that the position which currently pertains with regard to primary education in particular but also to secondary education in some measure is untenable and does not reflect the reality and make-up of Irish society.

The Taoiseach: One takes note of what anybody with an historically central role in education has to say. The archbishop addressed the Irish Primary Principals' Network in Dublin on 16 June last and made a speech on these general matters.

In the past, representatives from the Department of Education and Science met Archbishop Martin and the chairperson of the bishops' committee on education to discuss more general issues and statements that were made in respect of the possible divesting of patronage of primary schools in the archdiocese. At the meeting in question, the Archbishop indicated that he had no specific locations in mind where one or more schools under his patronage might transfer to another patron, but that it might arise at some point in the future. Those present at the meeting also discussed the different issues that might arise, the need for such changes to be planned and managed and the desirability in individual school cases of consultation with all stakeholders — parents, teachers and local communities. While a speech is a welcome indication of current thinking, a great deal of debate and discussion would have to take place before the transformation envisaged by the Deputy could come to pass.

Deputy Caoimhghín Ó Caoláin: I take it the Taoiseach is not giving consideration to a process that would lead to the creation of a situation across the primary school sector whereby there would be democratic control. I also take it that Dr. Martin's invitation has not yet prompted the Government to pay any serious attention to this important development. Will the Taoiseach provide an indication that during the summer recess he and the Minister for Education and Science will pay such attention to this issue? Will he instruct the relevant personnel in his Department or the Department of Education and Science to investigate how this process might be brought into play? The Government should publish a Green Paper, which could be debated by the Houses of the Oireachtas, on this extremely important matter.

In light of the fall-out from the Ryan report into institutional child abuse and the impending publication of a report on clerical sexual abuse in the Dublin diocese, will the Taoiseach ensure that in circumstances where religious bodies are obliged to dispose of property and lands in their control, this will not impact on educational facilities that are currently made available to the State by the religious bodies or the Catholic church itself? Until such time as the Taoiseach is prepared to grapple with this issue in a serious way, the primary focus must be on ensuring that there will be a seamless and unbroken provision of education for children. Will the Taoiseach further ensure that if a consideration of the changes Dr. Martin has invited — which I support — is entered into, this will focus on making any new arrangements child centred?

The Taoiseach: As already stated, the Department of Education and Science is currently consulting directly with patrons with regard to specific areas where the establishment of new schools would be required and how emerging demands in these areas would be addressed. As part of this process, we will seek details of any schools where a change of patronage might potentially be relevant. A review of procedures for the establishment of new primary schools is being undertaken by the Commission on School Accommodation. Among the range of issues being considered is that of patronage, including in the context of the criteria that must be met to become a patron and the circumstances where changes to patronage may be warranted. The Department intends to make further contact with Archbishop Martin and other members of the Catholic hierarchy to establish a more detailed assessment of areas in which schools could be identified where there is more school provision than needed by the demand for Catholic education and where existing schools could be used to provide for diversity of parental choice. Two new pilot community schools under VEC patronage are currently being rolled out.

The Minister for Education and Science, Deputy Batt O'Keeffe, hosted a major conference on the governance challenges for future primary school needs at the Royal Hospital, Kilmain-

[The Taoiseach.]

ham, in the June of last year. That gathering was aimed at facilitating a high degree of dialogue and interaction on the important issues under consideration. The conference was considered an extremely useful experience in the context of collectively examining the challenges faced in shaping the primary school system to respond to changing societal demands. Archbishop Martin was one of the keynote speakers at the conference.

With regard to the Ryan report, which falls outside the ambit of these questions, it is the intention of the various religious communities to continue to provide educational, health and other services. It is not intended that we should dispose of those services because they are used for the public good. It is not envisaged that we should dispose of them because that would take away from the provision of such services. In light of what emerged from the Ryan report, it would be preferable if they were augmented through the procurement of further support from the congregations in question.

Deputy Eamon Gilmore: I am surprised by the Government's reluctance to take up Archbishop Martin's invitation to the effect that the State should engage with the Catholic church in respect of the patronage of schools. The Archbishop specifically proposed that a national education forum, at which the patronage of schools could be discussed by all interested parties, should be established. I note what the Taoiseach stated in reply to Deputy Ó Caoláin and what the Minister for Education and Science said to Deputy Quinn, namely, that Government will discuss specific schools with patrons and will deal with the issues relating to strategy, and so on, at a later date. The need to address this matter is somewhat more urgent than that.

The Constitution defines the parent as the primary educator. It seems to follow from that there is a right of parental choice in respect of education. Matters were fine when the range of religious denominations within the State was fairly limited. As Archbishop Martin stated, some 93% of primary schools are under the patronage of the Catholic church. At one point in our history, this broadly corresponded with the proportion of members of the population who were Catholic and who wished to send their children to Catholic schools. However, the position is now different and there is a wider range of denominations in the country. The parents of children of different denominations are seeking separate denominational education in line with their beliefs. In addition, a growing number of people are seeking multi-denominational or non-denominational education for their children.

At some stage, someone will go before the courts to assert their constitutional right to choice. An issue arises in the context of how we should balance the constitutional right of parents to choose to have their children educated in the school of their choice with the resources that are available to the State to facilitate this. The Government needs to be ahead of this issue rather than being obliged to respond in respect of an imperative that might arise if the rights to which I refer are decided upon by the courts in the first instance.

I would have thought that the Government would have responded quickly and enthusiastically to Archbishop Martin's suggestion that a national education forum be established. Will the Taoiseach indicate if the Government will agree to establish such a forum to address the issue of patronage in the context of the respective views and wishes of the different interests and denominations involved in the provision of education? If such a forum were to become a reality, the State would be in a position to put in place the range of educational options and choice. This would make the State's position more robust in the context of possible constitutional challenge. It would also ensure that we would not, in the aftermath of such a challenge being successful, be obliged to put in place an educational model which would prove far more costly than that which might be put in place now by agreement.

The Taoiseach: I do not agree there is reluctance on the Government's part. Obviously the Constitution bestows rights on parents and religious denominations involved in education. This is not simply an issue for teachers or stakeholders but is a wider public societal issue. Archbishop Martin stated: "Education is too important an issue for it to be left just to teachers, or just to the Department of Education, or just to one or other political or religious grouping." He noted that a solution based on the polemics of the moment is less likely to be successful than one which involves constructive reflection. We need constructive reflection on how to proceed with an issue that entails societal and social change to be managed over time. As the Deputy observed, 92% of schools are under the patronage of the Catholic church. Moreover, approximately 87% of the population claim Catholic origins or are of Catholic faith or whatever.

This is not an issue about which there has been no movement thus far. As I noted, the opening up of various models of school governance already is in place and several changes and initiatives have been brought forward and are in place at present. As I noted in my reply, the Department intends to have further discussions with Archbishop Martin on his views and to take its position from there, after which the Minister will report to the Government on the matter.

Deputy Eamon Gilmore: To pursue this issue further, both Archbishop Martin and the Taoiseach have acknowledged that 93% of primary schools are under the patronage of the Catholic church. In practice, the manner in which this operates is that in large parts of the country, the only available primary school within walking, cycling or reasonable travel distance in a locality is a school that is under Catholic patronage. However, there are increasing numbers of people of different nominations in every part of the country. Up to now, what has happened in practice is that those of a different denomination send their children to the Catholic school, with which there is an arrangement that such children do not attend religious instruction. While there is a Catholic ethos and so on in the school, in many cases it is not really in one's face and most parents have operated along such lines.

However, society is changing and it appears as though people of denominations other than Catholicism have, to an increasing extent, been demanding their own school. Is it practical or possible to provide a school of every denomination within reach of everyone who wishes to attend such a school in every part of the country? Moreover, other people will state that although they are of a particular faith, they want their children to be educated with children of all faiths in a multid denominational environment that promotes tolerance and everything that goes with it. The State must face up to this issue very soon because it is manifestly clear that the State will not be able to afford to provide a school of every denomination in every part the country, as well as providing multid denominational schools, *gaelscoileanna* and schools of different character in different parts of the country. It is perfectly clear that we will not be able to afford to do this.

The problem is how one squares that reality with parents' constitutional right to have their children educated. My suggestion to the Taoiseach is that before everyone is put behind the eight ball in this regard by a decision emerging from the courts, which may have the consequence of obliging us to provide everything everywhere, it seems sensible to take up the suggestion made by Archbishop Martin and to address this matter through a forum and to find a formula that is reasonable and which meets the requirements of today's Ireland. I have told the Taoiseach in the House previously that Archbishop Martin appears to be far ahead of the Government in his thinking in this regard. He rightly makes the point that the patronage rate of 93% that is enjoyed by the Catholic church at present is not sustainable in today's changed Ireland. The Government should deal with this matter with much greater urgency than its

[Deputy Eamon Gilmore.]

present drip, drip basis, particularly on foot of the highly generous offer made by Archbishop Martin. There was a time when Catholic archbishops of Dublin were not quite as generous in such matters as has been Archbishop Martin, or indeed as open to discussion and negotiation with the State on this issue as he is. I would take the opportunity while it is available.

The Taoiseach: Obviously there are different attitudes in different times. However, I make the point to Deputy Gilmore that a major conference was held by the Minister last year in respect of the question of governance. There is an acknowledgement that we must find governance structures for the future that reflect diversity and which, as the Deputy observed, are founded on the financial and other realities that not every wish can be catered for in this regard. Obviously, one will strive for the common good and seek to provide education in which people's ethos can be respected although, as the Deputy also observed, the patronage model may not be able to accommodate every diverse religious background that may attend a school at any given time, and which may ebb and flow from time to time depending on demographics, age profile, family settlement and so on.

While everyone understands and recognises that this issue is complicated, there is no reluctance on anyone's part to ascertain what is the way forward in this regard. Archbishop Martin has made certain suggestions that are being considered by the Department and by the Minister. The Minister will bring a fully fleshed out proposal to the Cabinet in due course on which it can proceed. However, it will be on the basis of a consultative process that involves everyone and as I stated, that is a question of constructive reflection, rather than one that would provide immediate action or answers. There is an attitudinal and educative aspect to this issue, in that one must prepare for the future by bringing people to understand and see through the ownership of the parents and communities. This already is taking place on foot of the withdrawal of the religious from teaching posts in front line education. Moreover, in respect of the governance and management of schools, boards of management clearly and quite rightly now have far greater lay and parental participation. This is far more holistic, from a community point of view, than might traditionally have been the case in the past. The situation is emerging and evolving and this constitutes a societal and social change that must be managed. Moreover, this must be done on the basis of collaboration and co-operation between the stakeholders in education and society in general, as well as policymakers, in a manner that respects ethos-based education and that seeks to respect those who wish to have available other more diverse models available in a manner that makes fiscal and financial sense.

Deputy Enda Kenny: I wish to ask the Taoiseach a different question. The 18 religious congregations that were involved in the religious residential institutions that gave rise to the Ryan report have agreed to present their detailed reports by 15 July, which is the end of next week. I understand, from the Government's response to this proposal, that a three-person panel will be set up to report back initially to the Government on the basis of the presentations made by the religious congregations. What is the timescale for the three-person panel to assess and analyse the presentations by the congregations? Does the Taoiseach believe the congregations will be in a position to provide conclusive reports on the additional contributions they might be able to offer? Are there indications that any congregation will not be able to meet that deadline?

Second, I wish to question the Taoiseach on a similar matter. The appointment of Archbishop Diarmuid Martin has been refreshing, given the reality of what the Catholic church has been obliged to face in Ireland. It is necessary that a person of his stature should address these issues in the way he has. He has stated that the report on child abuse in the archdiocese of Dublin will, in his own words, "shock us all". This will not make for very nice reading but it

must be dealt with. Last week, reports in *The Sunday Business Post* and *The Sunday Tribune* suggested that the agencies working with the victims of abuse in Dublin, namely, the Dublin Rape Crisis Centre and the One in Four group, have been overwhelmed by the demand for their services. They wish the publication of the Dublin diocesan report to be delayed because they are unable to meet the demand pouring in as a consequence of the Ryan commission report. Has the Taoiseach and the Government responded to be Dublin Rape Crisis Centre and One in Four? The two groups wrote to the Minister for Justice, Equality and Law Reform. Funding for the Dublin Rape Crisis Centre has been cut by 2.5% by the HSE in 2009. Given the numbers seeking assistance and counsel, do the Government and the Minister for Health and Children intend to do anything about that?

The Taoiseach: These questions go beyond the structured dialogue one has with churches and faith communities as referred to in this question. I do not have the information available and I do not know the position on correspondence with the Minister for Justice, Equality and Law Reform. This must be taken up with him.

Deputy Enda Kenny: Fair enough.

The Taoiseach: Regarding the meeting with the religious congregation on 24 June to review progress on this matter, they indicated they were well advanced in the preparation of statements of their financial affairs. These will be signed off on by their financial advisers and submitted over the coming weeks. The Government decided these statements will be assessed by a panel of eminent persons to give an assurance that they represent a fair account of resources available, from which a significant additional contribution can be made. A further meeting will take place in mid-July, by which time we have further idea of how much progress is being made. They are working assiduously and recognise that it is a matter that must be addressed as quickly as possible and as comprehensively as necessary. We will then appoint a panel to interact with them to ensure that everything is as it should be.

Deputy Enda Kenny: During discussions with the churches, were there discussions on indications that there may be more civil registrations than religious marriages in the coming years, the changing nature of society from that perspective and the involvement of the churches in it?

The Taoiseach: No, it was a general discussion on Northern Ireland. The Archbishop of Armagh and the Church of Ireland Archbishop of Dublin attended. There was an opportunity to discuss these matters, the commitment of the church to ethos-based education, minorities being accommodated, the challenges that face the country in respect of reductions in public expenditure and the implications for our services to children and minorities. It was a general discussion and the first I have had with them.

Constitutional Amendments.

5. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the constitutional referendums he plans to initiate during the remainder of 2009; and if he will make a statement on the matter. [24929/09]

6. **Deputy Eamon Gilmore** asked the Taoiseach the constitutional referendums he proposes to hold before the end of 2009; and if he will make a statement on the matter. [25735/09]

7. **Deputy Enda Kenny** asked the Taoiseach the constitutional referendums that will be held during 2009; and if he will make a statement on the matter. [27137/09]

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

[The Taoiseach.]

When I last answered this question I indicated that two potential referendums are being considered for 2009, one about the Lisbon treaty and the other about children's rights. As regards the Lisbon treaty, at the European Council on 18-19 June, Ireland secured the guarantees that we required on tax, neutrality and ethical issues. These will become part of the treaties by means of a protocol. The Union reaffirmed the importance of workers' rights and public services. We reached agreement that each member state would retain a Commissioner.

Since the outcome of the last referendum, our over-riding objective has been to work with others in the Oireachtas to address the concerns expressed by the people. I believe that these concerns have been addressed now in the shape of the legal guarantees agreed by the 27 Heads of State and Government of the European Union. On this basis, I will recommend to the Government that we will return to the people to seek their approval for Ireland to ratify the treaty. That referendum will take place on 2 October.

The other potential referendum is in the area of children's rights. While there are increasing calls for a referendum on children's rights since the publication of the Ryan report, a decision on whether constitutional change is the right way forward must await the outcome of the deliberations of the Joint Committee on the Constitutional Amendment on Children. The joint committee is due to report in October. While there might be a referendum on children's rights, it is unlikely to be in 2009 in view of the timelines involved.

The second interim report of the Joint Committee on the Constitutional Amendment on Children on absolute or strict liability in respect of sexual offences against or in connection with children was published in May. On the central issue of a constitutional amendment to reinstate absolute liability in the wake of the CC case, the report states that "two distinct views emerge" and that "the Committee has not been able to reconcile these views and, accordingly, is unable to make an agreed recommendation on the issue". The different views emerging from the committee's report are now being examined and proposals are to be brought to Government in due course.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has announced the date of 2 October. We welcome the decision to set the date and let the debate begin in earnest. Sinn Féin looks forward to participating in the debate on the second referendum on the Lisbon treaty on which the Irish people have already given their views. When will the referendum commission be established? Today's newspapers have a report on the appointment of a chairperson. When will the make-up of the commission, to disseminate information on the referendum in an even-handed manner, be announced? Did the Government receive advice from the Attorney General on the suitability, under the terms of the McKenna judgment, of sending of 1 million or several million postcards by the Minister for Foreign Affairs consequent on the deal done at the Council of Ministers? This appears to be in contravention of the judgment because it appears to promote only one side of the argument. Can the Taoiseach clarify if advice was received from the Attorney General and what responses were received if the opinion was sought? What is the cost to the taxpayer in sending the Minister's postcards to the electorate?

The Monageer report, the Ryan report and the new HSE inquiry into the deaths of some 20 children in care over the past decade all highlight the need to strengthen the protection for children, particularly those ostensibly in the care of the State. The response of the Taoiseach to the Government's intention *vis-à-vis* enshrining children's rights in the Constitution is uncertain and unclear. As a member of the Oireachtas Joint Committee on the Constitutional Amendment on Children, I am conscious of the second report presented on absolute liability. Sinn Féin was of the view that it required a constitutional amendment to ensure the best possible protection for children. Opinion was divided and I respect the opinions in the commit-

tee. Can the Taoiseach indicate — the opinions reflected in the committee excepted — when the Government will make a final determination of its position on this important matter? With the committee's deliberations expected to continue into the autumn period, when will the Government make its position clear *vis-à-vis* the broader issue of children's rights being enshrined in the Constitution? I note from the Taoiseach's response that he does not intend to consider a constitutional amendment for the remainder of this year in this regard. Is he giving due consideration to a constitutional referendum on children's rights in the broadest sense? What is the earliest anticipated address of that which the Taoiseach can share with the House?

The Taoiseach: The Government cannot make a decision until it receives the report in October of the committee established for that purpose. We have had interim reports from it and when we receive its full report in October the Government will have to consider the matter in light of the fact that thus far it has been impossible for the committee to come up with a consensus position which was the purpose of the establishment of the committee in the first place. In fairness, it was to report within four months of its establishment and many issues arose which the members wanted to discuss and speak about to various people. That time schedule has been dictated by the committee's deliberations. The Government should not anticipate the report until the work is completed.

With regard to the other matter, I am not aware of any constitutional issue regarding the Government bringing to the attention of the public by whatever means it wishes the factual outcome of an important meeting which took place with heads of States and Government; we ensure people are informed individually as to the outcome of that and of the implications of it.

Deputy Caoimhghín Ó Caoláin: The Taoiseach stated that he is not aware, but that is not a satisfactory reply. Has he taken the necessary steps to ensure that the initiative by the Minister on the part of the Government in what was unquestionably a naked promotion of the "Yes" position on the Lisbon treaty is not in contravention of the McKenna judgment? It is the McKenna judgment that I am asking the Taoiseach to address. To ensure we have an even-handed dissemination of information so that the electorate is informed in a balanced and fair way over the period leading up to 2 October regarding this very important issue, if he has not already done so, will the Taoiseach now ensure at all times with regard to this matter that the Government will not abuse its control over public finances and promote one view in the Lisbon treaty debate to the detriment of balanced information flow? Will the Taoiseach consult the Attorney General and ensure that a clear indication of the rights or wrongs of the Minister's actions are established, which will act as a guide on future conduct on his and the Government's part in the period ahead?

With regard to the Joint Committee on the Constitutional Amendment on Children, certainly the deliberations took longer than any of the members would have anticipated at the outset and with more than 50 meetings, 170 submissions and 13 or 14 direct hearings over the period of time it has been a very busy Oireachtas committee. That said, it has published a second report on absolute liability and the age of consent. Will the Taoiseach indicate when the Government intends to indicate its intention on this matter given that the committee could not arrive at a consensus?

The Taoiseach: That is precisely the point I am making; it will have to be examined by the Government in due course and, as I stated, a report is due in October and we will deal with all of this *seriatim* and in logical fashion. As Deputy Ó Caoláin stated, it was not possible for the committee to come to a common view on it and it is obvious that the complexity of the issue is not resolved to everyone's satisfaction.

[The Taoiseach.]

With regard to the other matter I was simply making the point that there is no issue arising. The Minister for Foreign Affairs can answer any detailed question on the logistics. Bringing factual information to the attention of the public is a constitutional imperative.

Deputy Eamon Gilmore: I thank the Taoiseach for informing the House that the date of the Lisbon referendum will be October 2. It is important that we have clarity on this as soon as possible. In many ways, one referendum this year is as much as can be handled. Do I understand correctly from what the Taoiseach stated that a referendum on children's rights will not take place until 2010 at the earliest?

I listened to the Taoiseach's responses to Deputy Ó Caoláin on the issue of the 50-50 treatment of arguments on a referendum and the consequences of the McKenna judgment. A report was published last April on how it applies to broadcasting organisations which suggested that perhaps broadcasting organisations are taking an overly literal interpretation of the McKenna judgment and have interpreted it as meaning that they must provide 50% of coverage to each side of the argument without having regard to the context in which the argument is being made and to other factors. It suggested that broadcasting organisations under our broadcasting Acts would be entitled to take into account matters such as how representative are the people being interviewed and to ensure that in respect of particularly discrete elements of the argument that both sides are put. For example, in the context of the last referendum campaign a situation arose where assertions were made about the consequences of the Lisbon treaty for the rights of workers. Neither the Labour Party nor the Irish Congress of Trade Unions was in a position to refute some of those false assertions because of the way in which broadcasting organisations interpreted their role.

I know the question is generally about referenda but there is a wider consequence for this, which is that the literal interpretation of the 50-50 rule means somebody with a great deal of money could be in a position to disproportionately influence the outcome of a referendum on a constitutional matter, not because he or she represents anything or anybody but simply because he or she has enough money and can take a particular position irrespective of the general point of view of people in the country. While understandably the McKenna judgment was about providing balance in referendum debates, the way in which it is now being interpreted can have the unintended consequence that the real issues are not debated. Has the Government given any consideration to that special report on the referendum process which was published in April?

The Taoiseach: I am aware of the general issue that Deputy Gilmore raised and there is a need for all broadcasting companies, including public broadcasting companies, to exercise their remit with care and to ensure that the public airwaves are not used for the promulgation of false assertions or for abdicating from the process of informing the public as to what exactly it is about and not about. Unfortunately, what has emerged because of the interpretation of the McKenna judgment is that in certain respects one sees a premium on confusion rather than clarity emerging from debates and that does not serve a purpose.

If there are two sets of opinions or views, let them be put frankly and on the basis of what is in the treaty rather than have people stating as fact things that are not in the treaty at all. One of the great benefits of the exercise in which the Oireachtas and Government have been engaged in recent months has been to bring a greater degree of clarity to the concerns and the ability to accommodate those concerns in a way that in legal terms is of equal status to anything already in the treaty. Therefore, it appears to me to be a logical interpretation of the situation to say the issues that were raised as having been dealt with deficiently have now been dealt

with by reason of the additional clarifications and confirmations given by way of a decision of the European Council, which has legal effect, and the political undertaking to transpose that into a protocol of a subsequent treaty.

The question of those clarifications having a status that is some way inferior to what is already in the treaty, which some people argued, does not arise. Therefore, it is important — I will bring this to the attention of the Minister for Foreign Affairs as representative of the Government side — to work co-operatively with other party organisations to see in what way we can ensure that a coherent and cogent position is put. In terms of the public debate, it is an important factor in any referendum campaign that the campaign is conducted in way which adds light rather than heat to the issue.

Deputy Enda Kenny: I welcome the fact the date for the referendum has been fixed for 2 October. I hope that on this occasion the debate about the Lisbon treaty will be one where members of the public is properly and fully informed so that they will want to vote “Yes” in the knowledge that the treaty strengthens our country’s position in Europe and guarantees a future for the people and the next generation. That is where the Fine Gael emphasis will be in assisting this matter. On the last occasion, the political process and the political parties failed to achieve that. I would not underestimate the strength of the feeling of confusion that exists and am not led by opinion polls that indicate the referendum is just an exercise to be gone through. There is a hard campaign to be fought in order to explain, inform and brief people fully so they are happy in the knowledge they can vote “Yes”.

In respect of the referendum on statutory rape, Fine Gael took a minority view on the report of the committee. Does the Government have a view on that issue as distinct from a Fianna Fáil view? In previous discussions it seemed that some Members were hiding behind the fact that the Government was one entity with a view and the party was something else. It seemed the members of the party represented on the committee had a different view from that of the Government. Is there a Government view on a referendum concerning statutory rape? There appear to be two opinions on the issue and the report produced by the committee. I raised this issue previously with the Taoiseach’s predecessor on a number of occasions.

The Taoiseach: As I said in my reply, it will be a matter for the Government to examine all of the work that has been done at committee level. People work on committees regardless of their party’s affiliation and views. The strength of a committee system is that people work to see if it is possible, in the context of the set-up of the committee, to bring forward an agreed proposal. There is liaison from time to time when it emerges that a decision may be about to reach a converging point. Unfortunately however, that has not arisen in this case and there are different views. The reason there are different views is there are serious issues at stake. This is understandable. The committee has made a concerted and diligent effort, which will make a contribution to the debate in any event. It is unfortunate it has not been possible to come to a consensus position, but those honest differences among committee members remain and must be respected. The Government must take all of this into account, but would not come to or anticipate a view until the committee has finished its deliberations.

Request to Move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Anois, iarratas chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32.

Deputy Aengus Ó Snodaigh: Ba mhaith liom cead a lorg an Dáil a chur ar athló faoi Bhuan Ordú 32 chun gnó rí-thábhachtach don phobal a bhfuil géarghá le plé práinneach a dhéanamh air, is é sin: the need for the HSE to ensure there is adequate funding for day services to allow

[Deputy Aengus Ó Snodaigh.]

six clients of the Walkinstown association, which supports people with intellectual disabilities to live self-determined lives, to move from rehabilitative training day services as promised; the upset and the distress this is causing the clients and their families; the fact this issue arises on top of cuts the service had to implement to stay within budget, including the closure of a modern kitchen facility; the ending of annual respite weekends for clients and their families; the withdrawal of funding for a holistic therapy worker this week; and that some of the clients who have been with the service for many years may end up with no daytime activity, contrary to the promotion of the independent living concept.

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

Order of Business.

The Taoiseach: It is proposed to take No. 25, Defamation Bill 2006 [*Seanad*] — Order for Report, Report and Final Stages; No. 4, Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009 — Order for Second Stage and Second and Remaining Stages; and No. *a11*, motion re Statement for Information of Voters on the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009.

It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the conclusion of No. *a11*; (2) the Report and Final Stages of No. 25 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 1 hour by one question, which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform; (3) the Second and Remaining Stages of No. 4 shall be taken today and the following arrangements shall apply: the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion at 10 p.m. tonight; the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 11 p.m. tonight by one question which shall be put from the Chair and which shall, with regard to amendments, include only those set down or accepted by the Minister for Foreign Affairs; and (4) No. *a11* shall be moved immediately upon the conclusion of No. 4, and shall be decided without debate. Private Members' business shall be No. 37, Institutional Child Abuse Bill 2009 — Second Stage (resumed), to conclude at 8.30 p.m. tonight, if not previously concluded.

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

Is the proposal for dealing with No. 25, Order for Report, Report and Final Stages of the Defamation Bill 2006 agreed to?

Deputy Enda Kenny: We have always opposed the principle of guillotine here. I understand there are over 30 amendments to the Defamation Bill. These will not all be reached and we will end up with the Bill being bulldozed through. For that reason I am opposed to this proposal. I made the point previously that the House should sit for July to tease these issues out properly and give everybody the opportunity to have their say.

Deputy Eamon Gilmore: The Government proposes to guillotine the Defamation Bill after a 60-minute debate. Four guillotines, in effect, are being proposed on the Order of Business today. Arguably, there is no need for a guillotine on the Twenty-Eighth Amendment of the

Constitution (Treaty of Lisbon) Bill 2009, which could be passed without the use of the guillotine. I do not see the necessity for the guillotine there. I believe too that in the ordering of the legislation it would be better for that Bill to be taken first. I do not anticipate there will be a long debate required for it, which would allow a greater amount of time for the Defamation Bill.

There are 33 amendments for Report Stage of the Defamation Bill, including six from the Minister, but the Government has only provided 60 minutes for the debate. This Bill was published three years ago almost to the day, on 7 July 2006. It was in the Seanad for two years and was brought to the Dáil in May 2008. It finished Second Stage in the Dáil on 14 May 2008 and the Government took nine months to bring it before the committee. It was not until the Minister for Justice, Equality and Law Reform discovered the issue of blasphemy as a possible political issue that he showed any great urgency in completing the legislation, on the core principles of which there has been general political agreement. Now, he wants to complete the Final Stages of the Bill in 60 minutes. That is not an acceptable way to do business and the Labour Party is opposed to it.

Deputy Aengus Ó Snodaigh: I am also opposed to the guillotine being introduced on this Bill. There are 33 amendments in front of us but only an hour to discuss them. There was a good debate at committee but it was there that the Minister introduced the highly controversial amendment which the rest of the Members of the House have not had an opportunity to debate. Very few Members will get to debate the introduction of the new restrictions in regard to blasphemy in just one hour. I am opposed to the guillotine. A longer debate is needed so that all Members have an opportunity to partake in the debate if they so wish.

The Taoiseach: As has been said, this Bill was published three years ago and has been debated extensively in both Houses. The amendments the Minister has tabled on Report Stage are broadly technical and the other amendments are restated on Report Stage, having been comprehensively discussed on Committee Stage. It is not a question of their not having been considered. There is a broad understanding that we would have this legislation completed in the summer so we wish to proceed as outlined.

Question put: "That the proposal for dealing with No. 25 be agreed to."

The Dáil divided: Tá, 73; Níl, 69.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.

Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Harney, Mary.
Healy-Rae, Jackie.
Hector, Máire.
Kelleher, Billy.
Kelly, Peter.
Kenneally, Brendan.

Tá—continued

Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 Mansergh, Martin.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.

O'Connor, Charlie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Behan, Joe.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 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.
 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'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 4 agreed to?

Deputy Enda Kenny: I will not divide the House on anything to do with the Lisbon treaty referendum. I support it and I have made my point about guillotines. There is a very important

job to be done by the political parties and politicians in explaining the referendum to people such that they are fully and properly informed and wish to vote in favour of it. That is a challenge for every person who supports it in the House.

Deputy Emmet Stagg: The wording of the Order Paper this morning and every morning for the past fortnight has included “notwithstanding anything in Standing Orders”. This means the rules of the House, by which we have all agreed our business should be conducted, have been set aside by the Government using its majority. We hear from the Taoiseach on a regular basis that Report Stage of a Bill is of no consequence but Report Stage exists for good reason, that is, to allow the proper scrutiny of legislation in the House by Members. As a result of the guillotine Members will not be able to debate and put forward a positive view on the Lisbon treaty this morning. For example, only two slots will be available for the 20 Labour Party Deputies to discuss the main Stage of this Bill. That is not good politics, it is not good for democracy and it is not a good way to put forward the views of the House on this very important issue. The Government is simply setting aside the rules, to which we have all agreed and which have been time tested in the House and in place for a long period, every morning to make law without discussion. Effectively this is what it is doing. We are opposed to the guillotine in this instance as well.

Deputy Aengus Ó Snodaigh: I also oppose the guillotine on No. 4, first on the basis that I do not believe that guillotines are required but the main reason is that this issue, namely, the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill, is an affront to the people’s vote last year and it should not even have reached this stage. I call for the Government to withdraw it.

An Ceann Comhairle: Is the proposal for dealing with No. 4, Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009 — Order for Second Stage and Second and Remaining Stages agreed to?

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

The Dáil divided: Tá, 77; Níl, 25.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Behan, Joe.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.

Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Harney, Mary.
Healy-Rae, Jackie.
Hector, Máire.
Kelleher, Billy.
Kelly, Peter.
Kenneally, Brendan.
Kennedy, Michael.
Killeen, Tony.
Kirk, Seamus.
Kitt, Michael P.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.

Tá—*continued*

Lowry, Michael.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Mícheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Flynn, Noel.

O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Broughan, Thomas P.
 Burton, Joan.
 Costello, Joe.
 Ferris, Martin.
 Gilmore, Eamon.
 Higgins, Michael D.
 Howlin, Brendan.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McGrath, Finian.
 McManus, Liz.
 Morgan, Arthur.
 Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
 O'Shea, Brian.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Tuffy, Joanna.
 Upton, Mary.

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies Emmet Stagg and Aengus Ó Snodaigh.

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. *a11*, without debate, agreed to?

Deputy Aengus Ó Snodaigh: It is not agreed. This is connected to No. 4 on the Order of Business. I do not believe it should be put at this stage. What is more bizarre, it has a guillotine on it. The Order of Business states that No. *a11* shall be moved immediately upon the conclusion of No. 4 and shall be decided without debate. It does not even start so how can it conclude? This is a bizarre wording.

An Ceann Comhairle: I call the Taoiseach to reply.

Deputy Aengus Ó Snodaigh: The Taoiseach does not have a clue; he has not read it, like the treaty.

Question, "That the proposal for dealing with No. *a11*, without debate, be agreed to," put and declared carried.

Deputy Enda Kenny: I hope the Taoiseach has given Deputy Lowry a couple of million for some bridge that Deputy Coonan has been on about down in north Tipperary.

Deputy Máire Hctor: I have looked after that.

Deputy Charles Flanagan: A swimming pool in Roscrea.

Deputy Enda Kenny: Is that looked after?

Deputy Charles Flanagan: A real sign an election is looming if it features in the headlines.

Deputy Enda Kenny: Is the Taoiseach in a position to indicate the name of the person who will chair the commission dealing with the referendum? Has he had a response from the President of the High Court in respect of that person?

Deputy Ruairí Quinn: I hope it is not the last one.

The Taoiseach: Mr. Justice Frank Clarke will chair the commission.

Deputy Eamon Gilmore: I was quite disappointed yesterday evening when the Minister for Education and Science announced that the Government is opposing the Second Stage of the Labour Party Private Members' Bill, the Institutional Child Abuse Bill 2009. I ask if the Government might reconsider its position on the Bill before Private Members' time this evening. It is not a partisan piece of legislation and it should not be politicised. I do not think there should be a division on it. The measures proposed in the Bill are in line with the all-party motion which was passed in the House. I think the Government could agree to allow Second Stage to pass. It would then proceed to Committee Stage where the Government, in any event, would be in control of its management and timetabling. This would send a far better signal to the victims of child abuse than to have the House divide on it and in all probability, because of the Government numbers, have it defeated. I ask the Taoiseach to discuss it with the Minister for Education and Science during the course of the day with a view to agreeing the Second Stage. The type of issues raised in the debate yesterday evening by the Minister for Education and Science in response to our issues would be more appropriately dealt with on Committee Stage. I did not get the impression of there being an opposition in principle to the Bill and therefore it would be preferable all around if perhaps the Government would reconsider its position; hopefully by the time we reach Private Members' business this evening, we might have agreement.

The Taoiseach: With respect, rather than introducing this Bill, which we are not in a position to take, it would have been preferable to maintain the position that having set out the all-party motion, which included this question of returning at the end of the month with a considered view by Government and across all Departments, we would see how we can best respond to the Ryan report. It is a matter for every party to decide for itself how it wishes to use its Private Members' time but the Government has to use the time available to put forward a considered position in respect of the report's recommendations and we are still in discussions with survivor and other groups regarding other issues.

Deputy Bernard Allen: I ask the Taoiseach to talk to the Minister for Communications, Energy and Natural Resources, regarding the actions of TV3 last evening in effectively disposing——

An Ceann Comhairle: We cannot discuss TV3 now.

Deputy Bernard Allen: ——of the evening news to cover events in Los Angeles. Many important things are happening in this country and TV3's actions disappointed many viewers.

An Ceann Comhairle: I cannot discuss that matter; I have trouble enough here.

Deputy Lucinda Creighton: I welcome the appointment of Mr. Justice Clarke as chairman of the Referendum Commission. Will the Taoiseach indicate whether the commission will begin

[Deputy Lucinda Creighton.]

its work immediately? I am aware the report of the referendum commission chaired by Iarfhlaith O'Neill made strong recommendations that adequate time would be given for future referenda. Also, does the Taoiseach envisage that the referendum commission will launch an information based campaign or revert to putting forward the arguments on behalf of the "Yes" and the "No" sides? In my view the former is preferable because it is important that information be conveyed to the public. The Taoiseach referred earlier to the need for inter-party co-operation on the Lisbon referendum campaign. Does he envisage a structured approach in that regard?

An Ceann Comhairle: Strictly speaking the Taoiseach is not allowed to answer on that but on the Lisbon campaign——

The Taoiseach: The commission is independent in its functions and works off its own prior experience. I have total confidence in the chairman and his team bringing forward the means by which the commission can add constructively to the public information the people need to come to a decision on this matter.

Deputy Joan Burton: Will the Taoiseach indicate if the Government has reached a decision on when the Commission on Taxation report will be published? I understand it is due for completion by the end of this month and I want to know if the Government intends to publish it. It is important that the report and its working papers would be published because since the last two budgets we have had a proposed car parking tax which failed and disappeared——

An Ceann Comhairle: There is no need to expand on it now.

Deputy Joan Burton: ——and a mobile home tax that failed and disappeared also.

An Ceann Comhairle: We cannot go through all that now.

Deputy Joan Burton: There are serious proposals in this report dealing with important elements of taxation. Does the Government intend to publish it and the associated working papers, and, if so, when?

An Ceann Comhairle: The Taoiseach on the publication.

The Taoiseach: My basic point to Deputies on all these sort of matters is that as soon as the Government receives these reports and considers them it makes decisions on their publication. We have seen the publication of Commission on Taxation reports in the past. I envisage that would be the case again in the future since it adds to the debate but the Government has to receive these reports, formally accept them and then arrange for whatever way it is to be disseminated. We must take it step by step.

Deputy Jan O'Sullivan: It has been recognised for some time that there is a need for legislation on assisted human reproduction. We have no legislation whatsoever in that regard. The information that came out today that sperm has been created in a test tube makes the need for legislation all the more urgent. Is the Government planning to have legislation in that regard in the autumn?

An Ceann Comhairle: Is legislation promised in that area?

The Taoiseach: I understand the report was referred to the Dáil committee for consideration in regard to these matters.

Deputy Jan O'Sullivan: It was referred to a Dáil committee.

Deputy Bernard J. Durkan: I notice that 100 legal professionals have written to *The Irish Times* expressing concern about a Bill currently before the House. In that context, can I ask the Taoiseach if particular care will be taken to ensure the concerns expressed are fully investigated to ensure against the possibility of the legislation falling down or being weakened at a later stage——

An Ceann Comhairle: The legislation is before the House.

Deputy Bernard J. Durkan: ——particularly in view of the urgent necessity to face down the activities——

An Ceann Comhairle: Deputy Durkan, as that legislation is being discussed I strongly advise you to make your point in that debate. You cannot make it now.

Deputy Bernard J. Durkan: ——of the criminal gangs currently operating in this country? The Taoiseach might clarify that.

An Ceann Comhairle: No. You can make your point when the legislation is being discussed. It is before the House at the moment.

Deputy Bernard J. Durkan: The Taoiseach is not normally this coy.

An Ceann Comhairle: Well I am.

Deputy Bernard J. Durkan: On the other promised legislation, I do not want to detail the entire list of promised justice legislation but in the context of the welter of proposed and indicated legislation on the pink list, will he respond to the effect that it might be possible to ensure this legislation, and all other legislation, will be adequately tested by the Attorney General, or by whatever other means, to ensure there is no failure at the crucial stage? I do not want to delay the proceedings of the House by reading out the various Bills, but I will if I have to.

An Ceann Comhairle: Taoiseach, he wants to know——

The Taoiseach: On the first matter Deputy Durkan raised, that legislation is before the House and I look forward to his support for all its provisions as the Minister for Justice, Equality and Law Reform presents them here during the week.

On the 26 Bills on the A list for the summer 2009 programme, 17 have been published, one approved on 30 June, three have been published and six Bills on the A list have not been published.

Deputy Brian O'Shea: The promised legislation on *Údarás na Gaeltachta*, the revised Gaeltacht boundaries and the definition of a Gaeltacht, requires a Government decision on the 20 year strategy for the future of the Irish language. When is it proposed the 20 year strategy on the future of the Irish language will go before Government for decision?

The Taoiseach: We have no date for the Bill but that strategy document is being finalised and will come before Government, and obviously will be put before committee, in due course.

Deputy James Reilly: Yesterday at the health committee the chief executive officer of the Health Service Executive, Professor Drumm, indicated legislation would be needed to correct a position whereby we are paying 20 to 30 times, that is 3,000%, more for generic drugs than

[Deputy James Reilly.]

they pay in the United Kingdom. To give one example, Losec costs €30.15 here but €1 across the bridge in Strabane. On this group of drugs alone €66 million is spent. I have the report here.

An Ceann Comhairle: To what is the Deputy referring?

Deputy James Reilly: We could save €62 million on this class of drug alone. When will legislation be introduced to end this rip-off of the Irish taxpayer and the consumer? That is only in the GMS. That does not include private sales.

An Ceann Comhairle: Is legislation promised in that area, Taoiseach?

The Taoiseach: The Minister for Health and Children is effecting savings across the health service in all areas and I look forward to support from the House for those measures.

Deputy James Reilly: Instead of hitting children, why is she not looking at the position with regard to drugs?

The Taoiseach: She is.

Deputy Dermot Ahern: Including in the GMS.

The Taoiseach: Including in the GMS.

Deputy George Lee: I want to ask the Taoiseach about three items of legislation. The first relates to a large advertisement I saw in the newspaper this morning for 18 bottles of beer being sold for €11.45. There is a sale of alcohol Bill on the list. In regard to the 18 bottles of beer, the cost per bottle would be approximately 50 cent. One would not buy a bottle of water for that price.

An Ceann Comhairle: We cannot discuss the price of beer on the Order of Business.

Deputy George Lee: I raise the issue of the legislation because of the risk to young people in terms of how cheap alcohol is and its availability, the pressures they are under, and the competition for the pub industry and the hospitality industry generally which cannot compete with those prices. What will the sale of alcohol Bill do in regard to protecting our young people and dealing with the competition issues that arise for the hospitality industry?

I also wish to ask about the NAMA legislation. When it was announced that this legislation would be brought forward it was suggested that the National Asset Management Agency would take over not just the banks' bad loans but also the good property loans. Is it still the position that that legislation will include provisions and a commitment that the banks will pass over good loans as well as bad loans?

An Ceann Comhairle: On legislation. I have allowed the Deputy some latitude.

Deputy George Lee: On the third item of legislation about which I want to ask, as the Taoiseach is aware I am not that long a Member of this House but I was amazed to realise that if I tabled a parliamentary question now I would not get an answer until we reconvene at some point in September. That is remarkable, given that we were debating very important issues here until midnight — people could fall asleep in the middle of the day but could debate some of these issues at midnight -

A Deputy: The Deputy is a one trick pony already.

Deputy George Lee: —that I would have wait that long to get an answer. I understand the Ceann Comhairle has tried to influence Oireachtas reform in this matter. Many public organisations are going through reform, whether it is an bord snip nua or whatever, and we will have to introduce reforms. Could legislation be brought forward—

An Ceann Comhairle: The Deputy can ask about Dáil reform but he cannot go into this kind of detail.

Deputy George Lee: —whereby we could have an bord Dáil nua to bring about reform in order that one would not have to wait so long for a reply to a parliamentary question? An Oireachtas (amendment) Bill is coming forward. Could it be included in that?

An Ceann Comhairle: The Taoiseach on the sale of alcohol Bill, the NAMA legislation and the—

The Taoiseach: The sale of alcohol Bill is due next session. The NAMA Bill, as I said, will be published in July and there will be plenty of opportunity to discuss all aspects of it in September.

On the parliamentary question position, a telephone call or e-mail might get the answer quicker when the Dáil is not sitting.

Deputy Enda Kenny: The Taoiseach must be joking

Deputy Michael D. Higgins: The Minister for Community, Rural and Gaeltacht Affairs indicated that the Údarás na Gaeltachta Bill is almost ready to be published. Will it be published before the end of the summer, so as to put Údarás na Gaeltachta on a level playing pitch with Enterprise Ireland and the IDA with regard to grant assistance for employment retention and creation?

The Taoiseach: I cannot say when the legislation will be published. The report will be published before the summer and we will proceed from there.

Deputy Ruairí Quinn: The consolidation of company law legislation is a massive undertaking with approximately 1,200 sections. Its scale is unprecedented in legislative consolidation and improvement. In light of the many events which have taken place in Irish companies and financial institutions, would it be possible to bring forward the fines and penalties section as separate legislation to ensure that justice is done in terms of those people who have wrecked our financial system?

The Taoiseach: I would have to check with the Tánaiste's office as to what is possible in that regard.

Deputy Shane McEntee: On the financial services legislation, before the end of the session, can the Taoiseach or the Minister for Finance bring to the Oireachtas representatives of the four or five banks into which we are pumping money and tell them to stop behaving in the manner they are currently? In County Meath, businesses are closing all the time. This week, three businesses beside my office closed.

An Ceann Comhairle: Deputy, you must find another way to raise that issue.

Deputy Shane McEntee: Businesses are closing in Kells and Trim. By next October, banks will have taken all our deposits and will have given nothing back.

An Ceann Comhairle: I cannot allow everyone to mention his or her own constituency. The Deputy must find another way to raise this matter.

Deputy Shane McEntee: I ask the Taoiseach to respond to this. Business after business is closing down. The banks are taking our money and giving nothing back. There will be nothing left when we return in the autumn, even to pay our wages.

Medical Practitioners (Professional Indemnity) (Amendment) Bill 2009: First Stage.

Deputy James Reilly: I move:

That leave be granted to introduce a Bill entitled an Act to amend and extend the Medical Practitioners Act 2007; to provide for mandatory professional insurance for certain medical practitioners and to provide for connected matters.

The intent of the Bill is to end a situation where practitioners from abroad, in particular, can come into this country and practise without insurance, leaving a terrible mess behind them on occasion.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

Deputy James Reilly: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Health Insurance (Miscellaneous Provisions) Bill 2008, without amendment.

Defamation Bill 2006 [*Seanad*]: Report and Final Stages.

An Ceann Comhairle: Amendments Nos. 1 and 28 to 33, inclusive, are related and may be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 1:

In page 6, line 21, after "*section 44*" to insert the following:

"and the composition, power and functions detailed in *Schedule 2*".

Apart from the major amendment made by the Minister on Committee Stage, I welcome the Bill. This amendment will ensure that the press council is placed on a better footing than currently provided for. The Bill merely provides for the recognition of a press council which will be voluntarily supported by the media. I look forward to seeing how that will work.

The proposed composition of the press council is flawed. It allows for five directors representing the interests of media owners but only one representing the interests of journalists. A press council should have statutory powers, media membership should be mandatory and the press council should establish and enforce a code of standards having regard to the needs

of small publishers and not just the large conglomerates. Press council decisions should be binding. An ideal press council could be composed of seven independent public interest directors, three representing media owners and three representing the interests of journalists. A press council would be much more effective if it were weighted in that way rather than as proposed in the Bill, with little representation of journalists and none of the public interest.

Large media groups should be prohibited from having more than one director of the press council. Its composition should ensure the representation of various media types. It should publish annual reports covering important topics, such as the filing of complaints procedures, balance in reporting and coverage and other matters, as directed by the Minister and the Houses of the Oireachtas. An Oireachtas committee should have responsibility for press council matters.

The amendment tries to ensure that the press council is established on a statutory basis and reflects the interests of society as a whole while protecting the interests of media owners and the journalists who operate in that media.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by the Parliamentary Counsel that the words Deputy Ó Snodaigh proposes to insert are superfluous and, therefore, unnecessary. The definition of “press council” is framed on the basis of the meaning assigned to it by section 44. That section, in turn, already refers to the minimum requirements of the press council, as detailed in Schedule 2. It is not considered necessary to make reference to Schedule 2 in the definitions section in the manner proposed by the Deputy.

Section 44 lists the minimum requirements for the press council. The legislation sets down the parameters of a press council. It will be a non-statutory and self-appointed organisation with seven directors who represent the public interest, five who represent the interests of owners and publishers and one who represents the interests of journalists. I think we have got the balance right. I cannot accept the amendment.

Deputy Aengus Ó Snodaigh: The Minister may say the amendment is superfluous. However, it is required to allow for the other amendments grouped with it. They propose that the minimum requirements outlined in Schedule 2 be changed to reflect the composition of the press council which I outlined. We should aim for a statutory rather than a voluntary press council.

However, I will not press the issue. I have made the point and the Minister is not inclined to accept it.

Deputy Dermot Ahern: We discussed this matter previously. The idea of the Bill is that membership of the Press Council would be voluntary, but the Deputy’s amendment suggests that it be obligatory. While we would all like every media organ to be a member of the Press Council, it would not be correct to force it. I cannot accept the amendment.

Deputy Aengus Ó Snodaigh: Given the time, I will withdraw the amendment to allow the discussion of other amendments.

Amendment, by leave, withdrawn.

Deputy Dermot Ahern: I move amendment No. 2:

In page 7, to delete lines 5 and 6 and substitute the following:

“5.—(1) The Minister shall, not later than 5 years after the passing of this Act, commence a review of its operation.

[Deputy Dermot Ahern.]

(2) A review under *subsection (1)* shall be completed not later than one year after its commencement.”.

On Committee Stage we inserted a new section 5, which provides for a review of the operation of the Act to commence no later than five years after its enactment. Deputy Charles Flanagan proposed that this review of the Act should be completed within a three-month period, but this was too short a limit. He would appreciate that a reasonable period for consultation with relevant interests would be required. I am proposing that the review should be completed not later than one year from the date of commencement. This is a realistic approach to the Deputy's concerns. The Parliamentary Counsel has provided a text that provides section 5 with a new subsection (2) containing the time limit.

Deputy Charles Flanagan: I do not intend to oppose the Minister, but I am disappointed that his amendment will extend the period of time for review by a further year. If he or his successor is so minded, it could be six years before a matter is revisited in any meaningful sense. I accept that a timeframe of three months was ambitious, but a review could be embarked upon within a reasonable period of, for example, six to nine months.

It is important that these laws favour the protection of the citizen, which is at stake. Much of the legislation will affect the operation of the Press Council. I welcome the council's code of standards, its *raison d'être*, but the code is voluntary. For this reason, matters may change in certain circumstances. The council will be self-financing. The current running cost is approximately €750,000 per annum. The situation may change rapidly. For example, the economic situation might mean that membership of the council will not be as permanent as people believe.

It is important that we have opportunities to review within certain timeframes. A six-year timeframe is less than circumstances might warrant, given that we might need to revert to issues. I am optimistic and believe that the council's operation is in the public interest. Its two annual reports to date have given confidence that matters are working in a way that will be protective of the citizen rather than the media, which is as it should be. I hope that whatever review is undertaken will be done without the passage of an inordinate amount of time.

Deputy Dermot Ahern: The amendment states: “The Minister shall, not later than 5 years after the passing of this Act, commence a review of its operation.” As a review could commence after one year, it is wrong to suggest that the time might be six years. I would hazard a guess that six years would be at the outside.

I accept that, since the Press Council is a non-statutory organisation, it is important to pass this legislation so as to underpin the council's workings. The majority of reputable media organs are participating well, but the organisation is untried and untested in effect. This is one of the reasons I wanted to introduce a review mechanism. The Deputy proposed three months to allow consultations to occur, but one year is better. The review could occur after a relatively short period, but it would need to be completed within one year of its commencement.

From my anecdotal examination of newspapers and from what I have picked up from my officials, the Press Council has worked well. As the Deputy stated, it is meant to defend the public rather than the particular interests on the council. In last week's *Sunday Times*, I read an article in which the chairman of the Press Council criticised two newspapers for not publishing negative judgments made against them. According to Professor Tom Mitchell, “it showed a disregard for the rules for newspapers not to publish full details of complaints that have been upheld”.

Deputy Pat Rabbitte: Which newspapers are those?

Deputy Dermot Ahern: According to the article, “*The Irish Times* and the *Sunday Tribune* are refusing to publish Press Council judgments that partially upheld complaints against stories written by their journalists”. Professor Mitchell stated: “Failure to do so not only flies in the face of the articles of association under which the Press Council has been established, but also may fall to be considered under the Code of Practice, to which all newspaper editors have signed up”.

The article made the point that, while the newspapers are not under a legal obligation, Professor Mitchell stated that the council “never compromises on the requirement that all publications must publish in full all decisions in relation to complaints that had been upheld”. One of the newspapers made the point that it was unhappy that it must publish the entire findings, given the fact that two complaints were only partially upheld. It is necessary to have a review mechanism, as there will be media organs that may be unhappy with the council’s rulings. Since this area is evolving daily, it is important that we keep everything under review.

Deputy Thomas Byrne: I was annoyed and concerned that two newspapers — in polite society, they are considered to be two of the more respectable newspapers, although I do not always agree with this description of any newspaper — refused to print the findings of the Press Council. The Minister’s message that he will have five years in which to review the operation of the Act is important, but the Oireachtas must also send a message to the effect that newspapers must comply with the voluntary code of practice. Non-compliance is not acceptable, as it would be the thin edge of the wedge.

Amendment agreed to.

Acting Chairman (Deputy Noel O’Flynn): Amendment No. 3 in the name of Deputy Rabbitte arises out of committee proceedings.

Deputy Pat Rabbitte: I move amendment No. 3:

In page 7, line 27, after “person” to insert the following:

“or the publication to the second-mentioned person was in the course of the performance of duties of a secretarial nature by the second-mentioned person (being a person whose relationship if any to the first-mentioned person is primarily based on contract) and there were no reasonable grounds to believe that the first-mentioned person would suffer any significant injury by reason only of such publication”.

The Minister knows my arguments. Due to the shortage of time, I ask him to put his note on the record.

Deputy Dermot Ahern: We discussed this matter on Committee Stage. We believe the amendment to be unnecessary as we are unaware of any instance of a person who had only a secretarial involvement in the handling or preparation of a statement alleged to be defamatory being the subject of a defamation action. My advice is that it would be unwise and impractical on the basis proposed to exempt any party as a possible respondent in an action for defamation. Each case will turn on its own merits.

Amendment, by leave, withdrawn.

Acting Chairman: Amendment No. 4 in the name of Deputy Rabbitte arises out of committee proceedings.

Deputy Pat Rabbitte: I move amendment No. 4:

In page 10, line 5, to delete “, in particular,”.

I outlined on Committee Stage why I believed the reference to “in particular” is unduly restrictive. I asked the Minister to excise the reference and I repeat that request.

Deputy Dermot Ahern: The advice from Parliamentary Counsel is that the proposed deletion of “in particular” would remove the requirement that a possible defamatory statement should be clearly understood to refer to a particular person within a class of persons. As I pointed out on Committee Stage, the proposed deletion could conceivably allow a multiplicity of actions by all members of a particular class of persons. It would result in a completely undesirable and unworkable extension of a potential defamation action primarily on the basis of membership of a group rather than on the basis of one’s being a readily identified person within a particular group. I oppose the amendment.

Amendment, by leave, withdrawn.

Acting Chairman: Amendment No. 5 is out of order.

Amendment No. 5 not moved.

Deputy Aengus Ó Snodaigh: I move amendment No. 6:

In page 11, between lines 8 and 9, to insert the following:

“15.—Proceedings taken pursuant to this Act shall not have the effect of excluding persons from elected public office by virtue only of their being made bankrupt.”.

The amendment is self-explanatory and is to ensure that Members of the Oireachtas made bankrupt by virtue of court action in the event of being defamed will not lose the right to remain in public office. The danger of being made bankrupt is an additional restriction on Members in that there is a danger of being debarred from elected office.

Deputy Dermot Ahern: I have some sympathy with the Deputy in respect of the amendment. Naturally one would say I would say that. The Deputy proposes to insert, “Proceedings taken pursuant to this Act shall not have the effect of excluding persons from elected public office by virtue only of their being made bankrupt”. He is trying to suggest that if any Member of the Oireachtas sues or is sued for defamation and is made bankrupt under the legislation, he or she will not be subject to the provisions that prevent bankrupt Oireachtas Members from remaining in office. The advice I received is that it would be better to address the conditions attached to holding elected public office in other legislation. Perhaps we could consider this in the context of the ethics in public office or electoral legislation.

Deputy Pat Rabbitte: The way things are going, a lot of us might need it.

Deputy Dermot Ahern: I have been in national public life for 22 years and in that period there were occasions on which I felt inclined to take legal action. I can well recall an article in respect of which a senior counsel told me there were eight different instances of clear libel against me. I was advised by my brother, who is also a solicitor, and he asked me whether I believed the people of County Louth would change their vote from a No. 1 to nothing or a No. 1 to No. 2 at the next election as a result of the article. This was very good advice. My experience and history indicate that Members of the Oireachtas should not take libel action

against the media because they generally lose. That is not to say they cannot be sued themselves. This is partly what the Deputy is trying to address in his amendment.

I have some sympathy with the Deputy's argument in so far as it brings itself to bear on people in public life, particularly in the context of widening the possibility of action being taken against people in public life, not just Members of the Oireachtas but others in the public eye, given the changes in the other sections, particularly in respect of the defence of fair and reasonable publication. In this respect, it is conceivable that somebody in the media could say something very slanderous against one and plead a defence under this legislation when passed, even though there would be no truth in their contention. The change proposed is fairly significant. At the same time, the benefit of the legislation is that it will allow an apology to be given shortly or quickly after the event without admission of liability. Over the years, this issue has constituted one of the biggest blocks to having matters sorted.

Deputy Pat Rabbitte: It does not require the apology to be made more quickly.

Deputy Dermot Ahern: I accept that — I mean it can be made relatively quickly. My experience of dealing with clients over the years shows that the media clam up when there is a potential action against them. They clam up and deny everything because they must take legal advice. Under this legislation, the media will be able to make a judgment themselves and issue an apology. Many people, because they are afraid of meeting the costs associated with a loss, do not want to take legal action.

I have some sympathy with Deputy Ó Snodaigh's amendment. It could be considered in the context of other legislation. Perhaps I will ask a colleague, probably the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to do so.

Deputy Aengus Ó Snodaigh: I take the Minister at his word and withdraw the amendment. It definitely needs to be considered given that the public elect us to office. Ours is not a job that is given to us automatically. If we lose our job, we are disenfranchising those people who elect us. It is not like losing another type of job, in which case one can seek another. I refer to the process whereby a Member could be made bankrupt as a result of his or somebody else's effort to defend his good name.

Amendment, by leave, withdrawn.

Deputy Pat Rabbitte: I move amendment No. 7:

In page 11, to delete lines 14 to 27 and substitute the following:

“(2) In this section—

“defence” shall not include a defence under—

(a) an enactment, or

(b) an act of the institutions of the European Communities;

“enactment” has the meaning assigned by section 2(1) of the Interpretation Act 2005;

“European Communities” has the same meaning as it has in the European Communities Act 1972.”.

The straightforward net point is that the Bill does not include defences under a statutory instrument unless the instrument is made to implement an EU law. I am advised that using the

[Deputy Pat Rabbitte.]

definition of “enactment” in the Interpretation Act 2005, which includes statutory instruments, would be more appropriate.

Deputy Dermot Ahern: Section 15 was inserted on Committee Stage as a consequence of an amendment made to section 3 of the Bill. The section was inserted for the avoidance of any doubt following consultation with the Office of the Attorney General and Parliamentary Counsel. The new section abolishes any defence that might have been pleaded in a libel or slander action under common law immediately before the commencement of this Bill. The Bill provides for a range of defences in defamation actions in Part 3, which defences will apply to causes of action that might arise following the enactment of the Bill.

Deputy Rabbitte proposes the substitution of subsection 15(2) with a new subsection which seeks to improve on the construction used in the current text. However, I am advised by the Office of the Attorney General and the Parliamentary Counsel that the text proposed by Deputy Rabbitte does not improve on the text they have provided. The existing text is more comprehensible as it stands and I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

Deputy Aengus Ó Snodaigh: I move amendment No. 8:

In page 11, to delete lines 32 to 37.

This amendment is to delete subsection 16(2). The section allows for a flawed defence of truth. It implies that “if the words not proved to be true do not materially injure the plaintiff’s reputation”, the publisher gets away with it because it may be difficult to prove that material damage has been done to the person’s reputation. This provision as drafted still allows the publication of statements that are false, without remedy. The suggestion is to delete subsection (2).

Deputy Dermot Ahern: Section 16(2) is essentially a restatement of the existing law in respect of the defence of justification which is now known as truth. It is an important provision in that it provides that a defence shall not fail if some of the details of this statement are found to be untrue as long as the substantive issue is proven to be true. The defendant must prove that the defamatory imputation was in substance true, or not materially different from the truth. The Deputy’s concerns about this provision as stated on Committee Stage are unfounded. The Law Reform Commission stated in its report that it considered it very important that the law should make clear that a failure to prove minor details would not necessarily be fatal to the defence. It emphasised, however, that the test applied to each defamatory imputation. This view was reflected in the recommendations of the legal advisory group on defamation which formed the basis for this Bill. While I can understand what the Deputy is saying it probably would leave everything strictly to be proved and reflects the existing law of justification. Subsection (2) states:

1 o’clock

...the defence of truth shall not fail by reason only of the truth of every allegation not being proved, if the words not proved to be true do not materially injure the plaintiff’s reputation having regard to the truth of the remaining allegations.

Ultimately it is for the court to decide on these issues and to balance the substantive part of the allegations and whether it is defamatory.

Amendment, by leave, withdrawn.

Acting Chairman: Amendments Nos. 9 and 10 are related and will be taken together by agreement.

Deputy Aengus Ó Snodaigh: I move amendment No. 9:

In page 18, line 33, to delete “similar” and substitute “greater”.

This is intended to ensure that where an apology is being offered or is to be published, rather than publish it in a way that ensures it is given “the same or similar” prominence it should be “greater” prominence because the apology needs to be upfront given that time will have passed since the original headline. One sees, for example, a blaring front page headline one day and then months later an apology buried in a corner on an inside page, rarely on the front page. We should ensure that it should have the same or greater prominence. If the article was on page 4 or 5 of the newspaper people might have read and discussed it, whereas an apology on the same page might not receive the same attention especially if it is published on a quiet news day or during the summer months when newspaper sales are low.

Amendment No. 10, in my name and that of Deputy Rabbitte, is based on an amendment that Deputy Rabbitte tabled on Committee Stage, to ensure that if a newspaper is allowed to use the fact that it issued an apology to mitigate the level of damages it should have published that apology at the earliest opportunity, rather than on the steps of, or the day before going to, court. It should not be a grudging apology published at the 11th hour. It should be made properly, in line with my amendment No. 9.

Deputy Pat Rabbitte: I support Deputy Ó Snodaigh’s amendment No. 9 and want briefly to speak to my amendment No. 10. The Minister referred earlier to one of the novelties in this legislation being the facility to make an apology without liability. I agree that is important and is an overdue reform of legislation that is not generally controversial. The Minister described circumstances in which a gap could transpire because as the law stands the media owners or the editors of newspapers must clam up, take legal advice and do this and that because if they publish an apology there is an implication, at a minimum, of liability and so on. This a new situation. What is the excuse now for not requiring the publishers to, as soon as practicable, publish the apology? Part of the problem is that the Minister is right that many would make do with an apology and would be happy with that for a variety of reasons, partly because they are not gold-digging, partly because they are fearful about the cost of a court action and so on, but they merely want an apology and to have the record corrected. Why should we not require the media organisations to do that as quickly as possible after the event?

My amendment No. 10 would require the publisher to publish the apology “as soon as practicable after the plaintiff makes complaint to the defendant concerning the utterance to which the apology relates, or after the bringing of the action, whichever is earlier”. It is not very helpful, not least if one is in public life, if one finds oneself in these circumstances and gets an apology some nine or 18 months later. Most people will have long forgotten the incident, it only rehashes why one was insulted or defamed in the first place. There is not much value to it. If one is in public life and faces the awesome decision that the Minister faced in Louth where he might get second rather than first preference votes, an election might intervene and the apology come afterwards. I am not sure I understand why the Minister resists requiring the apology to be advanced as early as possible.

Deputy Charles Flanagan: We debated this on Committee Stage and maybe the Minister will put me right but my understanding is that this deals with a defamation action that has already commenced.

Deputy Dermot Ahern: Yes.

Deputy Charles Flanagan: The definition of an action in the interpretation section makes clear that an action means after proceedings have issued or an application has been made to the court. The speed with which an apology may be forthcoming is important.

Deputy Dermot Ahern: Yes.

Deputy Charles Flanagan: Could the requirement to confirm it in printed form be included in the code of practice as an accepted norm? It is difficult to see how an immediate apology must be published within a certain early timeframe when we are dealing with what happens after an action has commenced. That will be after a considerable delay in any event because proceedings will not issue within a week, unless the circumstances are so grave that a party would seek immediate leave to go into the High Court on the basis of a sudden and grave offence against a person.

The Minister should consider this important issue, although I do not have an immediate solution as to where it may best fit into the legislation. I am not sure if this is the place.

Deputy Dermot Ahern: The issue being addressed by amendment No. 9 from Deputy O'Snodaigh is the prominence of the apology. This was debated very significantly, particularly in the Seanad, and my predecessor as Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, introduced amendments on Report Stage there which ensured that where an apology is made and published by a defendant, the apology would be given the same or similar prominence as was given to the original defamatory statement, or that the defendant would offer to publish the apology in that manner. That is regarded as a fairly significant change from the original Bill as published.

The current construction sets a minimum standard with regard to the prominence of the apology and ensures that an apology will not be hidden away in the back pages of a newspaper, which is something many people complained about. The current wording does not prevent an apology from having an even greater prominence than the original defamatory statement. My view is that the current wording is preferable.

Amendment No. 10 relates to when an action is in being. Section 24(1) states:

In a defamation action the defendant may give evidence in mitigation of damage that he or she—

(a) made or offered an apology to the plaintiff in respect of the statement to which the action relates, and

(b) published the apology in such manner as ensured that the apology was given the same or similar prominence as was given to that statement, or offered to publish an apology in such a manner,

either before the bringing of the action or, where the action was commenced before there was an opportunity to so do, as soon as practicable thereafter.

It is a matter of tactics, in effect, and the amendment is forcing the hand of a media organisation or individual who may be a defendant. It may put more onus on the defendant to publish an apology much earlier than was envisaged. For tactical reasons, particular circumstances in a case may mean that it is not in a defendant's best interest to make an apology. We tried to frame the issue in such a way as to achieve balance.

I have some sympathy with what the Deputies say and I would be of the mind to accept the amendment, which deletes lines 36 to 38. I stated previously that there is a tactic in this for somebody defending an action. I made the point earlier that people are much more inclined, if something injurious is done to them, not to go into court because they are in jeopardy of having to pay costs. Some people may never have been in court before and would rather get an apology with similar prominence to the injurious statement.

There may be circumstances where the defendant may have reasons not to publish an apology as soon as is being suggested in the amendment. I am prepared to accept the point, subject to the review. What is beneficial to society in general is that an apology will now be made in circumstances where there is no admission of liability. Up to now an apology being made was an admission of liability, and in that case the game would be up for the defendant involved.

Deputy Michael Kennedy: I want to raise an issue with the Minister relating to the rights of deceased people.

Acting Chairman: Does this relate to amendments Nos. 9 and 10?

Deputy Michael Kennedy: I revert to the Acting Chairman's judgment on where I can fit this in. It is a case where a member of a family was murdered but within hours of his death in suspicious circumstances, the media made all sorts of allegations of gay activity and sexual connotations. One newspaper ran the story and this was followed by half a dozen others. The family took a case and lost it, unfortunately, and had to pay out €110,000 in costs for just that one case. The newspaper concerned has never seen fit to issue an apology, although the coroner's report proves this man was murdered.

I am not sure which section of the Bill would be relevant and I beg the indulgence of the Chair. Perhaps the Minister could help in this. Family members do not have any rights when mistruths are deliberately put out, with no apology given afterwards. If this family received an apology from the media concerned, it would be happy at this stage. The family went to court and paid €110,000 in costs when they lost the case. This stopped them taking any action against other media.

No apology has been issued in this case by any of the media. We must try to address that issue and I welcome the Minister's comments on it. I appreciate the Acting Chairman allowing me to mention it.

Acting Chairman: That is relevant to section 39 and I am advised there are no amendments down for that section. It comes in loosely under the section dealing with apologies.

Deputy Michael Kennedy: I only received the e-mail yesterday and the amendments would have been arranged last week. I appreciate the Acting Chairman allowing me mention the issue.

Deputy Aengus Ó Snodaigh: The Deputy voted to guillotine the Bill so we will not have time to discuss section 39.

Deputy Pat Rabbitte: Unfortunately, it is unlikely that we will get to section 39. I know of the case which the Deputy has raised, and it is a terrible experience for any family to have endured. Unfortunately, it is virtually impossible to libel the dead and, as a result, this family finds itself in these appalling circumstances. The media outlets in question are not prepared to offer an apology.

I agree with the Minister's comments on the innovation of the apology and so on. To consider the defence of fair and reasonable publication, that is a major change in ease of the media organisations. Against that background, it seems the section we are discussing only presumes

[Deputy Pat Rabbitte.]

a position where an apology is likely to be made. If an apology is likely to be made, it can be inferred that the original piece was inaccurate, wrong or defamatory.

I take the Minister's point that it could be a matter of tactics but since the apology is contemplated, it has to mean that an apology is forthcoming because what was written was untrue or defamatory. Under the new dispensation, where it does not carry an admission of liability, why should there not be a requirement that an apology be provided as speedily as possible? There is no doubt that 99% of those involved in public life would make do with an apology but it is important that such an apology be provided quickly. I accept that we are discussing cases where actions have commenced, etc. However, it seems that inclusion of the term "as soon as practicable" would be a reasonable imposition in respect of those on the media side.

Deputy Charles Flanagan: It is important that an apology should be forthcoming at the earliest possible opportunity, otherwise the damage will be compounded. If the Minister does not propose to accept the amendment, he should set about finding an alternative that will meet the very valid point to which it relates.

I received correspondence similar to that to which Deputy Kennedy referred. I accept that a constitutional difficulty arises but I would defer to the Minister on the issue. I understand that in order for a publication which defamed a deceased person to be held to account, such a defamation would have to amount to a criminal libel. The burden of establishing such a libel is quite significant and I believe one must show that there was an element of malice and a deliberate intent to inflict damage, not only on the deceased person or on his or her memory but also on the surviving family members.

This issue was debated before the courts during the course of a case brought not so long ago by the widow of a deceased former Member of the House. I do not know whether the Minister wants or is in a position to explore the constitutional issues involved prior to the enactment of the legislation. I suggest, however, that reference be made to the matter or that consultation take place with a view to discovering what action might be taken. This is a real problem. It appears, as the case outlined by Deputy Kennedy shows, that a voluntary code, regardless of how laudable it might be, does not appear to be capable of dealing with this problem because such a code does not carry with it any legal sanction in the form of redress.

Deputy Aengus Ó Snodaigh: I do not intend to belabour the point in respect of amendment No. 9. However, use of the word "greater" would encourage certain media outlets to publish more prominent apologies. I accept that the way the section is currently worded does not prevent them from publishing such apologies but including the word "greater" might encourage them to do so. This would ensure that particular cases do not go to court. As Deputy Rabbitte stated, the vast majority of people would be satisfied with receiving an apology rather than being obliged to pursue a defamation action through the courts and having the entire matter revisited as a result. Even though the court might find in one's favour, such actions can cause untold damage because, in some people's view, mud sticks. That is probably why many of those who are defamed or libelled do not take the required action.

It is a pity we are limited by time constraints because the Minister seems to be inclined towards accepting amendment No. 10. If additional time had been available, the Bill could have been recommitted in respect of this amendment in order that the Minister might produce an alternative amendment which would meet our concerns.

Deputy Simon Coveney: I wish to comment on the right of deceased persons to have their good names cleared. The House recently brought its deliberations on the Broadcasting Bill to a close. One of the long discussions in which we engaged on the various Stages of that Bill

related to whether a deceased person's legal representative or a member of his or her immediate family would have a right of reply if an inaccurate, incorrect or libellous story relating to him or her was broadcast. The case of Liam Lawlor springs to mind in this regard. Most people would accept that Mr. Lawlor's family was treated disgracefully by the media in the context of inaccurate accounts relating to the circumstances surrounding his death, who he was with at the time and so on.

Once a person is dead, he or she no longer has a constitutional right to protect his or her good name. In that context, we should take action to ensure that deceased persons are not fair game for inaccurate coverage in respect of what they did while alive or regarding the circumstances surrounding their deaths. There is a need to ensure that immediate family members or legal representatives of a deceased person should have the right to protect his or her good name. A person's right to his or her good name should remain intact regardless of whether he or she is alive or dead.

There have been some very cruel instances where family members have not been able to clear the good names of their deceased relatives. There is no doubt that a gap exists in this area. The Minister for Communications, Energy and Natural Resources, Deputy Ryan, was obliged to deal with a challenge similar to that faced by the Minister for Justice, Equality and Law Reform in the context of how one protects the good name of someone who is not longer with us. I appeal to the latter to give consideration to this issue.

It is debatable as to whether a voluntary code of practice can work. I am of the view there should be some bias in law towards protecting the good names of those who are no longer around to do so. If these people cannot protect their own good names, then a member of their family or a legal representative should be able to do so on their behalf. This is one of the anomalies in the Bill with which I have a personal issue. We have a responsibility to try to address this matter rather than merely stating that, as a result of the way the Constitution is constructed, it is not possible to deal with it in law. I appeal to the Minister, even at this late stage, to try to respond to our concerns.

Deputy Dermot Ahern: I cannot accept amendment No. 9 because the matter to which it relates is already comprehended in the legislation. However, I would be prepared to accept amendment No. 10 in the names of Deputies Ó Snodaigh and Rabbitte. It must be emphasised that this amendment relates to an action.

Deputy Pat Rabbitte: I appreciate that.

Deputy Dermot Ahern: The section states that in a defamation action, a defendant may give evidence that an apology has been provided. However, the amendment places a slightly stronger onus on a defendant to make an apology sooner than might otherwise be the case. In certain circumstances, there may be a reason for tactics to be employed with regard to how a defendant might address this issue, particularly in the context of whether an apology should be issued prior to or during an action. As already stated, I will accept the amendment.

On the issue raised by Deputy Kennedy and other Members in respect of a particular case — Deputy Coveney referred to a different case — since becoming Minister I asked my officials to give consideration to the issue in question in the context of whether we could take action on it in this legislation. We did not come across a precedent in other jurisdictions with legal systems that are similar to ours. As a result, we asked the legal advisory group on defamation to examine the matter.

I also raised the issue with the chairperson of the Press Council and the Press Ombudsman. Moreover, principles 4 and 5 of the Press Council's code of practice are of particular relevance.

[Deputy Dermot Ahern.]

Principle 4 sets out the standards to be met in respect of the respective rights and the protection of one's good name. Principle 5 sets out the standards in respect of respecting the privacy of individuals and paragraph 5.3 sets out the standards to be adhered to in respect of the matters relating to situations of grief or shock and the respects to be afforded to grieving families. I am informed that the Press Ombudsman and the Press Council are taking a proactive stance with media organs to ensure the print media adhere to these standards.

Acting Chairman: While I am obliged by Standing Orders to suspend the sitting for the sos, only three minutes remain for this Bill.

Deputy Dermot Ahern: Perhaps, with the consent of the House, Members will finish with these three minutes.

Deputy Pat Rabbitte: While I am prepared to consent, I wish to make a point.

Acting Chairman: Is that agreed?

Deputy Pat Rabbitte: It is agreed. Three hours have been allocated tomorrow morning to debate a Bill that proposes to cut the pay of former Ministers. I am not aware of opposition in the House to this Bill and do not understand the reason three hours are required. However, Members badly need more time on this Bill and I suggest the Minister should talk to the Chief Whip about permitting this debate to continue tomorrow morning. Members do not need three hours to discuss a measure that, whatever one may think about it, will be accepted in the House.

Deputy Charles Flanagan: This is highly unsatisfactory as important issues arise.

Acting Chairman: This is by order of the Dáil today.

Deputy Charles Flanagan: I know. Notwithstanding this, an important issue is at hand, which was raised by Deputy Kennedy and which requires reassurance from the Minister. Moreover, there are also other issues pertaining to this debate, to which Members will make no reference. The manner in which this legislation has been treated is disgraceful.

Deputy Aengus Ó Snodaigh: The only mechanism available to facilitate further debate is for Members to adjourn now, thereby allowing the Minister to return whenever the House is scheduled to resume and announce whether additional time has been allocated.

Deputy Dermot Ahern: The House divided on this issue this morning and it was decided that debate would conclude after an hour. Moreover, were any more time to become available tomorrow, my priority would be to allocate it to the Criminal Justice (Amendment) Bill rather than to the Defamation Bill. Members have debated this Bill endlessly and it now is time to pass it.

Deputy Charles Flanagan: The word “endlessly” is unfair.

Deputy Dermot Ahern: There is an understanding that it will and should pass before the summer. Many of the following amendments are simply a regurgitation of what Members discussed on Committee Stage *ad nauseam* and of what has been debated in the Seanad and the Dáil over the past two years.

Acting Chairman: Is the Aire accepting amendment No. 10?

Deputy Dermot Ahern: Yes. Moreover, I suggest that Members finish the allotted three minutes and simply get on with it.

Acting Chairman: I am obliged to put the question.

Deputy Dermot Ahern: Do Members consent to go on or do they wish to come back for three minutes?

Deputy Seán Connick: The three minutes now have expired.

Deputy Charles Flanagan: The time is up.

Acting Chairman: As the time permitted for this debate has expired, I am required to put the following question in accordance with an order of the Dáil of this day:

That amendment No. 10 and the amendments set down by the Minister for Justice, Equality and Law Reform and not disposed of, including those in respect of which recom-mital would in the normal course be required, are hereby made to the Bill; Fourth Stage is hereby completed and the Bill is hereby passed.

Question put and declared carried.

Acting Chairman: The Bill, which is considered by virtue of article 20.2.2o of the Constitution as a Bill initiated in Dáil Éireann, will now be sent to the Seanad.

Deputy Charles Flanagan: I wish the Seanad better luck with the Bill than Members had in the Dáil.

Sitting suspended at 1.35 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions.

Priority Questions.

National Asset Management Agency.

25. **Deputy Richard Bruton** asked the Minister for Finance the changes he plans to make to the proposals for the National Asset Management Agency as originally outlined. [28106/09]

Minister for Finance (Deputy Brian Lenihan): The initial preparations for the establishment and operation of NAMA are being managed by a steering group. The group is tasked with overseeing the preparation of the legislation in parallel to the practical preparations for the establishment of NAMA and is made up of representatives of the Department of Finance, the Office of the Attorney General and the National Treasury Management Agency, NTMA. The Government's approach to the unprecedented crisis in global financial markets has been structured and considered at all times.

There have been no significant changes to the proposals for NAMA that I announced on 7 April. At that stage I was quite clear that the details would be complex and would take time to work through, not least because of the potential difficulties that had to be dealt with from the operational, legal and constitutional perspectives. These details are still being worked through by the steering group I established for the purpose of overseeing the preparation of the legislation in parallel to the practical preparations for the establishment of NAMA.

[Deputy Brian Lenihan.]

Substantial progress has been made in the practical preparations for the establishment of NAMA in tandem with the drafting of legislation to establish the agency on a statutory basis and it is my intention to publish the legislation towards the end of this month.

Deputy Richard Bruton: I want to ask questions to shed more light on what is happening. At the initial stages, we heard that every development loan, totalling €90 billion, was to be taken on by NAMA. More recently, it was indicated that it will be based on screening. Will the taxpayer take on the worst loans after this screening? What is the screening that will narrow it down?

What will be the role of the political process in approving and scrutinising the decisions of NAMA? Yesterday we heard that political consensus and buy-in across the spectrum was an important factor in gaining confidence in Sweden. Will the political process have a role in overseeing price setting and the markdowns? Will there be a system where there can be transparency and political accountability for this body, which looks as if it will be divorced from the political area?

The IMF suggested that if the write-downs are likely to have the banks below the waterline it would be preferable to adopt a model of nationalisation to avoid some of the extreme difficulties in valuation. The IMF presented figures that showed that the banks are potentially below water. What is the view of the advice tendered to the Minister?

Deputy Brian Lenihan: There has been no change in policy on development loans. I am not sure about Deputy Bruton's reference to screening. The position on the transfer of loan assets remains as stated in the budget speech. The land and development loans of each bank involved will be transferred. This includes loans secured on development land and property under development, whether performing or non-performing. The book value referred to by the Deputy is not accurate in respect of the total value of the performing or non-performing loans. In addition to landbank loans, the associated exposures in commercial loans where there is a common link between the commercial and development loan are also included in the total book value figure.

Regarding political participation, the legislation will be published later this month. The legislation will contain legal formulae and the House will want much more information on the strategy of the Government and NAMA prior to the enactment of the legislation. It is a start to have the legal framework available to Deputies over the summer because it will give them an opportunity to evaluate a basic framework. I am interested in hearing the opinions of Deputies in that regard.

I am not involved in price setting and I do not know how anyone would want to be involved in it. Criteria must be laid down in legislation and must be worked out in detail. The NTMA has retained the services of the HSBC and Jones Lang LaSalle for the valuation of the loans. They are valuing the loans on a commercial, market basis. The EU is laying down guidelines on how loans should be valued and we must follow them.

Regarding nationalisation, there is nothing new in what the IMF said. I said it in the supplementary budget speech. If the result of the NAMA exercise and the scale of the losses occasioned by NAMA is such that the bank requires fresh capitalisation, I indicated in the budget speech that the State would capitalise by ordinary equity investment in the relevant institution.

Deputy Richard Bruton: Can I take it from the reply that there will be no political oversight of this process of valuation and execution against the criteria? Can I also take it that NAMA

will decide if we nationalise? If it gives a haircut that is more than shareholders' funds, we will nationalise and if it gives a haircut less than shareholders' funds we will not nationalise. That decision has been devolved to NAMA.

Deputy Brian Lenihan: There must be political oversight, first by me as the responsible Minister and by accountability to the House.

Deputy Richard Bruton: How will that happen?

Deputy Brian Lenihan: The principles of valuation will be laid out in legislation and will be subject to political debate. No valuation can take place until the principles are approved by the House. Each asset must be valued individually under EU rules.

Deputy Richard Bruton: If shareholders are wiped out, are we not into nationalisation?

Deputy Brian Lenihan: I will not interfere in the valuation of individual assets. Regarding the question of whether there should be cross-party participation in the oversight of the NAMA structure, I am open to constructive suggestions in that regard.

Fiscal Policy.

26. **Deputy Joan Burton** asked the Minister for Finance if he will publish, in full and in a timely manner, the reports of the Commission on Taxation and the special group on public service numbers and expenditure programmes; if he will publish the working papers and supporting documentation relevant to the preparation of these reports; and if he will make a statement on the matter. [28104/09]

Deputy Brian Lenihan: The Commission on Taxation, under the chairmanship of Mr. Frank Daly, is an independent group charged with providing an assessment of how our tax system can be reformed. It is expected to complete its work shortly. When I receive the report I will bring it to the Government in advance of publication. The publication of individual documents, reports and submissions made to the commission, or internal papers or records emanating from the work of the commission, are matters for the commission. However, I understand that certain submissions may be made available on the commission's website. I will speak to the chairman on this matter.

The special group on public service numbers and expenditure programmes, under the chairmanship of Mr. Colm McCarthy, has completed its deliberations and I expect to receive its report imminently. I have not yet received the report. After I have considered the special group's report, I intend to bring it to Government and the groups analysis and recommendations will assist me and my Government colleagues to identify economies that can be made on the scale necessary to ensure the public finances are restored to a more sustainable path. The group's conclusions will be considered on an ongoing basis in the context of preparing the Estimates of expenditure for 2010 and later years. Publication of the report is a matter for the Government and I will discuss it with my colleagues in Government.

Deputy Joan Burton: Three significant events for the economy will happen over the course of the summer as preparations are under way for the budget. These are NAMA, the report of an bord snip nua and the report of the Commission on Taxation. The Minister suggested he wants participation by parties in the House in this process. I do not know how the Minister envisages a genuine debate on the content of both reports unless the information is published.

As the Minister knows, the bord snip nua report is supposed to suggest a range of retrenchments; for example, I understand that some members of the board are not overly impressed

[Deputy Joan Burton.]

with Seanad Éireann and have suggested that there might be retrenchment there and other members have suggested that in these straitened times certain Departments do not contribute as much as they otherwise might. Is there an intention to publish the information so that a genuine debate can take place?

As I understand it, the bord snip nua report involves senior public servants in each Department offering up areas of potential retrenchment and cutback; that is how it has been described by the Chairman. It copies the previous bord snip. What does that mean? Will the Minister confirm that this means, as has been suggested, that every item of expenditure in each Department, capital and current, has been broadly examined by the board which has made observations on where savings and efficiencies might be made. Will the Minister confirm that this could account for approximately 400 items of public expenditure throughout all Departments and agencies?

Deputy Brian Lenihan: I cannot confirm the opinions of particular members of the special group. It is not the opinions of members that matter, it is the conclusions upon which they have agreed in the report. I understand the report will be submitted to me this evening; I have not seen it so I cannot comment on suggestions made by Deputy Burton on particular recommendations in it. I can understand why there has been speculation about them as in the course of the finalisation of the report in recent weeks contact was made with various Departments to finalise details on the accuracy of figures, programmes and the like. This has led to a degree of speculation about some of the recommendations but to date I have not seen them.

A point I would like to make clear because it stems from the terms of reference of the special group is on the matter of capital expenditure. Capital expenditure was not within the terms of reference of the special expenditure group; the focus is on current expenditure. I understand some recommendations are made on capital expenditure but they arose incidentally from an examination of current expenditure. The report does not purport to be a detailed analysis of or a set of recommendations on our capital programmes.

Deputy Joan Burton: I thank the Minister for his reply. Does it mean the members of the committee have met the Secretaries General of Departments and chief executives of large spending organisations and have asked for their response on how savings might be made under various headings? Have those Secretaries General and chief executives communicated with the Minister's in charge of the various Departments? In other words, is an bord snip nua getting Secretaries General in various Departments to offer up the cuts they would find more palatable and have the line Ministers been consulted? I know they will be consulted at Government level but this is very important.

With regard to capital expenditure, will the Minister state what is incidental? Does it mean that if the HSE must offer up savings it has implications for building a children's hospital and if so what type of capital implications does it have?

Deputy Brian Lenihan: No, I do not think the capital expenditures reviewed involved major projects but I must await sight of the report to confirm that. Incidentally, with regard to publication I should have stated to the Deputy that I will bring her views to the attention of my Government colleagues when we discuss the report. I take it the view of Fine Gael is also that it would be desirable to have publication.

With regard to the interaction between Secretaries General and Ministers and the process, members of the group were assisted by staff at my Department and they had many meetings with senior public servants. I know that in some cases Secretaries General briefed Ministers about the process. There is no question of Departments, agencies or bodies offering up expendi-

ture. It is an independent critical evaluation of day to day expenditure across the board. In no sense was it like a routine Estimates process where Departments were set figures and told to offer up sums. Rather, it was an exercise of an independent evaluation of expenditure.

The Government is not necessarily committed to the report. It offers the Government and the political system realistic options on expenditure which will require to be evaluated.

Budgetary Process.

27. **Deputy Kieran O'Donnell** asked the Minister for Finance the changes planned for the preparation of the budget and Estimates for 2010; and the role he envisages for the Houses of the Oireachtas in evaluating choices presented by review groups. [28107/09]

Deputy Brian Lenihan: The broad parameters for the budget for 2010 were set out in the supplementary budget which for the first time set out a multi-annual plan to achieve a general Government deficit of 3% of GDP by the middle of 2013. In terms of the next two years, the supplementary budget set out the indicative split between the necessary further expenditure and tax revenue adjustments required, amounting to up to €4 billion in 2010 and 2011. At the time, I indicated that the expenditure targets were a minimum and the taxation targets were a maximum and I have since elaborated on this to indicate that the scope for further income tax increases is limited. This will mean that other measures that broaden the tax base and further improve the expenditure position are central to the ongoing fiscal consolidation process. It is not clear that further broadening of the tax base will add in a significant way to the amount of revenue that can be raised to meet the necessary targets.

The commission on taxation, which is expected to complete its work shortly, and the special group on public service numbers and expenditure, which is due to report to me imminently, will have an important role to play in identifying measures that will achieve the required adjustments for 2010 and subsequent years, as set out in the supplementary budget.

The report of the special group will assist the Government to identify economies which can be made on the scale necessary to ensure that the public finances are returned to a sustainable path as soon as possible. The special group's conclusions will accordingly be considered on an ongoing basis in the context of preparing the allocation of expenditure this year and for next year.

In relation to the commission on taxation, its terms of reference are far reaching and broadly defined and as Deputies know they allow for consideration of all aspects of the Irish taxation system. The work of the commission will help establish the framework within which tax policy will be set for the next decade at least. I expect to receive the report of the commission shortly and I will bring it to Government for consideration at that stage.

It is intended that the pre-budget outlook will be published in mid to late October, setting out the pre-budget position in more detail based on the latest available data. In this context, my Department will produce updated macro-economic projections which will inform the decision-making process for the December budget. The pre-budget outlook will assist the House by informing the debate in the run-up to the presentation of the budget. I will then set out the details of the budget for 2010 in my address on budget day in early December and the budget will also contain updates to the medium-term economic and fiscal projections.

As the Deputy is aware there is ongoing engagement with both Houses as well as the various committees, in relation to economic and fiscal matters. I have no reason to believe the situation will be any different in the lead-up to the presentation of the budget for 2010.

Deputy Kieran O'Donnell: As we have an economic crisis, will the Minister agree that it is time to change the budgetary process to allow the Estimates and annual output statements to be debated well in advance of the pre-budget outlook? Will the Minister allow the Opposition to have an input into the Estimates whereby they can be changed by moving figures from one area to another to bring about efficiencies? Standing Orders can be amended to allow this to happen. At present, the Opposition has not seen the Estimates on budget day and there is no proper discourse. Perhaps these changes could take place. I would like the Minister to take that on board.

With regard to the McCarthy review report and the report of an *bord snip nua*, will the Minister recommend to the Cabinet that the report be published immediately? Will he call an emergency meeting of the Cabinet so that it can be published before the Dáil goes into recess? These are critical issues on which I would like to hear the Minister's view.

Deputy Brian Lenihan: On the budgetary process, in recent years we have had a unified budgetary process in which the Estimates of expenditure are announced on the same day as the taxation proposals of the Minister for Finance. That is the new, unified budget proposal introduced by my predecessor, which was considered a milestone on the path to reform.

Deputy Kieran O'Donnell: Not by the Fine Gael Party.

Deputy Brian Lenihan: In effect, under our current system we have a unified budgetary announcement. I would be anxious, leading up to the budget, to give the maximum amount of information to the Opposition parties, as I did before the supplementary budget. I hope to repeat that facility, but I am not sure we can go much further than that. I thought that process was useful before the supplementary budget.

Deputy Kieran O'Donnell: It should be a structured engagement.

Deputy Brian Lenihan: Responsibility for devising the Estimates falls, under the Constitution, to the Government, which has highly structured engagement on the issue which often lasts many weeks before arriving at final decisions.

As Deputy O'Donnell is well aware I will express my opinions on the McCarthy process to my colleagues in Government, the appropriate place for me to express them. I do not see much scope for emergency Government meetings since our routine Government meeting on Tuesday morning, as the House is in almost continuous session every day this week. I will bring the report before my colleagues at the earliest opportunity available to me.

Deputy Kieran O'Donnell: There is no constitutional reason the Minister should not make known the make-up and build-up to the Estimates in respect to the House. The Minister continually suggests the Opposition should be involved in the process. Therefore, he should let us have a structured approach on the Estimates.

It is critical the McCarthy report is published and debated in the House immediately. The Dáil session concludes on Friday. The report has been ready for some time and could have been presented to the Minister prior to last Tuesday and he could have brought it before the Cabinet meeting. What recommendation will the Minister make to the Cabinet on the issue? Will he recommend the McCarthy report be published?

Deputy Brian Lenihan: The McCarthy report is only fresh from the printer today, following much textual work required during the past fortnight to finalise the content. There has been no undue delay although a deadline date of 30 June was set. The publication of the report has gone a few days beyond that, but there has not been substantial slippage.

Deputy Kieran O'Donnell: What will the Minister recommend to the Cabinet?

An Leas-Cheann Comhairle: Allow the Minister reply, without interruption.

Deputy Brian Lenihan: I express my views on these matters to my colleagues in Government. That is the duty of a Minister and that is how a Minister operates.

Deputy Kieran O'Donnell: Does the Minister not think the House is owed a level of respect?

Deputy Brian Lenihan: I will show respect to the House by conveying the Deputy's views to the Government.

National Asset Management Agency.

28. **Deputy Joan Burton** asked the Minister for Finance the position with respect to the National Asset Management Agency legislation; if a valuation methodology for assets being transferred to NAMA has been agreed; if it has been approved by the EU; if the valuation methodology will imply a mark up on market price or a mark down on their book value; and if he will make a statement on the matter. [28105/09]

Deputy Brian Lenihan: As the Deputy will be aware, the initial preparations for the establishment and operation of NAMA are being managed by a steering group. The group is tasked with overseeing the preparation of the legislation in parallel with the practical preparations for the establishment of NAMA and is made up of representatives of the Department of Finance, the Attorney General's Office and the National Treasury Management Agency, NTMA.

The valuation of loans is, of course, crucial for NAMA. Loans will be transferred to NAMA at an appropriate write down which will ensure value for money for the taxpayer and take into account the risk being transferred to the State on the basis of the European Commission guidelines. The valuation methodology will be based on a number of factors, primarily current market value and the underlying longer-term economic value of the assets.

The NTMA has engaged HSBC to assist in the development of an appropriate valuation methodology which will ensure the independence of the valuation process. The valuation methodology require to be agreed with the European Commission.

Deputy Joan Burton: Will the Minister confirm that at this point in time NAMA is, as I understand it, talking about taking over the bad loans of some 20 to 50 big developers whose loans amount to between €20 billion and €45 billion? Will he confirm that the way this will work is that each loan will be valued separately and independently? The Minister did not address the question I asked. I asked whether he will use a mark to market method for the valuation? In other words, will he take the current market value and use that as the basis of valuation or will he take book values and take a markdown on the book values?

There is a significant variation between those two methods. The director general of the Swedish National Debt Office, Mr. Bo Lundgren, recommended yesterday that there should be a high relationship with market value or otherwise Irish taxpayers would end up bearing an enormous burden. Will the Minister confirm what method of valuation will be used? Will it be based primarily on market values or on the kind of manufactured valuation to which the Minister alluded, based on some long-term potential economic value?

Is it true that loans under €5 million held by developers will not be referred to NAMA but will be worked out separately by the banks?

Deputy Brian Lenihan: I do not confirm and it is not the case that NAMA will simply select bad loans from 20 to 50 developers to deal with in the first instance. That is not envisaged. It has always been envisaged that both performing and non-performing loans will be taken over. On the Deputy's question about loans under €5 million, there is a question of degree in terms of the management of the loans. We are anxious to ensure we have as tight a staff and personnel as possible. Therefore, it is the case that some of the larger loans will be directly managed by NAMA, but some of the smaller loans will not.

On the question of the valuation methodology to be used, as I pointed out, the valuation methodology has not been finalised. However, the development of thinking on the valuation methodology to date is along the lines mentioned by the Deputy and by Mr. Bo Lundgren yesterday. I met him yesterday after his presentation to the Joint Committee on Finance and the Public Service and would like to thank him for the constructive contribution he made to our banking debate there.

With regard to the valuation methodology, as I indicated in my reply, we must value the assets on both a market and individual basis, but under the European directive there is the option of taking into account a longer-term economic value. There is no question of starting off with the book value and devising an appropriate discount. That is not the way to do the valuations. The valuations must be done on a mark to market basis, but scope is given in the EU rules for some element of additionality based on medium-term economic value. The precise scope of that must be determined by the Commissioner and it is a rule that will apply in all member states.

Deputy Joan Burton: How would the Minister propose to assign a medium-term economic value to development land in a context where throughout the country we have large volumes of unsold property, both commercial and residential? It is obvious to anybody that a medium-term economic value for development land, which constitutes the largest element, is likely to have to face a very steep discount. Does the Minister understand that people working with and running businesses in this country are terrified of the charges the Government proposes to put on the backs of taxpayers for the NAMA process? Mr. Lundgren, the gentleman from Sweden, specifically told us that in Sweden the banks had to take the hit in terms of discounting the values.

The Minister said NAMA is not going for the big developers and he denied that there were 20 or 50 big developers. Did I get the number wrong? Are we talking about 100 big developers? Why would the Minister go after developers whose positions were positive? Surely the only people going into the NAMA structure are those who are impaired. They may have, as the Minister suggests, some good assets like rent rolls from, say, commercial property centres and so on. Can the Minister elaborate on that remark? I find it extremely difficult to understand why NAMA would acquire good assets from a developer in good standing. Surely NAMA is only for people who are so impaired they have to be bailed out. There is no other meaning to it.

Deputy Brian Lenihan: Deputy Burton raised a number of matters and I will deal with each in turn. First, the agricultural or zoned land which has no construction on it is not in fact the majority of the book value, which is an important point where the Deputy is wrong.

Deputy Joan Burton: I did not say it was the majority; I said it was some of it.

Deputy Brian Lenihan: The Deputy seemed to suggest it was the great bulk of it. The key point in regard to the valuation of those assets is exactly as Deputy Burton stated, namely, that there has to be a very steep discount for such assets. In addition, in the case of land, the

potential for any medium-term economic value has to be very carefully evaluated because in some cases there may be no medium-term economic value. I do not fundamentally disagree with the point of principle on which the Deputy asks, which is a matter the NTMA is factoring into its thinking in the evolution of a valuation methodology.

With regard to the number being 50 or 100 developers, the point I made was that the number of loans being directly managed at NAMA will not cover all of the loans as, otherwise, a huge administrative burden would be imposed on NAMA. Although that number has yet to be finalised, whether it is 50, 100 or 150, there will be a cut-off point in terms of the size of the loans being worked out directly by the new agency.

The Deputy raised another point.

Deputy Joan Burton: Will the Minister expand on his suggestion concerning quality assets being included with impaired loans?

Deputy Brian Lenihan: It has been made absolutely clear since the supplementary budget statement and it remains the case that performing loans — good assets — are being taken as well as bad assets in the land and development category. In other words, in terms of the construction cycle from the acquisition of land right through to the completed house which is not sold, and the various intervening stages at which developments may be, it is the intention that all of that segment of the banks' books will be taken over by NAMA.

Deputy Joan Burton: But only impaired developers.

Deputy Brian Lenihan: No, that is not correct. There is no requirement of impairment, as I have told the Deputy several times.

Deputy Joan Burton: Why would NAMA acquire quality assets?

Deputy Brian Lenihan: That is why NAMA is not as dangerous as the Deputy keeps representing it.

Capital Investment.

29. **Deputy Richard Bruton** asked the Minister for Finance if he has reached a decision on the potential sources of new funding from a pension bond or otherwise for needed infrastructural investments. [27879/09]

Deputy Brian Lenihan: The Government is continuing to invest substantial Exchequer resources in capital infrastructure, with €7.3 billion allocated for capital projects in 2009 and some €31 billion allocated for the period to the end of 2013. This investment supports a substantial level of employment, while the reductions in tender prices mean that we can do more with less. Nonetheless, as Deputy Bruton is aware, the Government is also exploring new ways to fund capital investment. The pension funds industry and other institutional investors represent one possible source of additional private sector funding for public private partnership projects.

My officials, together with the National Development Finance Agency and others, have been actively engaged with several interested private sector parties to work through the details of funding proposals that could potentially help to unlock additional sources of private capital for infrastructure funding. The discussions are encouraging, and I hope to make progress on a mutually satisfactory basis. Clearly, the key issue for the State is to ensure that the terms are right and in the taxpayer's favour, that value for money is secured and that the private sector shares the appropriate level of risk to minimise the State's exposure to additional borrowing.

Deputy Richard Bruton: I thank the Minister for his reply. I am sure the Minister is as acutely aware as I am that we have been losing 1,000 jobs every working day since the beginning of the year and approximately half of those are in the construction sector. Against this background, there is a great deal of urgency in the process the Minister announced on 7 April but today, 7 July, there is no progress to report. What urgency is the Minister giving to this matter? Does he agree that, against a background where he is cutting 40% from his own capital budgets, this process is seriously adding to the difficulties in the sector? Does he agree that we need to consider imaginative ways of funding necessary infrastructural investment? Would he consider the Fine Gael approach which is entirely commercial in respect of certain types of infrastructure?

In respect of PPPs, has he changed the model he uses to evaluate PPPs given that, to use the economics term, the shadow price of labour is much lower now, and the shadow price of capital is much changed for the State because there is an absolute limit on what we can borrow? This very significantly changes the attractiveness of opting for a PPP in this environment. Is the Minister moving the process on rapidly? Is he taking into account the new and horrendous realities in our economy that change the way we should look at these issues?

Deputy Brian Lenihan: I am optimistic that the private financing options being examined will prove helpful. I would prefer to explore approaches that retain as much of a role as possible for the private sector in providing funding and avoid the setting up of an additional State body if at all possible. The Fine Gael proposal, as I understand it, involves the establishment of a number of additional State bodies.

I remind the Deputy that the Government has responded to the global financial uncertainty in a very decisive way, as our friend Bo Lundgren pointed out yesterday to the committee. My Department and the NDFA, National Development Finance Agency, are working closely together in exploring this area. The team working on this involves not only my Department and the NDFA but also the Central Statistics Office. The principle aim of the team is to devise an infrastructure financing arrangement that meets our requirements. As I have indicated, this means the terms have to be right and in the taxpayer's favour, the investment has to make economic sense, value for money must be secured and an appropriate level of risk must be shared by the private sector involved. Unfortunately, due to concerns about commercial sensitivity, I am not free at this point to discuss the details of any proposal.

Deputy Richard Bruton: The Minister did not answer the central question. Has he changed the evaluation in the light of the changed circumstances?

Deputy Brian Lenihan: On the PPPs, the answer is no.

Deputy Richard Bruton: As a member of the Government which created 250 new agencies, to spot the speck in Fine Gael's eye in terms of setting up a holding company to invest €11 billion in State infrastructure that we will need to get out of this recession is biblical in the extreme. Can the Minister give us a deadline against which we will have a decision? An appalling human catastrophe is taking place and we are seeing the meltdown of skills of talented people. We need an injection of urgency both in the way this is done and the speed with which it is done. Three months on from the budget, I do not sense urgency anywhere in the system to make this happen.

Deputy Brian Lenihan: I assure the Deputy there is great urgency attaching to this matter. Maintaining a volume of our investment in capital projects, howsoever financed, will ensure we sustain some level of activity in the construction sector and maintain much-needed skills there. I agree with the Deputy in that regard.

There has not been a change of the criteria in regard to PPPs. The question the Deputy tabled relates to an alternative funding mechanism which I had outlined in the budget and which is being actively explored and will be brought to a conclusion as quickly as possible.

Deputy Richard Bruton: The world has changed and the way of looking at PPPs needs to change. We are budget-constrained now.

Other Questions.

Financial Services Regulation.

30. **Deputy Catherine Byrne** asked the Minister for Finance if he has received a report from the Irish Financial Services Regulatory Authority on whether banks have matched fixed rate mortgages with their own borrowings at high fixed rates which would justify the application of high breakage charges. [27883/09]

Deputy Brian Lenihan: The Deputy's question refers to the commitment I gave in this House on 26 March 2009 to request the consumer director in the Financial Regulator — which has a statutory mandate to safeguard customers' interests — to examine the level of redemption fees charged by banks to customers wishing to exit from fixed rate mortgages. My Department received a copy of the Financial Regulator's report on this matter on 29 June 2009. The report sets out that the Financial Regulator requested specific information from 26 lenders on how early redemption fees quoted to customers are calculated. Of the 26 lenders, 25 confirmed to the Financial Regulator that they did not impose any fees in respect of the early redemption of a fixed rate home loan other than those which would arise in the context of a normal redemption of any mortgage. In one case, a €95 fee approved under the Consumer Credit Act 1995 is charged by the lender for breaking a fixed rate mortgage. The regulator's report states that independent actuarial confirmation was also sought from all the lenders to substantiate the case that the formulae applied by them to calculate redemption fees were restricted to the recovery cost of the funding of particular fixed rate mortgage arrangements in place.

On the basis of the information supplied by the lenders, including worked examples and the actuarial confirmations submitted, the regulator concluded and has confirmed to my Department that its analysis indicates the early redemption fee calculation in all cases appears to seek to recover costs and lenders do not generally apply additional fees in the case of early redemption. The Financial Regulator has advised my Department in its report that since its findings are based on a review of material provided by lending institutions rather than verification by means of on-site inspections, it intends to carry out at least six on-site inspections on this issue.

Lenders do not, therefore, seem to be applying financial penalties to dissuade borrowers from early redemption of fixed rate mortgages. However, if the additional work to be undertaken by the regulator brings to light any information that does not support the findings and the conclusions contained in its report, the regulator has confirmed that this information will be made available immediately in the public domain.

Deputy Richard Bruton: Although he did not address the matter in his reply, the Minister has committed to examine whether the exposure to fixed-rate mortgages by these lenders is matched by commitments to fixed-rate funding on their part. He has not adverted to the matter but it is a central issue. If the banks do not commit to long-term money they should not charge breakage fees for those committed.

[Deputy Richard Bruton.]

I refer to the finding in the report which showed some lenders limit the breakage fee to six months' interest. In light of the very hands-on involvement the State now employs in the practices of financial institutions, does the Minister agree the approach used by some lenders ought to adhere to a best practice, given a background in which families are being crucified with commitments? If it is possible for some then it should be possible for all and a code of best practice should be employed.

Deputy Brian Lenihan: Certainly I will take up the Deputy's suggestion on the matter of six months' interest and whether it is the practice. However, the answer deals with the question, correctly raised, of whether it is matched to long-term funding. It refers to actuarial calculations which relate precisely to the cost of funding the borrowing.

Deputy Joan Burton: That is a different matter.

Deputy Brian Lenihan: That is the basis of the regulator's examination.

Deputy Joan Burton: The Minister is probably more aware than I that part of the reason for the mess in which the Irish banks find themselves is that they borrowed short to lend long. However, people who borrowed on mortgages have borrowed long. An individual family who bought a mortgage borrowed long but many of the banks borrowed short. The actuarial valuations seek to value the cost of long borrowing, not necessarily the actual borrowing the banks undertook. It may have been what they should have done but the mess they are in suggests that in many cases they did not.

Will the Minister arrange to extend the study to include international best practice on this issue? In one or two years' time, if the European Central Bank began to lift interest rates, fixed term mortgages may become attractive again. As the Minister will be aware, people are advised to shop around in a narrow sense for the best possible deal. We should consider what is available or what takes place in the United States and in places where penalties exist. Some of these penalties have been as high as €20,000 or €30,000 for hard pressed families. Will the Minister extend the review deeper and further to include an examination of the approach of other countries to ensure borrowers get a fair deal as far as possible?

Deputy Brian Lenihan: The suggestion on international best practice is constructive. The Deputy will appreciate that the regulator sought first to establish whether the basics were being adhered to.

Deputy Joan Burton: I am simply suggesting it.

Deputy Brian Lenihan: However, building on the review, that is a very constructive suggestion and I will follow up the matter.

One of the great difficulties is the banking sector must have fixed rate mortgages as an option and if one were to interfere with that one might close down the option for the future. I am unsure if I am as pessimistic — if that is the correct word — as Deputy Burton about the future trajectory of European Central Bank interest rates.

Deputy Joan Burton: They are likely to rise a little in the coming two years.

Deputy Brian Lenihan: In time it may be possible that will take place. However, I will raise the issue.

Deputy Kieran O'Donnell: The review is all very well but let us consider the historical position with Anglo Irish Bank. The Financial Regulator relied on evidence provided by Anglo Irish Bank whereas it should have carried out independent verification work on day one. Instead it relied on an independent review carried out by the banks and it is now considering whether to carry out a review verification at a later date. A thorough, in depth review should be carried out by the Financial Regulator now. People are being caught with between €10,000 and €40,000 in terms of breakage fees on fixed rate mortgages, many of whom are young families and it is not good enough. Will the Minister call on the Financial Regulator to extend the review to a thorough verification of fixed rate mortgages?

Deputy Brian Lenihan: The regulator has made it clear that on-the-spot examinations will now take place in several institutions.

Deputy Kieran O'Donnell: When?

Deputy Brian Lenihan: I do not believe it would be advisable to give a specific date for that as it would amount to giving notice to institutions concerned and it would not be normal practice for on-the-spot checks. Clearly, they will be carried out imminently.

Deputy Arthur Morgan: Is the Minister aware of the real crisis facing families struggling to repay mortgages? In some cases it is very serious and at the point of being a battle for food. Is the Minister really aware of the extent of the problem? Does he understand why people, including many Members, simply would not trust any information provided by the banks? I refer to Deputy O'Donnell's question regarding when and how soon these six on-site visits will take place?

Deputy Brian Lenihan: They will take place very quickly. I assume the regulator will build on the work already done. I will certainly raise with the regulator the issues of the suggestions raised about international best practice and the question of whether six months' interest is now a restriction or has become an industry norm.

Financial Institutions Support Scheme.

31. **Deputy Brian Hayes** asked the Minister for Finance if he has estimated the staffing requirement and the operating costs likely to be associated with the operation of the National Asset Management Agency; the powers which the interim managing director has; and the oversight and articles of association under which it operates under National Treasury Management Agency legislation. [27919/09]

Deputy Brian Lenihan: As the Deputy will be aware I have established a steering group to oversee the preparation of the National Asset Management Agency legislation in parallel with the practical preparations for the establishment of NAMA. Among the issues being considered by the steering group is the policy on the staffing of NAMA once established and the degree to which operations will be outsourced to service providers or participating institutions. The legislation will include provisions dealing with the staffing and providing for the operational costs of NAMA. The legislation will be published before the end of this month.

Mr. Brendan McDonagh, a director of the National Treasury Management Agency, was appointed as interim managing director in May of this year. Mr. McDonagh works in partnership with the steering group which contains representatives of the NTMA, my Department and the Office of the Attorney General in ensuring the implementation process is driven forward in the interim period, pending legislation. Mr. McDonagh is an employee of the NTMA and is one of its representatives on the steering group.

[Deputy Brian Lenihan.]

Pending legislation, NAMA preparatory work is subject to the same oversight as the NTMA and is being directed by the NAMA steering group, which reports to me. NAMA will be closely aligned with the NTMA and as a consequence NAMA will benefit from the positive international reputation of the NTMA. The precise nature of the relationship between NAMA and the NTMA will be provided for in the legislation and it would not be appropriate for me to comment further on the detail in advance of its publication.

Deputy Richard Bruton: I refer to the ongoing discussions with the banks which the Minister has overseen. What commitments or indications have been entered into with the banks in terms of valuation criteria? Have these been the subject of any of the discussions or are they entirely out of bounds until an Oireachtas view is taken?

With regard to the management of the property portfolio which the State will soon own, how is it intended to manage that process? Does the Minister intend to establish a special court — as happened in Sweden — where issues of legal challenge could be quickly dealt with rather than having this process endlessly delayed in visits to High and Supreme Courts during the process?

Deputy Brian Lenihan: Discussions with the banks have not related to valuation methodology as that is a matter of policy which ultimately will have to be determined by the Oireachtas. At this stage the valuation discussions are taking place within NAMA and with my officials and in liaison with the European Commission at Brussels. The discussions with the banks relate to the identification of their impaired assets and it is essential that we have a profile of those assets as part of the essential preparatory work for NAMA.

On the suggestion of a special court, I will have it examined. However, the Commercial Court in the High Court works extremely well in Ireland. There are greater difficulties with the operation of judicial review and we certainly do not want NAMA marooned in a labyrinth of legal proceedings so that is an important matter. The Attorney General is represented on the steering group and I know a great deal of attention is being given to this aspect.

Deputy Joan Burton: The Minister referred in earlier responses to the principles of valuation and the valuation process. He referred to a firm of advisers, HSBC, in that process. Will the Minister agree that what is needed is a separate and independent valuation board, like the Swedish model, of independently qualified valuation people? In Sweden this included people from the academic sphere.

The same firms of lawyers and accountants seem to be acting for people in all parts of the process. One firm of lawyers acts for the Department of Finance, and is now acting for NAMA, and also acts for one of the covered institutions and was also quoted as an adviser to a consortium interested in buying into one of the banks. Similarly, one of the major accounting firms crops up as everybody's adviser, on all sides of this issue. I worked for an international accounting firm and I understand the concept of Chinese walls but in accounting and legal firms there are senior partners and more junior partners and staff. For example, if the senior partner is operating for a bank, one of the covered institutions, and some of the more junior partners down the pecking line are operating from NAMA, how does the Chinese wall concept operate because the senior partners are the senior partners in any professional firm? I ask the Minister to expand on this aspect because it seems extraordinary that the same set of names crops up all the time for practically all the parties concerned. Do we have other firms of lawyers and accountants?

Deputy Brian Lenihan: With regard to the involvement of HSBC and Jones Lang, they are assisting NAMA in devising a valuation methodology while not actually doing the valuations. They are engaged in provisional valuations for the purpose of their general exercise but they are not doing the valuations. I will have Deputy Burton's suggestion of an independent board examined as it is something that will have to be considered in the context of the legislation.

On the question of professional advice and professional advisers, I am glad to say that on this occasion, the NTMA engaged in standard tendering procedures in which I do not have any involvement. On the basis of those procedures it selected those whom it regarded as complying with the tender to the best possible extent in terms of price offered and in terms of the quality of the expertise available.

Deputy Joan Burton: Is the Minister aware these are all the same firms?

Deputy Brian Lenihan: Of course I am aware of matters that are in the public record but I am making the point——

An Leas-Cheann Comhairle: I ask the Minister to allow the other Deputies who are offering.

Deputy Brian Lenihan: I apologise to Deputy Morgan.

Deputy Arthur Morgan: Are the Minister's negotiations with the banks regarding the charges of their staff doing that element of the work for the Minister, for NAMA, complete or ongoing? What is the estimated level of cost for the activities of the banks' staff associated with NAMA likely to be?

Deputy Kieran O'Donnell: I have a similar question about the operating costs for NAMA. The understanding is that NAMA will take over all development loans, both impaired and performing. Is the Minister satisfied that this is the most efficient model, bearing in mind the cost to the taxpayer? The former Swedish Minister for Finance was before the Oireachtas Joint Committee on Finance and the Public Service yesterday. He was of the view that the Government should put money into the banks rather than purchasing assets as in the NAMA model. I ask the Minister to comment.

Deputy Brian Lenihan: I met him yesterday afternoon and we will not argue over what he said. It is important to bear in mind that he endorsed the policy of the Government of a blanket guarantee. He said that was the first essential step taken in the Swedish crisis. He said, rightly, that capitalisation is very important and this is a step we have taken with regard to AIB, Bank of Ireland and Anglo Irish Bank. He mentioned nationalisation with regard to ownership structure and we have nationalised Anglo Irish Bank and do not rule out larger stakes in the other banks if the scale of the losses requires it.

On the question of taking distressed assets and asset disposal, it was a technique he mentioned as one of the techniques to resolving a banking crisis. We decided because of the small size of Ireland and the scale of the development loan book that it would be better to take the performing as well as the non-performing loans to give NAMA a continuing income which will help with operating costs. The Deputy mentioned the word, "negotiations". There are no negotiations with the banks. This is a public policy that is being implemented. So far as I am concerned, all that happens with the banks is discussions about how we are going to proceed with that public policy. The banking crisis here is a very serious problem for which the banks share a great part of culpability and it is essential from a public interest point of view that the Government lays down policy in this area to restore the banking sector to rude good health as quickly as possible.

Pension Provisions.

32. **Deputy Róisín Shortall** asked the Minister for Finance the estimate of the liability of public sector pensions, including those pension funds recently earmarked for transfer to the National Pension Reserve Fund in the Financial Measures (Miscellaneous Provisions) Act 2009; and if he will make a statement on the matter. [27984/09]

Deputy Brian Lenihan: The latest estimate for the accrued liability for public service occupational pensions is €75 billion as of 2007. This accrued liability figure is a single monetary amount representing the present value of all expected future superannuation payments to current staff and their spouses in respect of service to date, plus the full liability for all future payments to current pensioners and to their spouses. It includes those liabilities relating to pension funds transferred to the National Pension Reserve Fund under the Financial Measures (Miscellaneous Provisions) Act 2009. The large size of the figure is due to the fact that it represents a projection of aggregate pension payments that will be spread over perhaps 70 years into the future.

The estimate of the accrued liability should not be confused with the actual cash funding that will be required in the future. The more immediately relevant measure of public service pension costs is the actual annual outgoing on pensions, which amounted to approximately €2.5 billion in 2008 or 1.3% of GDP. This annual outgoing is projected to rise to 2.5% of GDP by 2050, almost doubling. The projected increase arises from the growth in public service employment in the past and from increasing longevity.

Deputy Joan Burton: I ask the Minister to update the House on the number of public servants who have decided to take the Government's offer of early retirement and the number of public servants, including people such as principal teachers, who are retiring and in some cases have full service so they are not part of this special offer. Has the Minister examined whether he will proceed with the suggestion which arose from the chairman of An Bord Snip Nua, that the lump sum payment received by public servants would be subject to taxation? Has this been the subject of any paper or research? What is the annual cost of lump sum payments? If the Minister is proposing to tax them, would it be on the same basis as the taxation of redundancy and retirement payments in the private sector? It should be remembered that somebody who has built up a private sector pension can receive 25%. In the case of Mr. Fingleton, whose pension pot was approximately €30 million, he was entitled to take approximately one quarter of that tax free. Is the Minister proposing that public and private sector treatment of redundancy and retirement payments would be treated the same? What is the Minister proposing in that regard?

An Leas-Cheann Comhairle: That is well beyond the scope of the question.

Deputy Brian Lenihan: Indeed, and the factual matters were beyond the scope of the question as well but I will try to help the Deputy by getting that information together for her. I will ask my officials to do that because I do not have it on my brief in regard to, for example, the take-up in the early retirement scheme. I understand a few hundred applications have been received but the deadline date is 1 September and generally, with any scheme of that type, a larger volume arrives nearer the deadline date.

Regarding the question of the lump sum, I am not aware that the chairman of the expenditure control group had expressed any views on this particular matter. The matter is being considered not by the expenditure control group but by the Commission on Taxation and my understanding is that it is examining this question and will include any proposals it may have in that regard in its report.

Deputy Richard Bruton: What is the Minister's view of the need to reform public pension provisions in the light of this figure? I understand from my colleague, Deputy George Lee, that the total value of private sector funds, which cover four times as many workers, is virtually the same as the value of the liabilities of the public sector. That gives one an impression of the scale of difference in provision for the pensions of different categories of worker. I would be interested to know where now stand the Government's proposals in respect of pension reform.

Deputy Brian Lenihan: As Deputy Bruton is aware, the Government has considered in some detail the recommendations of the group set up to examine the issue of pensions. There has been an amount of discussion by the Government about an appropriate pensions policy, and it has formed part of the discussions with the social partners as well, but the reality is that in the middle of the financial storm we are in it is very difficult to devise a pension policy for the future. It is clear the pension policy will have to be reorientated for the future. It involves considerations not just of public sector pensions but also of the basic State pension provision and the whole question of the supplement that can be offered to private sector workers to supplement what they have already accrued on their State pension, and what they can add to that.

There is a very wide range of considerations in that respect and the Minister for Social and Family Affairs and I are devising policy for the future in that regard but it is difficult in the current climate because defined benefit schemes have seen considerable exposures in the current economic climate. We have tended to give attention to that and how we can protect the position of those who are in danger of having no pension in the first instance.

Deputy Kieran O'Donnell: With the €11 billion, sorry the €7 billion, that has been put into the two main banks from the National Pensions Reserve Fund is the Minister confident that, come 2025, the National Pensions Reserve Fund will be able to adequately fund public sector pensions from 2025 on?

Deputy Brian Lenihan: First of all the figure, which is €7 billion, and Deputy O'Donnell corrected himself——

Deputy Kieran O'Donnell: It is still a huge figure.

Deputy Brian Lenihan: In regard to that investment, €4 billion was taken from existing funds in the pension fund which were realisable in the form of cash, bonds or the like which could easily be marketed.

Deputy Kieran O'Donnell: The very same.

Deputy Brian Lenihan: The remaining balance of €3 billion was borrowed through front-loading the borrowing for the contribution to the pension fund. That is how the funding of AIB and Bank of Ireland capitalisation took place and those shares now rest in the pension fund. The shares, and the State's participation in these institutions, has seen an increase in value in recent months and already, because of where the institutions were when the capitalisation took place, the pension fund to date has seen an appreciation in value on those investments. Given the very low scale of the quoted share price at the time of the investment, there is every probability that the pension fund will benefit substantially from that particular investment. Would that the picture was as happy in all the financial institutions.

Deputy Joan Burton: In respect of the institutions like the universities whose pension funds were taken over, the Minister took over the assets, basically giving an off-balance sheet benefit to the State in terms of assets, but he did not take on the liabilities. The universities have

[Deputy Joan Burton.]

powers and apparently it is the practice among some of them to give added years of service when certain staff are retiring, perhaps in recognition of their contribution to the institution. Could the Minister tell me if that practice is widespread and, if so, is a cost identified with it? Is there any oversight of when added years of service are given? I was a bit surprised to see that.

Deputy Brian Lenihan: I would appreciate it if the Deputy tabled a separate question on that some day to which I could reply because I do not have the information to hand. I will have to check it out for the Deputy.

33. **Deputy Seán Barrett** asked the Minister for Finance if he has received a report from the steering committee established at the time of the bank recapitalisation on credit availability to small and medium enterprises and on the promised extensions of lending capacity. [27874/09]

Deputy Brian Lenihan: An independent review of credit availability was agreed in the context of the recapitalisation of Allied Irish Bank and Bank of Ireland. The purpose of the review was to ascertain the position on credit availability to small and medium sized enterprises in Ireland. 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 small and medium sized enterprises, business representatives from ISME, Chambers Ireland and the Small Firms Association. The final report of the review of lending to small and medium sized enterprises has just now been received. The report is quite extensive, running to almost 100 pages together with appendices. It will be considered by the Cabinet Committee on Economic Renewal, which is meeting now, and the intention is that it will be published shortly.

With regard to the extensions of lending capacity, Allied Irish Bank and Bank of Ireland re-confirmed their December commitment to increase lending capacity to small and medium enterprises by 10% and to provide an additional 30% capacity for lending to first-time buyers in 2009. If the mortgage lending is not taken up, then the extra capacity will be available to small and medium sized enterprises. AIB and Bank of Ireland have also committed to public campaigns to actively promote small business lending at competitive rates with increased transparency on the criteria to be met. Compliance with this commitment is monitored by the Financial Regulator. The banks make quarterly reports to ensure compliance and the first reports to the end of March 2009 were received on time.

The report is quite extensive and will require further consideration but from an initial reading there are a number of key conclusions. Total lending to the SME sector by the banks which participated in the review, which included not just Bank of Ireland and Allied Irish Bank but National Irish Bank and Ulster Bank, remains static in the period at €34.5 billion but the value of new applications for credit decreased by 42%. This conclusion is consistent with our own Central Bank published data.

Demand for credit remains significant, with 52% of those surveyed indicating they had requested credit in the previous year. Bank data indicates rates of refusal of credit applications of an average of 14% but a customer survey indicates an average refusal rate of 24% rising to 30%. The reason for that is interesting because often the customer takes an informal refusal as a refusal whereas a financial institution tends to take a more formal view in devising statistics. The difference primarily results from a difference in perception of what constitutes an application for credit. Banks do not record informal queries or requests but a customer whose informal request is rejected counts that as a refusal.

Refusal to businesses with fewer than ten employees were highest at 30%, with lower refusal rates for larger businesses. Requests for new credit were predominantly for working capital and cash flow reasons to address reductions in revenue and slow downs in debt collection.

Deputy Richard Bruton: These figures are extremely worrying. There is a 24% approval rate and static credit, and it appears there is no system in place to carry that on to ensure that people are properly informed. The Minister reported that there would be a 30% increase in capacity for first-time buyers and a 10% increase to SMEs. We hear from the Minister that a report he received in April is still being studied and nothing is being done about it.

Deputy Brian Lenihan: I received the report today.

Deputy Richard Bruton: The Minister said the report which was due in March 2009 was submitted on time and he proceeded to tell us the findings of the report, under the recapitalisation package.

Deputy Brian Lenihan: The findings I read out are in today's report.

Deputy Richard Bruton: That is not the impression I received.

The issue, then, is that we have commitments to increase capacity by 30% and 10% and that is not happening. Since this has been the Minister's central concern throughout the whole banking crisis, does he now believe that specialist negotiations with the banks to deliver certain types of package are needed? Within what timeframe will Government deal with that? What was the outcome of the April report from AIB and Bank of Ireland, which he has had for two and a half months? Was any action taken on foot of that report, which, no doubt, showed similar trends?

Deputy Brian Lenihan: The Bank of Ireland and Allied Irish Bank met their requirements for dedicated pools of lending, as recapitalised banks. The core problem is that there has been a substantial de-leveraging in Ireland by the external banks which provided credit to Ireland. At the beginning of the decade, we saw a substantial increase in credit from these institutions. We are now seeing a substantial de-leveraging by them, with much less credit being advanced by them. That has reduced the overall amount of credit available in the economy.

The Government has established a clearing group to monitor the availability of credit for the recapitalised banks. That clearing group is chaired by a Government representative and includes representation from business interests and State agencies. It identifies specific patterns of events where the flow of credit to viable projects——

Deputy Richard Bruton: Is the Minister saying the 40% capacity from AIB and Bank of Ireland was delivered?

Deputy Brian Lenihan: Yes.

Deputy Kieran O'Donnell: How does the Minister define capacity?

Deputy Brian Lenihan: One cannot look at Bank of Ireland and AIB in isolation from the whole banking sector. The critical factor in the banking sector is that there has been a substantial de-leveraging by the externally owned banks in Ireland. That has led to a considerable reduction in the overall amount of credit. Taken with the stresses in Bank of Ireland and Allied Irish Bank, it clearly points the way towards the NAMA operation in terms of making these banks far more vigorous in expanding their operations.

Deputy Joan Burton: The Government has put in €3 billion into Anglo Irish Bank and recently promised another €1 billion. The bank has acknowledged that it is giving out almost no new lending. In fact, the figure for new lending for the first quarter was less than €35 million. Who is coddling who? We are putting €4 billion into a bank which is not lending to any sector. It is simply minding developers and capitalising and rolling up interest payments. Can the Minister comment on that?

Deputy Kieran O'Donnell: Has the review group looked at the level of overdraft reduction in existing businesses? Does the Minister now admit that the level of credit available to small businesses in Ireland is reduced and is there a need for a Government guarantee scheme to ensure that funds flow to small businesses?

Deputy Arthur Morgan: Can the Minister or his Department do anything to get funding to small and medium enterprises? I do not want to hear what he has done to date. It has not worked. Today's report is evidence of that. Can he tell us what he can do to get finance to SMEs?

Deputy Brian Lenihan: Deputy Burton raised the question of Anglo Irish Bank. I have made my position very clear on numerous occasions. Anglo Irish Bank must retain its banking licence and operate as a bank so that worse liabilities are not triggered. The State made clear at the time of nationalisation that any capital required would be provided. That remains the case.

The issue of overdraft reduction was examined in today's report. I do not have the finding before me but it has been examined. The findings will be published and the matter dealt with. Deputies will appreciate that the report was received only today.

Deputy Kieran O'Donnell: Will the Minister recommend publication?

Deputy Brian Lenihan: I will recommend publication.

Deputy Kieran O'Donnell: Will he also recommend publication of Mr. Colm McCarthy's report?

Deputy Brian Lenihan: Let us leave Professor McCarthy alone.

All our efforts are directed at improving credit to small and medium enterprises. This, along with the establishment of the clearing house and various other operations in connection with the banks, is designed to ensure that the banks can resume their role as motors of the economy.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy John O'Mahony — the urgent need for funding to be provided to the communities in Newport, Glenisland, Glenhest and surrounding areas following the severe damage caused last week by the flash floods; (2) Deputy Lucinda Creighton — the commitment of the Minister for the Environment, Heritage and Local Government to introduce legislation for a directly elected Mayor of Dublin in 2010; (3) Deputy Tom Hayes — to ask the Minister for Social and Family Affairs to outline the delays in releasing application forms, processing applications and making payments in relation to the back to school clothing and footwear allowance this year and to outline her plans regarding the lateness of payments under the scheme in South Tipperary and other areas; (4) Deputy Joe Costello — the need for the Minister for Health

and Children to resolve the bed crisis in the Mater and St. James's Hospital; (5) Deputy James Bannon — the need for the Minister for Education and Science to consider the establishment of an educational campus for the benefit of the Longford region in the recently closed Connolly Barracks, Longford, County Longford; (6) Deputy Simon Coveney — to ask the Minister for Environment and Local Government to outline in detail where stands the Cork Docklands project now, what the Government is planning to do to incentivise investment through taxation and gateway funding for this project, where the report completed last summer by the Docklands policy committee is and if he will outline its findings and the plans his Department has to work with the local authority on its ambitious plans for the Cork Docklands project; (7) Deputy John Perry — to ask the Minister for the Environment, Heritage and Local Government to outline the guidelines in 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; (8) Deputy Bernard Allen — the situation where there are 3,700 persons awaiting optical services on the northside of Cork city and the explanation given that applications could not be processed because the clerical officer is on maternity leave, unlike the southside of Cork city where there is no waiting list and services are offered within one month of application; (9) Deputy Michael D. Higgins — the detention by the Israeli authorities of two Irish citizens, Mairéad Maguire and Derek Graham, who were aboard a vessel on its way to Gaza; the need for the Government to protest to the Israeli authorities at the detention of the two people which took place in international waters and the need for the Government to secure the release of the property of those detained; (10) Deputy Thomas McEllistrim — the need to fast-track the community consultation element of the national strategy for service user involved in the health service; (11) Deputy Aengus Ó Snodaigh — the need to reinstate the funding to allow six clients of the Walkinstown Association, Dublin, to make the transition from rehabilitative training to Dá services and address other cuts in the service; (12) Deputies Mary Upton and Joanna Tuffy — the need to reconsider the decision of the HSE to close the newly refurbished Beech Ward at Cherry Orchard Hospital, Dublin, during the summer period and to review plans to reduce respite care beds at Cherry Orchard Hospital; (13) Deputy Michael D'Arcy — the non-payment of sub-contractors involved with the construction of two primary schools in Gorey, County Wexford; (14) Deputy Ciarán 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 Thomas McEllistrim, Aengus Ó Snodaigh, Mary Upton, Joanna Tuffy and Michael D'Arcy have been selected for discussion.

An Bille um an Ochtú Leasú is Fíche ar an mBunreacht (Conradh Liospóin) 2009: An Dara Céim

Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009: Second Stage.

Minister for Foreign Affairs (Deputy Micheál Martin): Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

It is an honour for me to introduce this Bill. Its purpose is to provide for the holding of a referendum on 2 October 2009, which would allow the people to vote on the Lisbon treaty.

The people voted last June not to ratify the Treaty of Lisbon, by 53.4% to 46.6%. The turnout was 53%. The Government respects the decision of the people, as expressed in that refer-

[Deputy Micheál Martin.]

endum. Everything we have done since last June has been motivated by a desire to understand the reasons behind the referendum result and to find ways of accommodating the concerns that arose last year. Democracy is about providing leadership. It is what we are elected to do. In respecting the will of the people, the Government has also had regard to the desire of other member states, our European partners, to see the Lisbon treaty enter into force. As members of the Union, we could not just walk away from the treaty as some would have us do. That is not the way the Union works. It depends on agreement between the member states and thrives on an unrelenting search for consensus, no matter how difficult the situation may be.

In the past 12 months, the Government has worked hard to find a way forward that would give us what we wanted and could be accepted by all 27 member states. The all-party Oireachtas sub-committee delivered a comprehensive report on Ireland's future in the European Union on 27 November. The Government also began a process of consultation with the other member states, especially the Presidency, and with the Union's institutions, aimed at identifying a solution that would deal with Ireland's concerns and also enable the Lisbon treaty to come into effect. Our research found that the main reason for voting "No" or abstaining in last year's referendum was a lack of knowledge of the treaty. "Yes" and "No" voters were united in their criticism of what they viewed as a dearth of clear, accessible information on the treaty's merits.

After intensive contacts and negotiations, the European Council in December 2008 defined a path to allow the treaty to enter into force by the end of 2009. Our EU partners stated that this would allow time to address the concerns of the Irish people. The Council agreed that, provided the treaty enters into force, a decision will be taken to the effect that the Commission shall continue to include one national per member state. This represents a clear and positive response to a key concern that arose last year. This was a considerable win for Ireland, as some member states favoured a smaller Commission. However, they were willing to accommodate Ireland on this point because they accepted that it had been a real issue during our referendum campaign last year.

The European Council also agreed that legal guarantees would be given on three key points highlighted by the Taoiseach as being of significance to Irish voters. These were that nothing in the treaty of Lisbon makes any change of any kind to the extent or operation of the Union's competences regarding taxation, the treaty does not prejudice the security and defence policies of member states, including Ireland's traditional policy of military neutrality, and the provisions of the Constitution in respect of the right to life, education and the family are not in any way affected by the treaty. In addition, it was agreed that the high importance attached by the Union to social progress, the protection of workers' rights and public services would be confirmed.

The legally binding guarantees that Ireland negotiated are in the form of a decision of the Heads of State and Government. The Council further agreed that the contents of this decision will be incorporated in a protocol to be attached to the EU treaties after the entry into force of the Lisbon treaty. This will occur at the time of the next EU accession treaty. The guarantees make clear beyond doubt that the protections in the Constitution on the right to life, education and the family are not in any way affected by the Lisbon treaty, Ireland retains control of our own tax rates and Ireland's traditional policy of military neutrality is unaffected.

The Council also adopted a substantive solemn declaration on workers' rights and social policy. The solemn declaration is designed to deal with the confusion that exists about the impact of the Lisbon treaty on workers' rights. Let me be clear, in that the treaty represents a real advance for workers' rights thanks to its new horizontal social clause, which was originally inserted at Ireland's behest, and because it gives legal effect to the Charter of Fundamental Rights. We should remember that much of the development of Irish labour law has come about

on the back of our EU membership. The Lisbon treaty represents a genuine further advance in this area.

The decision of the Heads of State and Government on the legal guarantees constitutes an international agreement. The European Council has made clear that the guarantees are legally binding and that they will take effect on the date of entry into force of the treaty. If we want to have legally binding agreements on the right to life, the protection of the family, taxation and our traditional policy of military neutrality, and if we want to retain our Commissioner, we should move to ratify the treaty. Without the Lisbon treaty, we will have no automatic right to a Commissioner and no legal guarantees.

If a second referendum is successful, both the treaty and the decision will be registered with the United Nations under Article 102 of the Charter of the United Nations. Article 102 provides that all international agreements to which UN member states are party should be registered with the UN Secretariat after their entry into force.

The Heads of State and Government agreed that the legal guarantees will be set out in a protocol to the Treaty on European Union and the Treaty on the Functioning of the European Union at the time of——

An Leas-Cheann Comhairle: I ask Deputies to take a moment to turn off all mobile telephones.

Deputy Micheál Martin: That would be wise. I apologise.

Deputy Dick Roche: This is the thing with new telephones.

Deputy Joan Burton: Is that a BlackBerry or a mobile telephone?

Deputy Joe Costello: A BlackBerry.

Deputy Joan Burton: The notice only refers to mobile telephones, not BlackBerrys.

Deputy Micheál Martin: We are not allowed BlackBerrys in the Department of Foreign Affairs.

An Leas-Cheann Comhairle: Please.

Deputy Joe Costello: The Minister is a cut above the usual.

Deputy Micheál Martin: Perhaps I will remove the stapler as well. It has been causing me immense grief.

The Heads of State and Government agreed that the legal guarantees will be set out in a protocol to the Treaty on European Union and the Treaty on the Functioning of the European Union at the time of the conclusion of the next accession treaty, which will probably be in 2010 or 2011. As a protocol, the legal guarantees will enjoy the same status in EU law as the treaties. They will form part of the fundamental law of the Union.

The Government is of the view that we should put the Lisbon treaty and the package of measures provided for in the proposed constitutional amendment to the people again for their approval. We trust that the House will support us in this view. The Government's firm opinion is that the treaty is good for Ireland and Europe. Since last year, the situation has changed considerably. We now have explicit, legally binding guarantees. The treaty will allow us to retain our Commissioner, we have the solemn declaration on workers' rights and we will have a protocol at the time of the next accession treaty. The context in which we will be making our

[Deputy Micheál Martin.]

decision about the Lisbon treaty has also changed. Economic circumstances are dramatically different from the situation that applied 12 months ago and the reforms provided for in the Lisbon treaty are, therefore, now more important than ever.

The onus is on each and every Deputy who believes in our European future to take this treaty to the people and to explain its importance for Ireland. We need to engage with the public more effectively than we did last year. We need to inform them about our much improved package and ask them for their endorsement so that the Lisbon treaty can come into effect by the end of this year. Our future in Europe, indeed, our future as a country, depends on being able to join with our 26 EU partners in ratifying this treaty.

The Bill before the House is relatively short, containing only two sections. Section 2 of the Bill simply provides the citation of the proposed amendment and the Title. The substance of the Bill is contained in section 1, which proposes that Articles 29.4.3° to 29.4.11° of the Constitution be amended and I am happy to explain to the House how we propose to do so.

Article 29 of the Constitution covers Ireland's international relations and the provisions I have just mentioned deal with our membership of the EU. It is more than 35 years since Ireland joined the European Union. In that period, the Union has been at the centre of our engagement with our fellow EU members and the rest of the world. For the first time, the Lisbon treaty sets out a clear and succinct statement of the Union's values, which are our values.

After 35 years of membership, the Government considers it both timely and appropriate to set out an updated version of our constitutional arrangements relating to the EU. Accordingly, the relevant provisions of Article 29.4, which have been amended four times since joining the EU, becoming increasingly complex each time, are being replaced in their entirety. The new provisions set out in a streamlined and more user-friendly form how our engagement with the EU is to be governed. It is proposed that part of subsection 3° dealing with the European Coal and Steel Community, the European Economic Community and the Single European Act be deleted as well, since the references are redundant. The other subsections dealing with our membership of the EU — subsections 4° to 11° — will be replaced with new subsections, 4° to 9°, which are set out in a Schedule to the Bill. Part 1 of the Schedule contains these new texts in the Irish language and Part 2 contains the text in English.

A proposed new subsection 4° would contain a short statement of our commitment to the Union “within which the member states . . . work together to promote peace, shared values and the well-being of their peoples”. This reflects our highly positive experience of membership going back to 1973. It is in keeping with the values set out in Article 29.1, which affirms Ireland's devotion to peace and friendly co-operation among nations founded on international justice and morality.

The proposed new subsection 5° of Article 29.4 provides that the State may ratify the Lisbon treaty and be a member of the Union established by that treaty. Since the treaty establishes a new Union with legal personality, it is proposed that the current subsections 4°, 5° and 7° providing for the ratification of the treaties of Maastricht, Amsterdam and Nice be deleted as they will be made redundant by Lisbon.

The proposed new subsection 5° would take effect after a successful referendum whereas the rest of the amendments provided for in the Bill would have effect only when and if the treaty enters into force, following its ratification by all 27 member states. The proposed new subsection 6° ensures legal compatibility between the Lisbon treaty and the Constitution. It carries forward constitutional cover for laws, Acts and measures necessitated by the obligations of our EU membership.

This provision is not new and is as old as our EU membership. Every time we ratify a European treaty — be it the Single European Act or the Maastricht, Amsterdam, Nice or Lisbon treaties — we make the same point. Every time we do so, opponents claim suddenly that EU law will be superior to Irish law and the treaty will put the Irish Constitution out of business. They have been wrong each time and they are wrong again this time.

The idea of primacy reflects a general principle of international law, recognised since 1937 by Article 29.3 of the Constitution of Ireland. This provides that states must comply with international legal obligations freely undertaken by them in the exercise of their sovereignty.

4 o'clock The practical effect of the principle of primacy is that it offers certainty and clarity regarding the relationship between the Union's laws and those of the member states. It applies only in those specific areas where the member states have conferred powers on the Union.

This principle of conferral is an important feature of the Lisbon treaty. It makes it clear that the Union does not have any powers of its own. Its powers derive from sovereign decisions by the member states to give the Union certain powers. These powers are carefully set out in the EU treaties. This is why EU treaties tend to be somewhat complex. They need to regulate relations between 27 sovereign states and their unique partnership within the Union.

Let me make it absolutely clear that the Constitution of Ireland will continue to be the basic legal document of the State and will continue to determine, in the final instance, the precise relationship between Irish and EU law. The ultimate locus of sovereignty will continue to reside with the member states rather than the Union.

The proposed new subsection 7° reflects similar subsections introduced to facilitate ratification of the Amsterdam and Nice treaties. It replaces the current subsections 6° and 8°. It allows the State to exercise certain options and discretions provided for in the EU treaties. These include special arrangements Ireland has negotiated with respect to the area of justice and home affairs, which is referred to in the Lisbon treaty as the EU's "area of freedom, security and justice". The Government may only exercise these options and discretions after obtaining the approval of both Houses of the Oireachtas.

These arrangements provide for the participation of Ireland and the UK on a case-by-case basis in the following policy areas: general provisions for co-operation in the area of freedom, security and justice; policies on border checks, asylum and immigration; judicial co-operation in civil matters; judicial co-operation in criminal matters; and police co-operation.

We have consistently given strong support for EU action against terrorism and organised crime and we made a declaration at the Intergovernmental Conference in 2007 that makes clear our intention to participate to the maximum extent possible in the relevant proposals in these areas. Furthermore, we have made a commitment that we will study the evolution of EU policy in this area and review our opt-out within three years. Ending the opt-out, in whole or in part, is one of the options covered in the proposed new subsection 7°.

The options and discretions also include the possibility of participating in a process known as "enhanced co-operation". Enhanced co-operation allows a group of nine or more member states to choose to co-operate on a specific matter in areas in which the Union has non-exclusive competence. Enhanced co-operation cannot expand the Union's competence.

The proposed new subsection 8° relates to the so-called passerelle clause under which the European Council can decide on a unanimous basis to extend the scope of qualified majority voting in the Council of Ministers or to extend the scope of co-decision arrangements between the Council of Ministers and the European Parliament. The mechanism may be applied in the following areas: the adoption of qualified majority voting or co-decision, subject to a right of veto by each national parliament; the common foreign and security policy, but not decisions

[Deputy Micheál Martin.]

having military or defence implications; judicial co-operation in regard to family law, in respect of which Ireland has an opt-out clause with the right to opt in on a case-by-case basis; social policy; fiscal measures relating to the environment; the adoption of the multi-annual financial framework; and within the ambit of an enhanced co-operation process.

The subsection also gives specific cover for certain measures taken in the area of freedom, security and justice. These are the extension of the scope of judicial co-operation on aspects of criminal procedure with a cross-border dimension, the identification of other areas of serious crime with a cross-border dimension, and the establishment of a European public prosecutor or the expansion of this prosecutor's role.

Areas relating to freedom, security and justice covered in subsection 7° are mentioned again in subsection 8°. This is being done to retain control by the Houses of the Oireachtas over these measures, if we should decide at some point to end our opt-out in the area of freedom, security and justice. During the negotiation of the treaty, it was recognised that the role of national Legislatures would be crucial in this respect. The treaty will give the national parliaments of the member states a direct input for the first time into EU legislation. These new provisions are contained in two additional protocols, one on the role of national parliaments and the other on the application of the principles of subsidiarity and proportionality.

Under the protocol on the role of national parliaments, all Commission Green and White Papers, the Commission's annual legislative programme and all draft legislation will be sent directly to national parliaments. This will be done at the same time as they are being sent to the Council and the European Parliament. This requirement for direct and simultaneous transmission is new. It is intended to give national parliaments more time for consideration of Commission proposals. The same procedure will apply to the annual report of the Court of Auditors.

The agendas for and outcomes of meetings of the Council of Ministers must also go directly to national parliaments. Except in cases of urgency, at least eight weeks must elapse between the forwarding to national parliaments of draft EU legislation and its being placed on a Council agenda for decision. There should normally be a ten-day gap between the publication of an agenda and the taking of a decision. This is intended to give national parliaments more time for the consideration and debate of proposals.

The treaty provides that national parliaments must have at least six months' notice of any intention on the part of the European Council to use the provisions of the treaty relating to voting in the Council of Ministers and extension of the co-decision procedure between the Council and the European Parliament. Unanimity is also required in the European Council for any such move. This means that, under the treaty, Ireland has a double veto, exercisable by either the Government or the Houses of the Oireachtas. Furthermore, under the terms of the proposed new subsection 8°, the prior approval of both Houses of the Oireachtas will be required before the Government can proceed with any such proposal. This means Irish parliamentarians have more than the negative veto provided by the treaty; the Government will be required to seek affirmatively their permission before the Taoiseach can commit himself to any change at the European Council.

The Protocol on the Application of the Principles of Subsidiarity and Proportionality further develops the role of national parliaments regarding the implementation of these important principles. The principle of subsidiarity is designed to ensure that the EU takes action only when this is necessary and appropriate.

Within eight weeks of the transmission to it of a draft legislative Act, any national parliament, or any chamber of a parliament, may send to all EU institutions a "reasoned opinion" stating

why it considers that the draft does not comply with the principle of subsidiarity. Account must be taken of these reasoned opinions. If, within eight weeks, at least one third of national parliaments, or chambers of national parliaments, issue such reasoned opinions, the draft proposal must be reviewed. It may thereafter be maintained, amended or withdrawn.

In the case of proposals in the areas of judicial co-operation in criminal matters and police co-operation, the threshold is one quarter. This so-called “yellow card” system is a major development which will bring national parliaments directly into the EU decision-making process.

In recognition of the particular sensitivity of freedom, security and justice matters, the Lisbon treaty contains a number of specific provisions associating national parliaments more closely with the Union’s activities in this area. National parliaments are to be kept informed of evaluations of the member states’ implementation of Union policies in the area of freedom, security and justice, in particular to facilitate full application of the principle of mutual recognition. They are also to be kept informed about the work of a standing committee established to promote and strengthen co-operation on internal security

A separate procedure applies where EU legislation is adopted by means of the so-called ordinary legislative procedure. If a simple majority of national parliaments takes the view that a proposal breaches the principle of subsidiarity, the proposal can be maintained, amended or withdrawn. If the Commission decides to maintain its proposal, it must submit its reasons to the Council and the European Parliament, which will take a majority decision on how to proceed. The European Parliament will act by a majority of votes cast and the Council will act by a majority of 55% of its members. This is the so-called “orange card” procedure.

The various provisions I have mentioned will expand very significantly the role of the Oireachtas in EU affairs. In order to meet these responsibilities and reforms, it is essential that every Minister appear before the Oireachtas committees prior to and after Council meetings to brief Members.

I am aware of proposals from Fine Gael and Labour on scrutiny and how directives are transposed in Ireland and I look forward to further discussions in the Oireachtas in the months ahead on the arrangements for discharging these new responsibilities. It is essential that every Minister appear before the Oireachtas committees before and after Council meetings to brief Members and as a way to account for the business they conduct at EU Council meetings.

The proposed new subsection (9) repeats the prohibition on Irish participation in any EU common defence. This provision was originally inserted in the Constitution at the second referendum on the treaty of Nice. A change in Ireland’s position can come about only if the Irish people decide so in a referendum. As I have already explained to the House, the Government has now secured an additional legal guarantee which makes clear that the Lisbon treaty, “does not affect or prejudice Ireland’s traditional policy of military neutrality”. The same guarantee makes clear that the treaty, “does not provide for the creation of a European army or for conscription to any military formation.”

In May, Peace and Neutrality Alliance said there would be a “Yes” vote on Lisbon if there was a legal guarantee on neutrality. We got that last month. In April, the same alliance urged us to insist on a protocol. We got that too. Let me quote again from our legally-binding guarantee, soon to be enshrined in a protocol:

The Treaty of Lisbon does not affect or prejudice Ireland’s traditional policy of military neutrality . . . The Treaty of Lisbon does not provide for the creation of a European army or for conscription to any military formation . . . It does not affect the right of Ireland to determine the nature and volume of its defence and security expenditure.

[Deputy Micheál Martin.]

I repeat: no European army; no conscription; and no obligation to increase our defence spending. These represent important, explicit guarantees. Fair-minded people will, I believe, see them as putting to rest the various concerns about defence and security that surfaced last year.

The proposed amendment would delete Article 29.4.11°, which allows the State to ratify the agreement relating to Community patents. This agreement never came into force. The text of this constitutional amendment is relatively accessible. It is available on our website www.lisbontreaty.ie together with the texts of the treaties and our White Paper which we launched this morning and which endeavours to explain as clearly as possible the provisions of the treaty. We circulated this to every Member of the House. We have a duty to inform voters of the treaty's contents and implications. We will spare no effort over the coming months in helping voters make their own assessment of the Lisbon treaty and the important legal guarantees that now accompany it.

I hope that the electorate will go beyond the detail and look at the big picture. Who can dispute the enormous positive influence that membership of the European Union has had on our country? Our farming community has benefited to the tune of €41 billion from the Common Agricultural Policy and from an expansion of markets over the years. A further €20 billion has come to Ireland in Structural and Cohesion funding. The Luas from Connolly Station to Tallaght is a product of EU funding. We can thank the EU for its contribution to the 550 km of motorway in this country. Thanks to the European Single Market, Irish companies have doubled their exports over the past ten years and we have attracted a huge amount of foreign investment. Cutting red tape and transaction costs across the market of 500 million consumers has brought enormous opportunities for Ireland and created hundreds of thousands of jobs.

Membership of the euro means our exporters face no exchange rate risks when they sell their products within the eurozone. The European Central Bank has kept interest rates low and has provided valuable liquidity to our banks during the financial crisis. The European Union has funded 5,300 projects to help the peace process in Northern Ireland and many of these have transformed communities in the Border counties. Only yesterday we discussed the Kelvin project bringing broadband to the north-west and its significance for Derry and Donegal which was not lost on any of those representing the parties to the talks. That is a good illustration of the impact that the European Union has had on the peace process and on improving infrastructure in the North.

Funding from the European Union for the LEADER programme has given rural communities greater control over their own futures. Irish universities and research groups in the public and private sectors are involved in a €600 million research programme, that is the €50 billion Framework 7 research programme for which Ireland's target is €600 million and we are well on the way to achieving that. This is cutting-edge research aimed at supporting industry and creating the jobs of the future.

The Union has poured millions of euro into waste recovery and recycling facilities across the country and as a result, we have a cleaner environment. Thanks to the European Social Fund, FÁS, the Vocational Education Committees and our universities are able to provide training and up-skilling for 160,000 people in the workforce. Europe is backing the national broadband scheme which is involved in providing access to affordable broadband services in rural communities. Thanks to action by the European Commission, following lobbying from Ireland, mobile telephone roaming charges are coming down.

EU membership has helped transform our country. We would not be what we are today without our tradition of active and constructive European engagement. This is something we need to continue. Looking back at our experience, we can safely say that the European Union

has been faithful to the commitment it shares with the member states to work together to promote peace, shared values and the well-being of their peoples.

The Lisbon treaty is the culmination of almost ten years of discussion about institutional issues. These issues are important. Europe needs a properly functioning Union if it is to cope with the challenges of the future. Now that we have 27 member states, we need to adjust the way the Union operates. Getting the balance right means making sure the Union can deliver better for us in the years ahead. The Union has a very positive track record, but it can do better. The Lisbon treaty will give it the capacity to do better.

In the past year our European partners have shown great understanding for Ireland as they listened carefully to our concerns and agreed to accommodate them. Europe said “Yes” to us last month. I hope that when the time comes, our people will be able to say “Yes” to Europe. A positive outcome in the autumn will be vital for Ireland and for Europe.

I look forward to the day when we can turn away from debates about the EU’s structures and concentrate on its deeds. There is much to be done in dealing with the economic and financial crisis, with the challenges of climate change and with the risks we face in the area of energy security. I look forward to today’s debate. Deputies from all parties have much to offer. I hope today’s proceedings will set the tone for a mature, fact-based debate in the months ahead.

Deputy Billy Timmins: I wish to share time with Deputy Breen.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Billy Timmins: Fine Gael supports this Bill and welcomes its publication, and welcomes Deputy McGrath’s decision to support a “Yes” vote. I also acknowledge the work of my constituency colleague, the Minister of State at the Department of Foreign Affairs, Deputy Roche, who has worked tirelessly to push the project over the past few months.

Self-interest, with some rare exceptions, is the greatest motivating factor for mankind and while we like to genuflect to the common good and theorise about compassion, history shows us that in the final analysis self-interest will always prevail. Although generally unspoken this is the main driving force behind our foreign policy formulation. Such a practice is not necessarily a bad thing but in ideal circumstances it intersects with the common good. The Lisbon treaty presents such a case. It is more than a housekeeping exercise or tidying up of other treaties and we should not seek to undersell its importance. If ratified it will create a more efficient and accountable Europe in addition to developing many progressive policy areas.

Why then did the Irish people reject the proposal last year? Research by Millward Brown IMS outlined a myriad reasons why this was so, concerns about taxation, neutrality, ethical issues and a loss of power were some areas highlighted. Another factor in the “No” vote was the subliminal view that Europe is far removed from the citizen and there is little recourse for one to have an input or question policy. There was a belief that a “no” vote would have no consequences. All these ingredients, aligned to a collapse in the economy and a disdain for the perceived establishment, particularly politicians, when stirred in the melting pot created a force that resulted in a “No” vote. For others it was the seasonal thing to do.

I was a member of the Oireachtas sub-committee on Ireland’s Future in Europe after the “No” vote. Those who appeared before the sub-committee ranged from the political to the industrial, members of the media and civil society. There was an overwhelming view that to ratify the treaty was in Ireland’s best interest. It was interesting to note that many of the witnesses before the sub-committee changed their view when questioned on how Ireland had benefited from Europe and the realisation dawned on them that it was right to vote “Yes”. I

[Deputy Billy Timmins.]

welcome the fact that some have come to realise that the arguments they used in the last campaign were not accurate or helpful.

It was also clear that the “Yes” side had failed to engage people and that there was not enough information available. I welcome the fact that the Minister has decided to distribute the detail of the guarantees to all households. It is important that people have the information before them. The complaint about making it available is not logical. The former MEP, Ms McKenna, complained about this and I vaguely recall her saying in the run-up to the last referendum that if the post of Commissioner was to be retained she would be happy to vote “Yes” to the treaty. I may be doing her a disservice and she might like to clarify her position. If I am doing her a disservice I will be the first to withdraw the remark. My memory is of her making such a claim.

I am very careful to distinguish between “No” voters and many of the “No” campaigners. Many “No” voters had genuine concerns while many “No” campaigners are opposed to the concept of the European Union and will dress themselves as pro-European but opposed to this treaty on some spurious ground, imparting inaccurate information as if it caused no difficulty. Not all of them run around waving placards.

I do not intend to dwell on this aspect any longer and the inclination of the “Yes” campaign to do so on the last occasion did not serve our purpose. This should not blind us to the necessity and duty to engage with those who voted “No” along with those who voted “Yes”. We must outline the benefits of the treaty to Ireland, Europe and their citizens. The emphasis must be on what the treaty does rather than what it is.

The Lisbon treaty is positive but the real benefit will come from what it will achieve. We are familiar with the concept of the G8 and G20 but the globe is moving to a G2 of the United States and China. The economic reality requires Europe to be cohesive but this does not come at the expense of sovereignty. Since joining the EU, Ireland has pooled its sovereignty in areas where it has benefited both us and Europe. The only power that Europe has is that which we bestow upon it.

This referendum is also about whether we want to be an influential player within Europe or if we want to adopt an isolationist policy. It is definitely about whether we want to be in or out, no matter what way we seek to dress it up. That is not a scare tactic, as this is a fundamental vote on whether we want to play a part in Europe or be on the sidelines. The choice is ours.

Voting strength will never give us power but the building of alliances will; it is no different for any other member state. Our strength is in our positive participation, and the waving of vetoes is the antithesis of democracy. Remaining at the heart of Europe is essential in order to attract investment. Political uncertainty creates economic instability and now more than ever we need both political and economic stability. The European Union does much of its business through the community method, where proposals are prepared by the Commission, which looks to the interests of all member states in order to formulate a single fair proposal.

The community method, as opposed to the inter-government approach, favours smaller states. The Lisbon treaty would have greatly strengthened the community method by adding to its area of operation.

There are measures in the treaty which assist in the fight against cross-border crime and terrorism. Currently, decisions in this area must be taken by unanimity among 27 countries. Crime does not recognise borders and Europe is plagued with drug and gun crime, so cross-border co-operation will assist in dealing with them. Prosecution will be facilitated. The Charter of Fundamental Rights asserts that human dignity is inviolable. Measures to deal with energy security, climate change and the health check are also included. All of these are positive aspects.

Being a member of the eurozone is very advantageous to Ireland, particularly in the current economic climate. The strength of the euro is based on a stable and strong economic and fiscal policy, and the Lisbon treaty enhances this.

National Parliaments will play a greater role. Fine Gael has identified certain measures which need to be implemented and others which require consideration, and the Minister alluded to this concept in his speech. I welcome the fact that he has called on Ministers to appear before committees, similar to the actions he takes before going to GAERC meetings. It is important for something more formal to be outlined in this respect.

We have raised concerns regarding enhanced security and the need to carry out an audit of directives which may have been implemented incorrectly. We must also consider where somebody could have access to a EU citizens' officer or a scrutiny committee in order to raise issues of concern. I welcome the Minister's reference to this in his speech and I look forward to concrete proposals in the autumn to deal with such measures.

Some of the "No" campaigners have stated that this is exactly the same treaty. That may well be technically correct but following the guarantees which will eventually result in protocols to another treaty, there should be an understanding that this referendum takes place in changed circumstances. The text of the treaty may not have changed but we have the political commitment to keep a Commissioner and there will be protocols dealing with guarantees and various areas referred to by the Minister.

This should change the understanding that many of the "No" campaigners had on what the treaty amounted to. We had guarantees on taxation, for example. It is clear from the treaty that we have exclusive power over our own taxation measures. Nevertheless, it is welcome that a guarantee can spell that out. The same applies to social issues and the defence policy.

I welcome the comments by UN Secretary General Ban Ki-moon yesterday. He indicated that our peacekeeping through the mechanism of the regional force of the EU is compatible with our UN membership. Workers' rights will no doubt be a big issue in this campaign as the "No" group will focus on the solemn declaration. It is a reflection on us in this House that virtually all progressive social and working legislation emanated in Europe.

The Minister has given a commitment to bring forward legislation to deal with the European Defence Agency, with any programme that Ireland would participate in needing the prior approval of both Houses of the Oireachtas. Membership of the European Defence Agency will ultimately lead to less spending on armaments in Europe, and it is more to do with interoperability and cutting back spending rather than promoting the arms industry.

The Bill seeks to make an amendment to Article 29 of the Constitution to allow Ireland to ratify the Treaty of Lisbon. Specifically, the Bill proposes to delete the current Article 29.4.4° to Article 29.4.11°, inclusive, and a part of Article 29.4.3°. Most of the deletions — Article 29.4.3° to Article 29.4.8°, inclusive — remove references that would become redundant once the Lisbon treaty came into force. The current Article 29.4.9° prohibits the State from adopting a decision of the European Council to establish a common defence under the Nice treaty. This prohibition is carried forward by the new Article 29.4.9° of the 2009 Bill.

The current Article 29.4.10° ensures legal compatibility between the treaties and the Constitution, providing constitutional cover for laws, acts and measures "necessitated by the obligations" of membership of the EU and the European Communities. This constitutional cover is carried forward in the new subsection 6° from the 2009 Bill.

The new subsection 4° recalls the principles motivating Ireland's membership of the Union, confirming Ireland's commitment to playing a part of the European Union, within which member states work together to promote peace, shared values and the well-being of their

[Deputy Billy Timmins.]

peoples. This is a new measure incorporated in the Constitution and a very clear political message of Ireland's commitment to the European project.

The new subsection 5° simply allows the State to ratify the Lisbon treaty and to be a member of the European Union as established by it. The new subsection 6° ensures legal compatibility between EU law and the Constitution and would carry forward constitutional cover for laws, Acts and measures "necessitated by the obligations" of EU membership, before and after the Treaty of Lisbon enters into force. It is the same as the current subsection 10°.

The new subsection 7° provides that the State may avail of certain options and discretions under the treaty, subject to the prior approval of both Houses of the Oireachtas. This subsection ensures that the prior approval of both Houses of the Oireachtas is required for the exercise of options and discretions referred to therein. The options deal with enhanced co-operation and action to be taken in the areas of freedom, security and justice.

Subsection 7° makes specific provision for the possibility of withdrawing in whole or in part from the opt-out provided for the protocol on the area of freedom, security and justice. Any such withdrawal would require prior approval of both Houses of the Oireachtas. We look forward in the not too distant future to implementing that measure.

The new subsection 8° states that prior approval of the Houses of the Oireachtas would be a condition for action under a small number of other areas. This provides for the enhanced role for the Houses of the Oireachtas in respect of relevant issues. Subsection 8° refers to a position where the European Council, acting unanimously, seeks to change the decision making process in certain areas defined in the treaty. This is the so-called passerelle mechanism.

We in Fine Gael look forward to campaigning for a "Yes" vote in the forthcoming referendum. Heretofore, a great deal of emphasis was placed on the technical aspects of the treaty. It is important to outline the benefits of the treaty to this country. The treaty is all about being a player in Europe. It also relates to participation. Ireland has benefited enormously as a result of its membership of the European Union. There is no doubt that we cannot operate in isolation. We cannot deal alone with global matters such as energy security, climate change and possible health threats.

Under Article 46 of the Constitution, the Government has the prerogative to hold referenda as often as it so desires. In the past week or two, one of the prominent "No" campaigners stated that there might be a constitutional challenge if this legislation is passed. That individual's assertion went unchallenged. It is important to note that the Oireachtas can pass legislation which would allow a referendum on the same subject to be held on each day of the week.

Fine Gael looks forward to engaging with the public and with those on the "No" side who have expressed concerns. It also looks forward to returning to those on the "Yes" side to reiterate the positive aspects of the treaty. It is important that as much information as possible relating to the treaty be disseminated. However, it is vital that this information should be user-friendly in nature. We must recognise people's genuine concerns and seek to address them.

When the second referendum on the Nice treaty was passed, we closed the hatch and declared the matter done and dusted. We did not really learn our lesson in that regard. I hope we will succeed in obtaining a "Yes" vote. If such a result is forthcoming, we must put in place measures to ensure that we never again find ourselves in the position we now occupy. Membership of the EU is, by any stretch of the imagination, the only game in town for Ireland.

Deputy Pat Breen: I thank Deputy Timmins for sharing time. I welcome the Taoiseach's announcement earlier today that the second referendum on the Lisbon treaty will be held on Friday, 2 October. This will, I hope, provide the many young people who did not vote in the

previous referendum an opportunity to do so on this occasion. In addition, I hope the Government has learned lessons from the way in which it mishandled the previous campaign. In the wake of the first referendum, many post mortems were held. Last June, the European Union was thrown into an institutional crisis when 53% of the people of Ireland voted “No” in the referendum. However, I am happy to state — as I have done on previous occasions — that the Members of the Oireachtas who represent Clare played their part in the campaign by ensuring that it was one of the few counties which voted “Yes”. I am sure that if those Members show similar resolve, there will be another “Yes” vote in County Clare on 2 October.

The previous campaign was badly timed and the relevant issues were not communicated to the people in an effective manner. A series of badly timed interventions added further to the confusion. It was never a good idea to hold the referendum when the office of Taoiseach was being transferred from one Leader of Fianna Fáil to another. Fine Gael always contended that the timing was wrong and that insufficient time was given to explain the extremely complex issues that were involved.

Those on the “No” side communicated their message far more effectively than those in the “Yes” camp. Their posters, literature and media appearances succeeded, even if much of what was said in respect of the treaty amounted to simple scaremongering. Many of the points raised by those on the “No” side were not contemplated by the treaty and, in fact, had nothing to do with it. Many people will recall the famous poster which showed three monkeys and carried the legend “The new EU won’t see you, won’t hear you, won’t speak for you”. That was the “No” side’s version of Europe. The poster to which I refer and others — including those which stated that people would lose money, that Ireland would lose its Commissioner and that which displayed a reprint of the 1916 Proclamation and asked if this was for what our forefathers died — proved extremely effective. These various elements contributed to the success of the “No” campaign and the “Yes” lagged far behind in this regard.

Fine Gael is extremely pro-Europe and has been since Ireland joined the then EEC in 1973. I have always been strongly of the view that Ireland’s place is at the heart of Europe and that is where it should be for the foreseeable future.

During the previous referendum campaign, however, when I was on the campaign trail in Clare explaining the treaty and drumming up support for it, I was taken aback by the three ill-timed interventions to which I referred earlier and which had a massively negative impact on the campaign. The first of these interventions occurred when the Taoiseach informed the people that he did not read the Lisbon treaty in full and yet he expected them to ratify it. In light of the fact that he, as the then Minister for Foreign Affairs, was involved in drafting the treaty, that statement was extremely surprising. The second intervention came when the Tánaiste and Minister for Enterprise, Trade and Employment appeared to be confused with regard to the number of European Commissioners there are at present. The final intervention, by our EU Commissioner, Mr. McCreevy, added salt to the wound. The latter flew home to inform us that he had not bothered to read the treaty and that he would not expect any sane, sensible person to do so.

The ink was hardly dry on the agreement the Taoiseach and the Minister for Foreign Affairs concluded at the recent EU Council meeting in Brussels in respect of rerunning the referendum when Commissioner McCreevy again intervened and informed a gathering of accountants that all the politicians of Europe “would have known quite well that if a similar question had been put to their electorates by referendum, the answer in 95% of the countries would probably have been “no” as well”. That may well be the case but I doubt if all politicians in Europe would have explained the treaty in as poorly a manner as Commissioner McCreevy or the Government.

[Deputy Pat Breen.]

I hope Commissioner McCreevy, the Taoiseach and the Tánaiste and Minister for Enterprise, Trade and Employment will take time to read the treaty in full and will familiarise themselves with the institutions of Europe and how they work. In that context, I suggest they each pack a copy of the treaty when they go on holidays in August.

Ireland is not the only country which has encountered problems in ratifying the treaty. In Germany, for example, a number of MPs and law-makers — they are mainly from the left-wing Linke party — went to the Constitutional Court to try to stop the treaty. They claimed that it is undemocratic and undermines the German Parliament — that is, it cedes too much to Brussels. The German Parliament has already ratified the treaty, but President Horst Koehler has not yet signed it. The decision of the court was interesting in that it stated that the Lisbon treaty “could not be adopted until the sufficient legal groundwork for parliamentary participation as foreseen in the constitution has been laid”. This means is that the court has spelled out in law that any changes to the Lisbon treaty or any expansion of the EU that will impact on German sovereignty must be voted on in that country’s parliament. The court has required that additional legislation be introduced in the German Parliament. German MPs will be obliged to vote on this when it is enacted prior to a general election to be held on 27 September next.

To date 23 of the 27 member states have ratified the treaty. The other two countries which have not yet signed on the dotted line are the Czech Republic and Poland. President Vaclav Klaus of the Czech Republic says that he will be last man standing and that he will only sign after the Irish referendum and when the President of Poland has signed. Now that the German court has made its decision, the only thing delaying the Polish President is the outcome of the referendum here.

Once again, the eyes of all Europe will be on us in September and October. However, that is not the reason we should vote “Yes” in the forthcoming referendum on the Lisbon treaty. We should vote “Yes” because Europe has been good to us. It has been positive in respect of our infrastructure and our farming community and has been good to the people since Ireland joined in 1973. However the principal reason for voting “Yes” is because most of the concerns that were raised during the previous campaign now have been addressed in the new protocol negotiated in Brussels by the Taoiseach. I do not believe it ever was the case that either military neutrality or abortion law in Ireland was threatened by the adoption of the Lisbon treaty. Nevertheless, as Deputy Timmins noted, when a Millward Brown poll was commissioned as to the reason for the treaty’s rejection in Ireland, 33% of the electorate believed the claims that the introduction of conscription to a European army was included in the treaty, while 34% believed we would lose control over our country’s abortion policy. The fact that the EU is to enshrine these matters in a new protocol is helpful in allaying fears on this occasion and it is to be hoped that such issues will not be raised by the “No” campaigners this time and that they will focus on the facts in respect of the treaty, rather than trying to frighten people as to what might happen.

Among the other main issues of concern was our rate of corporation tax, the prospect of losing a European Commissioner and workers’ rights. We have succeeded in retaining a Commissioner and when the position becomes available, the Taoiseach should consider someone with great experience who could do the job properly and who could secure a prominent portfolio. It will be important to secure a good portfolio for Ireland as there will be 27 Commissioners next time around. Consequently, it will be important to secure one of the five most prominent posts, particularly given developments in respect of the world trade talks. Although many names have been suggested today, I suggest to the Minister, Deputy Martin, that on his retirement next year, the present Ambassador of the European Commission to the United

States would be a good candidate. Moreover, an additional important consideration for the Minister is that such an appointment would not cause a by-election.

Another important issue is that Ireland has the right to determine its own taxation policy. However, the solemn declaration on workers' rights does not go far enough and the general secretary of the European Trade Union Confederation has voiced his disappointment in this regard. I argue, however, that this declaration is a step forward and that in tandem with the Lisbon treaty and the Charter on Fundamental Rights, great importance is being placed right across Europe on furthering social issues, public services and the protection of workers' rights. It is a stepping stone that can be built on.

The failure to understand the Lisbon treaty was cited by 42% of Irish voters as the main reason they voted "No" last year, while 46% of those who did not vote stated that the main reason they stayed away from the polling booths was because they did not understand the treaty either. It is imperative that the Government get it right this time. The failure to communicate and explain the details of the Lisbon treaty was the Government's single biggest failure during the last campaign. As I stated earlier, it was highly frustrating for those of us who worked hard during the last campaign and who thought that everyone understood the treaty's content. Unfortunately, as the Millward Brown polling exercise revealed, the people did not. One must get the message right and to succeed in so doing this time, the treaty must be read, understood and above all else, be communicated properly.

We now live in an era of instant communication in which Twitter, YouTube, Facebook and many other social networking sites are used widely to communicate. The Obama presidential campaign showed how effective the use of the Internet and social media can be in modern communications. His campaign used the Internet and the social web in particular in a manner that had been unprecedented heretofore. Consequently, it was able to build on relationships with voters across the social web by using multiple social media channels. Voters engaged with the Obama campaign by, for instance, connecting with him through Facebook and then used their own Facebook pages to build support for the candidate. As issues will arise rapidly during the campaign on the Lisbon treaty in September, it is instructive to recall that an issue arose in respect of the authenticity of President Obama's birth certificate. Voters were able to check out the facts on the issue instantly and the response was distributed instantly, which could not have been done through traditional media outlets.

I urge the Government to take a leaf out of the Obama campaign experience for the purposes of the referendum, rather than for Fianna Fáil purposes.

Deputy Billy Timmins: Not even such methods can save Fianna Fáil.

Deputy Pat Breen: However, there will be no point in trying to get the Government's message across using such social media outlets unless people can understand it, which is an extremely important point. I understand that a postcard is to be distributed to every household nationwide and I hope it will explain the treaty, rather than leaving voters more confused. I also hope that Government Deputies will be out campaigning for a "Yes" vote this time.

William Butler Yeats once wrote "all changed, changed utterly", and how true this is of the period since the last Lisbon referendum was put to the people. The position has changed radically over the past 12 months. More people are unemployed and inflation has fallen by 4.7%, the sharpest decline since 1933. I thank the Ceann Comhairle for the opportunity to speak and I look forward to working with my Fine Gael colleagues and my colleagues from County Clare on the benches opposite to ensure that Clare again votes "Yes" in the referendum on 2 October.

Deputy Joe Costello: I welcome the opportunity of discussing the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009. There has been a great flurry of activity in the past day or two, with the publication of the White Paper today, the announcement of the chair of the referendum commission, Mr. Justice Frank Clarke, who I believe will do an excellent job, the proposed postcards and, finally, the long-awaited legislation has been brought before Members. The Bill itself appears to be pretty straightforward and is an improved version of the previous legislation from last year. The Government has benefited from a few suggestions made by the Labour Party on tightening up parts of the approach to the Bill. Certainly, the removal of the redundant parts of Article 29 of the Constitution pertaining to previous matter that has been overtaken by newer treaties is welcome. Moreover, it also is welcome that the proposed amendment contains a more simplified version in terms of the new provisions.

Part 2 of the Bill starts with an affirmation of apple pie and motherhood. I refer to section 4, where:

Ireland affirms its commitment to the European Union within which the member states of that Union work together to promote peace, shared values and the well-being of their peoples.

It is worth making that statement and I welcome it. The Bill then goes on to describe the conferral of competences and how “no provision of this Constitution invalidates laws enacted, acts done or measures adopted . . . that are necessitated by the obligations of membership”. It continues by describing the options and discretions that are subject to the prior approval of the Oireachtas. Finally, it deals with the decisions, regulations and other acts that the State may agree to, again subject to the approval of the Oireachtas, as well as the prohibition on common defence, which again repeats what was there before.

All of these provisions, in a more simplified fashion, are welcome. The Labour Party will campaign for another “Yes” vote this time, as it did the last time. If one considers the main players from the “No” side in the last referendum, the main thrust of the Libertas campaign was on the issue of taxation. This matter has been dealt with comprehensively in the legal guarantees.

The Minister referred to the Peace and Neutrality Alliance, PANA, which made a commitment to support a “Yes” vote if it received the necessary legal assurances on military neutrality and defence. These are in place so we wait to see what my good friend Mr. Roger Cole will have to say. Sinn Féin and the National Platform EU Research and Information Centre, which is one of the platforms used by Patricia McKenna, were great champions of retaining the Commissioner. They did not want to lose the Commissioner. We did not lose a Commissioner but I have not heard too many words of approval from them. Coir was concerned with the threat of abortion and we must wait and see if that group is now satisfied. Mr. Joe Higgins and the Socialist Party was concerned with two issues, militarism and workers’ rights. The threat of military involvement has receded and we must wait and see if he is satisfied with the solemn declarations on workers rights. The Independent Deputy, Finian McGrath, takes an all sorts of everything approach and we must wait and see on which side of the fence he lands on this occasion.

It is a shame the Government is pursuing the same guillotine process it pursued for the past two weeks on end of term legislation. This is not end of term legislation, it is too important to be dealt with in the same fashion. This involves an amendment to our constitution and it is unacceptable that all stages of any Bill, but certainly a constitutional amendment Bill, should be dealt with in the same sitting. It will be done in a short space of time, given that we started at 3.45 p.m., leaving only five or six hours. We have an opportunity to have a proper debate in

this House. The only people who will get an opportunity to speak are spokespersons and people who are very much associated with the European Union. In the next three months this will be one of the singular issues of the day. It will be discussed abroad, on the radio, through electronic media and on chat shows. This was an opportunity to launch the campaign properly whereby Deputies have the opportunity to articulate their views and, for some, their concerns on the matter. It was an opportunity to put their first articulations on this new referendum proposal. That we did not have a full scale debate, allowing every Deputy and Senator to make a statement of intent, represents a lost opportunity. They are elected by constituents and I imagine constituents would like to give Members this opportunity to represent them. Perhaps the Minister will refer to this in his reply.

Yesterday the Secretary General of the UN, Ban Ki-moon, came to this country, addressed Members of this House and spoke in Dublin Castle. He spoke about Ireland's impressive role in peacekeeping missions abroad under the United Nations mandate since Lebanon in 1958. He said that of the 16 United Nations missions in progress, seven have Irish involvement. Almost 50% of the totality of military and civilian missions involving the UN had Irish participation. This is a formidable record of participation in peacekeeping and conflict resolution. This will be carried over into Ireland's participation in the EU. This has resulted in getting a strong Irish character, and a sense of the particular place from which we are coming, to the development of foreign and security policy in the EU.

No EU member state retains conscription for its citizens, which was a major issue in the last referendum even though no country imposes it. Nor does any EU member state speak of an EU army. Even France, the long-term champion of a stand alone, common EU defence force, has gone cold on the idea. It is abundantly clear from the legal guarantees, which will become a protocol at the next treaty, that any decision to move to a common defence would require a unanimous decision of the European Council. Even if a Taoiseach was tempted to sign up for a common defence at a European Council, he or she could not do so as the new subsection 9, amending Article 29 of the Constitution, makes clear.

The legally binding guarantee on security and defence makes it clear that the principles of the United Nations charter and international law are the basis for the EU's action on the international scene under the Lisbon treaty. The Union's common security and defence policy is an integral part of the common foreign and security policy and provides the EU with an operational capacity to undertake missions outside the Union for peacekeeping, conflict prevention and strengthening international security. Participation in permanent structured co-operation or the European Defence Agency are matters for each member state. We always said they were but the contrary was asserted in the previous debate. The Government has already announced that it will shortly introduce legislation imposing the triple lock mechanism on Irish participation in the European Defence Agency. This is the mechanism that applies for Irish participation in military missions at present. The Minister did not state when this legislation is due and I ask him to do so.

Ireland's policy of active military neutrality is not prejudiced but enhanced by the Lisbon treaty. The Irish interpretation of the military role of the EU under Lisbon as expressed in the guarantee on security and defence has been signed by the 26 other member states. Thus, peacekeeping missions in accordance with the principles of the United Nations charter are clearly the way forward for EU military action.

Mr. Kofi Annan, the former UN Secretary General expressed his hope in May 2008 that the Lisbon treaty would come into force because it would strengthen EU peacekeeping capabilities by providing greater co-ordination among member states. The UN Secretary General, Ban Ki-moon, went a step farther when speaking in Dublin Castle yesterday. He said that the EU was

[Deputy Joe Costello.]

one of the world's most important regional political and economic entities for the United Nations because it provided the UN with a vehicle for fulfilling its mission under the charter to keep the worlds' peace. He stated:

I know how carefully Ireland considers its overseas military deployments. I know as well that a U.N. mandate is one of the requirements not just as a matter of policy but as a matter of law. Let me assure you that Ireland's participation in EU military and civilian missions is fully compatible with its traditional support of the United Nations.

Article 3, subsection 5 of the Lisbon treaty restates the EU's international values:

In its relations with the wider world the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. [This statement is second to none.] It shall contribute to peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations' Charter.

In a very real sense Ireland and the United Nations have made common cause in ensuring that the EU holds the same world view on military actions as they do. Active participation by Ireland at the heart of EU decision making is the key to that success. People who express concern at the threat to Ireland's neutrality by the proposed strengthening of the EU's military capabilities under the Lisbon treaty should not and cannot see it as a threat but rather as an opportunity to enhance the United Nations capabilities in keeping the world peace through, as Ban Ki-moon stated, "an ever-expanding relationship" with the EU, which he described as "one of our most important partners".

The ruling of the German constitutional court on the Lisbon treaty was one of the more interesting developments in recent times.

Just over a week ago, on 30 June, the German constitutional court ruled that the Lisbon treaty was compatible with German law. It also ruled that it would not create a European Union super-state — how often have we heard about a super-state being created by the Lisbon treaty? The court also ruled that the European Union would remain an association of sovereign states to which "the principle of conferral" applied.

However, the court also determined that the national parliament had to assert itself in the areas of democracy, sovereignty and the construction of the European institutional framework. The German Government must address those issues in a new law which will be needed to accompany the treaty's ratification; this will probably be introduced in August or
5 o'clock September prior to the country's general election on 27 September. The contents of the new law will be revealing and may be far-reaching. Effectively, the constitutional court has declared that German parliamentarians have failed to take adequate responsibility for asserting their national democratic rights and playing an active role in the European Union integration process.

The court's decision has a strong resonance in Ireland where it is generally agreed that our national Parliament has not played its full role in the development of the European Union institutions or participated properly in European Union decision making. Undoubtedly our Government has been active, but not our Parliament. The Lisbon treaty recognises this democratic deficit and makes provision and provides encouragement for national parliaments of the

member states to engage with the European Union institutions in devising, determining and implementing policy.

It is estimated that at present 75% of all legislation has its origins in the European Union yet our national parliamentary structures have scarcely altered since we joined the European Community in 1973. A Joint Oireachtas Committee on European Affairs was established then. Thirty years later the Joint Oireachtas Committee on European Scrutiny was established but only after the defeat of the Nice treaty in 2001 when the democratic deficit between the operation of the European institutions, the governments of the member states and the operation of national parliaments became obvious. Parliamentary participation is thus confined to two committees of the Oireachtas. In this respect, only a very limited number of Deputies can participate in European Union affairs.

I welcome today's statement by the Minister for Foreign Affairs that the Cabinet Ministers should appear before the committees of the House. However, they are merely committees of the House and there is no recourse to the Oireachtas in plenary session until the work programme of the Commission has been approved for transposition into domestic law. The only time the European Union appears directly on the floor of the Houses of the Oireachtas is for a 60 or 80 minute session to discuss the conclusions of the European Council four times annually. Our only parliamentary participation is that of two committees with a very limited number of Members represented there. This is a hands-off rather than a hands-on approach by the national Parliament, which is what the German constitutional court referred to with regard to German parliamentarians.

The Lisbon treaty envisages a strong participative role by national parliaments at all stages of the decision-making process. The Government must sit down with Opposition Members and MEPs after the Lisbon treaty referendum, which it is hoped will be a success, and agree new structures to ensure that the Oireachtas plays its full role in the activities of the European Union and adequately scrutinises the Government's actions in this regard. Moreover, the protocol on the principles of subsidiary and proportionality should be bedside reading for all Members of the Oireachtas.

The present Government proposals for reform of the Dáil are a small step in the right direction. I do not know whether the Minister has seen these proposals but it is envisaged that the Dáil will sit more often on Fridays to discuss issues including EU matters. Friday or another sitting day should be dedicated solely to EU business in full plenary session. This is the only way we can begin to address European Union matters in a serious way. It will not be easy to deliver on this type of approach but the only response we can make is to restructure our business in such a way that we fully integrate European matters into the plenary sessions and workings of the Parliament. It will require substantial restructuring if we are to do so effectively.

I wish to speak on the thorny issues of workers' rights, social policy and public services. The issue of workers' rights is significant for the Irish electorate, as was demonstrated in the Millward Brown survey which showed that 40% of voters in the previous referendum on the Lisbon treaty expressed significant concern in this regard. A number of high profile cases decided in the European Court of Justice, namely, Laval, Viking, Rüffert and Luxembourg, gave rise to concerns that the hard-won rights of workers in member states could be undermined by the court's interpretation of the free movement of labour. These were very much to the fore during the debate in the last referendum.

The Labour Party is particularly anxious that the European Union is a bastion of support for social progress, the protection of workers' rights and the prevention of exploitation in the workplace. The Charter of Fundamental Rights is a key reason the Labour Party so quickly and readily supported the Lisbon treaty. It is a legally-binding document which is particularly

[Deputy Joe Costello.]

strong on social solidarity and a comprehensive range of citizens' rights, including the right of workers to information and consultation in the workplace; the right to collective bargaining and industrial action including strike action; the right to protection against unfair dismissal; the right to fair and just working conditions and the prohibition of the exploitation of workers.

Once the Lisbon treaty is adopted these will become part of European law. If and when the Lisbon treaty becomes law all further EU law must be informed by and have regard to those fundamental rights and we consider this to be a very important development. Speaking at the Irish Congress of Trade Unions Congress in Tralee yesterday, Deputy Eamon Gilmore, the leader of the Labour Party, made it clear that the Labour Party in government would legislate to enshrine the provisions of the Charter of Fundamental Rights into Irish law. Among other measures, this would provide for collective bargaining rights for workers. This would mean that where workers opted to join a trade union, management would have to recognise this and negotiate with them.

The Labour Party commitment was warmly welcomed by the general secretary of ICTU, David Begg, and by Jack O'Connor, the president of SIPTU, as one of the most important developments for the trade union movement in decades. Last week, when speaking in the House, Deputy Eamon Gilmore further specified the eight legislative proposals in the social partnership agreement, Towards 2016, which need to be passed into law and on which the Government is dragging its heels. I have also raised this matter in the House on quite a number of occasions as the Minister well knows. We need to get our domestic house in order with regard to workers' rights rather than relying on Europe, although Europe has a good track record of contribution in this regard.

The eight areas to which Deputy Gilmore referred include the temporary agency workers' directive, which is now a year old and must be transposed one way or another by 2011 at the latest and should be fast-tracked. It gave rise to much difficulty in the previous referendum. Another area is the Employment Law Compliance Bill 2008, which is almost two years old and provides for statutory supervision of the workplace. It is in the House doing the rounds but it is time to put it to bed and establish the authority on a statutory basis. The areas also include the Industrial Relations Bill which provides protection in the hotel, catering and construction industries and the Employment Agency Regulation Bill.

Further areas referred to include anti-victimisation legislation to protect workers who choose to join a trade union, which was promised in March 2009 and which has still not been published; legislation to address employee representation at work, which was supposed to be enacted last month but has not yet been published; the amendment of section 4 of the Competition Act 2002, to exempt freelance journalists, musicians and actors from competition rules; and the transposition of the optional pension provision of the transfer of undertakings directive into Irish law, a directive that should be in place at this stage. We could add a ninth piece of legislation to this list, the posting of the workers' directive, which was transposed into Irish law in 2001 but which has given rise to much grief in other countries. It is something that should be revisited to ensure that the existing rights of workers in Ireland cannot be undermined.

We would prefer that the Government would establish a timetable for enacting these pieces of legislation, because that is part of the Towards 2016 social partnership agreement. It would be best if the Government came up with the timeframe for the enactment of the proposals before we enter into full debate on the referendum. Failing that, the Labour Party has pledged that in Government it will deal with the issue of workers' rights once and for all. We will put the issue to bed so that our domestic legislation will not tolerate a situation such as that which arose in the case of some of the European Court judgments to which we have referred.

The Lisbon treaty provides for the first time a legal basis to distinguish between public services that are not suitable for competition and other services of a general economic nature where competition is allowed. The protocol on services of general interest spells things out and makes clear “the essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users”. Therefore, services must be provided in a democratic fashion within the national, regional and local authorities and must take into consideration the needs of the users. Furthermore, it promotes “a high level of quality and affordability, equal treatment and the promotion of universal access and users rights” where these services are provided.

Article 2 of the same protocol makes it clear that “The provisions of the Treaties do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest”. The clear intention of the protocol is to protect public services and not to undermine them, as has been suggested by some people. This interpretation is reinforced by the solemn declaration on workers’ rights, social policy and public services. Furthermore, Article 9 of the Lisbon treaty specifically states: “In defining and implementing its policies and actions, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protections, the fight against social exclusion, training and protection of human health”.

In reality, the Lisbon treaty provides the most far-reaching support and protection for workers, through the protocols and the Charter of Fundamental Rights, and commits the European Union through its policies and laws to a social agenda beyond anything we have seen to date anywhere in the world. People who state the contrary are not facing the facts or the reality of the situation.

It is now time to begin the campaign for a “Yes” vote. I welcome the fact that civic organisations have become involved and that we will have a stronger approach from that area than during the previous campaign. We must eliminate the uncertainty in regard to Ireland’s future relations with the European Union. We must restore international confidence and quell fears regarding foreign direct investment. We must re-establish ourselves as partners in the Union with our 26 EU colleagues.

A half-hearted commitment is not enough. We must treat the forthcoming referendum as though it were an election. There must be a full-blooded commitment to winning the referendum. There must be no half-hearted measures. It must not be a case of paying lip service to working towards a successful conclusion, but not doing the work on the ground. We must knock on doors and persuade the electorate as though we were asking for a personal vote. The only way to ensure the referendum is won is to treat it as though it was a local, European or general election. The Acting Chairman, Deputy O’Connor, would know better than most what that requires. It means strong, personal activity involving knocking on doors, pounding the pavement, persuading the electorate this is the right way to go and right for Ireland and Europe. Only then can we be sure of a positive result and Ireland’s full engagement in the EU for the future.

I hope we all work and co-operate together on this and that this time we will finish with a successful outcome to the referendum so as to ensure Ireland’s place remains at the heart of Europe.

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): I am very pleased by the tone taken by Deputies Billy Timmins and Joe Costello. It is of critical importance to the nation that we operate as a united force on this. There is no doubt that this is an issue of such national importance that the political differences which may sometimes separate

[Deputy Dick Roche.]

us in the House should not separate us on this. We must have a united effort and a single focus because the well-being of the nation is in the balance.

I agree with both Deputies that this is a critical moment. It will not just determine our relationship with Europe and its relationship with us, but will have a determining effect on the way Europe develops in the next five or ten years. We have reached a crossroads. We must make the right decisions and put those divisions that sometimes exist in this House behind us.

It is often interesting and instructive on occasions such as this to consider how we got to where we are now and how this situation arose. When one thinks about it, the vote of the people in the referendum on 12 June last year sent shock waves across Europe. I recall receiving telephone calls on that day and the next from counterparts who were stunned. They simply could not believe what had happened. The points they made were very interesting. They never pointed the finger at Ireland but asked how it was that a people that is such a part of Europe, so respected in Europe, whose destiny is so tied up in Europe and that is so positive about Europe could have made the decision that was made. That was also a question we asked ourselves. Almost a decade's work at the Convention on the Future of Europe on the constitutional treaty and subsequently on the Lisbon treaty looked as if it could be lost. That would have been a catastrophic loss to Europe and to each of its almost 500 million citizens.

Without the relatively modest institutional changes provided in the Lisbon treaty, Europe would be a less democratic place than it could be if the treaty was not to apply. Europe would undoubtedly be less efficient and less effective if the treaty was not implemented. The changes being introduced in the treaty would allow Europe deal more effectively with the energy challenge, challenges of climate change and the emerging economic challenge. Those changes, if not implemented, would be lost opportunities to deal with those issues. This was a bigger issue than any one of us, and a much bigger issue than any domestic political politics that would divide us here. It was an issue that was going to affect the lives, the well-being and livelihood of hundreds of millions of fellow Europeans. It is important, therefore, that we consider deeply what it was that brought about the decision on 12 June 2008.

When the Taoiseach went to the European Council in June 2008, just a week after the Irish vote, he made a number of points clear. The first was a point on which every Member of this House would agree, namely, that the Irish people had spoken and their decision would determine the Government's response because we, the Members elected to this House, have but one master in this matter, which is the people of Ireland. Second, he made the point that before any way forward could be charted, he, the Irish Government and the Members of this House would have to study very closely the messages that had been sent by the Irish people and study what prompted the people, who were and still are so immensely positive about Europe and who see huge advantage to being at the heart of Europe, to vote as they did.

The Taoiseach made it clear to the other Heads of State and Government at the European Council that reaching a policy decision on the way forward would take time and could not be rushed and that the decision of the people would require very detailed analysis, which would also take time. Between June and December 2008, in the period between two European Councils, a substantial amount of time and effort was invested in analysing the concerns and the issues that informed the decisions which were made by individual voters on 12 June 2008. The response to the "No" vote was prepared methodically. In the history of this nation, few if any public policies in my experience were constructed so painstakingly. I would go further and say, having lectured as I did for many years on public policy, that I cannot think of an occasion when more detailed and thoughtful preparation went into the evolution of a public policy. One of the great things about that preparation was that it was not just confined to the Admini-

stration or the Government in that Members of this House played a very real role, which again augurs well for the future.

First, the people were consulted in a major opinion poll survey. When the votes were counted and the results announced on 13 June 2008, we knew what way the people had voted but we did not know why they had voted that way. The first challenge before putting together any response was to try to get inside the minds of the people who cast their vote on 12 June. There was inevitably a significant amount of comment in the media, some informed and some not so well informed, and political analysis as to why the vote had gone as it did. None of this analysis was, however, scientifically based and not all of it was objective. There was a good deal of finger-pointing, which was and is particularly unhelpful.

The first of a number of steps aimed at establishing as objective as possible an analysis of the reasons that people voted “No” or “Yes”, and why some abstained from voting, was to study those factors scientifically in an opinion poll conducted by Millward Brown-IMS. The opinions highlighted in that survey were then subject to further testing and analysis in a series of focus group studies, which we are absorbing in terms of how this process was operated. All of the data produced from this research was further analysed by a team from University College Dublin’s Geary Institute. The analysis did not stop there. In addition to the results of the research and analysis, the Government in formulating its response to the 12 June decision of the people had available to it the truly superb work of the all-party Oireachtas Sub-Committee on Ireland’s Future in the European Union. It is often said that Members of this House do not engage themselves very productively but if there was ever a case where that was untrue, it is in the work of this sub-committee, which did the nation some significant service.

That report recommended that voters’ key concerns should be addressed and that public understanding of the European Union must be improved, including through the Oireachtas playing an active role in EU affairs. It recognised that the people wanted to stay fully committed to and involved in Europe and not be removed to the sidelines and isolation. Deputy Costello picked up on this very point in his contribution. There is a real role for this Parliament to play. There is a functional, absorbing, interesting and intriguing role that will win respect for us and will make absolutely certain that the rules that come down through our involvement in Europe are much more focused and more in tune with the wishes of the Irish people. The Lisbon treaty opens an exciting prospect for national parliaments to operate horizontally across the whole of the Union and vertically within the administrations. It provides a challenge, which, if we rise to it, will win respect from the people.

When the Taoiseach went to the December 2008 European Council, he carried with him a policy which was undoubtedly one of the most meticulously prepared in the history of the State, and rightly so, because we faced an important crossroads point. At the European Council in December 2008, the Taoiseach made it clear that the concerns of the Irish people would have to be met in a way which was robust and capable of withstanding any legal challenge. If a commitment to another referendum could be entered into, it could only be entered into in those circumstances. The people are our masters in this and responding to their concerns must be any Irish Government’s priority — this would be true irrespective of the parties in an Irish Government.

Specifically, he argued that the Irish people’s concerns regarding the rotation of Commission membership would need to be addressed. It will be recalled that in the Convention on the Future of Europe, we, a small country, and some of the other small countries cautioned that this was an area where the siren call of efficiency should perhaps not be heeded against the reality of the democracy that people feel comes out of the Commission. He also made it clear that the arrangements would have to be legally binding guarantees on those articles in the Irish

[Deputy Dick Roche.]

Constitution which deal with the right to life, family and education, which would have to be respected. Specifically, he said the concerns of the Irish people regarding taxation would have to be addressed in a way that was legally robust. This was not just the view of the leader of the Executive or Cabinet; it was, he was able to point out, also the view of the Members of this Parliament. Concerns which had arisen during the course of the referendum campaign on security and defence would also have to be addressed, again, in a legally binding way. Finally, the Taoiseach picked up the matter just addressed by Deputy Costello, namely, that the concerns about workers' rights that had arisen during the course of the referendum campaign and that had been measured in the post-referendum surveys would have to be addressed.

The response from the European Council in December 2008 to the Irish concerns and proposals was a remarkable example of the solidarity which Europe has shown in times of crisis and of the willingness of our European partners to address constructively and thoroughly the concerns of the Irish people. The abusive poster which was designed first by the extreme right wing in Austria, showing three monkeys delivering a message, was referred to in an earlier contribution. If there was ever an example of action by a European leadership which belied the cynicism of that message, it was to be found in the December conclusions and subsequent conclusions of the European Council. The member states did listen, they did engage, they did absorb the message and they did show a willingness to put out their hand to assist us, and to respect us as a nation and our decisions.

The conclusions of the December 2008 European Council included a commitment to the retention of a Commissioner per member state in the event of the Lisbon treaty being ratified. It agreed that legally binding guarantees and assurances in areas of common concern to the Irish voters would be given. I wish to note how significant this decision on the Commission was. Over the preceding period, there had been a substantial debate in Europe on the Commission, the Commissioner's role and the number of Commissioners. At one time, there had been suggestions that a Commission of perhaps nine members was the optimum. There was then an argument that we needed to make sure there was equality within the Commission, and this argument was won.

The overwhelming argument, however, was for a smaller Commission. It was a measure of the degree of respect the European Union and member states hold for the Irish people and their decision that in spite of all the debate and the concerns raised by individual member states about the size of an overly large Commission they decided to reverse the original proposal. They did so because they respected, listened to and absorbed the message of the Irish people. They were generous also in their anxiety to support the Irish people.

At the European Council of 18 to 19 June it was confirmed that when the treaty of Lisbon enters into force a decision will be taken to provide for the Commission to continue to include one national Commissioner per member state. In my view that is an extraordinarily generous act by the other member states. More important, it was an extraordinary victory by the Irish people.

The decision made by the Heads of State at the Council contains the most specific guarantees addressing the concerns of the Irish people. On the issues of the right to life, education, and the family the decision is clear beyond debate and nothing in the treaty of Lisbon, the Charter of Fundamental Rights or the provisions of the treaty in the areas of freedom, security or justice affect in any way the scope of applicability or the protection of the right to life as set out in Article 40 of the Constitution. I was personally affronted by some of the arguments made on this issue last year because I pride myself as someone who strongly supports the right to life and I make no apology for that. Sometimes it is regarded as a conservative viewpoint but it is my viewpoint and it was also the viewpoint of the majority of the people. The changes

to the Constitution under Article 40 were put in place by the will of the people and this has been put beyond debate or doubt regarding this sensitive matter. That is a wonderful achievement because it shows that Europe respects our view although many member states differ with us on these issues. Whatever decision is made in this area will be made by the Irish people alone.

I hold the same view regarding the protection of the family, dealt with in Article 41 of the Constitution and the protection of rights in respect of education in Articles 42 and 44. Our achievement and the guarantees given put beyond any doubt or honest debate these issues; they are for the people alone to decide.

The guarantees could not be put in clearer terms. The European Union is frequently, often justifiably, criticised for the complexity of its language. However, when trying to draw up agreements between 27 different countries with different legal systems and very different histories, frequently the documents produced are, of necessity, complex. The idea that somehow they could be otherwise is a delusion. However, when addressing the issue of taxation and the concerns expressed by the people in June 2008 on taxation the language could not be simpler. The treaty has nothing to do with this area. One sentence emerges and puts the issue beyond doubt and honest debate and the language is crystal clear. The Council decision states, “Nothing in the treaty of Lisbon makes any change of any kind, for any member state, to the extent or operation of the competence of the European Union in relation to taxation”. Let us hope that puts the canard about taxation to rest once and for all. The guarantee provides that none of the fears or concerns expressed last year to the effect that the treaty of Lisbon could open a Pandora’s box on taxation could ever materialise. We can only welcome this clarity but we should not consider such clarity in a political way as a triumph for us. It is a triumph for common sense and a response by the European Union to the people. If credit is due, it is due to the people who voted on 12 June 2008.

In every referendum held here, the issue of Ireland’s traditional military neutrality has been a hot topic for debate and it mystifies me that this continues to be the case. I agree with John Hume’s view that Europe is about peace, not war and about progress not militarisation. The European Union has been a remarkable example of how nations once locked in war then embraced peace. The decision of the June Council on the area of security and defence should put to rest once and for all any reasonable concerns in this area. The opening paragraph of the decision makes clear that the Union’s actions on the international scene are guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the United Nations charter and international law. I perceive no threat in this. The paragraph continues in reference to the other areas and the guarantee makes clear that the Lisbon treaty would not prejudice in any way our traditions nor is it anything we should fear.

With the indulgence of the House I refer to some other issues and concerns. We should ask ourselves why we should encourage the people to vote “Yes”. We should do so because if we vote “Yes” Europe would become a more democratic place, we would retain a permanent Commissioner, the people would have put the issue of taxation sovereignty beyond doubt, we would give Europe a clear voice on the international stage and we would give legal effect to the Charter of Fundamental Rights. I agree with Deputy Costello that it is one of the most uplifting documents ever produced by Europe and provides a very real set of rights for trade unions throughout Europe. A “Yes” vote would put in place the reforms which would help to make Europe more efficient and more capable of dealing with the challenges that lie ahead, it would empower the Union to tackle the major challenges that none of the individual member

[Deputy Dick Roche.]

states could solve on their own and it would create specific legal guarantees which deal with all the concerns of the people.

I refer to how we should conduct the referendum. I agree with the previous speakers in this regard and it is imperative that the campaign in the weeks ahead should be fact based. A referendum commission will be put in place and will be well funded to establish the facts. I am very pleased several civic groups have been formed. However, a special responsibility lies on the Members of the Oireachtas and political parties. Above all it is imperative that those who believe a “Yes” vote is best for Ireland and its future should put any differences to one side and focus on a common message. Last year’s campaign was not our best hour. Squabbling deflected from the message supported by more than 95% of the Members of the Oireachtas and that must not be allowed to happen again. There is a collective responsibility to deal honestly and objectively with the issues arising. We must listen with respect to those who take a different view from that which we espouse. We should also be fearless in putting forward the facts. I believe passionately in Europe and that our future lies there, as do 95% of the men and women in the Houses and we should be proud to make those points in a respectful way. There is no room for complacency and what is needed is a united effort to achieve the common purpose of keeping Ireland at the heart of Europe and I am heartened from what I have heard.

Deputy Lucinda Creighton: I concur with the remarks of Deputies Costello, Timmins and Breen and the Minister of State, Deputy Roche, which referred to the absolute need to put aside political differences, squabbling and varying positions on the economy in the context of this very important debate, Bill and the referendum we face on 2 October. We must work together, co-operate and show absolute commitment to ensure the ratification of the treaty which is fundamental, not only for the 4.2 million people living in the country but also for the 500 million people living throughout the continent of Europe who are part of the EU 27 members states. It is crucial that we show co-operation with and commitment to that cause and put our differences to one side.

It needs to be said that nothing has changed in the Lisbon treaty and it would be dishonest to suggest otherwise. We should not shy away from the fact that the people are being asked to vote on what is essentially the same treaty as was voted on last year. The treaty is unchanged although the legal guarantees have clarified aspects of it. I hope they have allayed fears that were aroused last year during the course of the first Lisbon referendum campaign. However, they do not change the content of the treaty.

On the other hand, something has fundamentally changed in this country since the last referendum. The world in which we live has changed utterly since June 2008. Ireland is heading toward a situation where half a million people will be unemployed by the end of this year and it would be irresponsible of us as public representatives and Members of this House to ignore that significant fact. We, the Irish people, have a right to change our minds on the Lisbon treaty, particularly in the context of the economic catastrophe in which we find ourselves today. It is only common sense to give the Irish people an opportunity to change their minds in light of the current economic situation. We have not changed the Lisbon treaty but the conditions and the context in which we will be voting on this treaty are a thousand light years away from the economic conditions of June 2008.

I welcome the guarantees negotiated by the Government and by our esteemed officials in the Department of Foreign Affairs, and I welcome their incorporation into the Bill. I commend those involved on ensuring that it happened. The legal guarantees as espoused in the Bill address most of the concerns expressed by the people and by my constituents whom I canvassed for a “Yes” vote in 2008. They also reflect the concerns that were highlighted by the Millward

Brown research carried out in the wake of the referendum last year. Along with my colleague, Deputy Joe Costello, I participated in 45 to 50 meetings of the Sub-Committee on Ireland's Future in the European Union. I am well aware of the serious reservations and doubts expressed on a range of issues in advance of the last referendum. It would be foolish to deny that these concerns were deeply felt, that they were close to the hearts of many people and they deserved to be addressed by public representatives and by the Government. The guarantees which have been secured address these concerns by clarifying areas of ambiguity and affording people the opportunity to vote for this treaty in the certain knowledge that it will not adversely affect the specific interests of the Irish people with regard to taxation, ethical and social issues and Irish neutrality and the concern about the loss of the permanent Irish EU Commissioner. These legal guarantees are very important in the context of the Millward Brown research. Referenda are blunt instruments and it would be a very unwise politician who would purport to look at a "No" vote and explain how it came about. However, the results of the research show the main issues of concern. A total of 39% of those who voted "No" believed the loss of a Commissioner was very important when it came to making up their mind on how to vote. A total of 32% felt it was somewhat important. On the issue of abortion, 33% believed it was very important and 33% believed it was somewhat important. Similarly, on corporation tax, 34% regarded it as important and 38% as somewhat important. On neutrality, a very significant 47% regarded it as very important and 35% regarded it as somewhat important. The guarantees which were negotiated very specifically and methodically address these concerns head-on and they provide a new context in which to ask the Irish people to vote again.

When the Irish Government went to the European Council and asked for these legal guarantees in response to the concerns and issues that were raised during the last Lisbon referendum campaign, our European partners answered in the affirmative in a resounding fashion. I sincerely hope we will respond with a similar positive answer when we go to the polls in October.

The economic context is very important. We are living in a very different world now, 13 months on. Even more important than these clarifications in the legal guarantees is the dramatically changed economic situation in Ireland. We can no longer afford the luxury of saying "No" to our most important economic partner. This is not scaremongering nor bullying but rather it is a reality check. Europe is the major recipient of Irish exports and we rely on Europe for our economic prosperity. If we are to claw our way out of the catastrophic recession, it will be due, in no small part, to our membership of the European Union and all the attendant advantages and benefits that go with it.

Unemployment has reached 11.9%. The number seeking job-seeker's allowance has increased by 100,000 in the past year. In May 2008, 100 people were losing their jobs each day and today, 400 people are losing their jobs. The context has changed completely. Taxes are down by 17%. The Government deficit at €7 billion is almost three times what it was a year ago when we voted on this treaty. We are in dire economic straits and we need Europe's help to get out of it.

Europe's contribution to the success of Ireland's economy in the past is not insignificant. The European Central Bank has loaned approximately €39 billion to Irish retail banks. Any small amount of credit flowing into the economy from banks is due directly to the European Central Bank and we need to acknowledge this fact. Ireland has received €68 billion in transfer payments from the EU since we joined it. We have seen a market of 500 million people open up to Irish products and Irish services. The average income in Ireland has gone from 70% of the EU average in 1973 to 120% in 2008. We need to be at the centre of Europe now more than ever. The EU is essential to our economic recovery as it will bring about certainty to our place in Europe, re-assuring domestic and foreign companies. It will bring confidence to those

[Deputy Lucinda Creighton.]

who create jobs, both indigenous business and overseas investors and it will send a strong message that we are an integral part of the Common Market.

I suggest we listen to the opinion of Paul Rellis of Microsoft and the chamber of commerce, who came before the joint committee and told us this. We should listen to IBEC, ISME and all the organisations that deal with employers and investment and that deal significantly with job creation. We should take the word of Chambers Ireland and the various chambers of commerce throughout the country. All of them will echo the same message. This is in our national and economic interest. Everybody knows that. The Taoiseach has said it, and Deputy Enda Kenny repeated it this morning during Leaders' Questions. The only issue people are concerned about right now are jobs and more jobs. We should not cut off our nose to spite our face.

As a small island country on the fringes of Europe we face major global challenges, and I want to touch on a few of them. We live in an increasingly globalised world where all of the big players work together as significant economic blocs. Europe must challenge in the face of global competitiveness. We must compete with China, India, South America, Brazil, Argentina and all of those developing and growing economies and we cannot do it on our own. Our only chance is to do it as part of a strong and influential political and economic bloc such as the European Union.

We are in a unique position because ours is a pooling of sovereign states. In most other unions across the world or in cases of co-operation between states in particular parts of the world, they are done by the inter-governmental model. We have a very democratic decision-making process in the European Union that enables us to work with our partners, retaining our individual identity and our sovereignty while pooling in those areas where we must compete and challenge. That is extremely important in the context of what is happening across the world.

On the issue of international crime, for example, we have a major problem. We have been debating a gangland Bill in this House for the past two days and we are all conscious of the fact that criminals operating in Ireland — drug dealers and so on — operate as part of an international network. There are Irish gangs based in Spain and elsewhere. We must tackle that problem, and the Justice and Home Affairs element of the Lisbon treaty is essential in that regard.

I will point to some examples of where the process of co-operation with our European partners has been held up and we have been unable to deal with international crime. We have failed to implement the EU-US extradition and mutual legal assistance agreements, to give one example. There is also the issue of the European evidence warrant, which has been stalled. We have failed in our task to step up cross-border co-operation and, in particular, combat terrorism and cross-border crime. They are just some examples of where the rules of unanimity have prevented the European Union co-operating and prevented Ireland from benefiting from that co-operation. We must start thinking in those terms to ensure that our interests are served best by co-operation.

Similarly, on the question of climate change, there is not much Ireland can do on its own to tackle CO₂ emissions. It would be a needle in a haystack escapade but as part of the European Union we can do that. We can do it through our co-operation, which will be enhanced via the Lisbon treaty.

On energy security, one of the biggest challenges facing us on this planet, and particularly in the European Union, is that we have different supply lines and we are reliant on countries that can essentially switch off the tap in the morning, so to speak. Where do we go if that happens?

We will have a greater legal capacity to act in the area of energy security through Article 194 of the Lisbon treaty. We must enable that. It is in our interests to do so.

On a variety of other spheres, peacekeeping has already been referred to by the Minister of State, Deputy Dick Roche. In terms of tackling world poverty, it is not all about self-interest. We have a role to play and Irish people are benevolent and committed to the idea of tackling poverty in the Third World, and we have a better chance of achieving that through co-operation with our partners.

What needs to happen in Ireland? To be honest, we need to stop pussy-footing around this issue. It is time for a stark realisation here that it is time to wake up and smell the coffee in terms of our place in Europe and our role in the European Union. We need Europe. We are part of Europe. We freely chose to join Europe, the EEC, in 1973. That was our free choice and we now need to start living up to our responsibilities within the European Union.

The fallacy emerged during the last referendum campaign that Ireland can go it alone and that we can show those big, bad, nasty Europeans what we are made of. A fantasy emerged that those bullying Europeans will try to hoodwink us into whimpering submissiveness, that they would pull our strings and undermine our independence and our sovereignty. Nothing could be further from the truth. Gay Mitchell MEP repeatedly said during the last campaign — unfortunately, I do not know if the message got through — that Ireland only became fully sovereign when we joined the European Union. That is so true.

The attitude that developed during the last Lisbon referendum campaign was *Alice in Wonderland* nonsense. We, the Irish people, must start living in the real world — a world where Ireland and Europe face huge global challenges together. Ireland, a small sovereign state, needs the extended hand of friendship. We live in a globalised world where the big players call the shots. We can be a partner of a big player through the European Union or, on the other hand, we can choose to walk away from it. That is the choice facing us but we must be sure that if we turn our backs on the EU, it will not be the fully committed 26 member states which are integrated and working hand in hand in the European Union who will lose out. It will be the small state of 4 million people on the margins of Europe that will miss out on the opportunity to shape Europe's future and, in so doing, shape its own destiny.

We must establish that we, the Irish people, want to be part of the real world where our people can benefit from partnership with other sovereign countries. To turn our backs on that opportunity at a time of economic crisis such as the one we face would be an act of fantasy.

We must answer our calling in this country and shape our destiny. We must secure a “Yes” vote for Lisbon to enhance our place in Europe, improve the way the EU works, make the EU more democratic and make it deliver better for us. Most importantly, let us secure the future of our children, our children's children and future generations because ultimately that is the legacy upon which we will be tested.

Acting Chairman (Deputy Charlie O'Connor): The next speaker is the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan. There are 20 minutes in the slot and I understand the Tánaiste wishes to share time.

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Sea. Gabhaim buíochas leis an tAire Stáit as a cuid ama a roinnt liom.

The Government is convinced that the Irish people's interests are best met by remaining closely connected to the decision-making processes of the European Union. We believe that this requires that we join with the other member states in ratifying the Lisbon treaty. We strongly believe there are vital national as well as EU interests at stake.

[Deputy Mary Coughlan.]

In facing up to the lessons of the last campaign, we also recognise the need to build a greater awareness of the nature and extent of the EU's extremely positive role in the world, especially in this time of economic recession. We must, therefore, do our utmost to dispel the myths and half truths which some on the "No" campaign were engaged in on issues such as defence, foreign policy, workers' rights, social issues, tax issues and competition policy.

The global nature of the current economic downturn underlines in a stark way the necessity of the founding logic of the European Union. The Union has a long record of overcoming difficulties and building consensus that respects diversity while exploiting its shared interests and joint solutions.

If recent months have taught us anything, it is that the EU does not exist in a vacuum. It is a part of an increasingly interlinked and interdependent world. In this time of crisis, financial and economic upheaval worldwide, it is vital that we pull together both as a nation and as part of the EU to restore confidence and bring about recovery.

In order to chart the way forward, the EU as an entity must be fit for purpose. The central objective of the Lisbon treaty is to ensure that Europe has the cohesion and the institutional structures to tackle the global challenges that lie ahead.

It is clear that Ireland's future within Europe depends on increasing the openness of the European economy and its linkages with other parts of the world. The key role of international trade and investment generating growth will be central to the implementation of our key strategies for the future. The treaty recognises the growing importance of outward investment from Europe to the rest of the world. In that regard, Irish enterprises and business will gain from the strengthened EU position in relation to the negotiation of free trade agreements with third countries. Ireland will also benefit from a fair and balanced deal, which, hopefully, will eventually be agreed at the trade negotiations taking place under the WTO. These agreements will boost trade, technology transfer and lead to better integration by Irish companies into global markets.

It is of critical importance for Ireland, being a small open economy, to be directly engaged in these trade and investment negotiations involving the Commission and the other member states. In that context, failure to ratify the Lisbon treaty risks placing Ireland at the political and economic periphery of the European Union, with a danger that economic policies and institutional rules would be decided without taking Ireland's interests into account. This will cast serious doubts on Ireland's attractiveness as a good place to invest, with obvious related negative effects for job creation.

Ireland has been a significant beneficiary of EU integration and enlargement and the EU continues to be crucial to our future well-being and prosperity. That is why a more effective EU is in Ireland's best interests and why ratification of this treaty is so important.

Access to EU Structural Funds and participation in the EU's research and development programmes has done much, for example, to enable researchers in Ireland to access funds, collaborate with European partners in leading-edge research, develop a national system of innovation and upgrade the national science and technology infrastructure. EU supports have been used in addition to steadily increasing national supports and to lay the foundations for a knowledge-based economy. In overall terms, researchers and enterprises in Ireland received approximately €210 million of research funding from the Sixth Framework Programme, FP6, the largest monetary sum received to date from the framework programme. Funding provided under previous rounds of the framework programme, going back to the early 1980s, was a key element in building up the research capacity that is in place in the country today. The programme is also directly linked with the emergence of some key Irish start-up enterprises that

have progressed to become important global players in a number of industry sectors. Under the EU's existing programme, FP7, a target of €600 million in research funding to Irish researchers and enterprises has been set for the period 2007 to 2013.

We sometimes forget that the EU has consistently upheld the rights of workers, to the extent that it has one of the highest levels of protection for workers in the world. Indeed, EU labour standards have been a major influence on the evolution of individual and collective workers' rights in Ireland. A solid foundation of employment rights now exists as a result of the membership of the European Union. Legislation emanating from the EU in the employment sphere has covered a wide range of areas, including organisation of working time, protection of young persons at work, safety, health and welfare at work, part-time workers' entitlements and fixed-term workers' entitlements. The area of employment equality and in particular tackling discrimination based on gender and marital status received a timely impetus in the middle 1970s from the series of equal pay and equal treatment directives that were adopted soon after Ireland's entry into the then EEC.

The Lisbon reform treaty offers even more improvements on social protection and workers' rights. The ratification of the Lisbon treaty will contribute to a significant strengthening of social rights throughout Europe. Its social clause will make social objectives such as the promotion of a high level of employment, adequate social protection, or the fight against social exclusion, more prominent when defining and implementing EU policies.

The Government fully supports the formal adoption of the Charter of Fundamental Rights which spells out basic rights of citizens. The treaty also formally recognises the special role of social partners and includes a tripartite social summit, where the social partners will meet the EU Presidency.

The European model is characterised by social dialogue and partnership and European values, as recognised in successive EU treaties. It is a model that rejects all forms of discrimination and demonstrates a strong adherence to social justice and fairness. The leadership shown by the unions has both inspired and strengthened the legitimacy of the European Union in this regard. We are encouraged that the European Trade Union Confederation, ETUC, has consistently said that its continuing ambitions for a new social progress protocol and for a strengthening of the posting of workers directive should not constitute a barrier to completing the current ratification process for the Lisbon treaty.

I emphasise the importance that the European Commission, member states and social partners attach to the work currently being conducted by way of joint analysis of the implementation of the current posting of workers directive. I also point to the important work of the newly created EU committee of experts, which is to review problems of implementation of the posting of workers directive and to promote the importance of enhanced administrative co-operation between member states and enhanced monitoring, control and enforcement arrangements in individual member states as a core element of the way forward. I am aware that the Oireachtas Joint Committee on European Affairs has carried out valuable research on the situation in this regard in Sweden and Finland and is currently preparing a report on the Lisbon treaty and workers' rights. I look forward to the publication of this report in the near future.

Ireland now finds itself with very significant challenges on many fronts in terms of our economy, our firms, our unemployment position and the public finances. This means that we have very significant problems to address. We have taken some measures already and we will be enhancing and developing these significantly. To do so, we need the support of the EU to help us address these problems. That is why the European Globalisation Fund and the Commission proposals to allow member states more flexibility around accessing and spending the European Social Funds will be crucial for us. In addition, the EU has also permitted increased special

[Deputy Mary Coughlan.]

measures for state aids to companies which will have direct benefits for workers. My Department will also be exploring the availability of funding under the EU Commission's recent proposal establishing a new European microfinance facility for employment and social inclusion.

During my recent meeting with EU Commissioner of Employment, Social Affairs and Equal Opportunities, Mr. Vladimír Špidla, the Commissioner signalled his positive support in relation to Ireland's use of these funds and underlined the European Commission's focus on keeping people in jobs. The European Globalisation Fund will provide vital training and other supports for workers affected by the recent large scale redundancies in the Limerick and wider mid-west region.

Almost no aspect of our public life has been untouched by the benefits of EU membership. The European Union has contributed to the modernisation of the Irish economy and society, and the Union, under the Lisbon reform treaty, will continue to be a positive influence in our move towards building and implementing the smart economy framework. In the months ahead, we will need to hear informed, sensible and rational debate. We need to ensure that the economic benefits of membership of the Union are reinforced and extended and, above all, we must aim to build on what has been achieved and avoid falling into a negative frame of mind about Europe.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan): I thank the Tánaiste for sharing time with me.

The European Union had a vital part in our national development in the past 20 to 30 years. It is important that we nail some of the familiar fallacies which infest the speaking and thought processes of those who opposed the EU in almost every referendum since we joined in 1973. First is the idea that the EU has materially diminished our sovereignty. This is not the case. In fact, our sovereignty could not be more strong. Since joining the European Union we have de-linked from the sterling area. At one period we had our own currency and now we have harnessed to a much stronger and more stable currency at a global and European level. The other fallacy is that we have been de-industrialised by the European Union. Technically, this is correct. We have had two waves of de-industrialisation because of our membership of the EU. Initially, in the 1970s some low value added industries, tanning being a typical example, left. We were forced to compete and produce more sophisticated and competitive goods and services to compete in the large single European market. This de-industrialisation, which occurred in the 1970s and again with the introduction of the euro, has forced us to be more competitive and to look at the competitive factors which underpin our economic national performance. The competitive pressures of being part of a European market have been extremely good for Ireland. The figure that demonstrates this fact most illustratively is a simple one, namely, 80% of what we physically produce is for export. This is a far cry from our situation in 1973 or the situation faced by the late Seán Lemass in 1959 when people predicted the disappearance of the Irish race and Ireland itself in a post-independence fog of economic underachievement. Our sovereignty, economic outcomes and material welfare have improved significantly since joining the EU.

Most importantly in terms of the morale and self-esteem of the people, we should consider how we and our place in the world are considered. In terms of foreign policy and other areas, Ireland was so minor and insignificant a place globally prior to our EU membership that larger powers could have blocked us from joining it. At one stage, we were blocked by larger powers from joining the UN. Far from that situation, Dublin as our capital is frequently the destination of choice for great statesmen to lobby Ireland, which can express its opinion at the EU table.

Most notably, the Secretary General of the UN, Mr. Ban Ki-moon, visited yesterday. He was not in Ireland because he had a marvellous opinion about the country and what it does in international matters. Mainly, he visited because he knows that we are a part of the most influential economic bloc in the world, the EU, which acts as a good global citizen and is multilateral in its approach to the resolution of international problems.

The character and commitments we convey through the Department of Foreign Affairs and our commitment to neutrality, development aid and multilateral resolutions of global conflicts make Ireland a respected country. One could argue that this respect would exist none the less, but no one would bother to visit us were we not a member of the EU, irrespective of our views. I do not want to mention countries that, while not member states, have similar attitudes towards multilateralism. They are not lobbied and are ignored. They are in a cul-de-sac or backwater in foreign policy terms. We are in the global mainstream because Ireland is a member of the EU.

It is important to remember that Ireland gained disproportionately from the famous Delors package of 1985. Places like Greece, Portugal and Spain were demonstrably poorer and should have gained more from the 1985 allocation of structural funds. They did not get more because our officials and politicians negotiated a good package that assisted us in upgrading our infrastructure. People discuss the economy's boom years, but the 0.5% added to our GNP by the 1985 Structural Funds was critical because the Exchequer could not have afforded such an infrastructural spend. Therefore, the package's commitment to our economy is greater than the 0.5% attributed to it in purely statistical terms.

In my area of science, technology and innovation, Framework Programme 7 is giving the same type of impetus to our enhancement of economic productivity through its financial contribution. It is a telling story of how Ireland is achieving in the multilateral bloc called the EU. Since the programme's commencement two years ago, we have gained €104 million to help scientific and academic research institutions to co-operate with industry and enhance what they produce. Some €1 million per week since the programme's commencement is not a small amount of money. We have an overarching target of gaining €600 million over the programme's duration to 2013. Every €1 million gained will add to the productivity of the economy and the country, moving us to a position championed by the Taoiseach since he assumed office, particularly in his smart economy document. We must move to a higher order of goods and services. We must be more productive and harness technology and science to aid small businesses and inward investors. Some 41% of the new businesses won by the IDA last year were in the research and development and technological fields.

We have a two-fold challenge. In terms of the small to medium-sized enterprise, SME, sector, how do we harness more sophisticated forms of technology to enhance productivity and the ability to compete and trade domestically and externally? Most importantly, how do we retain internationally mobile capital in the form of the foreign direct investment attracted through the work of the Tánaiste on her many visits abroad on behalf of the IDA and the State to bring large, high-profile investors to Ireland? They will stay for a while if we can produce quality graduates, be they scientists, technologists or otherwise, but we cannot depend on that situation. We must ensure that those investors sink more than just a plant, facility or 200 or 400 jobs here or there. We must ensure that they embed their presence by investing heavily in research and development.

Some 40% of the investments made this year, compared with 41% last year, fall in the technology and research and development areas. While the capital will remain mobile — we must be competitive — it will be more anchored in Ireland because people will be prepared to make world class research and development investments. Typically, such investments have

[Deputy Conor Lenihan.]

longer payback periods between the research's origination and the final payback, that is, five to seven or, in some cases, ten years. This depends on the industry. For example, there are quicker cycles in the ICT area and longer cycles in the large pharmaceutical area, the so-called big pharma, from the time when investment is sunk in research to when a product, service, drug or innovative technological solution is commercialised and produced. We must continue to invest if we are to ensure that foreign direct investment flows into and stays in Ireland.

It is beneficial that our small companies live in a wider market of 350 million people. In recent years, we have tripled our research and development spend because the EU has assisted us as part of a wider European research agenda. There are jobs involved and it is inconceivable that we should contemplate isolating ourselves from the EU, which is what we did by rejecting the treaty. I suspect an element of national hubris in the original decision, in that we were at the top of an economic cycle. Given this difficult recession, I suspect that people are rapidly reviewing the hubris that infected or influenced their decisions.

The main difference between then and now is that we have significant legal guarantees on the issues of major concern. There is no point in dwelling on them but the most important is on tax. Most people, particularly those in the business community, rejected the last referendum because of the serious concerns surrounding tax. We have become comfortable and happy with our low tax status, particularly in terms of corporate taxes. If we keep with this programme, we will succeed in overcoming the recession, but we need and should stick with our friends in Europe. They continue to provide us with money and assistance in every way possible. I include the President of the European Central Bank, Mr. Trichet, who has been of significant assistance to Ireland in weathering the storm of recent months.

Deputy Jim O'Keeffe: With the Chair's permission, I want to share my time with Deputies Durkan and Deenihan.

Acting Chairman (Deputy Jack Wall): Is that agreed? Agreed.

Deputy Jim O'Keeffe: I also ask that the Chair signal me after five minutes have passed.

The referendum debate is one of the most important for our country's future that I have been involved in since entering politics many years ago. Never has it been more crucial that a signal be sent to the people that they should put the country first when voting and deciding on whether to vote, as they must vote to ensure the treaty goes through. If they do not, they will be neglecting their duty to our country. It is no time for the people involved in the debate to be peddling unfounded prejudices, as occurred previously. It is no time for people to indulge themselves in fairytale notions. It is a time for hard reality, namely, to do what is in the best interests of our country. The Tánaiste will be glad to hear me say this is no time for having a go at Fianna Fáil and the Government.

Deputy Mary Coughlan: My God.

Deputy Jim O'Keeffe: It pains me to say it but I must. There was an opportunity to have a go at them during the local and European elections and other opportunities to do so will arise. This is not the time to have a go at the Government, irrespective of the damage it has done, and we should put our country first by ratifying the treaty.

I nail my colours to the mast and say "Yes" to Lisbon and "No" to Iceland. I am a committed European and say "Yes" to Lisbon because I am absolutely convinced it is in the interest of our country to accept the treaty. It will be a disaster if we do not. When I say "No" to Iceland, I am not saying "No" to a little country that is now in the throes of a deep recession but to the

factors that resulted in the dreadful condition it is now in. It is in this condition because it is outside the Union and does not have the kinds of supports we have to compensate for some of the disasters visited on the country, in our case by our Government. We have the full support of the Union and Iceland does not. Iceland now wants to join the Union and must be encouraged to do so. Its people have now recognised the benefit of having the support of the Union and of becoming fully committed Europeans.

The Lisbon treaty is very important. The changes it proposes are not considerable but it makes the Union more democratically accountable. This is clear from many points of view. If ratified, it will lead to a more transparent and efficient Union. The rights in the charter will be justiciable, and legally binding force will be given to the values and freedoms contained therein. The Union will have a much stronger role as an actor on the world stage.

The issue of the Commissioner has been dealt with. If Ireland wants to retain its Commissioner, it should vote in favour of the treaty. The Union clearly reflects the views and values of the Irish people.

The subjects under discussion are not new and are not being included in the treaty for the first time. The Council has clarified and copper-fastened absolutely the issues raised during the last referendum in respect of tax rates, neutrality and the protection of the right to life under our Constitution. Let us, therefore, agree to the treaty.

When I hear people questioning how democratic it is to return to the people with the treaty, I contend it is correct to do so given our new circumstances. Ireland is one of 27 member states and every one apart from Ireland has ratified it; there might be one exception in respect of which there are a few minor questions to be dealt with. That is democracy to me.

In the coming months, we must have an honest debate on the content of the treaty and not circulate fairy tales about matters that are not in it. Above all, let us not be led by the UK media in Ireland, particularly by Mr. Rupert Murdoch.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Jim O’Keeffe: Who the bloody hell does he think he is to be telling the Irish people what to do? He is quite entitled to sell his newspapers here and I confess I read *The Sunday Times*. I feel I should seek absolution for so doing when I see some of the anti-Union content at times. I do not read *The Sun*, the *News of the World* or *The People* but am aware of the line they take. Mr. Murdoch exercises overall editorial control and this was exposed by the suppression of an article by Ms Sarah Carey, who had the temerity, when working with *The Sunday Times*, to voice a view that was vaguely in favour of the Lisbon treaty. Her article was spiked and could not be published. *The Sunday Times* is a supposedly independent newspaper that allows people freedom to express their views. There was no freedom afforded to Ms Carey because Mr. Murdoch is pandering to Eurosceptic populism in Britain and exporting it here. He expects the poor Irish voters to take it holus-bolus. He is entitled to his view but is not entitled to lecture the Irish on what is in their best interest.

During the last debate on this matter, I mentioned the monthly Catholic newspaper *Alive*. I had occasion to refer to some of the rubbish printed in it. It stated passing the treaty will lead to abortion, euthanasia and the loss of freedom to promote the Catholic faith. This is utterly untrue and it is vital that the truth prevail, particularly in a Catholic newspaper. I ask the publishers of such newspapers to be more truthful and honest in their presentation.

If we are to recover from the recession, it is essential that we pass the treaty. If we want foreign direct investment and to continue exporting to the European Union — I hope the rate of export can be increased with the restoration of competitiveness — we must pass the treaty.

[Deputy Jim O’Keeffe.]

If we want to survive and prosper, we need to be fully committed to the Union. Therefore, we must ensure we pass the treaty and send out a signal loud and clear that we are committed Europeans who deserve even further support from the Union.

Deputy Bernard J. Durkan: I support the remarks of Deputy Jim O’Keeffe. The referendum presents an interesting opportunity to the people. I welcome the fact that we have a second chance but I hope we do not always need to seek second chances regarding issues of this nature. We had a second chance in respect of the Nice treaty. We are and should be grateful to our EU colleagues for entertaining us for the second time and for encouraging us and giving us the support we need at present. We should be particularly grateful for the guarantees to which our EU colleagues agreed regarding the concerns expressed by the Irish at the last referendum.

We must now dispense with complicated Euro-speak and simplify the debate. It is simply a question of asking the people whether we want to be at the centre of decision making in the EU scene, whether we were happy with where we were, whether we have progressed well since 1973 or whether we would be better outside the Union, as proposed by some. Some say they are pro-European but contend the Union that will prevail in the aftermath of the ratification of the treaty is not the kind they want. When questioned, they call for a more democratic Union. To that I say Ireland has done well as a member of the Union and has been influential. It has been influential because it has been at the centre of the decision-making process. In any organisation, it is better to be at the centre making decisions and amending them where necessary than to be outside the centre circle expecting others to make the decisions, which decisions could exclude one’s views altogether.

The opportunity we have is unique and welcome. We must proceed positively and address the issues that have been of concern. They have been addressed already by the guarantees given by our EU colleagues. I congratulate the Taoiseach, Deputy Cowen, the Minister for Foreign Affairs, Deputy Martin, and the Minister of State, Deputy Roche, on their work in this area.

We must dispel the myth that prevailed during the last referendum campaign that led people to say, “They are out to get us and there are secret agendas.” We must dispel the view that if one is in doubt, one should vote “No”. On this occasion there is no doubt about where our interests lie; we should, therefore, vote “Yes”. Our interests lie in the European market, to which we have had access for some years. We have prospered in that market and are no longer dependent on a market for goods and services involving only our next door neighbour. We have done extremely well and we must continue to proceed in this way.

I was alarmed after the last referendum when I saw people who purported to be representatives of the Irish proceed to Whitehall to be congratulated by Eurosceptics. They said a great deal had been done for Ireland and that Ireland’s interests had been well served by the outcome of that referendum. What an extraordinary statement and what extraordinary circumstances. People who had from the very beginning opposed the European project and who were well-known Eurosceptics whose only agenda was to undermine the Union, Ireland’s position therein and the interests of the Irish proclaimed the “No” vote was a great victim for democracy. I reject this, as do many other Members of the House. We know where we stand now. We have been proud Europeans and Europe has benefited from our existence because we have been a positive influence within the European Union and will continue so to be, provided that our vision is clear.

Several people have mentioned the McKenna judgment and how a campaign will progress. The majority of the 166 Members of this House are in favour of the Lisbon treaty and when it comes to equal treatment in broadcasting and access to the media to promote this case,

notwithstanding the McKenna judgment, all broadcasters are obliged to recognise proportionally the majority view of the Members. There must be some degree of integrity in what we have to say, and it is necessary to recognise our views, and that we are thinking and working in the national interest because we could not all be wrong. The cynics have suggested that if all the politicians were in favour of the treaty only those against could be right. What an appalling statement. That is a ridiculous attitude. It undermines confidence in the institutions of the State and of the European Union. We should know better. We should have learned very well and taught others and given them the benefit of our experience within the European Union.

We need to call on the Members of this and the other House to do their utmost to ensure that we achieve success this time. We must appeal to the business community, the trade unions, the farmers and everybody who has an interest in the well-being of our economy, our people and in the independence of our nation within the Union. We must work vigorously towards that end.

A series of issues was raised surreptitiously during the last campaign, most of which had no basis in truth or fact and were merely put forward by those who claim to be pro-Europe but had voted against the European project on every occasion since and including 1973. It stretches the imagination that people should say they are in favour of Europe but not this kind of Europe. What kind of Europe do they want and is it in the national interest? It is not. We must stand up and be counted. We must assert ourselves and show the people of Europe that we are serious about membership of the European Union and the progress of the European project and we want to be at the centre of the decision-making process where we can count.

Deputy Jimmy Deenihan: We cannot lose this referendum. That would do irreparable damage to our country. The first referendum damaged our status in Europe, putting a question mark over our commitment to Europe and people who are actively involved at Commission level say that the Irish are not being treated as well as they were in the past. As one politician said, the Irish simply did not stand their round in the previous referendum. This time we must ensure that the treaty is ratified.

That is up to all of us who are pro-Europe and recognise what Europe has done for us, who are knowledgeable enough and have the capacity to appreciate what this country would be like were it not for the European Union. We have gained real cultural and economic independence since joining the European Union. Ireland has become an internationally recognised independent state. Until recently we were the shining light of Europe but hopefully with Europe's help we will regain our economic independence. We will do this only within the context of the Union and with EU support.

The arguments that the "no" side put forward on defence really annoyed me in the last referendum but they were never fully clarified. That was a weakness in the campaign. It was a disastrous campaign. On this occasion the Government side should embrace and work with the Opposition and make sure that people do not go on solo runs. That happened the last time. There were too many egos involved and put on the line and they got their answer. This campaign will be handled much better than the last.

Many voters in the last referendum were won over by arguments put forward by the "No" side, or were rather less convinced by the "Yes", side. That reflects a shared feeling here because the arguments on the "No" side were shallow and misleading. We must let voters hear the truth clearly and honestly and not let myths and lies be used to damage Ireland's interests. The "No" side deliberately used the treaty's contents on defence to spread myths and inaccuracies. One of the most bizarre claims was that the Lisbon treaty would introduce conscription. This was totally misleading.

[Deputy Jimmy Deenihan.]

I tried to clarify it with people then but it was never fully clarified from on high. This was one of the reasons people voted against the treaty. The European Union can only exercise powers known as ‘competences’ given to it in treaties. Conscription has never been an EU competence and cannot become one under the Lisbon treaty. There is no European army to which one can be conscripted. People in effect claimed that the EU could exercise a power that it does not have to put people into an army that does not exist. I am sure the Government will make clear to any parents who worry about this that conscription does not and will not exist.

We were told that the Lisbon treaty would mark the end of neutrality and Ireland would find itself dragged into conflicts and lose its power of veto. None of this is true. Our constitutional prohibition on joining a common defence force remains. The amendment to the Constitution states unambiguously that the State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 42 of the treaty on European Union where that common defence would include the State. People were told that the mutual defence clause in particular would threaten Ireland’s neutrality. In fact the obligation to assist is qualified by the statement that each state must contribute by “all means in their power”. Our Constitution strictly limits the power of the Irish Government in that area. The phrase “in their power” indicates a restriction, not a freedom to act. The key line on defence in European states is that nothing in the treaty can “prejudice the specific character of the security and defence policy of certain member states”. In other words, we are bound only to do things that do not prejudice our neutrality. If something would prejudice it we cannot do it. This is clear, unambiguous and certain.

Membership of the European Defence Agency is good for Ireland because through it we can buy equipment for less. The equipment is the same as that used in all other European countries. For example, it was easy for us to be part of EUFOR in Chad because we all use the same equipment. All the defence issues raised in the first referendum campaign were misleading and inaccurate. They have been clarified to some extent as we are now discussing a second referendum. I ask the Government to be very clear in its clarification of the issues, which will arise again before the referendum.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I wish to share five minutes of my time with Deputy Mary O’Rourke.

Acting Chairman: Is that agreed? Agreed.

Deputy Martin Mansergh: I am very glad that Ireland and the Irish people have been given the opportunity to revisit their decision on the EU Lisbon treaty. I welcome the clear statement of principle to be put into the Constitution which prefaces the more technical legal provisions and which states: “Ireland affirms its commitment to the European Union within which the member states of that Union work together to promote peace, shared values and the well-being of their peoples.”

Ratification of the treaty this autumn forms a crucial part of the much larger task of rebuilding confidence in this country and our economy and restoring a sense of direction in our relationship with Europe. While the initial decision made by the people in June 2008, at the end of a long boom, did not and could not take account of the horrendous global and domestic financial crisis only three months around the corner, the state of limbo in which it has left Ireland’s long-term relationship with its EU partners arguably compounded the loss of confidence and the scepticism with which Ireland and its economy have since been regarded in many quarters.

The Irish people are sovereign but emerging from our current difficulties could be even more problematic without ratification of the Lisbon treaty. For many investors, particularly from the US, an important source of jobs, any uncertainty, whether justified or not, about Ireland's future position within the EU must be cleared up. This would mean there could be no mixed messages about Ireland's good standing at the heart of the European Union and ability to influence EU decision making rather than as a country which has decided to opt out of many issues, relegate itself to the sidelines and which would have the dubious honour of preventing the institutional consolidation of a European Union of 27 members under the Lisbon treaty as well as any further enlargement.

I congratulate the Taoiseach, the Minister for Foreign Affairs and the Minister of State with responsibility for European affairs, as well as the Civil Service negotiators working with them, on the manner in which they have picked up the pieces over the past 12 months. They have demonstrated skill and patience in identifying and obtaining from the European Council the decision guarantees, protocols and reassurances that Ireland needs.

The voice of the people has been listened to and their principal concerns have been addressed. Having secured a hearing for Ireland's concerns, it is entirely logical that the Government and Oireachtas should take the EU's response back to the Irish people to give them the opportunity to review the position both in the light of concerns raised and addressed, and the very difficult economic, financial and employment position which has developed since the Irish people last voted in a referendum. Basic information, both on the Lisbon treaty and the guarantees and reassurances, is contained in the excellent White Paper, which I am sure will be reduced to a more general and accessible form.

I also express warm appreciation for the consistently pro-European position maintained by the Fine Gael and Labour parties, which belong to the Christian Democrat and Socialist groups in the European Parliament. I look forward to our partners, the Green Party, reaching a decision on whether it can now recommend support for the treaty. That party belongs to another European group, the Greens, which is in the main strongly pro-European and even federalist, especially within France and Germany.

I am glad that my own party's representatives in the European Parliament are now joining the mainstream European Liberal group and I look forward to the further development in our party of the liberal republican tradition, the origins of which go back to the United Irishmen.

Deputy Seán Sherlock: We look forward to that enlightenment.

Deputy Martin Mansergh: It is never an affront to the Irish people to solicit their opinion on a constitutional matter. As I have stated on previous occasions, treaty ratification where unanimity is required is implicitly a two-stage process. In the first stage, every member state's opinion is canvassed and nobody has a veto on others deciding what is their position. As provided in the Lisbon treaty when it comes into effect, if there are at most only two or three dissenting countries, the European Council will consider the position, including what can be done to remove obstacles preventing ratification, as it has done on this occasion. This gives the lie to the notion that this is the last ratification that would be submitted to the Irish people.

The original constitutional treaty was successfully negotiated under the 2004 Irish Presidency, which was a source of considerable pride at the time because it was beyond the capacity of Italian Prime Minister Berlusconi. All member governments signed the treaty but France and the Netherlands rejected it in subsequent referendums. Adaptations and curtailments were made and the revised Lisbon treaty which emerged received parliamentary ratification in both countries without subsequent popular protest.

[Deputy Martin Mansergh.]

In France's case, President Sarkozy during the course of the May 2007 election which brought him to power won a mandate for parliamentary ratification. However, none of our partners was prepared to go through a second negotiation but in any case what we needed was not a change in the terms of the Lisbon treaty but authoritative clarification to eliminate any excuse for mistrust, misunderstanding or misrepresentation, accepting that some would continue to oppose it regardless.

Representative democracy is just as valid as direct democracy, with which some of our continental partners have had bad experiences, leading to or contributing to forms of dictatorship. Our experience has been good but we must respect the democratic institutions and procedures that exist in other countries and not presume that our way is the only way or the best way for other people.

The voice of the people is not suppressed in other EU countries and is expressed, as it is on most issues in this country, through parliamentary representatives. Every other country has either ratified or has the intention of completing ratification of the Lisbon treaty. The history of the EEC, EC and EU since 1957 has been that no one country — large, medium or small — has had the right to fix its boundary and say thus far shall it go and no further. We are part of a common enterprise that embraces — or soon will embrace — nearly all the nations of Europe, many of which suffered horrible historical experiences over the past 100 years.

It is beyond my comprehension how the President of the Czech Republic, a self-avowed disciple of Mrs. Thatcher, can liken the EU to the former Soviet bloc, which was held down by force, where the Soviet Union suppressed the Prague Spring of 1968 and where border troops of the GDR shot would-be escapees to the West.

It is also beyond my comprehension that there are hard-left organisations and groups in this country, many of which were close enough to Soviet-style socialism until its collapse, and which accused the European Union — the greatest force for peace, prosperity and democracy that the world has ever seen — of imperial or militaristic ambition. The only ambition I see is a desire to reduce and rationalise defence expenditure while giving the EU an effective peace-keeping and, where appropriate, peace enforcement capacity, with military force being only one instrument among many in a tradition of soft diplomacy.

It is too often forgotten by many people that the de Valera legacy is not only one of neutrality in regard to military alliances but one of support for collective security at international level. On UN membership, he said in the Dáil on 25 July 1946:

Therefore our people should realise that when we enter into an organisation of this sort we are committing ourselves to take collective action with other people. The difference between a war such as may arise under the obligations of the charter and other wars is this: that that type of war would be a war of enforcement, enforcement of obligations, and also enforcement of rights. If there is ever to be a rule of law, nations must make up their minds that they will take part in such enforcement.

The EU undertakes at a regional level actions on behalf of and with the sanction of the UN, of which we can partake subject to Oireachtas approval. There is no problem of principle in this regard for any follower of Eamon de Valera. His idea was to bring about a state of affairs in which large as well as small nations would accept the rule of law. This is what happens in the EU and unlike the UN, the EU has no great power directorate where only five countries have power of veto.

When Ireland won its independence after generations of struggle, it was for most people in order that, in the words of Robert Emmet, we should take our place among the nations. There

were some advocates on the anti-treaty side of an isolated republic but de Valera was not among them.

We would do well to heed President Sarkozy's advice when he addressed not us but his own people. He stated:

A nation needs to decide which family it belongs to. A nation alone is a nation with no influence. We have to stop deluding ourselves that by burying our heads in the sand we are capable of protecting anything.

If one looks back over Irish history from the Flight of the Earls to the Wild Geese to Young Ireland and the Easter Rising, our patriots were looking for friends, allies and partners in Europe. When Thomas Davis wrote "foreign alliances have ever stood among the pillars of national power. . . intimacy with the great powers will guarantee us from English influence" he had in mind France and the leading German states. Equally, there are other traditions which value a close relationship between Britain and Ireland. The European Union transcends these differences and makes us partners of both Britain and the continental countries. It makes no sense, from any Nationalist or republican perspective, however, to confine ourselves within what was a claustrophobic relationship between the two islands. The EU freed us from that relationship, both politically and economically.

By common consent, EU membership has played a major role in the transformation of Ireland. That is the case because, unlike Britain and Denmark, we have, since 1973, adopted a positive, committed and enthusiastic attitude to Europe. Our attitude is not that of suspicious, almost xenophobic, British eurosceptics, most of whom hail from the right wing of the Tory Party where Ireland has traditionally had few friends. During a lull in peace negotiations at Chequers in the year 2000 or so, Tony Blair expatiated informally on the unhealthy hold on British public opinion of three newspaper managers, Rupert Murdoch, Lord Rothermere and Conrad Black, who between them had deterred new Labour from holding the promised referendum on the euro.

In the previous referendum on the Lisbon treaty, *The Sunday Times*, the *Irish Daily Mail* and some of the British-owned tabloids reflected the prejudices of their owners and campaigned against ratification on the basis that it was not in Ireland's interests. In view of the fact that at that time Irish public opinion was the subject of a massive and well-funded assault by the now nearly defunct Libertas organisation, which had close links to American neoconservatives, the arms industry and right-wing eurosceptics, we should guard against any sort of manipulation on this occasion. We should be clear with regard to one thing, namely, in their eyes the alternative to full EU partnership would be an independent Ireland that is a convenient low-tax haven and wholly in the Anglo-American sphere of interest. These elements view Ireland as a country which had high ambitions, which enjoyed outstanding success but which should now be placed firmly back in its box.

Sinn Féin, which, as with all previous EU treaties, is opposed to the Lisbon treaty while proclaiming that it is pro-European, appears to be inspired by long-outdated conceptions of national sovereignty and also a belief that this is a political opportunity for it to expand its small base in the Republic. This is a mirage which separates it from all the mainstream parties. I wonder about the coherence of that party's approach in the context of its desire to have the single currency extended to the entire island while opposing the Lisbon treaty.

Europe has no desire to impose secular norms on our socio-moral legislation. The principle of subsidiarity applies and how we order legislation affecting the family or life is entirely a choice for us. The inspiration behind the European Union was largely Christian, and, indeed, Catholic. It would, therefore, be a great pity if the EU were to be rejected on foot of a mistaken

[Deputy Martin Mansergh.]

belief that it is inimical to such values. The EU has been far more socially progressive and favourable towards workers' rights and equality. The same could probably not have been said of Ireland if it had been left to its own devices. The EU's ethos is based on the social market economy and trade unions have a far better chance of exerting influence by working from within rather than by opting out.

Subject to the will of the people, I look forward to Ireland fully rejoining the European mainstream in the aftermath of the referendum on 2 October. I also look forward to picking up the threads of what has been by far our most successful foreign policy initiative since Independence. There is not a single thing to be gained by placing ourselves offside with our friends and partners. A positive vote will assist in putting us back on the road to recovery and will restore our self-confidence and our faith in the European project.

Deputy Mary O'Rourke: I thank the Minister of State, Deputy Mansergh, for generously sharing time. I heartily endorse the holding of a second referendum on the Lisbon treaty, particularly in light of the guarantees obtained through the brilliant strategic and diplomatic skills of the Taoiseach, the Minister for Foreign Affairs and the officials of their Departments. There is no doubt that the win-win agreement with which they returned from Europe represents a masterstroke. Anyone who believes that we should fly in the face of that agreement is very foolish indeed.

I wish to compliment President Sarkozy of France, who travelled to Ireland immediately after the defeat of the previous referendum on the Lisbon treaty. He was warm and supportive and met everyone while he was here. I have no way of knowing for sure but I believe that he was responsible for developing matters relating to Ireland when he returned to France.

The Minister of State referred to de Valera and Lemass. I jotted down points that are extremely similar to those he made. However, the Minister of State and I did not speak about the matter until we entered the Chamber this evening.

Deputy Charles Flanagan: Great minds.

Deputy Billy Timmins: Or script writers.

Deputy Mary O'Rourke: A recent television documentary correctly depicted Seán Lemass as an expansionist who looked to Europe. However, de Valera was no isolationist. He wanted Ireland to join the United Nations and strove hard to ensure that this came to pass. Equally, he laid the groundwork — admittedly the project came to fruition under a different Government — for this country to become a member of the Council of Europe in 1949. We are, therefore, upholding a very fine tradition.

The White Paper that has been published is extremely good. I suggest that we put forward the facts in plain language. Ordinary people do not want to hear turgid, dense language because it means nothing to them. In addition, no one should be the subject of condescension during the forthcoming referendum campaign because people are entitled to their points of view. However, there should be a policy of instant rebuttal from our side. During the previous campaign, some outrageous remark would be made and this would not be rebutted for three or four days.

I wish to highlight the lies being peddled in a monthly newspaper, *Alive!*, which is handed out, free of charge, at the Catholic churches some of us attend each Sunday. I do not know if this publication is available at Church of Ireland churches. The Minister of State is shaking his head so I presume it is not. Something should be done about this publication because those responsible for it are peddling lies.

Of all the positives we have gained as a result of our membership of the European Union, that relating to education is the most important. As everyone is aware, in the past Irish people, for reasons of missionary zeal and also because, from time to time, they heard the call of distant drums, travelled abroad to proselytise. When they left, they brought with them their ideas and ideals. Through the European Social Fund, young people here were provided with funding which enabled them to attend our wonderful institutes of technology and certain universities and also to pursue courses on the ERASMUS programme. These were the new Europeans who travelled abroad — admittedly with stars in their eyes — to be educated and who returned home to disseminate the knowledge they obtained.

There has been much debate with regard to whether the report of Colm McCarthy's an bord snip nua should be published. I am of the opinion that it should. If it is not published, it will become a potent weapon in the armoury of those who oppose the Lisbon treaty. If we do not publish it, the unspoken will become everyday coinage because no one will be aware of the report's actual contents. The unwritten will prove to be as delicious as forbidden fruit. I do not care what the mandarins at the Department of Foreign Affairs have to say on the matter. If an bord snip nua's report is not published, it will become an albatross around our necks. It should be published in order that people will be made aware of the various options that have been put to the Government. Rather than this being a hindrance, I believe it will prove to be a help.

I look forward to the forthcoming campaign on the second referendum on the Lisbon treaty with relish. I am particularly looking forward to engaging with people on a one-to-one basis. I hope the campaign will succeed. There is no doubt that hard work and honesty will be required from those on all sides.

Debate adjourned.

Private Members' Business.

Institutional Child Abuse Bill 2009: Second Stage (Resumed)

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

Deputy Charles Flanagan: I commend my Labour Party colleagues on introducing this Bill to the House. One gets the distinct impression that the Government would rather that the whole matter of institutional child abuse simply went away. While there has been little comment by the Government since the publication of the Ryan report, at a more discreet level there has been a vigorous initiative to fight survivors of abuse in the courts who may have missed the compensation application deadline. At least the Government is consistent in one area, namely, its willingness to use the resources of the State to fight victims, regardless of whether they are challenging the time limit regarding the redress board, challenging the Government's refusal to acknowledge responsibility for the victims of abuse in primary schools or fighting for their child's right to a proper education.

The Government has made it clear repeatedly that it is on the side of institutions rather than the side of the victims. The banks only had to extend a greedy hand when the Government began raining down taxpayers' money on them. The Catholic church only had to send in a couple of nuns before an enormous indemnity deal was agreed with few questions asked and against the better judgment of all experts. However, when ordinary citizens attempt to vindicate their rights, the State turns on them in a vicious manner. Where was the generosity of spirit shown to banks and religious bodies when it came to those who were abused in primary

[Deputy Charles Flanagan.]

schools? Such victims remain excluded from the redress scheme and have been cast adrift. However, the Ryan report confirms these victims also suffered harrowing abuse at the hands of paedophiles and sadists.

The Ryan report describes in horrifying detail the reign of terror perpetrated by Donal Dunne in schools in several counties but in particular in my constituency of Laois-Offaly. However, his victims still are ignored by the State, which it now is known let them down badly by ignoring complaints about Dunne and by tampering with his file. Were it not for the Ryan commission, the full truth about this depraved paedophile would never have been known. However, officials in the Department of Education and Science engaged in a cover up by removing vital evidence from the file that reappeared suddenly after decades, when the Ryan commission investigated the matter. I call on the Government to change its policy on the victims of abuse in primary schools. While it may continue to avoid responsibility based on strict legal criteria, there is a moral and factual responsibility that must be accepted. For example, Members should consider the case of Louise O’Keeffe. I understand the Government intends to fight vigorously her cause of action at European level.

While I do not have time to speak in detail about the Louise O’Keeffe case, I wish to speak about another woman, namely, Nora Wall. Nora Wall has hardly been mentioned in the debate on the Ryan report. She became something of a heroine for those who mistrust the Irish courts when her conviction for rape was overturned in 1999. Since her conviction was overturned, she has been portrayed as an heroic martyr in many quarters with references to witch hunts and witch trials abounding. Six weeks ago, the columnist Kevin Myers wrote in a national newspaper:

The liberal-left lynch mob that went after poor Nora Wall a decade ago was prepared to destroy her life on the basis of lies.

Mr. Myers would do well to read the description of “poor Nora Wall” in the Ryan report. Nora Wall does not deserve the plaudits that have been directed her way since her conviction for rape was overturned. While her case may have collapsed, the Ryan report reveals graphically that Nora Wall was no saint. She exposed the children in her care to unacceptable risks by allowing male outsiders to stay overnight at the Cappoquin care centre which was in her charge. She entertained past pupils and student priests in the home and allowed them to stay overnight. A witness stated that much drinking took place at these gatherings.

There is more to this than meets the eye in respect of these social events. It has been suggested that there were frequent visits to the Cappoquin home by some clergy from Mount Melleray Abbey. Access to children may have been a key motivation for these visits. One must bear in mind that Mount Melleray was selected by the notorious paedophile, Fr. Brendan Smith, as a holiday destination or as a haven to which to escape when he was on the run from the authorities in Northern Ireland. This issue must be revisited.

There were reports that younger children in Cappoquin were abused by older children. Nora Wall allowed children to sleep in her bedroom and often shared her room with the convent superior, who was given the pseudonym of Sr. Serena in the report. The two nuns went away together, taking children with them. The report notes she went absent for days without notice, leaving a young woman in charge of up to 16 young children. It describes Nora Wall’s management of children in her care as “alarming” and “disastrous” and her behaviour there is described as “inappropriate and dangerous”.

One particularly worrying aspect of the report refers to an incident where a resident of the home with an intellectual disability was sexually assaulted by a colleague in a hotel where he

did part-time work. The report states that when the parents of the boy discovered the abuse, they went to the Garda and confronted the abuser, who admitted it. The boy later told his house parent that he did not want to pursue the matter. She later noticed he had a new radio and he told her that Nora Wall had given him a new radio and a new bicycle. This is quite a sinister revelation, which needs to be probed further. Issues arise in respect of the charging and subsequent acquittal of Nora Wall that should be revisited by way of investigation. It is a matter of some concern that reports of interference with witnesses and attempts to buy their silence have been made. This aspect must be investigated fully because any secret payments made by religious institutions must be fully probed and examined. It is essential that the manner in which victims and their families are dealt with is above reproach at all times.

In this context, I am concerned about the somewhat secretive nature of the Education Finance Board. The membership of this board, the budget of which is €12.7 million, is made up of former residents of residential institutions and people who broadly are from the education sector. As this is not my area of expertise I may be mistaken but to the best of my knowledge, there are no legal or financial experts on the board, which I believe to be a mistake. The board administers a large budget and concerns have been brought to my attention in respect of what some consider to be an *ad hoc* approach to awarding moneys. It is essential for the Education Finance Board to appear before the Committee of Public Accounts and have its activities subject to questioning.

When I spoke on the Ryan report earlier this year, I highlighted the distressing revelations in respect of how Department of Education and Science officials handled complaints regarding Mr. Donal Dunne. Attempts to highlight the danger this man posed to children were ignored and the file was interfered with at some point, with complaints being removed. The pattern is repeated in respect of Nora Wall. My colleague, Deputy Phil Hogan, highlighted in this House in April 2002 the alleged involvement of a senior departmental official in a Dublin-based child sex ring at a time he was supposed to have been investigating child abuse. That individual had investigated the home run by Nora Wall and gave it a clean bill of health at a time when there were serious problems at the home, as identified by the Ryan report.

However, the Department of Education and Science was not alone in its disgraceful behaviour. When Nora Wall was removed from her position in Cappoquin in the 1990s, a health board official gave her a glowing reference. This is exactly what happened to John Brander, otherwise known as Donal Dunne, as identified by me in this House approximately ten years ago. The health board official offered Nora Wall the job, which involved caring for a young man, despite having been informed of her earlier dismissal. Following her dismissal, the manager who replaced her found she had a close friendship with a senior social worker and the pair blocked his efforts to make changes.

I regret I do not have more time to probe these matters further but I will return to them in the autumn. It is evident from the behaviour of officials at the Departments of Education Science and Health and Children that Ireland has an endemic problem in respect of the craven deference shown to institutions and those who personify them. This deference is matched by a distrust shown to the ordinary citizen. The attitude of civil servants to victims and abusers still is reflected in the current behaviour of Ministers. The institutions must no longer be protected while the victim is trampled on. This attitude must change fundamentally.

Deputy Michael McGrath: I welcome the opportunity to speak on this Private Members' Bill.

An Leas-Cheann Comhairle: Does the Deputy wish to share time?

Deputy Michael McGrath: With the Leas-Cheann Comhairle's permission, I wish to share time with Deputies Cuffe, Nolan, Conlon, Blaney and Ardagh.

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

Deputy Michael McGrath: The Bill introduced by Deputy Quinn and his Labour Party colleagues is well-intended and contains many provisions addressing key issues facing both the victims of abuse and their families at present. It is important not to be adversarial in dealing with this most sensitive and emotive issue. The reaction of all parties and Members to the Ryan report and the unanimous motion of the House on the further contributions required by the religious congregations were a reflection of the maturity of our political system.

The content of the Ryan report is truly shocking and provides many details of the experiences of victims who suffered the most horrific physical, sexual and psychological abuse in institutions for which the State and the religious institutions were responsible. People have been scarred for the rest of their lives by their experiences. It is essential to put the needs of the victims at the centre of this debate. One extract, in chapter 8 of volume II relates to an industrial school in Passage West, where I grew up. The extract sums up the Ireland of the time and the reasons the issues were not dealt with at the time. The victims want answers as to how this was allowed to happen in a democratic society. Why did no one in authority shout stop? Why was society so unquestioning of the religious orders and why did the State not hear the cries for help? The extract relates to one boy who was sexually abused at a Sisters of Mercy industrial school at Passage West:

He said he then built up courage to go to the head nun in the convent, which was separate from the School. He said he told her at the front entrance to the convent that Mr Restin [a pseudonym] was sexually abusing him. She told him to go back to the School and she would speak to somebody about it. Some time later, Sr Vita called him and accused him of spreading wicked lies and gave him a severe beating. Soon after this, Mr Restin left.

This extract sums up the horror the victims had to endure through that time. They were not believed when they had the courage to come forward and tell those charged with the responsibility of protecting and safeguarding their welfare. That they were not believed by those people is an indictment of society.

The 2002 indemnity deal agreed by the Government was not a good deal for the taxpayer. It seems that the ultimate liability will be some €1.3 billion. How the State could put a cap on the contribution of the religious orders to what was then an unknown total liability is beyond me. I welcome the initiative taken by the Taoiseach and the Cabinet to reopen the negotiations with the religious orders and to seek further contributions from them. Two meetings have been held between the Taoiseach, the members of Cabinet and the religious congregations on 4 June and 24 June with a view to the congregations providing reports on their financial resources so that how much they can afford to pay can be assessed. I welcome the fact that the Minister of State with responsibility for children will come to Government with a report dealing with the implementation of the recommendations arising from the Ryan report.

The correct approach is for the Government to continue to consult and liaise with the victims groups and continue to meet with the religious orders. This should not be on an indefinite basis. The dust cannot be allowed to settle on this. A conclusion should be arrived at quite shortly whereby further financial resources can be made available and where issues raised with the victims groups in meetings to date with the Government can be addressed in a co-ordinated fashion, rather than rushing through legislation that may ultimately be flawed.

Deputy Ciarán Cuffe: I welcome the introduction of this Bill. It is worthwhile to bring renewed focus on child abuse in the State. The story is far from over. We await the outcome of the report on child abuse in the Catholic archdiocese of Dublin. The revelations in that

report will concentrate our minds on the major challenge to address the State and the churches dramatically failing the most vulnerable in Irish society.

I refer to the transparency of religious institutions. This is a commendable part of the Bill. For far too long, religious institutions have kept their assets away from the scrutiny of the public. We need complete transparency about the assets of religious institutions in the State. Different institutions use different mechanisms to shield their assets from the view of the public. Some religious institutions try to show this information but it should be done in a transparent manner so that we can find out what lands and buildings are owned by churches and the value of these. This would more fully inform the discussion on retribution and payments to the innocents and those who suffered in the past.

In the age of the Internet it should be possible, through Google Maps or another application, to point out that the Catholic church owns a site of more than ten acres within a mile of O'Connell Street, the Archbishop's Palace in Drumcondra. It is equally important to know that the Church of Ireland has a substantial landholding in Rathmines, one of the inner suburbs of Dublin. These holdings should be on the public record and we should know the value of them. Where blame is laid at a religious institution, we should consider the full market value of its assets in deciding what to do.

Section 4 of the Labour Party's Institutional Child Abuse Bill includes a commendable provision that this information should be clearly available on the public record. In the case of the Christian Brothers in Canada, assets appear to have been moved offshore and various legal mechanisms were used that are more common to tax havens in the Caribbean than to a religious institution that should be cherishing the most vulnerable in society.

I take the point of the Minister for Education and Science that it is premature to proceed with the Bill now. Perhaps we should revisit this in the autumn, by which time we will have the report on the Catholic archdiocese of Dublin. It is time to look in forensic detail at the assets owned by religious institutions, particularly those who failed the most vulnerable in the State.

Deputy M. J. Nolan: It is unfortunate and disappointing that there could not be all-party agreement on an item of legislation in this area.

Deputy Ruairí Quinn: There could be if Members passed Second Stage of this Bill. We could then table amendments accordingly.

Deputy M. J. Nolan: Members were part of a positive debate on the Ryan report. There was all-party agreement on that, which is what I would like to see. The Minister for Education and Science will return in the autumn with something.

The Ryan report was shocking and gave a shocking insight——

Deputy Ruairí Quinn: Will the Deputy give way?

An Leas-Cheann Comhairle: The Deputy has only five minutes speaking time and this is unusual.

Deputy Ruairí Quinn: If Second Stage is accepted all of the amendments Deputy Nolan wishes to provide can be negotiated.

Deputy M. J. Nolan: The Minister feels it is premature at this stage and he wants more time with it; I have to accept that.

[Deputy M. J. Nolan.]

The Ryan report gave us a shocking insight into what went on in our institutions. Following on that 20 recommendations were made of which the Government has accepted 15 and an apology was issued by the former Taoiseach in 1999 to all those who suffered child abuse. I am glad to note that the victims' groups are in ongoing negotiations with the Taoiseach and the Minister and it is good to see that the religious orders have accepted their part in this and will bring new proposals to the Government on their contribution towards the fund.

Most of the individuals are now grown up men and women and they have been scarred for life. I have met several of them and it is good to see that some restitution has been afforded to them. I hope this process will not become another cash cow for our legal profession. We saw what happened in the past with the Army deafness claims and what is going on at the tribunals, which is nothing short of scandalous. I would not like to see this dreadful situation being used by members of the legal profession as a cash cow to fill their coffers; they are not the victims and they should not abuse people who have already been abused.

While what has happened is unforgivable we should not forget that we have a part to play in it. It has three aspects: the victims' groups, the religious institutions and the Government, which is acting on behalf of the victims. I would like to see a speedy conclusion to all aspects of it so these individuals can get on with a life which has already been scarred by what has happened.

An Leas-Cheann Comhairle: I call Deputy Margaret Conlon and I beg her pardon.

Deputy Margaret Conlon: I thank the Leas-Cheann Comhairle; I thought he had forgotten about me.

An Leas-Cheann Comhairle: Deputy Conlon is ahead of time and has an extra minute.

Deputy Margaret Conlon: I am delighted to participate in this discussion and I commend Deputy Ruairí Quinn for tabling the Bill. I recognise the major effort he has made in preparing it and I agree with all speakers that our commitment to the victims, the victims' support groups and their families is unwavering on all sides of the House.

After the Ryan report was published we debated it in the House. The Government accepted the recommendations and promised to implement them. That was not a media stunt or a sound bite; it was acceptance and realisation that the victims were let down by the people. The ordinary people want and demand that this issue be treated with the gravity that it deserves. I welcome the Government's commitment to accept and fully implement the recommendations, and this must follow as a matter of priority.

The abuse of children in institutions happened because of failures of society but also because people in churches, schools and State institutions allowed things to happen unchecked. It was vitally important for victims that an apology was made by the former Taoiseach and that was reiterated by the Taoiseach, Deputy Brian Cowen. One can only imagine how difficult it is for any person to come forward and publically tell the story of his or her abuse. At the time of his apology, the former Taoiseach announced the establishment of the Commission to Inquire into Child Abuse, the establishment of a nationwide professional counselling service for the victims of childhood abuse and legal changes relating to taking cases involving abuse.

Since the publication of the Ryan report, the Minister of State with responsibility for Children and Youth Affairs, Deputy Barry Andrews, has been given the onerous responsibility of bringing an implementation plan to the Government by the end of this month. I am confident in his ability to do this. The Government will implement the recommendations which provide

for a memorial, the availability of education and counselling services, the continued availability of family tracing services and a review of systems to avoid future failures. This cannot and must not be allowed to happen again. The Department of Education and Science initiated a working group which includes people from the Department and other relevant Departments to consider and progress all of these recommendations. This working group will contribute to the overall implementation plan being led by Deputy Barry Andrews.

To move to the religious orders, further substantial contributions are required from the congregations — full stop. This is non-negotiable and I wish the Taoiseach well in securing extra funding from the congregations. They must step up to the plate. Two meetings have been held and it is hoped that progress has been made and many issues will be discussed including the full disclosure of their assets.

We had a unified Dail approach when passing the cross-party motion. This side of the House must oppose this Bill because the issues raised have not been fully analysed and it is obvious that legal advice will need to be sought. However, nobody in the House wants to divide on the issue.

The Bill also proposes expanding the remit of the redress board but this is prior to the Government completing its discussions with the congregations. The Government is committed to the redress scheme in advance of settling contributions from the religious congregations and this is exactly what the Bill asks the Government to do. The Bill calls for an extension of the redress scheme to allow for late applications to be accepted. To date, the redress board has received 450 late applications since the closing date, with more than 50 of these being received in the period since the publication of the commission's report. The 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. Advertising prior to the closing date set by the current legislation was widespread. The redress board spent approximately €900,000 advertising the scheme on radio, television and in newspapers. The current Act makes provision for late applications in exceptional circumstances and this degree of flexibility is crucial.

In terms of the proposal to extend the age restriction to cover persons who were in institutions between the ages of 18 and 21, many Members will be aware that this matter is the subject of a Supreme Court appeal. We believe it appropriate that this appeal be heard and adjudicated on and we should not pre-empt the findings of the superior court in the land.

For far too long those people, many of whom hid in the shadows, were totally afraid to tell their story. In some cases they felt they would be isolated, shunned and not believed and some of them felt very guilty. It is wrong that victims of this type of abuse felt guilty. The victims must remain our central and key concern in everything we do in this House on this matter and the timing of the Bill does not reflect that.

Deputy Niall Blaney: I thank the Leas-Cheann Comhairle for the opportunity to speak on what is a very important issue for many people. I emphasise that this is an issue that is very raw among Irish people and understandably so. There are people all over this country who have been abused, are related to somebody that has been abused, or are just absolutely revolted that abuse took place by those in positions of authority and trust. Let us not make this issue a political football or one for scoring electoral points.

Deputy Ruairí Quinn: Nobody is suggesting that.

Deputy Niall Blaney: I ask the Deputy to allow me to finish; I did not make any remarks towards him.

I do not believe there is an individual in this House who does not abhor recent revelations, and revelations that are not so recent, on sexual and physical abuse in Irish institutions. We are all of the same mind set on this issue; we want full disclosure of what took place, those responsible to take responsibility and those who are feeling hurt and raw to receive some peace of mind and justice at this late stage. That is where we are all at and from where we all must move forward. This issue cannot be turned into one where one political party shouts louder than the other for its own political gain. It is a sensitive issue and must be treated with sensitivity.

The Bill before us is, unfortunately, a premature one. The issues raised in it need much deeper consideration and legal advice. The Taoiseach and members of the Cabinet have met with groups representing survivors of abuse, providing an opportunity for them to voice their concerns and needs. The Government will continue to work with them to ensure that a satisfactory outcome for all involved is reached.

The Taoiseach and Members of Cabinet have also met with the religious congregations and have relayed the view of the Government and the people of the country as a whole on the requirement of further contributions from the congregations. The congregations are currently in the process of compiling reports on their financial positions, which are due to be submitted to Government by mid-July. Following that, a further meeting will be established with them. The Taoiseach has already indicated that a panel of three independent persons will be appointed to assess the material submitted. This represents continuous and meaningful efforts on behalf of all involved to address this very serious issue effectively.

The effort to move the process forward through this Private Members' motion, while it may be well motivated, is premature. We need political unity in the House on the matter, but the motion does not provide that. It is an issue that cannot be rushed in order to have it dealt with quickly. What is vital is that it is dealt with efficiently, satisfying those who have suffered abuse.

The Bill proposes a number of amendments to the redress board. It is suggested that the definition of a "child" should be extended from 18 to 21 years in terms of the redress scheme. Members should be aware that this matter is currently the subject of a Supreme Court appeal. Therefore, any proposal in that regard is inappropriate at the moment.

Deputy Alan Shatter: That is total nonsense. Must the Deputy continue to read this nonsense?

Deputy Niall Blaney: It has also been proposed that an extension be applied to the redress scheme to allow for late applications, even though almost €1 million was spent advertising the details of the redress scheme in the print media and on television both in Ireland and abroad. Perhaps some extension may be appropriate, but let us examine the issue in detail and collectively move forward rather than let it divide the House.

The victims of abuse have gone through all the emotions possible. The redress scheme finally provides them with an opportunity to tell their stories without fear of being disbelieved. We must now ensure that justice is achieved to enable them to move on with their lives. Much meaningful activity is taking place and much progress is being made. Let us get together as a Parliament and move forward collectively to ensure that the matter is brought to a satisfactory conclusion for victims who have already suffered enough.

Deputy Seán Ardagh: We have all come across individual cases of horror and abuse that have shocked us during our lifetime, but in my 24 years as a public representative I do not

believe that as a nation we have ever been as shocked as we have been at the findings of the Ryan commission. We think of events like this in the past as historic events, events of war and holocausts, but these events are of our time. They are about our contemporaries, our boyhood friends, and now if these victims are not still in crisis in the UK, they are our neighbours and members of our community.

Like Deputy Ruairí Quinn, I am also a proud graduate of a wonderful education, lucky to have gone through primary school in a Christian Brother system in St. Vincent's in Glasnevin, a school mentioned in the Ryan commission report. I have great memories of that time. I remember Brother Hennessy behind his desk in fourth class, in front of 84 students. I remember the confidence he gave me when I entered this cauldron for the first time wearing glasses. When he said to me: "Tá siad go hálainn. Go mairir is go gcaithir iad" all my embarrassment evaporated. I remember Brother Walsh who taught us the national anthem and songs such as "A Nation Once Again". I remember waiting for my punishment from him in sixth class because he caught me smoking. He looked me in the eye and gently said "Suigh síos". He was a smoker himself.

These good men represented the majority of the brothers and lay teachers I interacted with at school. However, I cannot understand why when the teachers of those days graduated, they were given either a leather strap or a bamboo cane as a teaching aid. Occasionally, I saw their frustration and temper being vented on some poor victim. I wonder now how much worse it must have been for victims in institutions where there were no prying eyes. The horror of what happened behind the closed doors of those institutions is now vividly outlined in the recorded testimony of so many of the former residents of those hell holes.

It is appropriate that in 1999 the Taoiseach made an apology, with an admission that the State had failed in its obligations to ensure appropriate standards of care for children in these institutions. The Commission to Inquire into Child Abuse and a nationwide professional counselling service were established then. It is also appropriate that the Assistant Garda Commissioner has now been charged, late and all as this is, with examining the Ryan report. The Garda Síochána and the Director of Public Prosecutions will have the fullest co-operation of the Government in pursuing any criminal investigation.

I wish to touch on some issues that have arisen in this debate. One of these is the issue of secrecy. Legal advice received by the Minister states that applicants should be prohibited from recounting the stories of their childhood if they mention the fact that compensation was either applied for or paid as a result of what they suffered. This is not good enough. If people recount their stories it is unlikely the Government will sue or be sued by an individual abuser. However this legal impediment to telling one's story still exists and must be changed.

The issue of whether persons detained in reformatory schools still have criminal convictions has not been fully addressed. I am aware the Minister for Justice, Equality and Law Reform has said that any individual with a problem or doubts on such matters can write to him and that his officials will look into those concerns. This issue must be addressed in a more focused way.

On the question of a museum, I agree we should retain the records, the history, the experience and the voices of all the people who gave evidence before the Ryan commission. It is very important that these are maintained. I had the experience of visiting Yad Vashem in Jerusalem, Auschwitz in Poland and Ellis Island outside New York. Of these three, Ellis Island would be more of a comparator than the others and is the type of monument I would like to see in memory of these people, neighbours and contemporaries who suffered so much during our time in office.

The question of late applications must also be given consideration. Even if an application is submitted late, it should be taken into account. The Minister of State, Deputy Barry Andrews,

[Deputy Seán Ardagh.]

has now met with a number of people based in England who suffered in these institutions. I hope and understand from what he said that their late applications will be fully accepted due to the exceptional circumstances.

I thank Deputy Ruairí Quinn for bringing forward this Bill for discussion which lets us put on public record our total distaste for what happened during those awful years.

Deputy Liz McManus: I wish to share time with Deputies Upton, Costello and Kathleen Lynch.

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

Deputy Liz McManus: When the Ryan report was published, there was recognition in this House that the terrible abuse, the horrific cruelty, the unpardonable neglect meted out to children, demanded of us an exceptional response. We could not carry on in our usual way. The wording of the agreed motion reflected a united and democratic will across all the parties in the House to rise above political wrangling to make a difference in the light of the suffering of others caused by a failure by church and State to protect children from attack.

We all know we cannot undo the wrong, nor repair the damage. Every childhood lasts a lifetime and when a child is abused or hurt, the experience is burned into the psyche. However, we can and must still try to make a difference. This Bill is aimed to deal with important and pressing issues. The definition of the child needs to be brought into line with the legal definition used until 1985. This would ensure that people who have been refused redress would be included in the process — hardly a contentious issue, one would think. Nor is the proposal to extend the deadline for applications to include a small minority of people who, for whatever reason, did not apply in time — Deputy Ardagh has made this point better than I. We also propose a measure to wipe clean the criminal records relating to committal to an institution. We should not under estimate the burden that many survivors feel they still carry as a result of these court records.

Deputy Ruairí Quinn: Hear, hear.

Deputy Liz McManus: I welcome particularly the proposal to lift the gagging order in regard to redress board applicants. Like Deputy Quinn, I have lived long enough to remember clearly the worst excesses of censorship in Ireland, but nothing compares to this order. The idea underlying it may have been to construct a non-adversarial, no-blame compensation scheme, but that did not happen. Survivors have given testimony to a very different experience and many people have found the experience disturbingly fraught and even oppressive.

That reality requires a response. One survivor, Paddy Doyle, wrote a ground-breaking book 20 years ago, “The God Squad”, about his time in an institution. I know Paddy is in the Visitors Gallery today. The tragedy is that no official action followed the publication of that book to protect children who were still at risk. At the time, Paddy’s message was prophetic but ignored. He said:

. . . the book is about a society’s abdication of responsibility to a child. The fact that I was that child is largely irrelevant. The probability is that there were, and still are, thousands of “me’s”.

If Paddy Doyle talks about that time in his life now, 20 years on, or if he goes to the European Court, which he may well do, to challenge the gagging order and talks publicly of his experi-

ence, he could face a substantial fine and-or a period in jail. Such an obligation of secrecy offends natural justice and the Labour Party Bill offers us an opportunity to redress the balance.

These are proposals, incorporated into the legislation we have put forward, that have flowed from the public debate following on the Ryan report publication.

Deputy Ruairí Quinn: And its recommendations.

Deputy Liz McManus: Indeed. These issues are not major in terms of general public policy but each one of them is vital to individuals who live with their past every day, people who have had to fight their private demons as well as the public demons of ignorance, prejudice and denial.

I know of one survivor who was abused in an institution. Even though he was only a boy at the time, somehow he found the courage to fight back. He was described as out of control and impossible to manage in the report written about him at the time by the brother in charge. As a result of that report, he was incarcerated in a psychiatric hospital.

His experience was not accommodated by the redress board in the way that it would be under the criteria of our Bill. All of the measures do not go beyond this; they simply relate in some way to gaps in the system. They arise because survivors have raised them with us and I have no doubt they have raised them with Government Deputies also. This is what makes the Minister, Deputy Batt O’Keeffe’s response so disappointing. He complains about our unilateral action in bringing forward this Bill. The Government is at liberty to accept an Opposition Bill at any time and the record shows it does so when it chooses. If this issue has become a divisive one, it is because the Government and the Minister, Deputy O’Keeffe, in particular have chosen to make it so. There is nothing to stop him accepting the Bill and we could work our way through the Committee Stage to improve and tweak it as necessary.

Whatever happens, the issues that we raise will be as valid tomorrow as they are today. They will still require to be dealt with sooner rather than later. This is an opportunity for us, as a Parliament, to do the right thing. Let us take it.

Deputy Mary Upton: I welcome the opportunity to speak on the Bill proposed by Deputy Quinn. The very many words that have been spoken on this issue go just a little way to representing our horror and shock, the mere observers of the written reports, at the abuse that was perpetrated in the many institutions throughout the country for many years on people who had no voice. Nothing that we say will ever change the reality for the victims, many of whom, unfortunately, did not survive to hear the very small tokens of recognition of how and by whom they were failed for many years.

The Ryan report sets out in stark and graphic words the pain and suffering that was meted out to those who had nobody to speak up for them, nobody to defend them and nobody who cared enough to help them when they needed it most. These were children who were admitted to these institutions for the most spurious reasons, like stealing an apple or having a Protestant parent. On other occasions, it was just to satisfy the demands of an institutional hierarchy which wanted to keep their child labour operation running. Even the people lucky enough to suffer no abuse left these institutions with little or no education. To see the success of many of these people is a testament to their determination and courage.

In the Minister’s reply to the debate yesterday evening, he spoke about the residential institutions into which children were placed by the courts or by the health authorities. The Minister stated that the schools “were subject to State inspection and regulation” and, effectively, the State acted *in loco parentis*. This is a direct quote from the Minister’s speech. It is for this very statement that I believe the Minister and his Department must be held accountable. In regard

[Deputy Mary Upton.]

to financial compensation, the Minister went on to state that the Government will continue to engage with the religious congregations in regard to further contributions. This is entirely proper and correct. It is only fair and right that those who were responsible for inflicting the pain and suffering should be held to account.

I want to know why the Department of Education and its officials have not been held accountable. To quote him again, the Minister said the schools “were subject to State inspection and regulation.” In this case, the State was represented by the Department of Education and its inspectors and officials. The Ryan report is all but silent on the responsibility of that same inspectorate and its role in being complicit in the pain and suffering, deprivation, starvation and many other abuses meted out to the victims.

What exactly was the role of the inspectorate? What inspections did it carry out? What reports did it make and to whom? Did it visit these institutions and turn a blind eye to what was going on? Were the inspectors blindfolded? Were they afraid? Were they power hungry? Or, did they think what they saw was right and proper and normal treatment of children? Surely not.

What was wrong with all of them that they failed to make any significant reports on the state of these institutions and the children in them? If it is the case that they did make substantial critical reports, as I believe one or two of them did, what was wrong with the higher officials of the Department that they failed to act on these reports?

The failure of the inspectorate to report on and put a halt to the abuse does not take from the responsibility or culpability of those who managed and controlled the institutions and carried out the various abuses on a daily basis. The Ryan report, rightly, lifts the lid on their wrongdoing. However, the activities of those supposedly *in loco parentis* raises very serious questions not really addressed in the Ryan report or in any substantial way in the House. They have only been addressed in a peripheral way.

Why are those in the inspectorate, comprised of the same people charged with the responsibility of inspecting and reporting on the conditions in these institutions on behalf of the State, not named and shamed in the report or given a pseudonym in the same way as the church people in the report? Ironically they were Department of Education and Science officials but the recurring testimony of many of the victims is the total lack of education they received in these institutions.

Why is it that the Department of Education and Science and successive Ministers have conveniently lost files or cannot give direct answers to the many parliamentary questions I have submitted on behalf of one of my constituents to this day? Why do the Departments of Justice, Equality and Law Reform and Education and Science seem unable to find the files or any evidence of corruption or abuses which took place in other State controlled institutions not dealt with in the Ryan report in replies to parliamentary questions I have tabled?

The Minister for Education and Science should note it is time to reconsider this whole sad chapter in Irish history and return to the drawing board in so far as it has been affected by the Department of Education and Science. All those who failed the children either through deed or omission should be held accountable. The religious orders stand judged guilty by the Ryan report but what has been the role of the Department of Education and Science and its inspectors? The extent of what was known about what took place in these institutions must become clear. We must know why inspectors continued to give clean bills of health to these organisations when everyone knew, at least anecdotally, that something untoward was taking place in these institutions. There must be a reckoning of the religious orders and of the Department of Education and Science regarding what took place.

It was not only the responsibility of the Department of Education and Science. Many other agencies were involved, several of which in hindsight should have taken responsibility and spoken out. In many cases such people were the leaders of society. They were seen as educated and well-informed. For example medical personnel were implicated. Society overall had a responsibility and decided to turn a blind eye. None of this takes from the fact that those with immediate responsibility failed in that responsibility and still have not been brought to account.

Deputy Joe Costello: I thank Deputy Quinn for tabling the Institutional Child Abuse Bill 2009. Some weeks ago in the House we were appalled by the contributions detailing the contents of the Ryan report including the appalling treatment of vulnerable children put in the care of the State and religious orders. Deputy Quinn's Bill proposes to move on the debate. The issue must not rest here and we must ensure the debate moves forward. There is unfinished business in respect of the State to which Deputy Upton referred. Inspectors in the Department of Education and Science and personnel in the Department of Justice, Equality and Law Reform are implicated and files went missing. There is also unfinished business regarding the religious orders, which only paid a fraction of the State's contribution in compensation. It is appropriate that there should be a full assessment of their assets and their ability to pay. The terms of their future contribution must also be dealt with. The Labour Party Bill concerns outstanding issues, what took place and how to move on the business at hand.

A major bone of contention has been the exclusion of many victims of child abuse from the terms of the redress Act. Many people have approached Members concerning their exclusion. When the legislation was passed in 2002 I was a Member of the Seanad. I recall calling for the inclusion of the Morning Star mother and baby home, the Regina Coeli hostel and Bethany House to the Schedule. I was assured by the Minister of the day that while they did not appear in the initial Schedule of homes, they would appear in a revised Schedule. However that never happened and people have been excluded despite a degree of regulation and inspection exercised by the relevant authorities for these homes.

I refer to those living abroad. Of the tens of thousands of young people who emerged from the industrial schools and reformatories a significant percentage had to go abroad to far flung parts of the world. This raises a serious issue of the timeframe and the ability of such people to submit an application before the expiry of the redress board deadline. That matter is addressed in this legislation.

As Deputy McManus stated it is unacceptable to place a gagging order on anyone who has appeared before the redress board. They should not be prohibited from retelling or relating the events which caused such grief and destroyed their childhood. That is the worst form of censorship of young children who are now adults and the Bill addresses this matter as well.

The destruction of records is outrageous. Why should any record which formed part of the testimony before the redress board be destroyed? Records should be retained at all cost and stored as a valuable historical account of what took place at a time when instead of cherishing the children of the nation, those in charge and who had these children in their care, preyed upon them. The Bill would ensure the slate is wiped clean for anyone with a criminal record who was detained in reformatories or industrial schools. This measure is essential and the Bill makes provision for it.

The Government should accept this legislation. Today, the Taoiseach indicated he would not accept it and I am unsure if the Government has changed its opinion since this morning but it should do so and it should allow all sides of the House to table amendments if required.

Deputy Ruairí Quinn: They could be approved at that stage.

Deputy Joe Costello: I am sure Deputy Quinn would be very pleased to receive any amendments. I seek an amendment regarding the immediate relatives of children who died in reformatories and industrial schools. Such people should have the right to have the remains of their loved ones exhumed such that they could be re-interred in a family plot in the local graveyard rather than where they are at present. Furthermore, any family which believes a child died in suspicious circumstances in an industrial school or reformatory while in the care of the religious orders and the State should be entitled to have that child's remains exhumed and forensically examined to determine the exact cause of death, a reasonable request.

We must learn the lessons of the Ryan report for the sake of the tens of thousands of vulnerable innocent Irish children of recent decades. Some of the events referred to did not take place long ago. We must ensure whatever steps are necessary are taken in future. The Ryan report should be the beginning not the end of a process. Deputy Quinn has done a valuable service and has identified a way forward to deal with several outstanding issues. The final outstanding issue which must be addressed is to ensure our children in future are protected and that there is a constitutional amendment to enshrine in the Constitution protections for the rights of the child.

Deputy Kathleen Lynch: I refer to the demonstration held outside this building some three weeks ago. I am unsure if anyone else felt the same as I did, but the most poignant and heart wrenching moment for me was when the names of the different institutions and homes were called out. When Goldenbridge was called out three women in front of me said
8 o'clock "Here", when Letterfrack was called out, four men said "Here" and so on for many different institutions including Good Shepherd Convent, Cork. The lone voices in that crowd recognised for the first time that they were not alone. When these children were released or escaped from these institutions, or ran between life and death, and got out of this country in most cases, they must have thought that they were entirely alone and that they were the only people who had been in these institutions. I think it must give them some small comfort to know they were not alone. It was the saddest thing to see little groups within that big, huge mass of people, acknowledge where they spent their childhood.

I wrote a letter to the then Minister for Education and Science in November 2003. For about a year before that, I had gone to England one Saturday every month to meet a group of people at their invitation, at the Lazy Daisy café in Notting Hill, an area that became famous for something entirely different later. Every time I went there were often different groups but in the main, about 20 men and women were there ranging in age from their late 40s to their late 60s. The most striking thing about them was the sense of anger and frustration. They had escaped to a great extent — I am still fascinated as to how teenagers of 16 or 17 got through that whole maze of getting to England, getting past the pimps at railway stations and managing to survive and go on to have productive lives. I think that is a story in itself. I wonder how people with no experience of the outside world, only experience of abuse, managed to survive all that.

They felt deeply they had less right to complain because they had left Ireland. At the time the Minister was going to London and speaking to groups. It was estimated that 40% of all those detained in institutions in Ireland escaped to England and the general feeling was that the five outreach workers paid for by the Irish Government were doing a good job but there were not enough of them to cover the entirety of England, Scotland and Wales. The reason the majority of them did not come forward and still have not come forward and are now late in their applications, was the lack of education they got while they were supposed to have been in school. Therefore, even if they saw advertisements they did not have the wherewithal to make the application.

I am reading details from the letter. They also felt very strongly at the time that the funding put in place by this Government for counselling services in England was given to people who were nuns or clerics and these people did not want to go to them for counselling. They felt they should have had the right to choose their own counsellors. They asked me to ask the Minister for certain things such as an extension of the freephone service to the UK as at the time it was only available in Ireland; the right to choose a therapist or a counsellor; facilities such as a fax and computer; help with the phone; a speedier response to queries; comprehensive media campaign and regular updates in the form of a newsletter. Those seven requests had not been met since requested in 2003.

I finished the letter to the Minister by writing that these meetings were quite an emotional experience and I ended the letter with the words of one lady named Mary: "I never had a Christmas. I never had a birthday. I never knew how old I was. How can they give me that back?" That woman has stayed with me all these years and I have visited several times. People talk about cherishing all children equally. This Labour Party Bill is about doing now in part what we should have done all those years ago. It is about extending the time limit, removing the gagging order. I would say to anyone listening to me: "Speak out because they cannot put you all in jail. You have at long last found your voice. Tell your story. What are they going to do to you? They have taken your childhood, they have taken your innocence, they have taken your ability to be happy, what else can they do to you? Like Mary, how can they give you that back? They cannot."

We need to start being very serious about this and forget the platitudes. Every time I think of those people, I look at my grandsons who are now six years old. I think about how I would feel if someone took them away and did those awful things to them. This Bill, as progressive and as expansive as it is, still does not go far enough. We still have the Magdalen laundries women and we need to deal with that because they may have been put in there by their parents or the parish priest or the local sergeant or by the other institution which we have not dealt with, the ISPCC, who were complicit in the treatment of these children. Why are we not dealing with those? Why are we not dealing with the parents who are still alive whose children were stolen from them and who did not, as it is deemed in law, have the comfort of their children in their old age? Some of those people are still alive. Why are we not allowing these people to say loud and clear what they need to say to us? Why are gagging orders needed — to pretend it never happened, to pretend that these awful places did not exist? Well, they did exist. These were not just anyone's children; they were the children of the poor because it was only the poor who could not complain and who did not have the wherewithal to fight it in court.

If we do nothing else, then above all else, we have to now start to be open and above board about this and give these people a voice. We can talk in here in this House; the church can speak; the Ministers can speak but it is the children who need to speak and they need to be listened to. The institutions that are now in talks with the Government should hang their heads in shame. What are they talking about? They know what happened; the Ryan report makes that very clear. They were as responsible as the State. They have the property, despite the downturn in the property market it is still a valuable asset. What are they talking about now? Are they still trying to cut a deal? There should be no deal. This is not about impoverishing religious institutions; it is about making them stand up and be accountable for what they did.

I will conclude with the words spoken by Mary. "I never had a Christmas. I never had a birthday. I never knew how old I was. How can they give me that back?" We may not be able to give her that back but we can give her dignity, we can give her respect and we can give her a voice.

Minister of State at the Department of Education and Science (Deputy Barry Andrews): The Minister for Education and Science, Deputy Batt O’Keeffe, set out the Government’s response to the Bill yesterday. Following the Ryan report, the Government met with the survivors and victims of child abuse. It also met with the congregations and explained to them that it would seek a substantial increase in the contribution they had previously made. As the Minister of State with responsibility for children and youth affairs, in accepting the recommendations of the Ryan report it has fallen to me to formulate an implementation plan. I take advantage of this debate to update the House on progress and touch on some of the issues raised by Deputy Quinn’s Bill and some of the comments made by Deputies on both sides.

We have set up a group in my office to draft the implementation plan and the response. There are people from my own office, the Department of Justice, Equality and Law Reform, HIQA, and the Health Service Executive. We are also getting input from the Department of Education and Science as some of the recommendations touch upon the work of that Department. We received 40 submissions. We are determined also that we will adhere to the principle expressed to us very simply by Paddy Doyle that “there would be nothing about us without us”. We have tried to adhere to the principle that we will listen to what survivors have to say, feed into their experience since the report was published and reflect that in the final outcome of the implementation plan. We have also met recently with interested parties, including legal experts.

I want to touch on one of the aspects Deputy Lynch spoke about earlier. She has obviously met survivors in the United Kingdom many times and has vast experience of that. I was not aware of all of that. As she is aware, I met some survivors on Monday last. I do not claim to have any great insight as a result of that simple meeting but it is worth pointing out, and I mentioned this in public recently, that the late applications issue is something that has some compelling virtue. In particular I was struck by the fact that so many left this country and that so many would have had literacy problems. Many of them recoiled from the Irish centres that were supposed to be the source of information about redress, compensation and the commission because they were populated by members of religious orders. Many of them were decent people but one cannot imagine how difficult it would be for survivors to approach these centres.

While a great effort was made by the Department to try to publicise redress and the commission, the publicity that followed the Ryan report is vastly greater. The commission was on the front page of *The New York Times*. It was on CNN and every website and media throughout the globe, and there is no question but that some genuine late applications have come to the attention of both centres in the United Kingdom and here in Ireland. Some acknowledgement of that is what we must consider in due course.

Another issue that touches on areas I have been working on is the question of spent convictions. As Deputy Quinn will know, I have done some work on legislation in that regard already and the Children Act ensures that convictions arising would be wiped clean in any case. Equally, when the spent convictions legislation comes before the House for debate, that will provide an opportunity to accommodate the principles contained in Deputy Quinn’s Bill at this stage.

I also met Lord Laming this week who is a child protection expert in the UK. It was interesting to note the great similarities in the problems the UK is experiencing in terms of child protection. The one legacy we want to leave is that what was contained and catalogued in the Ryan report was acted upon and that the voices expressed in that report did not go unheard.

Lord Laming said to me: “Whatever you do; do not do what we have done”. Its own structures are wholly inadequate, in his view. He was the author of the reports on both Victoria

Climbié and the Baby P tragedy but in both cases he pointed out that the inspection regimes need to be updated in the UK. Aftercare is a crucial issue.

One of the aspects that struck me was that we can say things have changed dramatically since the last century, and they have in many instances, but in some instances there is a depressing familiarity in that people with a care history tend to have to avail of the services of the justice system. They suffer from addiction and illiteracy, and that continues today. That is to our shame and that is the reason it is such an onerous task for me to try to come up with an implementation plan arising from that report. I want to underline my commitment to working with survivors throughout that preparation.

On the Bill itself, in principle there is much in it that is good. In due course we may be able to accommodate some of that but naturally we were criticised for doing the indemnity agreement too quickly, and there are some valid criticisms in that respect. Equally, it would be previous to accept all of the principles in this Bill without due consideration and without going through the processes we have already undertaken.

Deputy Joan Burton: I wish to share my time with Deputy Gilmore.

An Leas-Cheann Comhairle: Agreed.

Deputy Joan Burton: I listened last night with great disappointment to the Minister for Education and Science, Deputy Batt O’Keeffe, rejecting, almost out of hand, the Labour Party’s modest reform proposals set out in the Institutional Child Abuse Bill 2009 but I welcome the much more accommodating tone of the Minister of State, Deputy Andrews, here this evening. Perhaps overnight there has been some change of heart on the part of Fianna Fáil.

As the Minister, Deputy O’Keeffe, spoke, one could almost feel hovering the ghosts of generations of Irish Ministers for Education and I thought of Tomas Derrig, De Valera’s Minister for Education for most of the 1930s and 1940s, who, although a teacher, seemed to lack not just understanding but compassion for the child prison system the Irish State permitted the religious orders to run. I agree with Bruce Arnold’s description that our child prison system was for many the equivalent of the Gulags.

The Labour Party proposals seek to address several issues arising from the Ryan report which are important to the children who were incarcerated in the system. The Labour Party Bill proposes measures that would, first, remove the gagging clause from the Redress Act and so restore freedom of speech to people who gave evidence to the redress process and-or were the recipients of awards; second, seek to replace the definition in the Redress Act of 2002 of a child under the age of 18 to the law at the time which deemed the age of majority to be 21; third, widen the definition of an institution to include a number of new institutions such as certain children’s homes or other institutions in which children were placed and were not covered by the commission Act or the redress Act. It must be borne in mind that covers many young, under age women who were in Magdalene homes; and fourth, ensure that the records of the commission and the bodies associated with it are preserved as important state records for personal, archival and historical research purposes.

In the torrent of debate and discussion that has followed in this House, and in the wider public debate, there has been almost universal and, I thought, cross-party agreement on these matters. I cannot understand what it is in the Fianna Fáil gene, in the Taoiseach, Deputy Brian Cowen, and in the Minister, Deputy O’Keeffe, that they cannot accept these proposals put forward by the Labour Party in the spirit in which they are intended.

[Deputy Joan Burton.]

The Minister's speech last night chose not to address these sections of the Bill. These measures would bring great comfort and vindication not just to the people who were in institutions but to their families, their children and grandchildren. I cannot understand why the Minister would have any problem with preserving essential historical records or in restoring and confirming the free speech of former residents.

The Minister's opposition to the Labour Party Bill seemed partly based in pique that the Labour Party would dare to seek further legal remedies following the publication of the Ryan report. We made it very clear in our comments on the Ryan report that we thought there were wrongs that should be righted and as the Government has not moved to do so rapidly, we felt it was our responsibility to bring forward this Bill.

On those areas of the Labour Party Bill that the Minister addressed, he suggests that some of them require further legal consideration and he is also critical of the fact that our proposals are not fully costed. I put it to the Minister that most of the measures in the Labour Party Bill have limited, if any, costs. In respect of further restitution by the religious orders, clearly the religious orders and the Government are involved in a process of negotiation to reach an agreed sum which will be acceptable to the victims' organisations and the survivors. Because these discussions are private to the Government, the religious congregations and the representatives of the people who were in institutions, we have consciously not intervened in that part of the process. Therefore, the Bill does not mention that part of the process. However, we believe the process needs to be widened to ensure that institutions which ought to have been included are, and we have also sought the extension of the time limit for applications for redress. We have done so, conscious of the fact that people who left for England and stayed there may have been unaware of the process until it was too late to apply, while others in Ireland and abroad may have been too traumatised until now to make an application.

There is also the continuing issue of the committal proceedings and the stain of conviction which many people believe attached to their incarceration and detention in institutions. The Government's suggestion that people who are concerned about their records, arising from their committal or conviction, should write to the Minister or the Department of the Justice, Equality and Law Reform and that they would be dealt with, as though they were clinic cases, is insulting. No less a person than Mr. Gerard Hogan SC, who examined detention orders in respect of children, described the orders as "patently illegal". These are the detention and committal orders which resulted in children being committed to institutions for significant numbers of years.

The tomb of Jonathan Swift in St. Patrick's Cathedral bears the inscription saying that he lies at rest "where savage indignation can no longer lacerate his heart". The measures in the Labour Party Bill seek to offer some additional solace to people who have suffered much. I again plead with the Government, Fianna Fáil and the Green Party to accept these modest measures as a further and important legal step in vindicating the children who were incarcerated, starved and beaten, did forced labour, were sexually abused and raped and some of whom died. Sorry is not enough.

Deputy Eamon Gilmore: I thank my colleague, Deputy Ruairí Quinn, for bringing this Bill before the House and enabling it to debate follow-up legislation to the all-party motion which was agreed several weeks ago.

The report of the Ryan commission made shocking reading. The systematic long-term abuse of children in institutions over a long period is a stain on the history and reputation of our

country. No amount of money or of saying “sorry” can undo the damage done. However, there are things which need to be done and can be done. Many of these were agreed in the all-party motion.

I thank the Members who contributed to the debate and who, on all sides, reflect our horror at what happened and a genuine resolve to deal with it fairly and in a way that recognises the suffering which took place and aims to ensure it will never happen again.

Many of us who have been Members of the Oireachtas know that in the immediate aftermath of the publication of a report — and the Ryan report is one of the most shocking I have ever seen — there is a genuine intent on the part of the House and the Government to do something about it. With the passage of time the matter slips off the order of priorities, other crises appear and the urgency gradually ebbs away. That is why the Labour Party brought forward this motion. The resolve of the House to deal appropriately with the recommendations of the Ryan commission should not ebb away. This legislation is before the House so that we can move the matter on. It must not be left as a motion which is passed by the House but which loses its drive and urgency with the passage of time.

Many things need to be done in dealing with the issue. The Minister and speakers on both sides of the House have acknowledged that the contents of the Labour Party Bill are substantially in line with the content of the agreed all-party motion. I am surprised, therefore, that the Government has not agreed to accept the Bill. A number of options were open to the Government. It could have broadly accepted the Bill and dealt with outstanding details on Committee Stage. It could have introduced an amendment to the Second Stage motion to defer the vote on Second Stage and allow the Minister of State, Deputy Barry Andrews, to bring in the proposals he has promised and which I believe he will bring forward. I am surprised the Government has decided to oppose the Bill on Second Stage.

I was particularly disappointed by the contribution of the Minister for Education and Science last night. While accepting that the Labour Party Bill is in line with the all-party motion the Minister, effectively, implied that the Labour Party was partisan or over-political in advancing the Bill at the time. That is not the case.

This morning, I asked the Taoiseach to reconsider the Government’s position and to have agreed the Bill by the time we met this evening. The Taoiseach replied that he was not prepared to do that. As is clear from Deputy Barry Andrews’ contribution, that is not the disposition of the Government.

During the course of the afternoon, the Labour Party was contacted by representatives of survivors of child abuse. Recognising that the Government was not prepared to accept the Bill, they asked us not to make a political issue of this matter and not to divide the House politically, having regard to the agreed all-party motion. There is a wish among survivors of child abuse that there should not be political division on this and that the all-party approach should be maintained.

At this last minute, I appeal to the Government not to oppose the Bill when the Acting Chair calls for a vote. I appeal to Government Members to agree Second Stage of the Bill and allow it to go to Committee where it can be debated and discussed. If they decide to oppose the Bill, in recognition of the request from survivors of child abuse I will not call a division. I will not ask Members to vote on the issue. The Minister of State, Deputy Barry Andrews, is a constituency colleague of mine for whom I have enormous respect. I hope and believe he will introduce the proposals to which he has committed himself. If they are not introduced or if

[Deputy Eamon Gilmore.]

they do not reflect what the Labour Party is seeking to achieve in this Bill, we will bring this proposal before this House again if the Government decides not to accept it this evening.

Question put and declared lost.

An Bille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009: An Dara Céim (Atógáil).

Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009: Second Stage (Resumed).

Atairgeadh an cheist: “Go léifear an Bille an Dara hUair anois.”

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

Deputy Aengus Ó Snodaigh: Gabhaim buíochas as an am a bheith againn chun labhairt ar an cheist rithábhachtach seo. Is trua nach bhfuil deis níos faide agam chun na pointí atá agam a leagan amach agus is trua ach go háirithe toisc sinn an t-aon pháirtí sa Teach seo atá ag cur i gcoinne an mholta atá os ár gcomhair inniu, go rithfear an reachtaíocht seo a thabharfaidh cead reifreann eile ar chonradh Liospóin a dhéanamh athuair. Ba chóir go mbeimís tar éis an deis chéanna a fháil agus gach aon pháirtí eile.

Go fisiciúil, is ar imeall na hEorpa atá muid. Le linn an-chuid dár stair is ar imeall imeachtaí móra a stroic an Mhór-roinn as a céile nó a mhúnlaigh an áit ina bhfuil muid inniu a bhí Éire. Sin ráite, is minic chomh maith inár stair go raibh Éire i gcroí-lár na hEorpa. Ní ghá ach smaoineamh ar leathnú na Críostaíochta — bhí alt suimiúil faoi sin ag Beresford Ellis, agus “Untilled Fields”, scéal faoi chomh mór agus a bhí Éire ag tréimshí difriúla. I rith thréimhse an ghorta agus eachtraí eile, bhí Éire i gcroí-lár na hEorpa.

Le déanaí bhí muid i gcroí-lár na hEorpa dhá uair — an tAontas atá i gceist agam, seachas an Eoraip stairiúil — nuair a chuir muid spanner in inneall ailtirí thodhchaí an Aontais, todhchaí a bhí siad ag triail a mhunlú mar ollstát. Is cuimhin liom an alltacht a bhí orthu siúd go raibh sé de dhánacht ann ag tír bheag ar imeall na hEorpa, mar sin an tslí a fhéachann siad ar Éirinn, fód a sheasamh ina gcoinne. Tharla sin nuair a dhiúltaigh muid conradh Nice den chéad uair agus tharla sé anuraidh nuair a bhí sé d’eirim ag muintir na hÉireann conradh nach raibh ar a leasa a dhiúltú — sin an conradh Liospóin.

In ainneoin nach bhfuil aon duine ag rá nár chóir go mbeadh Éire i gcroí-lár na hEorpa, tá urlabhraithe an Rialtais ag cur inár leith gur sin an seasamh atá againn. Ar eagla nár chuala siad mé nó mo pháirtí le blianta anuas, is í croí-lár na hEorpa áit cheart na tíre seo ach is é an sórt Eorpa atá faoi chaibidil — agus ba cheat go mbeadh sin faoi chaibidil — ach go háirithe tar éis an vóta i gcoinne chonradh Liospóin anuraidh agus i gcoinne chonradh Nice roimhe sin. Sin an díospóireacht atá ar lorg timpeall na Mór-roinne ach tá sé ar lorg go háirithe sa tír seo.

Ireland’s place is at the heart of Europe. Those of us who campaigned against the Lisbon treaty and the overwhelming number of people who voted against it last year did so because we believe a better Europe is possible, a Europe that is democratic and accountable, promotes workers’ rights, protects public services and seeks to play a positive and progressive role in the wider world.

In June 2008 when almost 1 million people rejected the Lisbon treaty, we gave the Taoiseach, Deputy Cowen, and the Government a mandate for change. We gave him a strong hand to play at the Council of Ministers. Following the example of the people of France and The

Netherlands, we called on our Government to re-open the treaty negotiations and to secure a better deal, not only for Ireland, but for the EU as a whole. The Government had the mandate to seek that from its EU partners. While it might not have liked this, it would have understood.

Once again, the Taoiseach and the Government failed the people. Like their disastrous mismanagement of the economy, Fianna Fáil and the Green Party have squandered an opportunity to secure a better treaty and a better future of the EU for all of us. They could have taken the steps demanded by the vote in June 2008. They could have renegotiated a better deal for Ireland. They could have built alliances with those in other EU countries who were seeking a better EU, namely, social and trade union movements, cultural and political organisations and individuals who endorsed the progressive “No” vote. They could have demanded a more democratic and accountable EU.

In the Taoiseach’s statement to the House on 24 June, following the European Council meeting, An Taoiseach showed that he had failed miserably to do what the mandate had demanded of the Government. He told us the Council had agreed a package of legally binding guarantees that responded comprehensively to the concerns of the people. I wish that were true. If it were true, Sinn Féin would be taking a different position in this debate. The most salient fact to be drawn from the Council of Ministers meeting of last month is that the Government failed to secure a single change to the text of the Lisbon treaty.

When we vote on this matter on 2 October, we will vote on exactly the same treaty as was rejected by 53% of the electorate on 12 June 2008 — no amendments, additions or deletions. The so-called legally binding guarantees are nothing more than clarifications of the treaty. For those of us who took the time to read it the first time around, they tell us nothing new and in no way alter the content or our analysis of the treaty. They are simply an attempt to provide the Government with sufficient political cover to rerun a referendum on a treaty that already has been democratically rejected by the people.

Before dealing with the detail of the so-called guarantees, let me say a word about the Government’s claim that, if the treaty comes into force, each member state will keep its Commissioner. Unfortunately, I suspect a slight of hand, that is, rather than having secured each member state’s right to a permanent Commissioner, the Government has secured a deal that will last only five years, at which time the Lisbon treaty formula of a smaller rotating membership Commission will come into force in 2014. I call on the Minister for Foreign Affairs to clarify the position. Has he secured Ireland’s right to a permanent Commissioner or, as I suspect, has he secured a stay of execution lasting only five years?

Two of the key reasons a majority of the electorate rejected the Lisbon treaty in June were concerns over workers’ rights and public services. For the past decade, both the European Commission and the European Court of Justice have increasingly adopted right-wing neo-liberal policies and decisions in an attempt to “complete the internal market”. Adopting a rigid interpretation of EU treaty law, both the Commission and the court actively campaigned against what they believed to be “distortions to competition”. These included key aspects of workers’ rights, such as minimum pay agreements and rights to collective bargaining. They also included attempts to prize open public services such as health and education to the vagaries of the market.

Across the EU, trade unions and citizens understood these threats. In France and The Netherlands, the forerunner of the Lisbon treaty was defeated primarily, although not exclusively, because of these concerns. They were not addressed in the subsequent Lisbon treaty. In Ireland, the country’s largest union, SIPTU, could not endorse the treaty because of its con-

[Deputy Aengus Ó Snodaigh.]

cerns on these matters. Two of the state's largest unions, Unite and the TEEU, actively opposed it. According to the opinion polls, even a majority of Labour Party voters were opposed to the treaty because of concerns over workers' rights and public services.

Only hours after the result of last year's referendum was known, the Labour Party leader, Deputy Gilmore, understanding that many of his own supporters did not agree with him on the issue, was quick to tell anyone who was listening that the treaty was dead. Shortly after that referendum, he told the media the people had spoken and the result of the referendum must be fully respected. It is a pity he has not continued to espouse that view. He later said there can be no question of putting the same package to the people as was put to them before, yet he is supporting legislation in the House today that will put exactly the same package to them later this year. The referendum in October will be on exactly the same treaty as was rejected by more than 53% of the electorate in June 2008. I oppose the Bill.

Deputy Seán Sherlock: The date 2 October 2009 will be a seminal moment in our relationship with the European Union. If we pass the Lisbon treaty, we will say to our EU neighbours that we are on board and intend to proceed in partnership with them. By passing it, we will say to our EU partners that we want to see the establishment of areas of co-operation or shared competences, particularly in respect of the internal market, energy and economic and social cohesion. These are the areas on which we must focus if we are to be assisted in putting our economy back together and getting people back to work. Without these areas of co-operation, we will be forced to proceed alone. We cannot afford such a policy. We rely, from this juncture, on our EU partners to assist us in getting back on track. These provisions are built into the treaty and if we reject it for a second time, any assistance to be garnered from our EU partners will be nullified.

We are a shrewd people and have built our country on the management of relationships, either socially, politically or from a business perspective. Adopting the treaty will assist those relationships, particularly in the areas of foreign direct investment and EU research programmes, two areas that are vital to our economic growth and which are encompassed by the treaty. I hope we can continue to play a qualitative role as a member of the European Union in this regard and that we can continue what has been a long and fruitful relationship. I am grateful for our membership of the European Union because mine is the generation that has benefited most therefrom.

Membership of the Union and protection of our national interests are not mutually exclusive. In spite of the economic constraints upon us now, it will be through a deepened relationship with our EU partners that we will restore our economic vitality.

At the EU Foreign Ministers meeting held after the last referendum, our Minister for Foreign Affairs spoke on the diverse nature of the Irish debate and the overlap in that debate between issues that were relevant to the treaty and others that were not. Some of those extraneous issues, which have no part in the debate on treaty revision, have now been put to bed. The guarantees are secured and we should acknowledge that.

Our national interest is a strong Ireland within a strong European Union and one that is concerned with jobs, families and social solidarity. The Union consists of 27 countries and 490 million people and I make no apologies for contending we should be part of an integrated union that challenges the hegemony of the United States, China and Russia.

Our views in the Labour Party have been always tempered by a belief in social solidarity, as espoused in the European social model. That model of social solidarity has come under attack

from people such as our own Commissioner. Those who argue in favour of the retention of a Commissioner should ask themselves if the incumbent Irish Commissioner has acted in the best interest of this country or propagated an agenda that is contrary to our largely social democratic principles. I hope our next Commissioner will possess the egalitarian republican ideals once espoused by the Taoiseach. I am glad to note we have retained our Commissioner nonetheless.

The EU Commission, by its composition, has shifted to the right. That provides clear evidence of the need for the Union to reform its structures. The primacy of inter-institutionalism, that is, of an all-powerful Commission, must be challenged. I am not espousing intergovernmentalism *per se* because there must be a finely tuned balance between the two. The treaty provides such a compromise. That balance, as contained within this treaty, is provided for by extending the decision-making powers of the European Parliament, an institution that reflects the wishes of the peoples of Europe.

We, the peoples of Europe, must understand that the model underpinning the workings of the European Union has been dominated by those who have sought to de-regulate every aspect of our lives, especially within the realm of public services or services of general interest, as they are referred to in the treaty. I am glad we have made progress on that matter and that these services are recognised within the treaty.

We have seen the fruits of the Commission's labours — a European financial structure that is in tatters and an EU economy that is floundering. This is unsustainable and unbalanced. The way to redress the imbalance is to give more powers to the European Parliament. This will shift the power back to the people, the same people who are currently unemployed and face an uncertain future and who are rightly suspicious of their Governments and want to see jobs and the economy put to the forefront of the political agenda. The European Parliament will at least provide a counter-weight that will be more reflective of the wishes of the European peoples, even if it is dominated by the right. The Parliament, by its nature, because it does not govern unilaterally, is closer to the people and will reflect their concerns. It will ensure that job creation throughout Europe remains the first priority. That is provided for within the treaty.

The Lisbon treaty provides that the “ordinary legislative procedure” involves co-decision between the Council of Ministers and the European Parliament, with qualified majority voting in the Council of Ministers. This mechanism, by its nature, increases democratic control over legislation. This concept, however, is not debated widely because there is still a serious deficit of knowledge among legislators and the public as to the general powers of the European Parliament. Until every citizen has as much knowledge of how the Union works as they do of their local councils or even the Houses of the Oireachtas, treaty revisions will be dominated by issues such as those on which legal guarantees have been obtained and which form no part of the treaty.

The fact remains that we still do not understand how the whole mechanism works. Before I am accused of patronising anybody, I must state every single person to whom I spoke prior to the last referendum stated he or she did not understand the treaty or how it worked. That is a fact. How can I sell this treaty to anyone if the majority of us do not understand qualified majority voting or co-decision or know the difference between a directive, a regulation and a decision? We must inculcate our fellow citizens with knowledge of the workings of the institutions in a positive way. This must start in every school and from a young age. Until such time as this is achieved, there always will be opportunities for Governments and self-interested groups to take advantage of people's lack of knowledge.

[Deputy Seán Sherlock.]

There is still a dearth of knowledge. It is not sufficient for the Government to suggest it has delivered the goods in terms of legal guarantees or solemn declarations. There are many who were never exercised by these issues in the first instance. Most were exercised by the fact that they did not know what was in the treaty. There are many who were never exercised by these issues in the first instance.

We, in this House, are to blame for this. We have never set out to have a meaningful educational dialogue with our fellow citizens on the fundamentals of how the European Union works. That is partly why the referendum fell the last time. It could do so again unless we engage in a meaningful way with our fellow citizens.

Deputy Timmy Dooley: I wish to share time with Deputies Edward O’Keeffe and Michael Kitt.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Timmy Dooley: I welcome the opportunity to speak in this important debate and to recognise the good work of our negotiators at Government and official level. The Lisbon treaty charts the future direction of Europe, characterised by member states working together more efficiently and effectively to exploit shared opportunities and resolve common problems. The biggest issue the Union faces is how to bring about economic recovery, to provide jobs for our people and to protect those already in employment. We are required to improve financial regulation to protect the fabric of our economic structure which has come under considerable strain in the past 12 months. The treaty also concerns energy security, climate change, conflict resolution and judicial and police cooperation in civil and criminal matters. This country is bedevilled by the plague of drugs trafficked through and imported from other member states. It is vitally important to develop a cooperative environment between member states so that we can deal with those who continue to ply such an evil trade.

The Lisbon treaty does not concern some hidden agenda to destroy this country. It does not mean that some rogue state or bureaucracy is trying to undermine or dispossess Ireland, an idea that some on the “side seek to advance as a reason to reject the treaty. It involves updating the legal basis on which the relationship between the 27 member states is governed. It entails improving democracy through the increased participation of the European Parliament in decision-making. The parliaments of the member states will be involved in a manner that gives rise to increased input from national politicians and enhances transparency in a complex decision-making process. It feeds into the notion that we are somewhat removed and our citizens do not understand the EU institutions. I often wonder whether they have a full view of the operation of national and local institutions notwithstanding that they form part of the general discourse. Ireland’s media is to an extent removed from what happens in Brussels which creates a deficit in the flow of information. There is a good and compelling reason to have more debate here on issues dealt with at EU level that are important to this State. The involvement through the Oireachtas Joint Committee on European Affairs and the discussions in the plenary session of the House of EU issues will improve the public discourse and give people a better understanding of the issues which will help to deal with the knowledge deficit.

The treaty is designed to improve democracy within the Union by ensuring that the concerns of small member states are not ignored or overruled by the large blocs. Qualified majority does that. A veto is not democratic. To suggest that one country can hold up 26 others is undemocratic. It is a blocking mechanism and it does not serve the Union well. That is why the double

majority whereby 15 member states representing over 65% of the population is an effective mechanism to protect small states and prevent the large ones having their way. At the same time it allows the Union to progress on important issues because one country cannot prevent the entire Union from developing solutions to its problems. The citizens' initiative is an important aspect of improving the democratic process or ensuring that citizens can advance a case before the Commission that their national government has ignored.

The treaty also defines the competences of the Union and makes it clear that a competence not explicitly conferred on the Union remains with the member state. In the "No" campaign people sought to introduce extraneous issues which had no basis in any of the legal documentation and suggest in a convoluted way that the European Court of Justice might determine a particular matter that would have a negative impact on the citizens of this State. That is not the case although it has been put forward at almost every opportunity. I am not aware of any group of people that seeks to do that.

A large factor in the previous campaign was that collectively on the "Yes" side we failed to communicate our message although almost all the political parties, except Sinn Féin, supported the treaty. The parties who supported it took for granted that it would pass. There did not appear to be anything particularly contentious in it and we all expected that it would be alright on the night but it was not. We left the way open for the conspirators to influence public opinion. Sure enough there were plenty of far-fetched theories, of notions that some external body would collect up children as young as three years if their parents were not managing their families in the way certain groups believed they should. There were those who suggested that our corporation tax, which is so valuable to the protection of our jobs would be abolished, that young men and women would be conscripted into an EU army, that not only would the abortion issue be back but that we would have euthanasia too and stem cell research with all sorts of outrageous individuals crawling around the State. These conspirators sought to create something that did not exist anywhere in the text and was not in the minds of anybody within the so-called bureaucracy. We all stand indicted of a failure to promote the treaty, although a few of us succeeded in getting a "Yes" vote in our constituencies but perhaps we should have been able to get a greater majority and assist those who had difficulties in achieving it.

Deputy Aengus Ó Snodaigh: The Deputy got no thanks for that.

Deputy Timmy Dooley: We will see how that works out the next time, maybe the smile will be on the other side of our faces.

After the campaign the Government undertook significant research to find out what caused people who might otherwise have voted "Yes" to drift into the "No" camp. These included the abortion issue, which had been covered in the Maastricht treaty, social and ethical issues.

9 o'clock Militarisation and taxation were important and the loss of influence through the loss of a Commissioner. This reflects a lack of understanding of the EU institutions and the roles of the Commission, the Council of Ministers, the EU Council and the European Court of Justice. Some believed that without a Commissioner we would not have influence. Notwithstanding that, I met many who felt there were too many rules, regulations and directives coming from Europe and the fewer Commissioners, the smaller the body of rules and directives. That point was lost in the debate.

The work of our committee on European affairs, and particularly that of the Sub-committee on Ireland's Future in Europe, helped us to develop a model to ensure that we get over this information deficit. It was also helpful in identifying the price that we will pay if we fail to ratify the treaty. Some suggest that there is no price to pay but there is. Paul Rellis of Microsoft

[Deputy Timmy Dooley.]

and representatives of other multinationals who came before the committee said that if Ireland failed to ratify the treaty there would be implications for foreign direct investment because the lack of certainty from an investor's point of view would affect our capacity not just to create jobs but to retain the jobs we have. That was going to impact on our capacity not just to create jobs but to retain the jobs we already have.

There are reforms necessary within this House and they can be studied again at a later stage. All Oireachtas Members must be encouraged to take on a more active role in EU issues, and regular debates in this House will ultimately lead to a greater level of understanding in what goes on within the European institutions.

This is our chance to regain a central role as committed Europeans, gaining for our country through active participation and decision making. We must show leadership and move into this to a point where we do not feel fearful. We must bring certainty to our position as a leader rather than a follower in Europe and we must retain an active participatory role in shaping the future of the European Union. We must protect our advances, co-operate to resolve our difficulties and stand proud as an equal in a Union of diverse nations sharing common goals and objectives, and working to resolve differences within a framework based on the rule of law and set out and updated in the Lisbon treaty.

Deputy Michael P. Kitt: I support this treaty and congratulate the Minister and his officials on their negotiations. The treaty amends the two treaties upon which the Union is founded. I recall that when we discussed the issue before we voted the last time, we spoke about having an effective and efficient Europe and it is important to promote that in plain language.

We have seen the Union growing from six to 27 member states and we are very concerned about enhancing the role of national parliaments and the European Parliament while maintaining equal rights for all member states, particularly in the nomination of a Commissioner. The reduction in the number of Commissioners was dealt with in the Nice treaty and although it is not the most important issue to my mind, people felt there should be a voice for every country and it is important that the matter be considered.

I was glad to see a citizens' initiative in the treaty, where citizens of the Union would have a more direct say on EU matters. That is to be welcomed, along with the Charter of Fundamental Rights, which is legally binding for the Union institutions and member states when they implement European Union law.

For the first time there is reference to a provision for combating climate change. I am glad this is to be considered, particularly as it regards developing countries. I know the Minister is interested in developing countries and helping the poorest of the poor. It is a major issue and it is welcome in that context. There is a retention of unanimous voting in the Council of Ministers in policy areas such as taxation and defence. There has been much debate over the years about the need for the European Union to speak with one voice internationally and I welcome the appointment of a high representative for foreign affairs and security policy. That person will have the responsibility to make the Union have a clearer voice in international affairs.

The guarantees which have been fought for are very welcome and these assurances meet the people's concerns. They were finalised at the June 2009 European Council. Every speaker has referred to the nomination of a Commissioner, which is very important, as there were posters in the last campaign outlining that concern. There are also legal guarantees on the right to life, family and education, taxation and security and defence. The confirmation of the importance

which the Union attaches to workers' rights and social policy is one of the very welcome guarantees which have been given.

Some of the research carried out has been mentioned and I note the research done by Millward Brown. It shows a bigger turnout for the Lisbon treaty referendum compared to previous treaty votes, and the proportion of those voting "No" increased. There was also an issue concerning the amount of potential "Yes" voters who stayed at home, with one reason being the lack of understanding and knowledge of the issues. Those of us promoting a "Yes" vote in this instance must address that.

It is interesting that 60% of Irish voters believe Ireland's interests are best served by remaining fully involved in the European Union. Despite the outcome of the first Lisbon treaty referendum, Irish people are among the most positive in their attitudes toward the European Union. I understand 73% of people considered European Union membership to be very good and even among "No" voters, 63% saw the European Union as a good thing. That is well ahead of the European average of 52%. Many positive messages come from that research.

Concerns about Irish neutrality and possible conscription into a European army have been dealt with, along with issues relating to abortion. These matters were not contained in the treaty but they came up, so they have been dealt with through the guarantees. The research also addressed issues arising from advocating a referendum based on institutional reform, as this can be difficult. There is much more information available now in the national media and even among families, friends and colleagues. When we discussed issues such as institutional reform in the past, it was a big turn-off, so we must ensure the language is plain and simple on the next occasion.

I welcome the additional legal guarantees and assurances which will address the concerns of the Irish people. They have been confirmed by the European Union and I look forward to the referendum on 2 October.

Deputy Edward O'Keeffe: I am glad to have the opportunity to speak in this important debate. I canvassed very strongly in the last referendum campaign and to my disappointment, we were not successful. There was not enough hard work done in that campaign by political and interested parties on the island. Be that as it may, I congratulate the Minister for Foreign Affairs, Deputy Micheál Martin, on promoting this second referendum on the Lisbon treaty. He did a great job in getting the guarantees in Europe and I wish him well in the campaign, which I hope will be successful. It will not be any easy sell to the people.

The Minister has presented a very fine White Paper on the treaty but is any work being done in schools to educate our kids at all levels — including primary and post-primary levels — on the issue? They will speak to their parents and educate them on the importance of Europe from an Irish context.

We have gone through a very difficult period on this island in the past few months in the financial area. If we had been more generous in our support of the Lisbon treaty, we may have received much more support from Europe. If it were not for the European Central Bank, we would be in great difficulty in the country. Mr. Jean-Claude Trichet has been very helpful to Ireland in making funding available to help the economy and get us over this difficult period in our financial and economic history.

We are part of the bigger picture in the European Union. I read in a magazine this evening that 4 million people work in the agriculture industry in Germany, which is a significant number equivalent to the current Irish population. The Common Agricultural Policy is very important for Ireland but we have seen a great watering down of it in the past number of years. We have

[Deputy Edward O’Keeffe.]

seen the effect of the health check on rural life in Ireland and I would sound a warning on the difficulties in agriculture.

The farming and commercial sectors were the mainstay of Europe in 1973 and 1974 and they put us into the Union. The campaign was fought by Jack Lynch, Paddy Hillery and others, and it was a great boost and success for Ireland. Many of the peripheral parties, including that on my left, were opposed to it at the time. There will always be peripheral parties to oppose the good economic decisions. We are a peripheral nation surrounded by water. There is a high cost to get goods from this country to mainland Europe.

Deputy Martin Ferris: We fought a good campaign.

Deputy Edward O’Keeffe: The Deputy is in a peripheral party and can only stand up tonight to make a protest. He will not be able to divide the House.

Deputy Aengus Ó Snodaigh: We represent 54% of the people on this issue.

Deputy Edward O’Keeffe: The Deputy can keep quiet. I am glad there is a united approach in the House, apart from the smaller groupings, as that is very important. We should not be complacent because if we had more debate, we could better educate people. There are many relevant points in the White Paper.

I had the privilege of travelling through Munster and meeting many Deputies and councillors in the last European election campaign. I got a handful of votes in that so I got some recognition. Rural areas of Munster — from Nenagh to Castletownbere and from Kenmare to the border of Waterford and Wexford — are completely dependent on agriculture. Industry in many rural towns in these areas is based on agriculture. That fact is often forgotten. Some 4 million people out of a total population of 90 million in Germany work in agriculture, particularly in the area of farming.

The economic scene in Ireland is driven by the dairy industry, which is in difficulty at present. We have the support of the German Chancellor at meetings of the Council of Ministers and the Heads of Government in respect of this matter. However, we do not have that of Commissioner Fischer Boel who is pursuing a different agenda. Emergency aid is required in order that rural farming and the rural dairy industry might be supported. European agriculture cannot survive without such support. We cannot compete with countries in the south Atlantic, such as Brazil, or those in the Pacific, such as New Zealand. There is no point in stating that matters are different.

This will become an issue for those who live in rural areas during the forthcoming campaign. I am a good friend of the Minister for Foreign Affairs and I want to speak fairly and honestly to him. Many farmers are not able to make ends meet because they are being paid only 20 cent or less a litre in respect of the milk they produce. New Zealand currently produces 17 million tonnes of milk, while Ireland produces 5 million. As a result, there is a real issue of concern for those involved in agriculture in Ireland and throughout Europe.

People who live in rural areas have always been one of the mainstays of this country. In addition, rural industry is extremely important. I ask the Minister for Foreign Affairs, who is an able negotiator, who has enjoyed great success in the portfolios he has held and of whom we are very proud, to use his influence in respect of this matter. If the referendum is carried, I hope he and I will be able to celebrate his success in Cork on 3 October. I wish him well.

Deputy Tom Hayes: That would be a good occasion for the Minister to announce he intends to take a shot at becoming party leader.

An Ceann Comhairle: It will be a good occasion for drinking Murphy's stout.

Deputy Paul Connaughton: There will be fireworks that night, please God. I wish to share time with Deputies Perry and Tom Hayes.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Paul Connaughton: Like almost every other Member of the House, I am of the view that the referendum on 2 October will be a crucial test for the Irish nation and its people. I have been a Deputy for some time and I cannot recall a more important test.

Despite the complexities of the EU laws deemed necessary to help direct the lives of 500 million people across 27 countries, there are few enough questions which arise to be answered in respect of those laws. When the referendum is held on 2 October, everyone will be required to answer a central question, namely, whether the 4.2 million people who live in this country, which is located on the periphery of Europe, should enjoy the benefits — and in some instances the shortcomings — of having access to the potentially massive market that exists across the 27 countries of the Union. They must also evaluate whether we have a better chance of selling, at a premium, the vast array of goods and services we produce inside or outside the European Union. In other words, we must ask whether we need the EU more than it needs us.

Will Ireland's participation as a fully integrated member of the EU lead to low interest rates? There is no question that Ireland will be always a member of the Union but we must ask whether we will be at the centre of things if we reject the Lisbon treaty. If Ireland remains on the periphery of Europe, literally and otherwise, will that be good or bad for the countless thousands of young couples that are up to their eyeballs in debt as a result of the large mortgages they took out to purchase their homes?

Will the changes that have been introduced to the Lisbon treaty make the mood more conducive in the context of allowing people to make up their own minds or will the famous slogan "If in doubt, leave it out" so successfully employed by the anti-Lisbon treaty lobby during the previous campaign again hold sway. I heard that slogan on a thousand occasions when campaigning on the previous occasion. Many people said they did not fully understand the treaty and that those opposing it must be right so, therefore, they voted "No". That is a trap into which we cannot fall on this occasion.

As already stated, the laws governing the EU are extremely complex. Hundreds of students write PhDs on the subject each year. However, I am concerned with regard to the fundamental questions that arise for the ordinary man and woman which will have to be answered prior to 2 October. If one were to research and study the myriad laws deemed necessary to run Galway County Council, not to mention a Department, one would easily come to understand how seemingly complex are the laws required to order the lives of 500 million people across 27 countries. That does not mean, however, that we should not try to bring the EU closer to every citizen of the Union.

In 1971 I was involved with *Macra na Feirme*, which canvassed extensively to bring about Ireland's access to the then EEC. The principles behind the EU, which I do not have time to discuss in detail at this point, are the same now as they were then.

We must ask whether the new version of the Lisbon treaty is more appropriate than that which was rejected by the people. Many people either did not vote on the previous occasion

[Deputy Paul Connaughton.]

or they voted “No”. In fairness to the Minister, the Government, the leaders of Fine Gael and the Labour Party and everyone else involved, I am genuinely of the view that the new version is more appropriate. I wish to provide a number of examples in that regard. I know the Minister has heard them a thousand times but there is no harm in placing them on record again.

I have always believed that preventing each country from having a Commissioner was a major mistake and I said so during the previous referendum campaign. Not only did those on the Minister’s side of the House disagree with me, so too did certain Members on this side. Irish people and those of most other nationalities like to see their man at the centre of power. Whether they are right or wrong in this regard is another story altogether. The fact is, however, that many Irish people want to see one of their compatriots representing them in the green jersey. It can be argued that this is not what EU Commissioners do. However, countless hundreds of people in my constituency did not vote on the previous occasion because Ireland was going to lose its Commissioner. I sincerely hope that the fact that this will no longer be the case will make a major difference to the result on 2 October.

The issue with which we are dealing is extremely complex. The European Union is comprised of separate countries which have many and diverse interests and among which there are vast cultural differences. These countries are joined by a strong thread which demands a Europe of rights and values, freedom, solidarity and security. Citizens’ rights, the Charter of Fundamental Human Rights and the freedom of European citizens surely must be core democratic principles to which all law-abiding people in Europe — and their counterparts throughout the world — would aspire. In light of the principles it espouses, it is fitting that Irish people are at the heart of something as great as the European Union.

I agree with Deputy Ned O’Keeffe’s assertions in respect of farming and agriculture. However, I do not have time to deal with that matter now. Although it was presented as being otherwise, it always has been the case that, under the Lisbon treaty, we will retain control over our tax rates. That is a major issue for the Irish people. If I succeeded in doing nothing else other than getting that message across, I would be satisfied. This is an extremely important matter.

We must move forward and run the referendum campaign on the basis that we have respect for those who wish to vote “No”. We must take into account their views but we must also get our point across and ensure there is a resounding “Yes” vote.

Deputy Tom Hayes: Like other Members, I am glad to have the opportunity to express my views on the re-running of the referendum on the Lisbon treaty. Like many Members, I canvassed during the last referendum but as was noted earlier, collectively they took their eyes off the ball in respect of the issues with which they were being confronted. As politicians and parliamentarians and people with their ears to the ground, Members should have known the reason that 53% of the electorate voted against it. They should have been more in touch and should have been able to understand the people’s thinking. However, Members also failed to tell or explain to the people what was involved in the Lisbon treaty. Barely a week elapsed after the vote before people began to state they voted “No” or abstained because they did not understand the treaty. Consequently, a great number of people did not understand the treaty and as we face into another referendum, it would be naïve to allow the same thing to happen.

Members should consider how this country has gained so much from its membership of the European Union. However, more than 418,000 people are unemployed at present and that number is rising. Last Tuesday, I was in Tipperary town before leaving for Dublin and saw hundreds or perhaps thousands of people standing on the footpaths in the dole queue. I won-

dered what such people will do when the Lisbon treaty referendum is put before them. While I do not know, I believe Members have a duty and a responsibility to find out what they will do and what are their concerns. These people who now find themselves unemployed have never been out of work previously. Only recently, I read that our stock in the United States of America, particularly in respect of industrialists who might be considering locating here, never has been so low. I spoke to someone who has been involved with such individuals recently and it was explained to me that because we voted “No” in the last referendum, American industrialists are not coming to Ireland as a result. Is this true or false? The people on the live register and in the dole queues should be made aware of the real consequences for Ireland if there is another “No” vote. This is a vital issue that must be explained to people. The population is educated and if people understand the consequences of a “No” vote, many will go to the polling booths and do what both the Minister and Fine Gael wants them to do. It is of major concern to me that the Minister should get over this hurdle.

The second issue I wish to address is that of agriculture. A huge number of farmers voted against the Lisbon treaty in the last referendum and the IFA must bear some responsibility in this regard. At a protest march it held not too far from Leinster House, it stated it would recommend a “No” vote unless the Government did what it was asked. Many people left Dublin and went back to places like Tipperary, having decided to take it out on the Government by voting “No”, which they did. I believe the Government has a responsibility to point out what is happening.

However, matters were not helped today when the Minister for Agriculture, Fisheries and Food announced the REP scheme would be stopped. I was amazed to receive a call to that effect from a constituent this afternoon. The REP scheme is extremely valuable to many people across every county in Ireland and Deputies Ned O’Keeffe and Connaughton spoke previously on the importance of agriculture and rural communities. However, making such a statement within a few months of another Lisbon treaty referendum will drive a wedge between the Government and all members of the farming community who have become involved in a REP scheme. They associate it with Europe and perceive it to be of European origin but today’s news was like driving a nail into that coffin. Many people in rural areas believe that Europe has been hard on them and that directives and legislation has made their life more difficult.

Members must bring such people with them because Ireland needs Europe. I understand, just as well as any other representative of a rural constituency, how much we have gained from Europe over the years. I have listened to the arguments of those who assert we would be better off outside the Union or by standing up to Europe or that we would be better off without the Lisbon treaty. They are the same people as those who, when the referendum was first held on joining Europe, argued that Ireland should not do so. Deputy Connaughton spoke earlier of the time when he was a member of Macra na Feirme. As a young man, I attended a Macra na Feirme rally in Listowel. I walked through its streets and I will never forget the number of people there who argued for a “No” vote and that we should not join Europe. Ireland was a poor country then and we were badly off. However, the same people were putting up identical arguments again during the last referendum and will be arguing against the treaty when it comes before the people in the next few months.

I wish to make two suggestions to the Minister. The unemployed people who can be found in every town, village and county across this country should be given an explanation of how they would be better off, were we in Europe, as well as of the consequences were we to be left behind, because that is what is happening. The second group of real concern are those people associated with agriculture and who are involved in the farming industry. Whatever happens

[Deputy Tom Hayes.]

between now and October 2, there should be no further clangers, such as the one made this afternoon. All Members will work and will do what they can. While they will canvass and campaign, and I am giving a commitment in the House this evening that I will do more canvassing than ever, I ask the Government to give Members a hand in respect of those issues.

Deputy John Perry: I compliment Deputy Tom Hayes on the important points he has just made. The Minister will have taken on board the point that the reactions from the farming, business and other sectors are very important. I compliment the Minister on the White Paper, which is a highly readable document and welcome this opportunity to debate the Bill. If approved, the Bill will allow Ireland to ratify the Lisbon treaty. It is therefore of vital importance in defining Ireland's future in the European Union and the economic and social future of this country. I will be wholeheartedly supporting the treaty and will urge the people of my constituency to agree to ratify it in the referendum to be held on 2 October.

When Ireland joined the EEC in 1973 there were nine member state. Now that the Union has expanded to 27, common sense dictates that a larger organisation, like any business, must revise its rules to advance the common good and streamlining the decision-making process of the EU institutions will make them more effective, efficient and flexible. In our capacities as the chairs of the Oireachtas joint committees pertaining to European matters, Deputy Durkan and I visited Stockholm last weekend. On visiting the Parliament there, we encountered great expectation and determination and there will be bitter disappointment unless this measure is ratified for the benefit of the entire Union.

The Irish people have a unique chance in the referendum on 2 October to give their verdict on the proposed modernisation of the EU institutions as set out in the Lisbon Treaty. The treaty offers the best deal for Ireland and for Europe. The treaty represents the best balance of interest between co-operating with other EU member states and the protection of our national interests. These national interests have been further protected on foot of the European Council decision of 19 June, on which I compliment the Minister, which put beyond any doubt that the Lisbon treaty will not affect in any way Ireland's taxation policy, which is critically important, our traditional policy of military neutrality and our constitutional provisions in respect of the right life, education and family. There is also agreement that Ireland will retain its Commissioner if the treaty is ratified, which is highly important.

However, it is not simply for these reasons that I consider the treaty to be good for Ireland and for Europe. The Lisbon treaty goes further than any other treaty in enhancing the democratic accountability and legitimacy of the European Union. I refer in particular to its new title on democratic provisions, which for the first time will give national parliaments, including the Oireachtas, a formal standing within the European Union's institutional architecture. A point that was not sold the last time was that of the role of Dáil and Seanad Éireann and the enhanced powers were not explained effectively. This issue is dealt with well in chapters 2 and 4 of the White Paper.

As part of the overall package, the Lisbon treaty seeks to involve national Parliaments more closely in EU policy making. The treaty aims to encourage the involvement of Dáil Éireann and Seanad Éireann as a means to ensure that decisions are taken as closely as possible to the citizens of Ireland and the Union. According to Article 5, national Parliaments will become the guardians of the principle of subsidiarity, dealt with in chapters 2 and 4 of Annexe A. Subsidiarity ensures the EU only acts within the limits of the powers conferred on it by the member states. All draft EU laws will have to be forwarded to Dáil Éireann for scrutiny. Eight

weeks will have to pass before draft laws can be put on the agenda and a further ten days must elapse before a position can be taken.

I refer to holding the Government to account. Under a yellow and orange card mechanism, Dáil Éireann can oblige the European Commission to re-think a draft legislative proposal. The proposal can even be defeated if the Council of Ministers or the European Parliament support the opinion of a majority of the national parliaments.

The Joint Committee on European Scrutiny published a report in May 2008 on the new provisions of the Lisbon treaty enhancing the role of national Parliaments, which was debated in this House in June 2008. In this report, the committee strongly supports the Lisbon treaty provisions that would enhance the role of Dáil Éireann in the EU political process. The committee noted that the proposals have been supported by the European Parliament. The committee strongly recommends that significant reforms are made to Dáil and Seanad procedures to ensure regular consideration of EU matters in plenary session. The Ceann Comhairle has also examined this matter. As an important start, we recommend that the Dáil and Seanad should allocate at least one day a month to consider EU business.

If the treaty is approved by the people, which I hope it is, the Oireachtas will have to decide how to implement these important democratic provisions. The Joint Committee on European Scrutiny has already built up much knowledge and expertise in the area of checking that draft EU laws respect the principle of subsidiarity. I envisage this committee having a role in implementing the new powers given to the Oireachtas under the Lisbon treaty. The treaty will also enable national parliaments, including the Oireachtas, to take part in any future treaty revisions. If the proposed amendment to the treaties involves a change from unanimous decision making to qualified majority voting or co-decision, any individual parliament has the right to veto the proposal. This is an important debate. We cannot get it wrong on this occasion. There is an obligation on all parliamentarians to canvass so that this referendum is passed.

Deputy Niall Collins: I wish to share time with Deputy Finian McGrath.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Niall Collins: I am grateful for the opportunity to contribute to a discussion on the future of this country. The forthcoming referendum on the Lisbon treaty represents a significant crossroads for our society and our country as a member state of the European Union. It is clear to those who live here and visit that we have derived many benefits since our membership of the EU began. One can travel to any part of the country for physical examples such as road and other infrastructural projects and read the information boards that demonstrate the contribution membership of the EU has made to these projects. The business and farming sectors have benefitted greatly over the years. Membership is imperative from that point of view.

Last week the Commissioner for Employment, Social Affairs and Equal Opportunities, Vladimír Špidla, visited the mid-west, where an application to the globalisation fund by the Government is under consideration by the European Commission. A significant amount of funding will be made available to those in the mid-west arising from the many job losses we have experienced over the years.

Members of the farming community will be honest in saying that membership of the EU has benefitted them. There is a downside but the benefits have outweighed it. We have an issue with regulation and red tape but having a diminished influence on the EU will not help the cause of rectifying that issue. In the constituency of Limerick West, approximately 18,000

[Deputy Niall Collins.]

people voted in favour while 21,000 people voted “No”. The margin was 3,000 people and I, along with my Oireachtas colleagues, will be making a determined effort to deliver a majority “Yes” vote on this occasion. It is important to point out to those who had doubts on the last occasion that issues such as taxation, the Commissioner, social issues such as abortion and religion, common defence and Irish neutrality have been copperfastened and protected. A number of people who I spoke to have greater confidence since the Minister for Foreign Affairs, Deputy Micheál Martin, and the Taoiseach returned with the declarations on legal undertakings. They are moving towards the “Yes” side of the campaign.

We must take on board the lessons learned from the last campaign. There is an onus on all political parties to engage fully. We did this to some degree last time and the criticism of political parties that advocated a “Yes” vote on the last occasion was not all fair. Fianna Fáil organised a number of public meetings in my constituency. In one case I sent out 4,000 communications to members of the public inviting them to an information session on the Lisbon treaty but only 80 people showed up. It is difficult to engage the public on this matter but there is also an onus on members of the public to inform themselves. In the fallout from the last referendum, people said they did not know what the referendum was about and did not understand it. It is a complex issue but I must ask whether they took the time to read the documentation supplied by the referendum commission or consulted the websites of political parties to see how they attempted to explain the issues. There is a responsibility on members of the public to inform themselves.

As Deputy Tom Hayes stated, there is a responsibility on organisations such as the IFA, the trade unions and the church to play their part. In the last campaign I was campaigning outside a church, when a number of people unknown to me appeared and distributed “No” literature with pictures of Pope Benedict on it.

Deputy Finian McGrath: It definitely was not me.

Deputy Niall Collins: It is very important for the future of this country that the Lisbon treaty is carried with a positive message that our place is at the heart of Europe and that we maintain our influence in it.

Deputy Finian McGrath: I thank the Ceann Comhairle for the opportunity to speak on this very important debate on the Lisbon treaty. All politicians should listen to the people and, at the same time, be open to change. I voted “No” in the last referendum on the Lisbon treaty because I had serious concerns about the lack of an Irish voice on the EU Commission, the incorporation of the European Defence Agency into the treaties, the threat to our neutrality, tax issues, workers’ rights, the threat to the Oireachtas and the need to build a more democratic and peaceful Europe. I set out my stall to the Irish people and voted “No”. The vast majority of people supported that position.

I am in the middle of a detailed consultation process with my election team and supporters. I have met the Minister for Foreign Affairs twice and I will probably meet him again. I am not happy with some of the people involved in the “Yes” campaign, especially those who claim to be democrats but act in an arrogant manner. However, this debate is bigger than me and I have a duty to put the interests of the Irish people first. I will not play politics and I will do my best to make an informed decision. I always have been an internationalist, supporting human rights across the globe and not just in the EU. During the debate I wanted firm and legal guarantees. I also wanted a commitment to a protocol. We appear to have achieved these objectives as there is now a package of legally binding guarantees on the table. I must examine

them seriously; I cannot walk away and say “No” for the sake of saying “No”. For me, the second treatment of the Lisbon treaty is a step in the right direction. We appear to remain in control of our own tax rates, Ireland’s traditional policy of military neutrality seems to be guaranteed and there is a solemn declaration making clear the importance of workers’ rights and public services. Can I ignore cast-iron legal guarantees on taxation or neutrality?

In the coming weeks I will work closely with my election team and participate in the debate. I will remain open and make up my mind on the facts. I will ignore the spin and challenge any politicians who use the issues for personal or political gain. It was disgraceful in the last referendum when politicians used posters to push themselves rather than to explain the issues to our people. It is time to grow up and be straight with our citizens. The Irish electorate is sophisticated and can spot the game players. I urge everyone to listen to the debate and then to make up their minds; do not be bullied by misinformation.

I still have major concerns about the Lisbon treaty and the activities of some people in the European Union. However, this will not stop me making a decision in the interests of the Irish people. I have moved from being a “No” voter to being a floating voter. I am open to the development of a more peaceful and democratic Europe; that is my clear position. As a democrat I must be extremely respectful of the fact that 53.4% of the Irish people voted “No” the last time compared to a “Yes” vote of 46.6%, although the turnout was 53%. All democrats in the House must seriously consider this position.

During the previous campaign I strongly supported the Peace and Neutrality Alliance, PANA. In May it stated there would be a “Yes” vote on the Lisbon treaty if there was a legal guarantee on neutrality and we now appear to have this. In April, it urged people to insist on a protocol and we seem to have obtained that. It is important that we re-examine the details of the legally binding guarantee. The Lisbon treaty does not affect or prejudice Irish traditional policy of military neutrality. It does not provide for the creation of a European army or for conscription to any military formation. It does not affect the right of Ireland to determine the nature and volume of its defence and security expenditure. I welcome the Government’s proposal on the European Defence Agency and the legislation. I urge people to listen to the debate. I call for a balanced debate in which people deal with facts and let the Irish people make up their minds.

Deputy Andrew Doyle: I thank the Deputies for making time for me. I listened with interest to the debate for most of the afternoon. In response to some of the points raised, the European model replaced centuries of anything but neutrality. We had allied nations, nations behind the Iron Curtain, and nations being as neutral as they could, such as Ireland, Holland and Belgium. Every neutral country got rolled over by one of the axis, allied or Iron Curtain states and we had centuries of this. The reason the European model has worked is that it was totally different; it set about bringing peace and stability, food security, employment and a better life for the now 500 million citizens.

When we joined in 1973 it comprised nine states and there are now 27. Any organisation, company or business that expands threefold will have to change how it does its business and operates. The voters of this country are sophisticated but they do not want a simple message made complicated. They want what is involved explained honestly in black and white. Since the first referendum on the Lisbon treaty was defeated, clarity has been brought to a certain number of issues which were of concern to many people, namely, tax, neutrality, qualified majority voting, defence, and the determination of our social and moral policy issues.

[Deputy Andrew Doyle.]

The danger is that from now on we will state we have done all that and people should vote for it. We have to continue to engage with people. Unfortunately, the previous referendum date was announced by a Taoiseach who was about to leave office. The way in which it was announced this time is much more helpful and we know what we have to do. I ask all sides to pull back from political brinkmanship — Independent Members as well as party Members — and let us engage in a true, proper and informed campaign to convince the people honestly that this is the best road to go.

Minister for Foreign Affairs (Deputy Micheál Martin): I thank all Deputies for their contributions to today's debate. By and large it was constructive and I will endeavour to respond to a number of issues that Members raised. To cut to the chase, Deputy Ó Snodaigh raised a number of points that need to be dealt with quickly. He put forward the idea that we had negotiated a behind the scenes deal which would mean having a commissioner for only five years. In response to Irish concerns about the Commission, it is now agreed by the European Council of Ministers that each member state will continue to have the right to nominate a commissioner. This will be a permanent arrangement and the formal decision on it will be taken after the Lisbon treaty enters into force. If the Lisbon treaty is not ratified the Commission to be appointed in November 2009 will need to have fewer than 27 members; not all countries can be represented if we stick to the Nice treaty rules. The only way in which we can be guaranteed to keep our commissioner is to ratify the Lisbon treaty and let us have no ifs or buts about that.

Deputy Arthur Morgan: There is no guarantee.

Deputy Micheál Martin: If one votes “No” this time we will lose our commissioner. I will quote from the Council's conclusions which state:

Having carefully noted the concerns of the Irish people as set out by the Taoiseach, the European Council, at its meeting of 11-12 December 2008, agreed that, provided the Treaty of Lisbon enters into force, a decision would be taken, in accordance with the necessary legal procedures, to the effect that the Commission shall continue to include one national of each Member State.

Nothing could be clearer than that and Deputy Ó Snodaigh should not raise false hares on this issue.

Deputy Ó Snodaigh also contends that the Government will put the very same treaty before the people for a second time. The package to be put to the people this year will be different from last year; it will involve the retention of an Irish commissioner, which is a fundamental difference. We should recall that every poster on the lamp posts last time called for a “No” vote to keep the commissioner.

Deputy Arthur Morgan: Last time the Minister told us we could not do so.

Deputy Micheál Martin: We have negotiated and now we can.

Deputy Arthur Morgan: So the Minister was wrong.

Deputy Micheál Martin: That is a product of the campaign and I acknowledge it.

Deputy Aengus Ó Snodaigh: The Minister should have negotiated harder.

Deputy Micheál Martin: The bottom line is that it would be honest of Deputy Ó Snodaigh to acknowledge it.

Deputy Arthur Morgan: We acknowledge the wisdom of the people to reject it so the Minister could achieve having a commissioner.

Deputy Micheál Martin: A “Yes” vote will enable us and every other member state to retain a commissioner.

The package we are putting forward will also include legally binding guarantees on ethical issues, taxation and our traditional policy of military neutrality. Those who were concerned about those issues last year can be completely reassured by the guarantees we have secured. The commitments and legal guarantees are clear and unambiguous. To ensure that these legal guarantees have full European Union treaty status our European Union partners have agreed that they will be incorporated into a protocol to the European Union treaties at the time of the next EU accession treaty which will most likely be 2010 or 2011. That was not on the table on the previous occasion and it is a significant additional element to the package we are putting before the people.

With regard to amendments to Article 48 of the Treaty on European Union, TEU, which according to Deputy Ó Snodaigh will allow for changes to be made to the treaties without recourse to a full democratic process of negotiation, that is not true. Article 48 of the TEU as amended by the treaty of Lisbon provides that any future move to confer additional powers on the EU or to alter the provisions of the treaties will continue to require an intergovernmental conference and this is known as the ordinary revision procedure. A proposal to amend the European Union internal policies in a way that does not increase the Union’s competencies would not require an intergovernmental conference and this procedure is referred to as a simplified revision procedure. Any such decision would still have to be ratified in accordance with the constitutional requirements of each member state. In Ireland, this means that advice will be sought from the Attorney General on each occasion as to whether a referendum is required.

The Lisbon treaty also contains another simplified revision procedure. This provides that the European Council, acting unanimously, can decide that a policy should in future be decided by qualified majority voting rather than unanimity. Any such decision can be vetoed by any government or any national parliament. This procedure cannot be used with respect to security and defence matters. The procedure is intended for cases where all member states and all parliaments are of the opinion that a certain issue can be decided by qualified majority voting. The need for complete unanimity means that this procedure will, probably, be rarely used. It is key that even in these limited circumstances, nothing can be done without all governments and parliaments being in agreement.

I agree with the point made by Deputy Ned O’Keeffe with regard to schools and the ongoing need to provide information to the generation to come. As part of the communicating Europe initiative, we have provided funding for a number of school-based projects and for curriculum development activities. In particular, we are working with the Department of Education and Science and the NCCA in terms of the European content of the SPHE curriculum. Our website, *eumatters.ie*, will be a valuable resource for teachers and students looking for accessible information on Europe. We will also forward copies of the White Paper to all primary and secondary schools in September for their libraries as a resource for children doing projects on Europe and so on. The websites on both the Lisbon treaty and EU matters will provide a comprehensive resource for our teachers and schools on the European Union generally.

[Deputy Micheál Martin.]

I appreciate the comments made by Deputy Finian McGrath. He made an interesting contribution this evening in so far as he voted “No” on the last occasion. He has indicated that he has an open mind on this occasion. I have had two meetings with him and he acknowledged then that substantial change had occurred in terms of the legal guarantees. He was particularly impressed with the guarantees with regard to the traditional policy on military neutrality and the defence issues, about which he and his team had concerns. He has indicated that he wishes to meet me again and I will respond positively. That is important.

Deputy Billy Timmins: If Deputy McGrath is happy, we are all happy.

Deputy Joe Costello: He is on the road to Damascus.

Deputy Micheál Martin: It is important we engage with people who voted “No” the last time. It is important we acknowledge the points raised by those who voted “No”. The guarantees we have secured do that in a comprehensive way. We must reach out to and engage with people to make progress on the big picture. The big picture is the economic situation.

People may not realise it, but the Lisbon treaty is the outcome of almost ten years discussion. As the Minister of State, Deputy Roche, said today, no work has ever been more painstakingly gone through than all of the preparatory work that went into the Lisbon treaty. Deputies will recall it was born out of a declaration on the future of the European Union agreed with the then 15 member states back in 2000. They declared an enlarged Union would need better institutions and structures, would need to come closer to its citizens and be more responsive to their needs and expectations.

This early proposal was followed by a convention, which was a major innovation. The convention included not just representatives of the member state governments, but also national parliamentarians and representatives of the European Commission and European Parliament. Their draft treaty was then the focus of an Intergovernmental Conference in 2003 and, after a period of reflection, a second one in 2007. The outcome of each step in the process was made public. Therefore, the treaty is not the property of men in grey suits hiding in smoke-filled rooms. It is the creation of people like us and our counterparts across the Continent. In other words, it was parliamentarians from all across Europe who created the Lisbon treaty. It was created by parliamentarians and public representatives of all political colours doing what they do best, searching for agreement on matters of common concern that will serve the interests of the people they represent.

I say all this because there are people outside this House who try to dismiss the entire European Union reform process as an autocratic power grab. They ignore the evidence of 50 years of European solidarity and burden-sharing and try to pass it all off as part of an elaborate conspiracy theory. Can anyone really imagine that we would have spent the last ten years doing anything other than seeking to serve the best interests of our electorate? Can it be seriously believed that elected politicians would conspire to hand over authority to unelected bureaucrats, as some eurosceptics claim? Where is the evidence that the big member states have done a smash and grab job at the expense of smaller states like Ireland? If the Union is such a bad deal, where did the agricultural subsidies and structural funds come from?

Today, we have spent time discussing voting rights, qualified majority voting, double majority voting, co-decisions, the ordinary legislative procedure and the *passerelle* clause. It is true we need to look at these closely and, no doubt, we will need to spend time over the coming months explaining them to voters. However, let us not lose sight of reality. The reality is that the Union

works best when it operates by consensus. Issues seldom go to a vote, and if they do, it is often a sign of poor chairmanship more than anything else. Indeed, for all the talk about losing the veto, we have only ever used it once and that was in the 1980s.

The European Union is, fundamentally, a democratic organisation, and let no-one say otherwise. The Lisbon treaty makes a democratic organisation even more democratic. As we have heard today, it gives more to us as national parliamentarians elected by the people. Our colleagues in the European Parliament are given a greater role too. The citizens, the people who elect us, will benefit from a new citizens initiative which will allow them to petition the institutions in Brussels, Luxembourg and Strasbourg on the issues that matter most to them. Citizens would also be given greater rights of access to the European Court of Justice.

What is so objectionable about giving power to the people and about bringing the institutions and decision-making process closer to the people we serve? The Lisbon treaty is based on equality between the member states. I know that because the treaty itself says so. It also sets out the Union's aims and values in a very clear manner. These include, respect for human dignity, freedom, democracy, the rule of law and respect for human rights. This is what the treaty says. Who can reasonably object to these aims? Is there anyone in this House who is ready to present himself or herself as the voice for opponents of dignity, freedom or democracy in the forthcoming campaign? Who will climb lamp-posts across the country to put up posters for the anti-human rights lobby?

The Union's aims are, according to the treaty, to "promote peace, its values and the well-being of its peoples". When voters are told that the European Union is a neo-liberal conspiracy, where is the evidence for that? The treaty states otherwise. It talks about a social market economy, full employment and social progress, combating social exclusion and social justice. Those who rattle on about the European Union's neo-liberal agenda should read the treaty, where they will discover a very different Union from the one their pet conspiracy theory conjures up.

It will be the responsibility of every Deputy in the House to ensure that the provisions in the Charter of Fundamental Rights on collective bargaining, protection in the event of unjustified dismissal, the right to fair and just working conditions, parental leave and rights on social security and assistance are not airbrushed out of this campaign. The charter will be given legal status by the treaty. Over the next few months, we should not let the eurosceptics prevent us from getting the message across about the horizontal social clause in the treaty. For the first time ever, the Union will be obliged to consider the social consequences of decisions when making policy. If the treaty is ratified, the Union's aims will include full employment and social progress.

The European Union is a force for good at home and abroad. It is the world's largest aid donor to the developing world, with the Commission and member states combined giving assistance worth €49 billion. The creation of a new post, the High Representative for Foreign Affairs and Security Policy, would improve the Union's capacity to carry out its international responsibilities. This extends to the Union's peace support role. Indeed, Deputies will have noted the tribute paid by the United Nations Secretary General, Ban Ki-Moon, who hailed the European Union yesterday as one of the UN's most important partners. The European Union can also play a major role in global challenges such as climate change and the energy crisis. The Lisbon treaty gives us the tools we need to deliver on these issues.

This is a crucial time in the country's history for the next generation. We need to pass the Lisbon treaty to open up the possibilities it provides for new initiatives that will encourage the participation of young people in the democratic life of Europe. If we are to successfully address

[Deputy Micheál Martin.]

climate change, the energy crisis and the global recession, we need the talents of all, young and old, on board. Lisbon is the vehicle which can bring us all together more effectively and that can open up new horizons and new opportunities across the Continent.

I would like to comment on the issue of the German Constitutional Court judgment, which was raised today. It confirms what the Government has been saying about the Lisbon treaty. The German Constitutional Court states that the Lisbon treaty does not create an EU super-state, that the member states remain sovereign and are the masters of the European Union, that the European Union can only operate on the basis of the competences conferred on it by the member states and that member states retain control of areas such as tax and defence. The German court was completely satisfied that the treaty of Lisbon was fully in accordance with the German basic law.

The German court went on to say that domestic legislation would be required in advance of ratification of the treaty. It was anxious to ensure that the German Parliament exercises control over matters such as the use of the *passerelle* clause, enhanced co-operation and justice and home affairs, the very issues covered by subsections 7° and 8° of the Bill before the House today.

I appreciate the Chair's forbearance and tolerance and thank all Members for their contributions. The European Defence Agency Bill will be published shortly. The heads have gone to Government and it will be available well in advance of the date of the referendum.

On the workers' rights issue, in terms of the Laval and other judgments, it is important to note that these judgments are case and country specific. They could not arise in Ireland because we have a strong body of employment rights legislation, the national minimum wage, registered employment agreements and employment regulation orders, all of which protect the rights of Irish workers. This is why the Laval judgment could not have happened in Ireland, so let us not spread confusion about this.

I appreciate all of the contributions that have been made. To conclude, ratification of the Lisbon treaty will strengthen Ireland's position within the Union and will be a significant factor in contributing to Irish economic recovery.

An Ceann Comhairle: As it is now 10 p.m. I am obliged to put the following question in accordance with an order of the Dáil of this day: "Go léifear an Bille an Dara hUair anois." "That the Bill be now read a Second Time."

Cuireadh an cheist.

Question put.

Deputies: Votáil.

An Leas-Cheann Comhairle: Will the Deputies claiming a division please rise?

Deputies Ferris, Morgan, Ó Caoláin, Ó Snodaigh and Maureen O'Sullivan rose.

An Leas-Cheann Comhairle: As fewer than ten Deputies 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.

Faisnéiseadh go rabhtas tar éis glacadh leis an gceist.

Question declared carried.

An Bille um an Ochtú Leasú is Fíche ar an mBunreacht (Conradh Liospóin) 2009: Céim an Choiste agus na Céimeanna a bheidh Fágtha.

Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009: Committee and Remaining Stages.

An Leas-Cheann Comhairle: I wish to deal with a procedural matter. The substance of the debate on Committee Stage relates to the wording of the proposed constitutional amendment which is contained in the Schedule. In accordance with long-standing practice on Bills to amend the Constitution, consideration of the sections is postponed until consideration of the Schedule has been completed as the sections are merely technical and the main object of the legislation is contained in the Schedule. Is that agreed? Agreed.

I ask Deputies who are not involved in the debate to either clear the lobbies or take a seat.

AN SCEIDEAL.

SCHEDULE.

Minister for Foreign Affairs (Deputy Micheál Martin): Tairgim leasú a a1:

I leathanach 9, línte 10 agus 11, “ar *acquis* Schengen arna chomhtháthú isteach” a scriosadh agus “maidir le *acquis* Schengen arna lánpháirtiú” a chur isteach.

I move amendment No. a1:

In page 8, lines 10 and 11, to delete “ar *acquis* Schengen arna chomhtháthú isteach” and insert “maidir le *acquis* Schengen arna lánpháirtiú”.

I wish to make a general comment on the amendments for the benefit of the House. I outlined on Second Stage the drafting approach we took in respect of the Bill and I do not propose to trespass any further on the time of the House by repeating myself. In any case the explanatory memorandum which I have circulated gives a clear section by section overview of our approach. However, I seek the approval of the House for two housekeeping amendments recommended by the Attorney General and the Oireachtas translators. They amount to the deletion of two superfluous “by”s contained in subsection 6° of the Schedule and in the reference to Protocol No. 19 of the European Union Irish language consolidated version of the treaties as amended by the treaty of Lisbon. Apart from this I trust the House will agree to allow the Bill proceed to the next Stage. Two sets of technical amendments are proposed. The first on the advice of the Attorney General, is to eliminate a duplication of the word “by” and the second refers to the Irish language title of Protocol No. 19 of the Schengen *acquis*.

Aontaíodh an leasú.

Amendment agreed to.

Deputy Micheál Martin: Tairgim leasú a 1:

I leathanach 11, líne 14, “by” a scriosadh.

I move amendment No. 1:

In page 10, line 14, to delete “by”.

Aontaíodh an leasú.

Amendment agreed to.

Deputy Micheál Martin: Tairgim leasú a 2:

I leathanach 11, líne 17, “by” a scriosadh.

I move amendment No. 2:

In page 10, line 17, to delete “by”.

Aontaíodh an leasú.

Amendment agreed to

Aontaíodh an Sceideal mar a leasaíodh.

Schedule, as amended, agreed to.

Aontaíodh ailt 1 agus 2.

Sections 1 and 2 agreed to.

Aontaíodh an Réamhrá.

Preamble agreed to.

Aontaíodh an Teideal.

Title agreed to.

Tuairiscíodh an Bille le leasuithe agus glacadh é chun an breithniú deiridh a dhéanamh air.

Bill reported with amendments and received for final consideration.

Cuireadh an cheist: “Go rithfear an Bille anois.”

Question put: “That the Bill do now pass.”

Deputies: Vótáil.

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

Deputies Caoimhghín Ó Caoláin, Aengus Ó Snodaigh, Arthur Morgan, Martin Ferris and Maureen O’Sullivan rose.

An Ceann Comhairle: As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 70, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Faisnéiseadh go rabhthas tar éis glacadh leis an gceist

Question declared carried.

Ráiteas faoi Eolas do Vótálaithe: Tairiscint.

Statement for Information of Voters: Motion.

Minister for Foreign Affairs (Deputy Micheál Martin): Tairgim:

“GO ndéanfar an ráiteas atá leagtha amach sa Sceideal a ghabhann leis an Rún seo a fhorordú mar fhaisnéis do vótálaithe de bhun alt 23 d’Acht an Reifrinn 1994 (Uimh.12 de

1994), i ndáil leis an togra chun Airteagal 29 den Bhunreacht a leasú, atá ar áireamh sa Bhille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009, agus is ábhar do reifreann bunreachta.

An Sceideal

An Reifreann ar Chonradh Liospóin

Déanfar, le Conradh Liospóin, athruithe áirithe ar fheidhmiú an Aontais Eorpaigh. In Éirinn, ní féidir Conradh Liospóin a dhaingniú ach amháin má thoilítear le leasú ar an mBunreacht trí reifreann. Iarrfar ort an dtoilíonn tú nó nach dtoilíonn tú leis an mBille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009, lena mbeartaítear forálacha an Bhunreachta a bhaineann le comhaltas na hÉireann den Aontas Eorpach a leasú agus a thabhairt cothrom le dáta. Leis an leasú beartaithe, dhéanfaí—

(a) tiomantas na hÉireann i leith an Aontais Eorpaigh a dhearbhu,

(b) a chumasú d'Éirinn Conradh Liospóin a dhaingniú agus a bheith ina comhalta den Aontas Eorpach a bhunaítear leis an gConradh sin,

(c) forálacha an Bhunreachta a thabhairt cothrom le dáta, rud a chinnteoidh go mbeidh comhoiriúnacht dhlíthiúil idir dlí na hÉireann agus dlí an Aontais Eorpaigh,

(d) a ligean d'Éirinn comhaontú le bearta áirithe faoi na conarthaí arna leasú le Conradh Liospóin, faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais, agus

(e) an toirmeasc atá ar Éirinn dul isteach in aon socrú comhchosanta de chuid an Aontais Eorpaigh a athdhearbhú,

agus tá an leasú beartaithe leagtha amach mar áis tagartha anseo thíos.

Is é atá beartaithe leis an mBille um an Ochtú Leasú is Fiche ar an mBunreacht (Conradh Liospóin) 2009—

(a) na fo-ailt seo a leanas a chur isteach in alt 4 d'Airteagal 29 den Bhunreacht:

‘4° Dearbhaíonn Éire a tiomantas i leith an Aontais Eorpaigh ar laistigh de a oibríonn ballstáit an Aontais sin le chéile chun an tsíocháin, comhluachanna agus leas a bpobal a chur chun cinn.

5° Tig leis an Stát Conradh Liospóin ag leasú an Chonartha ar an Aontas Eorpach agus an Chonartha ag bunú an Chomhphobail Eorpaigh, arna shíniú i Liospóin an 13ú lá de Nollaig 2007 (“Conradh Liospóin”), a dhaingniú agus tig leis a bheith ina chomhalta den Aontas Eorpach a bhunaítear de bhua an Chonartha sin.

6° Ní dhéanann aon fhoráil atá sa Bhunreacht seo dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac an Stát roimh theacht i bhfeidhm do Chonradh Liospóin, ar theacht i bhfeidhm dó nó tar éis teacht i bhfeidhm dó, de bhúthin riachtanais na noibleagáidí mar chomhalta den Aontas Eorpach dá dtagraítear i bhfo-alt 5° den alt seo nó den Chomhphobal Eorpach um Fhuinneamh Adamhach, a chur ó bhail dlí ná cosc a chur le dlíthe a d'achtaigh, gníomhartha a rinne nó bearta a ghlac—

(i) an tAontas Eorpach sin nó an Comhphobal Eorpach um Fhuinneamh Adamhach nó institiúidí den chéanna,

(ii) na Comhphobail Eorpacha nó an tAontas Eorpach a bheidh ar marthain díreach roimh theacht i bhfeidhm do Chonradh Liospóin, nó institiúidí den chéanna, nó

[Deputy Micheál Martin.]

(iii) *comhlachtaí atá inniúil faoi na conarthaí dá dtagraítear san alt seo,*

ó fheidhm dlí a bheith acu sa Stát.

7^o Tig leis an Stát na roghnuithe nó na roghanna a fheidhmiú—

(i) a bhfuil feidhm ag Airteagal 20 den Chonradh ar an Aontas Eorpach a bhaineann le comhar feabhsaithe maidir leo,

(ii) faoi Phrótacal Uimh. 19 ar acquis Schengen arna chomhtháthú isteach i gcreat an Aontais Eorpaigh atá i gceangal leis an gconradh sin agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh (ar a dtugtaí an Conradh ag bunú an Chomhphobail Eorpaigh), agus

(iii) faoi Phrótacal Uimh. 21 maidir le seasamh na Ríochta Aontaithe agus na hÉireann i dtaca leis an limistéar saoirse, slándála agus ceartais, atá i gceangal amhlaidh, lena n-áirítear an rogha go scoirfidh an Prótacal sin Uimh. 21, go hiomlán nó go páirteach, d'fheidhm a bheith aige maidir leis an Stát,

ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

8^o Tig leis an Stát aontú leis na cinntí, leis na rialacháin nó leis na gníomhartha eile arna ndéanamh—

(i) faoin gConradh ar an Aontas Eorpach agus faoin gConradh ar Fheidhmiú an Aontais Eorpaigh á údarú do Chomhairle an Aontais Eorpaigh gníomhú ar shlí seachas d'aontoil,

(ii) faoi na conarthaí sin lena n-áirítear an gnáthnós imeachta reachtach a ghlaadh, agus

(iii) faoi fhomhír (d) d'Airteagal 82.2, faoin tríú fomhír d'Airteagal 83.1 agus faoi mhíreanna 1 agus 4 d'Airteagal 86 den Chonradh ar Fheidhmiú an Aontais Eorpaigh, a bhaineann leis an limistéar saoirse, slándála agus ceartais,

ach beidh aontú le haon chinneadh, rialachán nó gníomh den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

9^o Ní ghlacfaidh an Stát cinneadh arna dhéanamh ag an gComhairle Eorpach chun comhchosaint a bhunú de bhun Airteagal 42 den Chonradh ar an Aontas Eorpach i gcás go mbeadh an Stát san áireamh sa chomhchosaint sin.'

(b) an téacs seo a leanas a scríosadh as an gcéad abairt d'fho-alt 3^o d'alt 4 d'Airteagal 29 den Bhunreacht:

'den Chomhphobal Eorpach do Ghual agus Cruach (do bunuigheadh le Connradh do sínigheadh i bPáras an 18adh lá d'Aibreán, 1951), de Chomhphobal Eacnamaíochta na hEorpa (do bunuigheadh le Connradh do sínigheadh insan Róimh an 25adh lá de Mhárta, 1957) agus',

(c) an dara habairt den fho-alt sin 3^o a scríosadh, agus

(d) fo-ailt 4^o, 5^o, 6^o, 7^o, 8^o, 9^o, 10^o agus 11^o d'alt 4 d'Airteagal 29 den Bhunreacht a scríosadh.

MÁ THOILÍONN TÚ leis an togra, cuir X os coinne an fhocail TÁ ar an bpáipéar ballóide.

MURA dTOILÍONN TÚ leis an togra, cuir X os coinne an fhocail NÍL ar an bpáipéar ballóide.

Is féidir cóip den Bhille a iniúchadh nó a fháil saor in aisce in aon Phost-Oifig.

I move:

THAT the statement set out in the Schedule to this Resolution be prescribed for the information of voters pursuant to section 23 of the Referendum Act 1994 (No. 12 of 1994), in relation to the proposal to amend Article 29 of the Constitution which is contained in the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009, and is the subject of a constitutional referendum.

Schedule

Treaty of Lisbon Referendum

The Treaty of Lisbon will effect certain changes to the functioning of the European Union. In Ireland the Treaty of Lisbon can only be ratified if an amendment of the Constitution is approved by referendum. You will be asked whether or not you approve of the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009 which proposes to amend and update the provisions of the Constitution relating to Ireland's membership of the European Union. The proposed amendment would—

- (a) affirm Ireland's commitment to the European Union,
- (b) enable Ireland to ratify the Treaty of Lisbon and to be a member of the European Union established by that Treaty,
- (c) update the provisions of the Constitution that will ensure legal compatibility between Irish law and the law of the European Union,
- (d) allow Ireland to agree to certain measures under the treaties being amended by the Treaty of Lisbon, subject to prior approval of both Houses of the Oireachtas, and
- (e) restate the prohibition on Ireland joining any European Union common defence arrangement,

and for ease of reference the proposed amendment is set out hereunder.

The Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Bill 2009 proposes-

- (a) to insert the following subsections in section 4 of Article 29 of the Constitution:

'4o Ireland affirms its commitment to the European Union within which the member states of that Union work together to promote peace, shared values and the well-being of their peoples.

5° The State may ratify the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on the 13th day of December 2007 ("Treaty of Lisbon"), and may be a member of the European Union established by virtue of that Treaty.

6° No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State, before, on or after the entry into force of the Treaty of Lisbon, that

[Deputy Micheál Martin.]

are necessitated by the obligations of membership of the European Union referred to in subsection 5° of this section or of the European Atomic Energy Community, or prevents laws enacted, acts done or measures adopted by—

(i) the said European Union or the European Atomic Energy Community, or institutions thereof,

(ii) the European Communities or European Union existing immediately before the entry into force of the Treaty of Lisbon, or institutions thereof, or

(iii) bodies competent under the treaties referred to in this section,

from having the force of law in the State.

7° The State may exercise the options or discretions—

(i) to which Article 20 of the Treaty on European Union relating to enhanced cooperation applies,

(ii) under Protocol No. 19 on the Schengen acquis integrated into the framework of the European Union annexed to that treaty and to the Treaty on the Functioning of the European Union (formerly known as the Treaty establishing the European Community), and

(iii) under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, so annexed, including the option that the said Protocol No. 21 shall, in whole or in part, cease to apply to the State,

but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.

8° The State may agree to the decisions, regulations or other acts—

(i) under the Treaty on European Union and the Treaty on the Functioning of the European Union authorising the Council of the European Union to act other than by unanimity,

(ii) under those treaties authorising the adoption of the ordinary legislative procedure, and

(iii) under subparagraph (d) of Article 82.2, the third subparagraph of Article 83.1 and paragraphs 1 and 4 of Article 86 of the Treaty on the Functioning of the European Union, relating to the area of freedom, security and justice,

but the agreement to any such decision, regulation or act shall be subject to the prior approval of both Houses of the Oireachtas.

9° The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 42 of the Treaty on European Union where that common defence would include the State.’,

(b) to delete the following text from the first sentence of subsection 3° of section 4 of Article 29 of the Constitution:

‘the European Coal and Steel Community (established by Treaty signed at Paris on the 18th day of April, 1951), the European Economic Community (established by Treaty signed at Rome on the 25th day of March, 1957) and’,

(c) to delete the second sentence of the said subsection 3°, and

(d) to delete subsections 4°, 5°, 6°, 7°, 8°, 9°, 10° and 11° of section 4 of Article 29 of the Constitution.

IF YOU APPROVE of the proposal, mark X opposite the word YES on the ballot paper.

IF YOU DO NOT APPROVE of the proposal, mark X opposite the word NO on the ballot paper.

A copy of the Bill can be inspected or obtained free of charge at any Post Office.”

Faisnéiseadh go rabhthas tar éis glacadh leis an gceist

Question put and declared carried.

Adjournment Debate.

Service User Involvement in the Health Service.

Deputy Thomas McEllistrim: Last year a public consultation exercise was put in place for the proposed health information Bill which will deal with the collection, use, sharing, storage, disclosure and transfer of personal health information as well as the rights of individuals to control and access their health information. The views expressed in the consultation process are rightly being taken on board in preparing the Bill. Consultation is vital to achieve understanding of the concept of communities and to win support for proposals. It also plays a vital role in informing policy makers and developing their understanding of the views and concerns of the public at local and national level.

There is a need to fast-track the development of the community consultation element of the national strategy for service user involvement in the health service. The objective of the current health reform programme is to deliver better patient care and safety. The health service has not been short of plans, reviews and reports. However, one of the criticisms of health service planning has been that it has tended to be expert driven rather than consumer led. It has thus been disempowering in nature.

The need for community input from local health service providers such as general practitioners, consultants and nurses, as well as ordinary people, is clear. The national strategy for service user involvement states that on a community level, consultation will lead to improved policies to address inequalities in health, services that respond better to the needs of the community, more equitable and inclusive services that help to address social exclusion and reduced complaints and increased trust.

To give the Health Service Executive some credit, mechanisms for complaints for health service users have already been made much easier. In hospitals and local health offices, posters and leaflets are displayed giving people information on how they can have their say. The HSE assures the public that comments and complaints are read every day and are responded to as soon as possible.

In the United States and Canada, local prospectives are developed through the use of community based workshops and forums which examine health programmes to ensure they are accessible, appropriate and relevant. Rural stakeholders, providers and communities are consulted to strengthen understanding about health issues and develop innovative solutions. That type of local consultation could and should be developed here, particularly when so much change is going on in the health service.

[Deputy Thomas McEllistrim.]

The HSE is working to deliver proper primary care services in our communities but what does primary care mean to the ordinary man or woman in the street? They are not looking for primary care because they are not truly familiar with what it is and what it will mean at local level.

If real practical communication systems were in place, people would know, understand and demand these services. Health service surveys point to positive feedback on hospital experiences from the vast majority of patients. However, the mistakes and the crises around misdiagnosis and the negative stories are what the public at large hear and read in the media. Consequently, the HSE frequently finds itself preparing press releases that are essentially rebuttals to various claims from pressure groups, politicians and commentators. As we have learned to our cost in the past, when you are explaining, you are losing. It is correct that the record should be put straight. However, it would be much better to be proactive, positive and communicative with the public.

The health reform debate has often been reduced to soundbite. The community should be encouraged to find their voices in ways other than through protest groups, marches and mass meetings. Those voices should be listened to and respected. After all, experts do not necessarily always have all the answers. The consultation process should be ongoing and built into the system, and not just for a formal exercise at the start of the programme.

Many column inches have been used to refer to the myriad of vested interests in the health sector. Much frustration has been articulated over the years by the Minister and the HSE with regard to those vested interests. The most important interests should be the communities that are being served.

The HSE must tell people why decisions have been made. It is not enough to say that another way of providing a service is safer if it does not explain and discuss why and how. The management structure changes announced last year should bring more decision making to regional level and hopefully assist in this task.

It has been said that the reform of the health service is like turning around an ocean liner but that is easier to do if the crew and the passengers are working with one another and understanding what is going on. I will conclude by quoting an old Chinese proverb which I believe is appropriate. It states:

Go to the people

Live among them

Learn from

Love them

Start with what they know

Build on what they have:

But of the best leaders

When their task is accomplished

Their work is done

The people all remark

“We have done it ourselves”.

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I thank the Deputy for raising this matter which I am taking on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

The Department of Health and Children has led the development of the National Strategy for Service User Involvement in the Irish Health Service and the office of consumer affairs in the HSE is now responsible for implementing it. The Deputy will also be aware that last year, the Minister for Health and Children was responsible for the publication of the report of the Commission on Patient Safety and Quality Assurance. That report made the following recommendation: “The proposals in the National Strategy for Service User Involvement in the Irish Health Service should be implemented as a matter of urgency to ensure that patients and their families can influence policy development, service delivery and health service development and evaluation”.

Subsequent to the publication of the report the Minister has appointed an implementation steering group led by the Department’s chief medical officer. This group will oversee the various projects needed to implement the recommendations of the report. One of the projects is specifically directed at driving service user involvement in the health services.

The HSE has spent considerable time communicating and raising awareness of the National Strategy for Service User Involvement and has developed a dedicated web page with various on-line resources. The office for consumer affairs in the HSE has also established a database of contact details of service users and community group representatives who are interested in participating in local or national events relating to the design, development and-or delivery of Irish health and social services. Since its development in May, it has over 200 service users and community groups registered.

Within primary care, 19 projects are currently being supported under a joint funding initiative between the HSE and the Combat Poverty Agency, the purpose of which is to support and enable disadvantaged communities and groups to participate in local primary care teams and networks. Within the hospital setting, the HSE has committed in its service plan to the following: making available high quality information to service users about their treatment and care; involving service users as much as they want in decisions about their treatment and care; ensuring service user involvement leads to service improvements; guaranteeing service user involvement in service development; and promoting the HSE comments, compliments and complaints policy, “Your Service Your Say” to all service users.

The Department of Health and Children is committed to engaging service users in its policy development work and the Office of the Minister for Children and Youth Affairs has shown considerable leadership in the engagement of young people. The HSE is currently focusing on ways for services users to comment on the quality of care in a national patient survey programme. This is to be piloted in October and preliminary results are to be made available in early February.

Other developments include the following: service panel guidelines are currently being circulated for consultation and will be disseminated across the HSE in October 2009; draft national guidelines for service users outlining what service users can expect from the HSE and what the HSE can expect from service users are also being developed and will be available for consultation shortly; and 30 volunteer patient advocates have been trained through the National College of Ireland and will be working in both the private, public and voluntary sectors.

This demonstrates the considerable commitment that the Minister and the Department of Health and Children, including my office, have given to the importance of involving service users in all areas of our work.

Services for People with Disabilities.

Deputy Aengus Ó Snodaigh: I raise this issue because I attended a meeting today of the Walkinstown Association for Handicapped whose members confirmed to me the level of cuts involved. Three kitchen staff have been let go, a modern kitchen closed and a woman who was involved in holistic therapy lost her job yesterday. In addition, those who were in the rehabilitative training programmes, who had been promised that at the end of their term in those training programmes, which would last up to three or four years, they could move to day services have now been told there is no availability of such services because of the decision by the HSE not to provide funding for that and not agree to the transfer.

I met with a number of the clients, as they are known, and their frustration was clear. They are well able to understand, despite their various disabilities, the seriousness of what is happening to them and the fact that services are being cut. They will miss the people they have become familiar with who provide services such as hot meals every day. Their future is to sit at home or in the residential units in which they live. That is if they are allowed to do so, because not all residential units allow residents to remain throughout the day.

Respite weekends for clients have also been cut. These were a major attraction because they provided a break from the daily routine. Clients looked forward to travelling to various places for a weekend, which could be done at very little cost because most of the work of the Walkinstown association is done voluntarily or at less cost than similar services provided by other service providers and much cheaper than the private services contracted by the HSE.

It has been proven time and time again that the Walkinstown association has given value for money. It deals with some of the most disabled people and most difficult cases, whom other private or HSE services cannot deal with. Anyone who knows their clients sees the progress they make when continuous service is available to them.

The HSE has refused to meet the management of the Walkinstown association to deal with its failure to agree a budget or to announce the final detail of the budget cuts. Therefore, the remaining services of the Walkinstown association are under threat because the HSE cannot agree figures or announce a budget for next year. The HSE says the cost in any of its other services is €80,000 per client. The Walkinstown association provides a residential service for €35,000 per client, which is a huge saving. Instead of cutting the Walkinstown association budget, the HSE should encourage the association to take more clients and money should be provided for that. The Walkinstown association has proven that it gives value for money.

This measure is contrary to the commitments given when we debated the Disability Bill. Promises were made that services for disabled people would not be cut. When the Opposition argued that the legislation should be rights based we were told that was not necessary because the Government could guarantee that services would not be cut. A number of years later, one of the services in my constituency which serves its clients to the best of its ability faces huge cuts.

I presume the same is true of other services throughout the country. I can only deal with the one that has been highlighted to me. It is a scandal that the weakest and most vulnerable bear the brunt of cuts which should not be required.

Deputy Barry Andrews: I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. At the outset, I reaffirm the Government's steadfast commitment to people with disabilities in Ireland and to the national disability strategy and its long-term goals and objectives, which we will continue to pursue in the coming years in partnership with all the key stakeholders.

Since 2005, the Government has provided significant additional resources for services and supports for effecting real change in the development of services for people with disabilities. The multi-annual investment programme, which was a key component of the Government's disability strategy, had by the end of the period 2005 to 2008 provided the following for the intellectual disability services: 804 new residential places; 307 new respite places; and 1,863 new day places. In terms of services for people with physical and sensory disabilities, 275 new residential places and 911,626 extra home care-personal assistance hours have been provided for. In addition, in the same period, 195 day places have had their services enhanced with the provision of additional supports to provide for school leavers or other adults with significant disabilities. Some 406 places in the intellectual disability residential service have been enhanced, 61 respite places have been enhanced while 43 residential places in the physical and sensory disability services have been enhanced.

Due to the current economic situation, it has not been possible to provide significant levels of development funding for additional services in 2009. However, the HSE and voluntary disability service providers are working together to ensure that the existing resources available for specialist disability services are used in the most effective manner possible. The common aim is to ensure that the needs of as many individuals as possible are catered for within the resources available. Both the voluntary sector and the HSE are committed to the best use of available resources in a creative and flexible manner to be as responsive as possible to the needs that present.

With regard to the six individuals concerned, I understand from the HSE that they completed their rehabilitative training in February. This training has been extended until the end of September of this year. At that point, additional funding will be available for the provision of day places generally and their position will be reviewed in that context. The HSE and the Department of Health and Children will monitor the situation to ensure that, as far as possible, the needs of each young person with a disability leaving school or rehabilitative training in 2009 will be addressed.

Hospital Services.

Deputy Mary Upton: I thank the Ceann Comhairle for granting me the opportunity to speak on this Adjournment debate. The announcement of the closure of respite beds in Cherry Orchard Hospital caused consternation and huge distress to patients, who felt there was no available alternative, and to their families.

I welcome the news I received today from the HSE that respite beds are being provided. However, these beds are being provided in a private facility. In its statement, the HSE indicates that this is more cost effective, but I question that. How can it be more cost effective to have such a facility in a private rather than a public unit. The HSE refers to the maintenance of staff and paying staff overtime over the summer.

My real concerns are that this may be the tip of the iceberg and what will happen in the autumn. We have been told that these places will be brought back to Cherry Orchard in October, and I hope that is the case. The HSE also states the alternative provision is in the locality. It is not clear what locality means. No further information has been given on this point. I sincerely hope the alternative will be easily accessible. The people concerned are likely to be elderly and have elderly relatives. It is important to them that their families are able to visit them. Many of them do not have cars and are dependent on public transport. If the alternative service is not in an area where there is good public transport and within a reasonable distance it will be extremely difficult for them. This aspect must be considered. By providing these beds

[Deputy Mary Upton.]

in a private unit, are we chipping away at the system? What will happen in the autumn? Have we a guarantee that the places will be restored in the autumn?

Deputy Joanna Tuffy: I thank the Minister of State, Deputy Andrews, for taking this debate. However, I am disappointed that the Minister for Health and Children is not present because this matter affects many families in her constituency. Many of the families who use this service live in Clondalkin and Palmerstown, which is in our constituency of Dublin Mid-West.

Cherry Orchard is very close to these families and many of them have become used to the service provided there. I spoke to families who use the roll-over respite care beds. This means they use the service every second week. Given the way in which beds are available to patients for different parts of the week, which itself is welcome, the many families that get to use the service will be affected. They have become used to the service, but they themselves provide the HSE with a good service because they perform all caring tasks for patients when the latter are not in Cherry Orchard Hospital.

As Deputy Upton stated, the new arrangements proposed for the summer months will cause the families much hardship, as many of them are not well off and might not have access to cars, nor might there be public transport to the private nursing homes that are proposed to be used instead. Like Deputy Upton, I question whether the proposal is more cost effective than employing extra staff to keep the unit open, which would allow the families to continue using the service during the summer months.

There is no similar proposal in respect of long-stay patients. Indeed, most people would view closing a hospital for the summer months and moving long-stay patients absurd. If it is not acceptable for long-stay patients, it is not acceptable for patients who use this respite care service. They make the HSE a significant saving by not handing their relatives into its care on a long-stay basis. They care for their relatives 24 hours per day every other day of the week for most of the year. When compared with the hardship caused to families who should be protected from such, cost effectiveness does not make sense.

Deputy Barry Andrews: I will be taking this matter on behalf of the Minister for Health and Children, Deputy Harney. I thank the Deputies for raising it, as I am provided with an opportunity to reaffirm the Government's commitment to services for older people generally and, in particular, to the important area of developing day and respite care. Government policy in respect of older people is to support people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to quality long-term residential care where appropriate. This policy approach is renewed and developed in the latest partnership agreement, Towards 2016.

The Government's objective of continued development of community-based services for older people is reflected in the funding given to the system in recent times. Since 2006, just over €500 million additional funding has been invested in long-term care supports for older people. This includes the largest ever investment, in excess of €200 million, specifically to develop community care services. These measures have been designed to enhance services already put in place by the Government and to widen the range of services available to older people. In this context, more than €16 million has been provided in the past three years for new day and respite care services. An extra €1.1 million in 2008 allowed for 345 new places, bringing the total provision to approximately 21,500 places.

The HSE has committed through the National Service Plan 2009 to delivering services within its Vote provided by the Oireachtas. It will manage the provision of respite care beds at Cherry Orchard Hospital within this context, taking account of the priority the Government and the

HSE have given to services for older people. Cherry Orchard Hospital has a complement of 262 places, comprising 192 for elderly care, 35 for young chronic sick and 17 for persons with HIV or AIDS.

The summer is the peak leave period for hospital staff. When this is combined with a significant number of staff absent on parental leave, it is difficult to maintain the full range of services throughout the summer. Cherry Orchard Hospital is making arrangements to ensure that all commitments to those availing of these services and their families are maintained during the coming months. Measures have been taken to ensure that all commitments for respite care are met to ensure that no one receiving respite care or their family is left without a service.

The HSE is conscious of the importance of the respite facility of Cherry Orchard Hospital. The latter is identifying suitable private providers that will be in a position to provide respite places to overcome the challenges faced over the annual leave period. The balance of the respite service will continue to be provided in the hospital.

Schools Building Projects.

Deputy Michael D’Arcy: A number of months ago, the Department of Education and Science put the construction of several primary schools, two of which are in north County Wexford, out to tender. It has come to my attention that CLG, the successful company in the tendering process, subcontracted certain works to a company called OkoHaus Superstructures Limited, which has gone into receivership and a number of subcontractors within which remain unpaid. Some €14,000 is outstanding in respect of a crane hire company while the company that put the roofs on the two schools has not been paid. Approximately €200,000 is outstanding in respect of these and other companies, including scaffolders.

These are State contracts. It is not a civil matter between two people. The State asked people in the private sector to submit competitive tenders to ensure that the properties would be built. It has a responsibility to ensure that people who worked on the contract are paid. The information supplied to me via parliamentary questions and other sources is that the Department and CLG are washing their hands of the issue, claiming it to be a matter for OkoHaus Superstructures Limited.

No one in the State wants to take responsibility for anything. These schools have been built to educate children. It is a State contract and the State is obliged to ensure that those who are owed money are paid. They do not care whether they are paid by the State or CLG as long as they are paid for the work done. The Minister of State, Deputy Barry Andrews, probably has a script prepared and cannot be *au fait* with this matter, but any company that leaves people unpaid should not be considered for any other State contract until that issue is resolved.

Deputy Barry Andrews: I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Science, Deputy Batt O’Keeffe. I thank the Deputy for raising the matter, as it provides me with the opportunity to outline to the House the strategy for capital investment in education projects and also to outline the current position in respect of the two schools in Gorey in particular.

The allocation of funding for school buildings in 2009 is €614 million, representing a significant investment in the schools building and modernisation programme. This level of funding, at a time of great pressure on public finances, is a sign of the Government’s commitment to investing in school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation. It is a significant level of capital investment that reflects the Government’s commitment to continue its programme of sustained investment in primary and post-primary schools.

[Deputy Barry Andrews.]

I wish to outline the position in respect of the two schools in Gorey to which Deputy D'Arcy referred. In time for a September 2008 opening, two eight-classroom schools for Gorey were provided as part of the Department's rapid delivery programme for developing areas. This programme provided new schools in rapidly developing areas in a short timeframe. Where possible, as in the case of the two new schools in Gorey, the programme delivered permanent accommodation from the outset, avoiding the necessity for temporary prefabricated accommodation.

The construction of the buildings in question was procured by the Department under a design and build contract. Accordingly, the Department is not responsible for the recording or approving of subcontractors employed by the design and build consortium. As such, I am satisfied that no responsibility or power rests with the Department to intervene in or resolve contractual issues relating to those subcontractors. A school building project is a complex arrangement of contractual relationships between the client, the main contractor, specialist subcontractors, domestic subcontractors, suppliers of materials, suppliers of plant, etc.

In general, all subcontractors employed on schools building projects are employed directly by the main contractor or indirectly by the main contractor through other subcontractors. It is a matter for all subcontractors to agree terms and conditions and a schedule of payments with the main contractor or the entity with which they are in contract. The Department
11 o'clock has no direct contractual relationship with subcontractors engaged by the main contractor and holds no information relating to them. It is unreasonable to expect any company within the chain to be held to account for issues relating to one of the other companies for which it has no direct control.

I am satisfied the company employed by the Department as the main contractor for the schools to which the Deputy refers has acted appropriately and in accordance with its contract with the Department and is not in breach of any rules or regulations governing public procurement.

It should be noted that the vast majority of contracts for both major and minor schools capital projects are between individual school authorities and main contractors. These contracts are placed following a public tendering process operated by the school authorities in conjunction with their design team. Generally the Department is the contracting authority only in those cases where the property or site is in the ownership of the Minister for Education and Science. I thank the Deputy once again for raising this matter.

The Dáil adjourned at 11.05 p.m. until 10.30 a.m. on Thursday, 9 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 7, inclusive, answered orally.

Questions Nos. 8 to 19, inclusive, resubmitted.

Question No. 20 withdrawn.

Questions Nos. 21 and 22 resubmitted.

Question No. 23 withdrawn.

Question No. 24 resubmitted.

Questions Nos. 25 to 33, inclusive, answered orally.

Budgetary Strategy.

34. **Deputy Martin Ferris** asked the Minister for Finance when he will circulate his budget strategy memo. [27281/09]

37. **Deputy Joe Costello** asked the Minister for Finance the level of fiscal consolidation he expects to carry out in budget 2010; the approximate balance between tax and expenditure measures; the projected negative tax buoyancy and negative growth impact of this consolidation exercise on the economy in 2010; and if he will make a statement on the matter. [27990/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 34 and 37 together.

The Supplementary Budget set out a multi-annual plan to bring the General Government deficit to 3% of GDP by end-2013. As part of this plan, measures on expenditure and tax revenue amounting to up to €4 billion in 2010 and 2011 are required if we are to restore the public finances to sustainability. The economic and fiscal forecasts as published in the Supplementary Budget have factored in the broad impact of these aggregate measures.

[Deputy Brian Lenihan.]

As I have already mentioned here today, the Commission on Taxation, which is expected to complete its work shortly, and the Special Group on Public Service Numbers and Expenditure, which is due to report to me imminently, will have important roles to play in identifying measures that will improve the budgetary position in future years. In this context, I have previously outlined that the majority of future adjustments will have to be borne on the spending side as the scope for further increasing income taxes is limited. I have also stated that I view the revenue raising taxation measures as set out in the Supplementary Budget as the maximum that can be obtained and the expenditure adjustments as the minimum that will be raised.

Also, as I outlined in my response to a Priority Question earlier, it is intended that the Pre-Budget Outlook will be published in mid to late October, setting out the pre-budget position in more detail based on the latest available data. This will provide the House with the most up-to-date information on a pre-budget basis and will assist in informing the debate in the run up to the presentation of Budget 2010. I will then set out the details of Budget 2010 in my address on Budget Day in early December and the Budget will set out further information in relation to the medium term economic and fiscal projections.

Restoring sustainability to the public finances is vital to the renewal of the economy and we are committed to taking the necessary measures in this regard. We recognise that these measures are difficult but equally we know that they are essential. The corrective measures taken up to this point and our commitment to taking further action will help to ensure the confidence of investors in Ireland, provide greater consumer confidence and place us in a position to benefit from the upturn in the international economy when it occurs.

As is the usual practise, I intend to bring the Budget Strategy Memorandum to Government in the coming weeks. In line with the rules governing Cabinet confidentiality, I will not comment on the contents of the Budget Strategy Memorandum. However, as the Deputy will be aware, the recent Supplementary Budget set out, for the first time, the broad outline of the budgetary strategy for the medium term.

Tax Code.

35. **Deputy Michael D'Arcy** asked the Minister for Finance if a decision has been made on the publication dates of the McCarthy review and the Commission on Taxation; and if he will make a statement on the matter. [27902/09]

Minister for Finance (Deputy Brian Lenihan): The report of the Commission on Taxation is due to be presented to me shortly and will be published following Government approval. The Special Group on Public Service Numbers and Expenditure Programmes, under the chairmanship of Mr Colm McCarthy, has completed its deliberations and I expect to receive their report imminently. I intend bringing the Special Group's report to Government and it is in that context that the decision on publication will be made.

House Repossessions.

36. **Deputy Noel J. Coonan** asked the Minister for Finance his plans to obtain the agreement of other financial institutions to the 12 month moratorium on repossessions agreed by the two major banks. [27892/09]

Minister for Finance (Deputy Brian Lenihan): It is a particular priority of the Government to ensure as much as possible that difficulties in relation to mortgage arrears do not result in legal proceedings for home repossession. Home repossession should be and generally is the

last resort for the lender and the preferred method of dealing with arrears cases should be early intervention.

The Recapitalisation Programme announced on 11 February 2009 includes a new Code of Conduct for Mortgage Arrears, which has been issued by the Financial Regulator and came into force on the 27 February 2009. The new Code applies to mortgage lending activities to consumers in respect of their principal private residence in the State and is mandatory for all mortgage lenders registered with the Financial Regulator including so-called “sub-prime lenders”. Under the mortgage arrears code where a borrower is in difficulty the lender shall make every reasonable effort to agree an alternative repayment schedule. Under the Code consideration should be given on a case-by-case basis to alternatives such as deferral of payments, extending the term of the mortgage, changing type of mortgage, or capitalising arrears and interest. Obviously cases will arise where the arrears situations persist despite newly agreed changes in repayment schedules. The Code provides that where the arrears situation persists, the lender may reserve the right to enforce the mortgage agreement. However, it must wait at least six months from the time arrears first arise before applying to the courts to commence enforcement of any legal action on repossession of a borrower’s primary residence.

The Financial Regulator’s Consumer Protection Code also sets out requirements that a regulated entity must contact the consumer as soon as it becomes aware that a mortgage account is in arrears and that it must have in place a procedure for handling accounts in arrears.

The Irish Banking Federation and the Money Advice and Budgeting Service recently agreed an Operational Protocol on consumer debt. The Operational Protocol will enable MABS and the IBF continue to work together effectively when dealing with debt problems of personal debtors who approach the MABS Service for assistance.

The number of residential properties taken into possession by Irish Banking Federation Members in 2008 was 96. This compares with the UK equivalent number of approximately 40,000.

I therefore have no plans to obtain the agreement of other financial institutions to the 12 month moratorium on repossessions agreed by the two major banks as I am satisfied that the managements currently in place are sufficient to safeguard the interests of borrowers who experience difficulty in meeting their mortgage repayments. I will of course be keeping the situation under close review.

Question No. 37 answered with Question No. 34.

Economic Outlook.

38. **Deputy Pat Rabbitte** asked the Minister for Finance his views on the most recent quarterly national accounts of the Central Statistics Office which showed a decline of 8.5% of GDP, and a decline of 12% of GNP, in the first three months of 2009 compared to the same period in 2008; and if he will make a statement on the matter. [27985/09]

Minister for Finance (Deputy Brian Lenihan): The Central Statistics Office published quarterly national accounts data for the first quarter of 2009 last week. These show that GDP and GNP for this period declined by 8½ and 12 per cent, respectively, compared with the corresponding period last year.

In terms of the detail of the first quarter figures, the sharp declines in housing output and in personal spending were the main reasons for the contraction in the first quarter. The one positive that we can take from the data is that the rate of export decline is not as large as in

[Deputy Brian Lenihan.]

many other export-oriented economies and given the significant fall in imports means that there is a positive contribution from net trade.

In overall terms, the first quarter figures are clearly exceptionally weak but we must be very careful not to double-count: the figures relate to the first quarter and previously published data had indicated a very poor performance in this period. In other words, we already knew that conditions had deteriorated significantly in the first quarter on an annual basis.

Moreover, while my Department does not produce economic forecasts for each quarter, there are tentative indications that the rate of deterioration may have slowed in the second quarter. Retail sales, industrial production, consumer confidence and purchasing manager's indices data are all consistent with this. Indeed, most economic commentators are now of the view that the rate of decline may be slowing.

Based on the information available at the end of March, my Department published its macro-economic forecasts in the Supplementary Budget. My Department forecasts that GDP would decline by $7\frac{3}{4}$ per cent and that GNP would fall by 8 per cent. The first quarter GDP data along with the available data for the second quarter suggests that the Department's forecast is still appropriate.

In relation to the very weak first quarter GNP data caution must be used when interpreting these figures as quarterly GNP is highly volatile. Nonetheless, this figure is considerably weaker than previously expected and will need to be carefully monitored.

Finally, I want to assure the Deputy that the Government is not complacent — activity is still clearly declining and unemployment rising. Reversing these developments requires further measures and the Government will not be found wanting in this regard.

Banking Sector.

39. **Deputy Arthur Morgan** asked the Minister for Finance his views on whether the recent estimation by the International Monetary Fund that losses faced by Irish banks could reach €35 billion by the end of 2010 is correct; and the implications it will have on the economy here. [27276/09]

Minister for Finance (Deputy Brian Lenihan): The IMF has said that losses *could* be about €35 billion, or about 20 percent of GDP. It is, however, important to point out that the IMF figure was not based on a very detailed analysis of individual bank data. Also, this figure does not take into account the countervailing effect of bank earnings — in that sense it is a gross rather than a net figure.

The Deputy will be aware from my previous reports to the House that PWC has carried out detailed reviews of the loan books and the capital position of six of the covered institutions. Since then, additional due diligence reviews of Anglo Irish Bank, Allied Irish Banks and Bank of Ireland have been carried out, building on the assessments carried out by PWC.

As I have previously stated, I am not in a position to release information contained in these reviews, other than what has been released to date, because of the commercially sensitive nature of the information.

As regards the economy, the banking system is unique and its proper functioning is critical to the smooth running of the overall economy. Therefore, it must be protected by the Government. I have already said that the objective behind NAMA is to ensure that the financial institutions are freed up to allow them to lend to the real economy and the IMF has said that we are right to focus on the restructuring of property development loans as our priority in the

area of bank stress. Our approach will facilitate a sustained flow of credit on a commercial basis to individuals, households and businesses in the real economy.

Consumer Debt.

40. **Deputy Róisín Shortall** asked the Minister for Finance his views on the most recent statistics on private sector and consumer debt here and, in particular, on the newly emerging trend which sees declining outstanding mortgage debt as repayments outstrip new mortgage lending, the first time that such a trend has been in evidence since records began; and if he will make a statement on the matter. [27978/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that the Irish economy is experiencing a profound economic adjustment. This is impacting in particular in the housing market and is demonstrated in certain Bank statistics referred to in the Deputy's question. A key issue is therefore, notwithstanding, the adverse economic environment the steps the Government is taking to ensure the availability of mortgage finance, in particular to first time buyers. The Deputy will recognise that it is essential that in view of the stresses on the banking sector that this form of credit is maintained to support our economic recovery.

As regards mortgage debt the Deputy will be aware that in December 2008 AIB and Bank of Ireland to provide an additional 30% capacity to first time buyers in 2009. They also committed to public campaigns to actively promote their lending to this sector.

These commitments were reconfirmed in the Government announcement on 11 February 2009 on the recapitalisation of Allied Irish Banks and the Bank of Ireland. Progress on implementing the commitments is to be made to the Financial Regulator every quarter. The first quarterly reports from the banks to the Financial Regulator report that they are "open for business" as evidenced by their promotional and advertising material.

The latest May 09 edition of the IBF/PWC Mortgage Market Profile provides a more granular picture of mortgage market conditions overall

- Net lending continues to grow — but at reduced levels
- First-time buyers (FTBs) increased, for the fourth successive quarter, their share of the overall market — albeit a smaller market. Their share by volume now stands at a record 21.4%, reflecting the relative resilience of this segment.
- Affordability continues to improve for FTBs through lower interest rates and house prices as well as for existing borrowers — with IBF calculating that the monthly repayment on an average loan has fallen by €479 or 38% since Sept '08.
- The Profile showed that nearly 11,000 new mortgages to the value of some €2 billion were issued during the first quarter of 2009. While this shows that the rate of mortgage credit growth has eased significantly, at 4% the Irish market is still experiencing growth in net lending which contrasts with negative net lending in the UK, for example.

Proposed Legislation.

41. **Deputy Frank Feighan** asked the Minister for Finance the nature of Houses of the Oireachtas oversight which he plans for the National Asset Management Agency. [27913/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that the legislation for NAMA is still at the drafting stage with a view to the publication of a Bill at end July. I can assure the Deputy that there will be appropriate Oireachtas oversight of NAMA and that NAMA accounts will be subject to audit by the Comptroller and Auditor General.

Banking Sector.

42. **Deputy Lucinda Creighton** asked the Minister for Finance the action which he will take to ensure that the flow of credit to small and medium sized business will increase; and if he will make a statement on the matter. [27954/09]

59. **Deputy Lucinda Creighton** asked the Minister for Finance if the flow of credit to small and medium sized business has increased as a result of the bank guarantee and the National Asset Management Agency proposals; and if he will make a statement on the matter. [27953/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 42 and 59 together.

A core Government objective is to free up lending on a commercial basis into the economy to support economic growth and a number of actions have been taken to achieve this objective. In the context of the bank guarantee scheme and recapitalisation the banks have made important commitments to support business lending.

An independent review of credit availability was agreed in the context of the recapitalisation of AIB and Bank of Ireland. The purpose of the review was to ascertain the position on credit availability to SMEs in Ireland. 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. The final report of the Review of Lending to SMEs has just now been received. The report is quite extensive, running to almost 100 pages plus appendices. It will be considered by the Cabinet Committee on Economic Renewal which is meeting this afternoon. The intention is that it will be published shortly.

A Code of Conduct for Business Lending to Small and Medium Enterprises was published by the Financial Regulator on 13 February and took effect on 13 March. This code applies to all regulated banks and building societies and will facilitate access to credit, promote fairness and transparency and ensure that banks will assist borrowers in meeting their obligations, or otherwise deal with an arrears situation in an orderly and appropriate manner. The business lending code includes a requirement for banks to offer their business customers annual review meetings, to inform customers of the basis for decisions made and to have written procedures for the proper handling of complaints. Where a customer gets into difficulty the banks will give the customer reasonable time and seek to agree an approach to resolve problems and to provide appropriate advice. This is a statutory code and banks will be required to demonstrate compliance.

In addition, as part of the recapitalisation package announced on 11 February, Allied Irish Bank and Bank of Ireland reconfirmed their December commitment to increase lending capacity to small and medium enterprises (SMEs) by 10% and to provide an additional 30% capacity for lending to first time buyers in 2009. If the mortgage lending is not taken up, then the extra capacity will be available to SMEs. AIB and Bank of Ireland have also committed to public campaigns to actively promote small business lending at competitive rates with increased transparency on the criteria to be met. Compliance with this commitment is being monitored by the Financial Regulator. Officials from my Department are also in regular contact with the banks concerned in relation to their progress on implementing these measures.

My colleague the Tánaiste and Minister for Enterprise, Trade and Employment has recently set up a Clearing Group including representatives from the main banks, business interests and state agencies, which is chaired by the Department of Enterprise, Trade and Employment. The

purpose of the group is to identify specific patterns of events or cases where the flow of credit to viable businesses appears to be blocked and to seek to identify credit supply solutions. Any questions on the clearing group should be directed to my colleague the Tánaiste and Minister for Enterprise, Trade and Employment.

The banks report that they are “open for business” as evidenced by their promotional and advertising material. The banks state that they have funds available for lending to businesses and have provided details on approval levels and amounts drawn down. They report a slow-down in certain areas which they say reflects a reduced level of demand. The review of credit availability has considered this point. The most recent Central Bank Monthly Statistics for May 2009 show that credit to non-financial corporates actually increased by €225m month-on-month after two months of substantial falls. While care is always to be taken when reading monthly data, this could be a positive indicator of credit actively being fed through the real economy and businesses.

You may also be aware that my colleague, the Minister of State for Trade and Commerce, Mr Billy Kelleher TD has commenced a series of regional meetings to discuss access to bank credit with key local stakeholders.

With regard to the National Asset Management Agency (NAMA), its objective is to strengthen the banks’ balance sheets, to considerably reduce uncertainty over bad debts and as a consequence ensure the flow of credit on a commercial basis to the real economy, to protect and grow employment while also maximising and protecting the interest of taxpayers. It is expected that legislation establishing NAMA will be published later this month.

Proposed Legislation.

43. **Deputy Kieran O’Donnell** asked the Minister for Finance the position regarding the National Asset Management Agency; when he expects that the NAMA legislation will be published and brought before Dáil Éireann; and when and the way it will free up credit facilities for small businesses. [27952/09]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware the establishment of NAMA and the interim preparations, including the drafting of legislation, are being overseen by a NAMA Steering Group established by me. The Group comprises representatives of my Department, the NTMA and the Attorney General.

I can confirm that it is my intention to publish legislation later this month. I can also confirm that the Oireachtas will be given adequate time to debate the important issues arising from this legislation and I expect that it will be before the Dáil in September.

The establishment of NAMA will deal with the uncertainty surrounding the riskiest assets on the balance sheets of the Irish banks, which were preventing them from lending into the economy, including to small businesses. The removal of these risky assets will provide assurance for international investors and providers of long-term capital for banks that the problem of balance sheet impairment has been comprehensively addressed.

NAMA will purchase the assets through the issue to the banks of Government bonds and the institutions concerned can then use these bonds to avail of ECB funding. In order to provide credit more freely, banks need access to funds, adequate capital and market support. The package of measures of support provided to the banking system, including the guarantee, capitalisation and NAMA, are aimed at ensuring the stability of the banking system and its ability to support the credit needs of the economy.

Heritage Sites.

44. **Deputy Olivia Mitchell** asked the Minister for Finance the restrictions surrounding staffing levels and opening times of visitor attraction sites under the remit of the Office of Public Works for 2009 in comparison to 2008; and if he will make a statement on the matter. [27641/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): All the operations, including opening hours and staffing levels, were reviewed in the light of budgetary considerations for 2009. As a result, opening dates at many centres were brought back to Easter, and closing dates rescheduled at the shoulder of the season. Staffing numbers were rationalised, where possible. It should be pointed out that in 2008, St. Patrick's Day and the Easter Bank Holiday were contiguous, with Good Friday falling on 21 March. Many sites, therefore, opened earlier than normal around St. Patrick's Day.

In 2009, Good Friday fell on 10 April, and opening times for these sites reverted to the normal Easter opening period. All centres are open and adequately staffed during the main tourist season.

Banking Sector.

45. **Deputy Simon Coveney** asked the Minister for Finance the value of the charge made in respect of the bank guarantee in the most recent quarter for which he has returns; the rate per cent of covered liabilities which it entails; and if all covered institution are paying at the same rate. [27893/09]

Minister for Finance (Deputy Brian Lenihan): The purpose of the charge is to cover the long-term costs of borrowing to the Exchequer that arise out of the provision of the Guarantee to the covered institutions. These additional costs initially were estimated to be about €1 billion.

We have received payments from all the institutions for three quarters to date. As of 24 April, there is just over €295 million (€295,585,719.67) in the mandated account which is held in the Central Bank. The institutions are presently in the process of placing the fourth quarter payment in the mandated account.

There are two reasons why the fees paid to date have been less than originally estimated:

- The charging model for recouping these costs was based on covered liabilities of circa €450bn. However, as I have pointed out previously, about €90bn of that amount is covered by the enhanced Deposit Protection Scheme. The covered institutions do not pay the quarterly charge on liabilities covered by this scheme.
- Furthermore, the total of covered liabilities will naturally adjust over time as bank balance sheets change in the normal course of business

However, the application of the guarantee charging model is presently being reviewed by my Department and other stakeholders to ensure the recovery of the aggregate cost borne by the State as a consequence of the provision of the guarantee, and to ensure that the overall objectives of the Act are achieved. I would like to assure the Deputy that I will utilise fully the powers given to me under the Scheme to safeguard financial stability and ensure that the long term interests of the taxpayers are protected.

With regard to the rate the institutions are paying for the provision of the Guarantee, I can confirm that the rates are differentiated to reflect relative risk position but owing to the commercial sensitivity of this information, I will not disclose these rates.

Tax Code.

46. **Deputy Dinny McGinley** asked the Minister for Finance his latest assessment of tax changes in the USA which might adversely affect Irish interests; the initiatives he has taken to try to pre-empt such moves; and if he will make a statement on the matter. [27936/09]

Minister for Finance (Deputy Brian Lenihan): I think it is important to understand that the proposals announced earlier this year by the US Administration amount to changes to the existing system of deferral rather than abolishing it completely. Furthermore, because the proposals would represent a significant change to the current system for US multinationals operating overseas, they will be subject to detailed discussion and debate in Congress over the coming months.

My Department in conjunction with the Department of Enterprise, Trade and Employment and the IDA are working in close collaboration with the Embassy in seeking to address the various policy proposals. Issues that may have implications for Ireland are the subject of focussed discussion with US policymakers within the overall framework of a shared commitment to promoting the consolidation and growth of our economic relationship. Our Embassy in Washington is continuing to engage with the Administration and with Congress with a view to ensuring that our very positive experience of substantive investment by US companies competing in Europe and globally using Ireland as a base feeds into consideration of this issue by the Administration and by Congress. The Embassy is being assisted in that regard by the deployment of a senior IDA executive to Washington to engage with the issue.

Public Procurement.

47. **Deputy Michael Creed** asked the Minister for Finance the value of savings realised from the procurement review; the make-up of these savings; and his plans to make areas of public service delivery contestable by outside providers. [27897/09]

Minister for Finance (Deputy Brian Lenihan): The National Public Procurement Operations Unit was established in the Office of Public Works earlier this year. It has been actively examining the means by which reductions in all contracts for goods and services over €100,000 can be achieved. To that end, it has requested all Departments, Offices, Agencies, Local Authorities and Third Level Education bodies to supply it with details of such contracts which are in place at present and, furthermore, to seek reductions of up to 8% on all the contracts involved. The process of negotiating these reductions has commenced. Due to the substantial number of contracts to be dealt with by the over 600 organisations involved, it is not possible at this early stage to quantify the definitive savings which will be achieved.

In regard to public service delivery, *Towards 2016* recognised that there can be situations where, without affecting the essential ethos of the public service, work can be carried out or services delivered more effectively and efficiently, by contracting work to the private sector or outsourcing it to other public service bodies, or a combination thereof. Any such developments would be the subject of discussions with the relevant unions. Developments in this area will take account of the report of the Special Group on Public Service Numbers and Expenditure Programmes and the report of the Task Force on the Public Service.

Tax Code.

48. **Deputy Mary Upton** asked the Minister for Finance the proposals he has brought forward to tax on-line gambling for the purposes of meeting the funding shortfall for the horse and greyhound fund; and if he will make a statement on the matter. [22716/09]

Minister for Finance (Deputy Brian Lenihan): During the Finance Bill, I indicated that discussions would commence as to how best betting duty might be applied in the future, in the context of the 2010 Budget including looking at the UK's gross profit tax model. A number of different proposals in that regard have been received from various sectors of the industry. I also indicated that it is my intention to widen if possible the tax base on which betting duty would be applied. My officials are continuing to explore all options on an ongoing basis.

In exploring options for widening the tax base on which betting duty could be applied, my aim is to generate revenue to fund public expenditure generally, rather than to fund one specific item of expenditure. The Deputy will be aware the 2009 Budget publications announced that arrangements would end whereby the annual payment to the Horse and Greyhound Racing Fund would be automatically calculated by reference to the previous year's betting duty or the contribution to the Fund in the year 2000 adjusted for inflation.

Social Welfare Benefits.

49. **Deputy Kathleen Lynch** asked the Minister for Finance his views on whether welfare recipients have a higher marginal propensity to consume than persons on higher incomes and that cutting welfare rates would thus more severely impact on demand within the economy than other expenditure cuts; his further views on whether welfare dependants are less likely to have benefited from falling interest rates than those on higher incomes and that the HICP measure of inflation is therefore more appropriate than the CPI measure in determining their changing cost of living; if he will commit to maintaining welfare rates in budget 2010; and if he will make a statement on the matter. [27958/09]

Minister for Finance (Deputy Brian Lenihan): It is generally acknowledged that as income levels rise, the marginal propensity to consume declines. Therefore, I would tend to agree that the marginal propensity to consume of welfare recipients is higher than for those on higher incomes. However, the overall impact on aggregate demand is far less certain given the high degree of import intensity in Ireland.

As I have pointed on many occasions, expenditure adjustments are required in order to maintain the public finances on a sustainable path, as we are currently borrowing €214 million per week to fund the gap between day to day spending from day-to-day revenues. In terms of the specifics, announcements will be made in the context of the Budget, and I will not comment on the relative merits or otherwise of the various approaches at this stage.

In terms of the appropriate price index, interest rates go up as well as down. So while mortgage holders have benefited more than non-mortgage holders from the recent reductions in interest rates, the opposite was the case in the past. Reductions in interest rates have a beneficial effect on the disposable income of all those facing extra pressures at this time.

Banking Sector.

50. **Deputy Dan Neville** asked the Minister for Finance if he is monitoring charges made to bank customers over inter-bank rates set by the European Central Bank; and if he will make a statement on the matter. [27942/09]

Minister for Finance (Deputy Brian Lenihan): The decision on pass through of ECB rate reductions to variable rate mortgages is a commercial decision for the financial institution concerned. This decision will reflect a range of different factors including funding costs, market conditions, profitability and business strategy as well as the competitive environment overall. The Deputy will appreciate it is a core function of the Board and senior management of each institution to assess where the appropriate balance lies between these competing objectives

particularly in ensuring the financial health and commercial viability of the relevant institution. It is not an appropriate role for the Minister for Finance to seek to determine this decision making by financial institutions operating under competitive market conditions.

In view of its statutory consumer protection mandate, the Financial Regulator will continue to monitor interest rates charged by financial institutions.

Financial Services Regulation.

51. **Deputy Shane McEntee** asked the Minister for Finance his plans to make institutional changes in the arrangements for financial regulation; if he will publish an assessment of issues in advance of presenting proposals to Government; and if he will present the heads of any legislative Bill to the committees of the Houses of the Oireachtas which are investigating regulatory failure for early consideration of reform proposals. [27933/09]

54. **Deputy Emmet Stagg** asked the Minister for Finance his plans for the consumer protection function of the Financial Regulator; if it is envisaged that it will remain under the aegis of his Department; if a new agency is envisaged, amalgamating the National Consumer Agency, the Competition Authority and the consumer protection function of the Financial Regulator; and if he will make a statement on the matter. [27979/09]

69. **Deputy Michael D. Higgins** asked the Minister for Finance his views on the recently published annual report of the Bank of International Settlements; his further views on whether there are lessons to be learned in the context of the imminent redesign of the financial regulatory architecture here; his proposals to enforce the comprehensive application of enhanced prudential standards that integrate a system wide perspective at Irish credit institutions; and if he will make a statement on the matter. [27987/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 51, 54 and 69 together.

I announced on 18 June last that the Government had agreed a range of reforms of the regulatory structures for financial regulation. A new single fully integrated regulatory institution, the Central Bank of Ireland, will be established, replacing the current two pillar structure of the Central Bank and the Financial Services Regulatory Authority, comprising the Central Bank and Financial Services Authority of Ireland, to achieve the highest performance standards for the new organisation. The new Central Bank Commission will be chaired by the Governor of the Central Bank and will be responsible for both the supervision of individual firms and the stability of the financial system generally, combining micro-prudential and macro-prudential supervision in the one institution.

Within the new regulatory structures, the consumer information and education role, currently carried out within the Consumer Directorate in the Financial Regulator will be re-assigned to the National Consumer Agency (NCA) which is being amalgamated with the Competition Authority. The functions to be merged in the new body are highly complementary and share a common goal of enhancing consumer welfare. Regulation for consumer protection, including the development and enforcement of codes of practice, remains within the new Commission as an integral part of conduct of business regulation.

There is growing and extensive international literature on the causes of the financial crisis and identification of supervisory issues that need to be addressed. This includes the report of the de Larosi re Group to the European Commission and the annual report of the Bank of International Settlements. Both these reports highlight the importance of a macro-prudential orientation for regulation, focusing on the stability of the system as a whole as well as the

[Deputy Brian Lenihan.]

viability of individual institutions. The range of reforms announced will underpin a much more effective and efficient financial services regulatory system aligned with best international practice. The approach taken closely reflects arrangements proposed at EU level and will ensure a cohesive approach between the two critical elements of effective financial regulation.

Banking Sector.

52. **Deputy Ciarán Lynch** asked the Minister for Finance his views on whether the imposition of a smaller mark down on assets transferred to the National Asset Management Agency in order to avoid having to inject capital into the banking system once the asset transfer has been completed to ensure the banks meet the regulatory capital requirements is appropriate; and if he will make a statement on the matter. [27962/09]

Minister for Finance (Deputy Brian Lenihan): Loans will be transferred to NAMA at an appropriate written down value which will ensure value for money for the taxpayer and take into account the risk being transferred to the State.

The NTMA has engaged experts to assist the interim Managing Director of NAMA in the development of an appropriate valuation methodology, which will be fair and independent. The valuation methodology will have to be agreed with the European Commission, which published guidance on the treatment of impaired assets last February. The Commission has indicated that in the absence of a market value, a transfer value reflecting the underlying longer-term economic value of the assets would be an acceptable benchmark as a basis of valuation methodology.

I have previously indicated that, following completion of the transfer of assets to NAMA, the capital position of the institutions involved would be reviewed on a case by case basis.

Economic Outlook.

53. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which the various budgets he has produced in the past 12 months have proven to be on target in terms of accurately projecting revenue from the various forms of taxation, economic growth, job losses or gains and the housing market; if he is satisfied that current projections are likely to be sufficiently accurate to address in full the current and expected economic situation; and if he will make a statement on the matter. [27867/09]

71. **Deputy Eamon Gilmore** asked the Minister for Finance his most up to date forecast budget deficit for the year to 31 December 2009, including projected capital injections into the banking system; and if he will make a statement on the matter. [27967/09]

86. **Deputy Liz McManus** asked the Minister for Finance his views on the June 2009 Exchequer figures; the way the June 2009 figures compare to profiles forecast; if he is confident that tax revenue will amount to €34.4 billion for 2009; if he expects a significant amount of net emigration over the 2009 to 2010 period; the way he expects emigration trends to impact on tax revenues over this period; and if he will make a statement on the matter. [27963/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 53, 71 and 86 together.

The Supplementary Budget forecast that total tax revenue for the year would amount to €34.4 billion. Monthly profiles for individual tax-heads were published at the end of April.

The end-June Exchequer Returns showed that in the first half of the year total tax revenues of €15.8 billion were collected. At this stage, tax revenues are broadly on target with the Supplementary Budget forecast of €34.4 billion while expenditure is running approximately €500 million behind profile. Overall, taxes are €188 million or 1.2 per cent below profile. While this is close to target, significant sums remained to be collected in the second half of the year and the performance of Income Tax and VAT receipts in particular, will need to be monitored closely.

The Supplementary Budget forecast an Exchequer deficit of €20.35 billion. This figure allowed for a €3 billion front-loading of 2009 and 2010's contributions to the National Pension Reserve Fund, as part of the bank recapitalisation programme. In addition, the Government has since agreed a capital injection of up to €4 billion into Anglo Irish Bank, €3 billion of which was paid in June. Allowing for the full €4 billion capital injection increases the Exchequer deficit to a sum of almost €24½ billion. However, while the injections of capital into the banking system will impact upon the forecast Exchequer Balance, they do not impact upon the General Government Balance as the investment is considered a financial transaction and does not count as expenditure under GGB accounting rules. Hence, the forecast 2009 General Government Deficit of €18.4 billion that was published in the Supplementary Budget is still valid.

In the supplementary Budget, my Department projected that GDP would contract by 7.7 per cent this year, that employment would fall by 7.8 per cent and that unemployment would average 12.6 per cent. These forecasts have been acknowledged as being robust and realistic by external commentators and are largely in line with the current market consensus. In addition, the data which have been published since the April Budget are broadly in line with these forecasts.

Net outward migration is, for the most part, due to the deterioration in the labour market. The main channels through which migration impacts on tax revenue are through the labour market and consumption. In addition, outward migration is one of the reasons why overall consumption levels are projected to decline both this year and next, which has negative implications for VAT and excise receipts. The Supplementary Budget tax projections factor in a reduction in consumption and an employment loss of 7.8 per cent this year and 4.6 per cent next year. My Department is assuming net outward migration for both this year and next, and quarterly national household survey data published at the end of June provide some evidence that this is indeed the case.

At the half-way point in the year, both expenditure and revenue are still broadly on profile. However, the Supplementary Budget targets for the second half of 2009 remain challenging and the performance of both will have to be monitored extremely closely in the coming months.

My Department will publish updated economic and fiscal forecasts in the Pre-Budget Outlook in the autumn.

Question No. 54 answered with Question No. 51.

Public Service Staff.

55. **Deputy Deirdre Clune** asked the Minister for Finance the impact on public service employment of the embargo effective from the end of March 2009. [27888/09]

Minister for Finance (Deputy Brian Lenihan): On the 27 March 2009, I announced a moratorium on recruitment and promotion in the public service with certain exceptions in the health and education sectors. 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

[Deputy Brian Lenihan.]

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.

Banking Sector.

56. **Deputy Jimmy Deenihan** asked the Minister for Finance his proposals for recapitalising Anglo Irish Bank; his assessment of the funds involved; his plans for sourcing these funds; and his views on the adequacy of the strategic plan of the bank. [27905/09]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware the Government decided to provide up to €4bn by way of capital injection to Anglo Irish Bank. €3bn of this amount was provided from the Central Fund to the Bank for capital purposes on the 29 June 2009. The balance of up to €1bn will be provided subject to agreement on a proposed buy-back of Anglo debt aimed at improving the Bank's Core Tier 1 capital position.

The future capital needs of the Bank are not clear. This depends on a number of factors. The picture will become clearer when arrangements on the transfer of assets to NAMA are finalised. The economic climate, the performance of the remaining loan book will also be determinants of the future capital requirements of the Bank.

As already indicated the capital injection in May was made directly from the Central Fund. Since nationalisation Anglo Irish Bank shares are no longer trading in regulated markets and as a result the Bank has ceased, by definition, to be a "listed credit institution" for the purposes of the Investment of the National Pensions [No. 7.] Reserve Fund and Miscellaneous Provisions Act 2009. It follows, therefore, that the National Pensions Reserve Fund is not an appropriate vehicle for the transfer of funds to the Bank.

The Board of the Bank have not, as yet, finalised their Business plan. As part of the EU Commission State Aid approval for the injection of capital, the Bank has to prepare and submit a detailed restructuring plan. This will be done in consultation with my Department and the Financial Regulator and EU approval will also be needed.

Financial Services Regulation.

57. **Deputy Joanna Tuffy** asked the Minister for Finance his views on the concerns of the acting Financial Regulator with respect to banking staff, management or board members who may be over extended in terms of borrowings from their institution and who may be in a compromising position in relation to decisions on the transfer of assets to the National Asset Management Agency or the management and administration of such assets; and if he will make a statement on the matter. [27982/09]

Minister for Finance (Deputy Brian Lenihan): The Financial Regulator has the statutory authority and responsibility to regulate and supervise credit institutions. The Financial Regulator recently carried out a review of loans to directors in financial institutions and is imposing conditions on banks and building societies following this review.

With regard to staff, the Financial Regulator has informed me that it expects the Board and management of financial institutions to ensure that proper controls and procedures are in place in relation to staff lending. In a situation where the Regulator became aware of staff in senior positions who may be, or may be seen to be, compromised because of borrowings from that institution, the Regulator would seek to ensure that the position was rectified.

Unemployment Levels.

58. **Deputy Pat Rabbitte** asked the Minister for Finance his views on the June 2009 live register figures and the latest quarterly national household survey; if he will provide revised estimates in respect of unemployment figures for year end 2009 end 2010; the way these trends and estimates are expected to impact on the general Government balance for both 2009 and 2010; the way these trends and forecasts compare to those provided at the supplementary budget of 7 April 2009; and if he will make a statement on the matter. [27986/09]

Minister for Finance (Deputy Brian Lenihan): In June of this year, the seasonally-adjusted number on the Live Register was 413,500 resulting in a standardised unemployment rate of 11.9 per cent. The monthly increase in June was the lowest since September last year. In other words, the rate of labour market deterioration is not as bad as in the first quarter of this year.

The latest quarterly national household survey relates to the first quarter of this year, and shows that total employment fell at an annual rate of 7.5 per cent — the equivalent of 158,500 jobs — in the first quarter. The unemployment rate was 10.2 per cent.

These trends in both the Live Register and the quarterly national household survey are in line with labour market projections made by my Department in the April Supplementary Budget, so that revisions are not necessary. The budgetary arithmetic is based on employment falling by 7.8 per cent on average this year and by 4.6 per cent next year. Unemployment is forecast to average 12.6 per cent this year and 15.5 per cent next year. The number on the Live Register is projected to average 440,000 this year, which unfortunately implies breaching the 500,000 mark by end-year.

Therefore, the trajectory for the public finances — specifically the general government position — over this year and next is unaffected by the publication of labour market data since the Budget was formulated.

Falling employment and rising unemployment is the most worrying aspect of the economic downturn. The Government is working to improve the competitiveness of the economy so that we are in a position to exploit the global recovery when it emerges, thereby providing support to the labour market.

We are also investing in the smart economy, maintaining high levels of capital spending and directing that into labour intensive areas. For example, I announced the establishment of a Stabilisation Fund of €100m over two years to support vulnerable but viable enterprises and an R&D target of 2.5 per cent of GNP by 2013. In addition, I announced in the recent Supplementary Budget a further range of labour market activation initiatives.

Question No. 59 answered with Question No. 42.

Tax Code.

60. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance his plans to tax child benefit. [27279/09]

77. **Deputy Jan O'Sullivan** asked the Minister for Finance his preference for means testing or for taxing child benefit; and if he will make a statement on the matter. [27970/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 60 and 77 together.

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

[Deputy Brian Lenihan.]

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.

Banking Sector.

61. **Deputy Willie Penrose** asked the Minister for Finance the expected State capital injection into Anglo Irish Bank over the 2009 to 2012 period; if he proposes to fund such capital injections from the National Pension Reserve Fund, from the central fund or from other resources; the amount of capital which has been injected by the State to date in 2009; and if he will make a statement on the matter. [27959/09]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware the Government decided to provide up to €4bn by way of capital injection to Anglo Irish Bank. €3bn of this amount was provided from the Central Fund to the Bank for capital purposes on the 29 June 2009. The balance of up to €1bn will be provided subject to agreement on a proposed buy-back of Anglo debt aimed at improving the Bank's Core Tier 1 capital position.

The future capital needs of the Bank are not clear. This depends on a number of factors. The picture will become clearer when arrangements on the transfer of assets to NAMA are finalised. The economic climate and the performance of the remaining loan book will also be determinants of the future capital requirements of the Bank.

As already indicated the capital injection in May was made directly from the Central Fund. Since nationalisation Anglo Irish Bank shares are no longer trading in regulated markets and as a result the Bank has ceased, by definition, to be a "listed credit institution" for the purposes of the Investment of the National Pensions [No. 7.] Reserve Fund and Miscellaneous Provisions Act 2009. It follows, therefore, that the National Pensions Reserve Fund is not an appropriate vehicle for the transfer of funds to the Bank.

Tax Yield.

62. **Deputy George Lee** asked the Minister for Finance the yield from the air travel tax in the months from April to June 2009; and the number of journeys subjected to the tax. [27930/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the air travel tax arising from travel undertaken in any month is payable by the 23rd of the following month. The yields from the air travel tax received in May and June 2009 were €9.6 million and €11.5 million respectively, in respect of travel undertaken during the months of April and May 2009.

The tax due for travel undertaken during June 2009 is not payable until 23 July 2009, and therefore the yield in question is not yet available.

In addition to the monthly payments of the tax, each airline operator is required to furnish a detailed annual return to the Revenue Commissioners, which will include details of the number of departures liable at each rate of the tax. The first such annual returns, covering the period 30 March to 31 December 2009, are due to be provided by 23 February 2010. Consequently it is not possible at this time to provide details of the number of journeys subjected to air travel tax in the period April to June 2009.

Tax Code.

63. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if he will introduce a property tax on first homes; and the possible level of property tax. [27277/09]

Minister for Finance (Deputy Brian Lenihan): All taxes and potential taxation measures continue to be reviewed on an ongoing basis. However, as the Deputy will be aware, it is not customary for the Minister of Finance to comment on possible tax and expenditure changes in advance of the Budget.

Unemployment Levels.

64. **Deputy Seán Sherlock** asked the Minister for Finance his views on the latest quarterly national household survey which indicates a 104% year on year rise in unemployment to the end of March 2009 and that the seasonally adjusted unemployment rate is at its highest level since 1997; and if he will make a statement on the matter. [27976/09]

Minister for Finance (Deputy Brian Lenihan): Quarterly national household survey data show that in the first quarter of this year, economy-wide employment fell by 158,500 on an annual basis, a fall of 7.5 per cent. Seasonally adjusted unemployment was 223,000 in the first quarter, compared with 110,000 in the same period last year. The unemployment rate stood at 10.2 per cent in the first quarter.

There is no question that the deterioration in the labour market is of major concern. As I have said before, the most worrying aspect of the current economic difficulties is the rapid rise in unemployment.

In this regard, the Government is continuing to pursue policies that will limit the loss in employment and position the economy to take advantage of the upturn in world growth. For instance, we have brought in additional fiscal measures in order to maintain the public finances on a sustainable path. This will help restore international confidence in Ireland as a place to invest. We are working to improve competitiveness, through investing in infrastructure and in education and skills, maintaining the pro-enterprise tax system and research and development supports, thereby preparing the climate for future activity. The Government has also taken measures to get credit flowing, while we are ensuring that those losing their jobs have access to re-training.

Public Service Staff.

65. **Deputy Ruairí Quinn** asked the Minister for Finance the expected Exchequer saving for 2009 and 2010, respectively, resulting from the incentivised career break and incentivised early retirement schemes for public servants; and if he will make a statement on the matter. [27972/09]

Minister for Finance (Deputy Brian Lenihan): In the April 2009 Supplementary Budget, I announced a range of initiatives which are intended to lead to savings in the public service pay bill. The Government has decided to offer an *Incentivised Scheme of Early Retirement* in the public service to reduce the public service pay bill and facilitate a permanent, structural reduction in the numbers of staff serving in the civil service, local authorities, the health sector, non-commercial state bodies and certain other areas of the public service. The Scheme is open to applications from 1 May 2009 until 1 September 2009.

The Government has also decided to implement two new work-life balance initiatives, the *Special Civil Service Incentive Career Break Scheme* to facilitate civil servants in taking a career break for 3 years, as well as the *Shorter Working Year Scheme* which replaces the existing *Term Time Scheme*.

I included a tentative estimate in the April Budget of savings of up to €150m in 2009 and €300m in a full year. Achieving these savings is entirely dependent on take up, which is not certain at this stage.

Pre-Budget Submissions.

66. **Deputy Martin Ferris** asked the Minister for Finance if he will pursue a different approach to preparing for budget 2010; and if he will include the Opposition parties in discussions regarding cuts to spending. [27282/09]

Minister for Finance (Deputy Brian Lenihan): As I have already outlined in my response to a Priority Question today, the broad parameters for Budget 2010 were set out in the Supplementary Budget which for the first time set out a multi-annual plan which will achieve a General Government deficit of 3% of GDP by end-2013. In terms of the next two years, the Supplementary Budget set out the indicative split between the necessary further expenditure and tax revenue adjustments required, amounting to up to €4 billion in 2010 and 2011. At the time I indicated that the expenditure targets were a minimum and the taxation targets were a maximum and I have since elaborated on this to indicate that the scope for further income tax increases is limited. This will mean that other measures that broaden the tax base and further improve the expenditure position are central to the ongoing fiscal consolidation process.

The Commission on Taxation, which is expected to complete its work shortly, and the Special Group on Public Service Numbers and Expenditure, which is due to report to me imminently, will have an important role to play in identifying measures that will achieve the required adjustments for 2010 and subsequent years, as set out in the Supplementary Budget.

The report of the Special Group will assist the Government to identify economies which can be made on the scale necessary to ensure that the public finances are returned to a sustainable path in the near future. The Special Group's conclusions will accordingly be considered on an ongoing basis in the context of preparing the allocation of expenditure for 2010.

In relation to the Commission on Taxation, its terms of reference are far reaching and broadly defined and allow for consideration of all aspects of the Irish taxation system. The work of the Commission will help establish the framework within which tax policy will be set for the next decade at least. I expect to receive the report of the Commission shortly and I will be bringing it to Government for consideration at that stage.

It is intended the Pre-Budget Outlook will be published in mid to late October, setting out the pre-budget position in more detail based on the latest available data. In this context, my Department will produce updated macroeconomic projections which will inform the decision making process for my December Budget. The Pre-Budget Outlook will assist the House by informing the debate in the run up to the presentation of the Budget. I will then set out the details of Budget 2010 in my address on Budget Day in early December and the Budget will also contain updates to the medium term economic and fiscal projections.

As the Deputy is aware there is ongoing engagement with both Houses of the Oireachtas, as well as the various Committees, in relation to economic and fiscal matters. I have no reason to believe that the situation will be any different in the lead-up to the presentation of Budget 2010.

Freedom of Information.

67. **Deputy Ciarán Lynch** asked the Minister for Finance if he will extend the scope of the Freedom of Information Act 1997 to cover the Central Bank, the Financial Regulator, the State Claims Agency, the National Treasury Management Agency, including the National Pension Reserve Fund and the National Asset Management Agency, as recommended by the Information Commissioner; if he will bring forward amending legislation to this effect; and if he will make a statement on the matter. [27961/09]

Minister for Finance (Deputy Brian Lenihan): Given the significant pressure on the Central Bank and Financial Services Authority of Ireland (CBFSAI) at this time, arising from the financial crisis and the operation of the Bank Guarantee Scheme, and the significant change in the financial regulatory framework as proposed by Government, it is not considered that this would be the most appropriate time to consider the possible extension of the FOI Act to that organisation. Also significant issues relating to the confidential and commercial sensitivity of much of the information within the possession of that organisation, the international framework of its operations and its role in maintaining and protecting the financial stability of the State would have to taken on board in any such consideration of this matter.

With regard to the National Treasury Management Agency and the National Pensions Reserve Fund Commission I do not propose to extend FOI to these bodies for reasons of commercial sensitivity. In relation to the Agency's role as the State Claims Agency, most of its work is covered by legal privilege and it is considered that a partial application of FOI to the State Claims Agency would not be warranted.

In the case of the National Asset Management Agency (NAMA), it is not yet established as a statutory body although it is my intention to publish legislation later this month. It will of course be necessary to bear in mind that NAMA will have a commercial mandate to obtain maximum value for the taxpayer and, to achieve this objective it will be required to enter into complex commercial negotiations with financial institutions and developers, the nature of which will require in many instances a high degree of commercial confidentiality.

Banking Sector.

68. **Deputy Kathleen Lynch** asked the Minister for Finance the position regarding the ease of access to lending, particularly working capital, for small, medium and large businesses here; if he will take further steps to ensure that viable businesses are not forced to close as a result of avoidable liquidity difficulties; and if he will make a statement on the matter. [27957/09]

Minister for Finance (Deputy Brian Lenihan): A core Government objective is to free up lending on a commercial basis into the economy to support economic growth and a number of actions have been taken to achieve this objective. In the context of the bank guarantee scheme and recapitalisation the banks have made important commitments to support business lending.

An independent review of credit availability was agreed in the context of the recapitalisation of AIB and Bank of Ireland. The purpose of the review was to ascertain the position on credit availability to SMEs in Ireland. 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. The final report of the Review of Lending to SMEs has just now been received. The report is quite extensive, running to almost 100 pages plus appendices. It will be considered by the Cabinet Committee on Economic Renewal which is meeting this afternoon. The intention is that it will be published shortly.

A Code of Conduct for Business Lending to Small and Medium Enterprises was published by the Financial Regulator on 13 February and took effect on 13 March. This code applies to all regulated banks and building societies and will facilitate access to credit, promote fairness and transparency and ensure that banks will assist borrowers in meeting their obligations, or otherwise deal with an arrears situation in an orderly and appropriate manner. The business lending code includes a requirement for banks to offer their business customers annual review meetings, to inform customers of the basis for decisions made and to have written procedures for the proper handling of complaints. Where a customer gets into difficulty the banks will give

[Deputy Brian Lenihan.]

the customer reasonable time and seek to agree an approach to resolve problems and to provide appropriate advice. This is a statutory code and banks will be required to demonstrate compliance.

In addition, as part of the recapitalisation package announced on 11 February, Allied Irish Bank and Bank of Ireland reconfirmed their December commitment to increase lending capacity to small and medium enterprises (SMEs) by 10% and to provide an additional 30% capacity for lending to first time buyers in 2009. If the mortgage lending is not taken up, then the extra capacity will be available to SMEs. AIB and Bank of Ireland have also committed to public campaigns to actively promote small business lending at competitive rates with increased transparency on the criteria to be met. Compliance with this commitment is being monitored by the Financial Regulator. Officials from my Department are also in regular contact with the banks concerned in relation to their progress on implementing these measures.

My colleague the Tánaiste and Minister for Enterprise, Trade and Employment has recently set up a Clearing Group including representatives from the main banks, business interests and state agencies, which is chaired by the Department of Enterprise, Trade and Employment. The purpose of the group is to identify specific patterns of events or cases where the flow of credit to viable businesses appears to be blocked and to seek to identify credit supply solutions. Any questions on the clearing group should be directed to my colleague the Tánaiste and Minister for Enterprise, Trade and Employment.

The banks report that they are “open for business” as evidenced by their promotional and advertising material. The banks state that they have funds available for lending to businesses and have provided details on approval levels and amounts drawn down. They report a slow-down in certain areas which they say reflects a reduced level of demand. The review of credit availability has considered this point. The most recent Central Bank Monthly Statistics for May 2009 show that credit to non-financial corporates actually increased by €225m month-on-month after two months of substantial falls. While care is always to be taken when reading monthly data, this could be a positive indicator of credit actively being fed through the real economy and businesses.

You may also be aware that my colleague, the Minister of State for Trade and Commerce, Mr Billy Kelleher TD has commenced a series of regional meetings to discuss access to bank credit with key local stakeholders.

Question No. 69 answered with Question No. 51.

Financial Services.

70. **Deputy Denis Naughten** asked the Minister for Finance the steps he is taking to address the cost of sub-prime mortgages; the discussions he has had with the Irish Financial Regulatory Services Authority on the issue. [27640/09]

Minister for Finance (Deputy Brian Lenihan): The decision on the interest rate to be charged by lending institutions for mortgages is a commercial decision for the financial institution concerned. This decision will reflect a range of different factors including funding costs, market conditions, profitability and business strategy as well as the competitive environment overall. The Deputy will appreciate it is a core function of the Board and senior management of each institution to assess where the appropriate balance lies between these competing objectives particularly in ensuring the financial health and commercial viability of the relevant institution. It is not an appropriate role for the Minister for Finance to seek to determine this decision making by financial institutions operating under competitive market conditions.

The Government took steps in October 2007 via an amendment to the Central Bank Act, 1997, to provide for an appropriate system of authorisation and supervision of retail credit firms by the Financial Regulator engaged in specialist or so-called sub-prime lending. Such lenders were not previously subject to financial regulation in respect of lending activities. The primary purpose of this amendment was to extend to customers of these firms the benefit of the consumer protections provided for in the Financial Regulator's Consumer Protection Code. This regulatory regime has been in place since 1 February 2008 and is being implemented by the Financial Regulator. Consumer credit, including sub-prime lending, is also regulated in Ireland under the Consumer Credit Act 1995. The Act makes detailed provision for the form and content of loan agreements and for advertising of consumer credit.

Some non deposit-taking mortgage lenders are required to notify charges under Section 149 of the Consumer Credit Act, 1995 (as amended) to the Financial Regulator for approval. However interest rates are excluded from this requirement. Also, legal fees tend to be imposed by 3rd parties and then passed on directly by the institution to the consumer. In general these do not require approval. When approving fees, the Financial Regulator takes the following criteria into consideration:

- promotion of fair competition;
- commercial justification;
- passing on any costs to customers; and
- the effect on customers or a group of customers.

In view of its statutory consumer protection mandate, the Financial Regulator will continue to monitor interest rates charged by financial institutions.

Question No. 71 answered with Question No. 53.

Banking Sector.

72. **Deputy Mary Upton** asked the Minister for Finance his views on the evolution of the deposit base of Irish banks since the beginning of 2009; the borrowing by Irish banks from the European Central Bank; and if he will make a statement on the matter. [27983/09]

Minister for Finance (Deputy Brian Lenihan): I refer to my answer to Question No. 121 of 13 May 2009.

As I set out in that answer, data on the deposit base of bank offices resident in Ireland is published in the Monthly Statistics and Quarterly Bulletins of the Central Bank and Financial Services Authority of Ireland (CBFSAI).

The latest available monthly statistics (May 2009) indicates that total deposits held in credit institutions reporting to the CBFSAI for statistical purposes is €276.2 billion (includes a total of €170.4 billion in deposits held by Irish residents). The aggregate level of deposits has declined by approximately €13 billion from the end of December 2008 to the end of May 2009, over half of which is accounted for by non-resident deposits. In May, overnight and short-term deposits increased whereas deposits for a longer maturity (i.e. up to two years) declined.

Credit institutions located in the State may avail of liquidity funding from the European Central Bank and as at 29 May 2009 a total of €118.1 billion in liquidity was borrowed by credit institutions reporting to the CBFSAI. While the monthly level of borrowing increased from January to March, it decreased in April and May. The Deputy will note that this data relates

[Deputy Brian Lenihan.]

to all credit institutions reporting to the CBFSAI for statistical purposes so includes foreign owned institutions, including those based in the IFSC, as well as Irish-owned institutions.

Tax Code.

73. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance when the report from the Commission on Taxation will be put before the Houses of the Oireachtas. [27278/09]

Minister for Finance (Deputy Brian Lenihan): The report of the Commission on Taxation is due to be presented to me shortly and will be published following Government approval.

Proposed Legislation.

74. **Deputy Joan Burton** asked the Minister for Finance if he will provide for the extension of the range of assets eligible for transfer to the National Asset Management Agency to include commercial debt, residential mortgages, or other consumer debt; if the NAMA legislation will include a ceiling on the value of assets eligible for transfer; and if he will make a statement on the matter. [27992/09]

Minister for Finance (Deputy Brian Lenihan): The objective behind the establishment of NAMA was to deal with the riskiest assets on the balance sheets of Irish banks, which were preventing banks from lending into the economy and thereby supporting economic recovery. In that regard, all land and development loans and certain associated exposures of each eligible institution will be considered for transfer to NAMA.

There are no plans to extend NAMA beyond development property related loans and associated exposures.

Banking Sector.

75. **Deputy Terence Flanagan** asked the Minister for Finance if he has drafted a scheme for the extension of the guarantee scheme beyond 2010; if the premium to be charged will differ from that under the existing guarantee; and his plans to present the scheme to the Houses of the Oireachtas. [27918/09]

Minister for Finance (Deputy Brian Lenihan): As I announced in my Supplementary Budget Statement on 7 April 2009, it is the Government's intention to put a State guarantee in place for the future issuance of debt securities with a maximum maturity of up to five years.

Following the enactment of the Financial Measures (Miscellaneous Provisions) Act at the end of June which provides a power to extend the guarantee by order beyond its current expiry date of 29 September 2010, work is continuing on the drafting of a Scheme, the introduction of which requires EU State aid approval.

Access to longer-term funding in line with the mainstream approach in the EU and is expected to contribute significantly to supporting the funding needs of the banks and to securing their continued stability. The extended scheme must be approved in accordance with EU State aid rules and discussions are continuing in this regard with the European Commission.

76. **Deputy Jack Wall** asked the Minister for Finance his views on the recent International Monetary Fund forecast that losses in the banking sector here are expected to total €35 billion by end 2010 and that the Exchequer cost is expected to fall in the 12 to 15% range; and if he will make a statement on the matter. [27974/09]

Minister for Finance (Deputy Brian Lenihan): The IMF has said that losses *could* be about €35 billion, or about 20 percent of GDP. It is, however, important to point out that the IMF figure was not based on a very detailed analysis of individual bank data. Also, this figure does not take into account the countervailing effect of bank earnings — in that sense it is a gross rather than a net figure.

The Deputy will be aware from my previous reports to the House that PWC has carried out detailed reviews of the loan books and the capital position of six of the covered institutions. Since then, additional due diligence reviews of Anglo Irish Bank, Allied Irish Banks and Bank of Ireland have been carried out, building on the assessments carried out by PWC.

As I have previously stated, I am not in a position to release information contained in these reviews, other than what has been released to date, because of the commercially sensitive nature of the information.

Arising from our assessment of the initial reviews of the loan books, the Government decided to establish the National Assets Management Agency to ensure that the financial institutions were freed up to allow them to lend to the real economy. As I announced in early April, the potential book value of loans that will be transferred to NAMA is in the region of €80 to €90 billion. However, the amount paid by NAMA will be considerably less than this since loans will only be transferred at an appropriate written down value. Where banks and borrowers have made losses, they will have to recognise such losses before the transfer of loans to NAMA. NAMA will operate on a full commercial basis and will be determined to recover monies owed to it to the fullest extent possible.

Question No. 77 answered with Question No. 60.

78. **Deputy Bernard J. Durkan** asked the Minister for Finance if he has carried out a sufficient audit of the banking sector with a view to identifying precisely the full extent of assets and lending; the degree to which this information, if available, is expected to impact on future corrective action within the banking sector and Government regulation; the steps he will take to address the cause in departures from good banking and lending practices over the past number of years; the further steps he will take to address these issues in the future; and if he will make a statement on the matter. [27866/09]

Minister for Finance (Deputy Brian Lenihan): The PriceWaterhouseCoopers (PWC) Report commissioned by the Financial Regulator, provided a comprehensive analysis of the loan books of the covered institutions. This analysis informed the series of moves which have been taken to stabilise the Irish banking sector. The contents of the PWC reports are however, highly market sensitive and will not be published.

Work has begun at an international level on forging a new model to govern the conduct and behaviour of the financial sector. Ireland will play its part internationally and particularly at EU level in seeking to ensure that the re-design of the financial system and in particular of financial regulation is consistent with the objectives highlighted in the Guarantee Scheme.

The regulation of lending practices of Irish financial institutions is the responsibility of the Financial Regulator. In response to the financial turbulence of last year, the Financial Regulator instigated a series of new regulatory measures to take account of the changed environment, including an increased focus on the management of credit and liquidity risks of the banks. Among the actions the Financial Regulator has taken are the following:

- the recruitment of 20 senior supervisory staff with banking experience to monitor developments in domestic credit institutions. An additional 20 positions were advertised in

[Deputy Brian Lenihan.]

June 2009 for specific expertise across a range of areas. The competition closed in late June and the short listing of candidates from this competition is underway; and

- enhanced reporting obligations in relation to capital, asset quality and individual large loans to supplement daily liquidity reporting requirements.

More recently however, I announced the Government's intention to establish a single fully integrated regulatory institution, the Central Bank of Ireland Commission. This new structure will replace the current board structure of the Central Bank and the Financial Services Regulatory Authority to achieve the highest performance standards for the new organisation.

The new Central Bank Commission will be chaired by the Governor of the Central Bank and will be responsible for both the supervision of individual firms and the stability of the financial system generally. This range of reforms will underpin a much more effective and efficient financial services regulatory system aligned with best international practice.

In the legislation which will underpin the new structures, the Government will seek to enhance the accountability of the new regulatory structures to the Oireachtas and to strengthen evaluation and quality assurance of regulatory performance.

National Archives.

79. **Deputy David Stanton** asked the Minister for Finance his plans to upgrade the National Archives; the cost to the Office of Public Works for off-site storage of records since October 2008 to date in 2009; and if he will make a statement on the matter. [27868/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Land Commission is currently accommodated in the National Archives premises in Bishop Street, Dublin 8. The Office of Public Works is in the process of relocating the Land Commission personnel and their records from Bishop Street to Portlaoise, and will allocate the space freed up by this move to the National Archives for storage purposes.

The Office of Public Works has made arrangements for the provision of additional off-site storage for the National Archives and the cost associated with this storage from October 2008 is €10,114.50.

House Repossessions.

80. **Deputy Joan Burton** asked the Minister for Finance the steps he will take to ensure that there is not a surge in home repossessions upon the expiration of the 12 month moratorium agreed with Allied Irish Banks and another bank (details supplied) as part of their recapitalisation schemes; his views on the level of mortgage arrears here and its evolution; and if he will make a statement on the matter. [27991/09]

Minister for Finance (Deputy Brian Lenihan): My Department continues to monitor the situation in general, and especially with the recapitalised banks and the banks under the Guarantee. The Government has the objective of ensuring that the rate of home repossessions should remain at its present very low levels and will seek to achieve this through the terms of the Statutory Code of Conduct, specific commitments under the recapitalisation scheme, the direct financial supports under the Supplementary Welfare Allowance scheme and the support of the Money Advice and Budgetary Service.

The Code of Conduct on Mortgage Arrears published on 13 February 2009 builds on the existing voluntary Code of Practice issued by the Irish Banking Federation and incorporates a requirement for the lender to wait at least six months from the time arrears arise before taking

legal action. Bank of Ireland and AIB have each committed that they will not commence court proceedings for repossession of a principal private residence until after twelve months of arrears appearing, where the customer continues to cooperate reasonably and honestly with the bank. It should be noted that the twelve months commences when the arrears first appear and is not limited to the dates of the recapitalisation. Under the Code of Conduct, a lender may not seek repossession until every reasonable effort has been made to agree an alternative repayment schedule with the borrower. The Code is monitored by the Financial Regulator.

I must stress however that there are no indications that such a surge in on the way.

Economic Outlook.

81. **Deputy Jan O'Sullivan** asked the Minister for Finance his views on the latest OECD economic outlook and its forecast that Irish GDP is set to decline 9.8% in 2009 with the budget deficit set to hit 11.5% of GDP; and if he will make a statement on the matter. [27969/09]

Minister for Finance (Deputy Brian Lenihan): With regard to the latest OECD Economic Outlook, released June 24th, I note that the OECD's projections indicate that the global contraction is slowing, and for the first time in a while they are more optimistic regarding a global upturn than their last outlook. Of particular importance to Ireland are the signs of impending recovery in the US.

I note that the OECD forecast that the Irish economy will contract by $-9\frac{3}{4}$ per cent this year. Since the OECD forecasts were published, first quarter national accounts data have become available which show that GDP contracted by $8\frac{1}{2}$ per cent year-on-year in the first quarter. Moreover, many commentators are now of the view that the rate of deterioration may be slowing. Available data are consistent with this. Therefore, my Department's forecast of a $7\frac{3}{4}$ per cent contraction remains valid at this stage. Whatever the actual outturn, we all acknowledge that we are in a difficult economic situation and that Ireland is expected to suffer a 13% contraction in output over the period 2008-2010, before resuming some modest growth thereafter.

The OECD forecast a General Government Balance in 2009 of -11.5% of GDP and -13.6% of GDP in 2010; this compares to the Supplementary Budget forecast of $-10\frac{3}{4}\%$ of GDP in both 2009 and 2010.

While the difference in the forecasts can partly be explained by the difference in economic growth forecasts, it also reflects the fact that the OECD forecast is based on existing specified policy. This means that they do not include the commitment contained in the Supplementary Budget to make further budgetary adjustments of the order of over 2% of GDP in 2010.

The recent Supplementary Budget set out a multi-annual consolidation plan for the public finances which will bring the General Government Balance to -3% of GDP by end-2013. I welcome the OECD's assessment that it is appropriate that fiscal consolidation has begun in Ireland given the severe pressures on the public finances.

Ministerial Appointments.

82. **Deputy Michael D. Higgins** asked the Minister for Finance when he will announce the identity of the next governor of the Irish Central Bank; if he has prepared a shortlist of potential candidates; if he has approached potential candidates regarding the position; if he will appoint a candidate with a blend of theoretical and practical, market knowledge of the banking sector; and if he will make a statement on the matter. [27988/09]

Minister for Finance (Deputy Brian Lenihan): As I announced previously, the current Governor of the Central Bank, Mr John Hurley, was requested to continue in office for a short

[Deputy Brian Lenihan.]

period past the completion of his current term, in order to ensure continuity and leadership during the disruption in financial markets. He has agreed to remain for a period of additional months to facilitate the smooth transition to the new regulatory arrangements.

It is proposed that the Government will consider of a wide pool of qualified candidates, including from abroad, to ensure that the Governor Hurley's successor will have the necessary reputation, experience, abilities and expertise to take over responsibility for leading the reform of the regulatory structures.

Financial Services.

83. **Deputy Thomas P. Broughan** asked the Minister for Finance his proposals to improve the flow of credit in respect of vehicle purchases when customers with good jobs, a reliable credit history and a significant equity in a vehicle purchase are having difficulty in accessing credit; and if he will make a statement on the matter. [27955/09]

Minister for Finance (Deputy Brian Lenihan): In general, the decision on whether an institution operating in Ireland approves a loan application from an individual is a commercial decision for the institution concerned.

The Deputy will appreciate that a balance must be achieved by Government between influencing private banks through the bank guarantee scheme and other financial support incentives while at the same time being seen to have a hands-off approach to the day to day running of these institutions which must operate on a strictly commercial basis. In this regard, Government action to date has focussed on SME and mortgage markets rather than consumer lending of various types.

Financial Institutions Support Scheme.

84. **Deputy Jack Wall** asked the Minister for Finance the findings of the first six month review of the functioning of the bank guarantee; if he will publish this review; if he is satisfied that the guarantee has secured the liquidity situation of the banking system here; and if he will make a statement on the matter. [27973/09]

Minister for Finance (Deputy Brian Lenihan): Under paragraph 8 of the Credit Institutions (Financial Support) Scheme, the Minister for Finance may review and vary the terms and conditions of the Scheme to ensure that it is achieving the purposes of the Credit Institutions (Financial Support) Act 2008. The Scheme states that at such a review, the Minister shall consider, inter alia, the continued requirement for the provision of financial support under the Scheme with regard to its objectives and section 2(1) of the Act. This review has been provided to the European Commission as required under the Scheme.

As I announced in my Supplementary Budget Statement on 7 April 2009, it is the Government's intention to put a State guarantee in place for the future issuance of debt securities with a maximum maturity of up to five years.

Following the enactment of the Financial Measures (Miscellaneous Provisions) Act at the end of June which provides a power to extend the guarantee by order beyond its current expiry date of 29 September 2010, work is continuing on the drafting of a Scheme, the introduction of which requires EU State aid approval.

Access to longer-term funding in line with the mainstream approach in the EU and is expected to contribute significantly to supporting the funding needs of the banks and to securing their continued stability. The extended scheme must be approved in accordance with EU State aid rules and discussions are continuing in this regard with the European Commission.

Banking Sector.

85. **Deputy Brian O'Shea** asked the Minister for Finance his views on the recent court action initiated by a bank (details supplied) to recover some €60 million owed to it; his views on whether further such legal actions are unlikely to be initiated by credit institutions in advance of the establishment of the National Asset Management Agency and that credit institutions should await the establishment of NAMA before initiating such legal actions; and if he will make a statement on the matter. [27968/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that substantial progress has been made in the practical preparations for the establishment of NAMA in tandem with the drafting of legislation to establish the Agency on a statutory basis, and that it is my intention to publish the NAMA Bill before the end of July.

Pending the establishment of NAMA, institutions will be expected to manage loan assets in accordance with normal commercial practice. This includes the management of non-performing or impaired loans. The specific action referred to by the Deputy is a commercial matter for the institution concerned.

Question No. 86 answered with Question No. 53.

Ministerial Appointments.

87. **Deputy Thomas P. Broughan** asked the Minister for Finance the progress regarding the recruitment of a new head of financial supervision to act under the auspices of the new Central Bank commission; and if he will make a statement on the matter. [27956/09]

Minister for Finance (Deputy Brian Lenihan): A key aspect of the proposed reform of the regulatory structures is the appointment of a Director of Financial Supervision, who will be an *ex officio* member of the new Central Bank of Ireland Commission and will report to the Commission on the regulatory and supervisory functions and objectives of the new structure.

The process of recruiting this new Director of Financial Supervision is already underway, under the auspices of the Central Bank and Financial Regulator, in close consultation with my Department. Sir Andrew Large, former Deputy Governor of the Bank of England and former member of the UK Monetary Policy Committee is also advising on the recruitment process. The position was advertised nationally and internationally last week. The search being undertaken is wide-ranging to ensure that the successful candidate has the necessary calibre, reputation, experience and expertise to lead the reform of the regulatory and supervisory structures.

Banking Sector.

88. **Deputy Seán Sherlock** asked the Minister for Finance his views on the recent reiteration by the International Monetary Fund of its recommendation that temporary nationalisation of the Irish banks should be pursued in conjunction with the National Asset Management Agency in order to restructure the banking sector and to mitigate difficulties in appropriately pricing assets being transferred to NAMA; and if he will make a statement on the matter. [27975/09]

Minister for Finance (Deputy Brian Lenihan): The IMF did not recommend nationalisation of the Irish banks. It did suggest that there can be circumstances in which a nationalisation is necessary. In this regard, the Deputy is aware of the nationalisation of Anglo Irish Bank, where circumstances were such that the Government believed a nationalisation was required.

The Government does not accept that nationalisation of the whole of the Irish banking system will be the short term panacea that some — but not the IMF — suggest. We believe

[Deputy Brian Lenihan.]

that it is important, where possible, that the banking sector has a market presence and that it operates within market disciplines and constraints. A commercially focused banking system operating within market disciplines and constraints is best equipped to achieve the Government's aim of ensuring that the lending needs of the real economy are met.

I should note that the IMF Directors commended the response of the Irish authorities, welcomed the actions taken so far to safeguard financial stability and supported the NAMA initiative.

Proposed Legislation.

89. **Deputy Arthur Morgan** asked the Minister for Finance the person he is consulting with in drawing up the National Asset Management Agency legislation. [27275/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that the establishment of NAMA and the interim preparations, including the drafting of legislation, are being overseen by a NAMA Steering Group established by me. The Group comprises representatives of my Department, the NTMA and the Attorney General.

To date, the interim NAMA has managed three tender competitions covering (i) banking and financial advice, (ii) tax advisory services and (iii) legal advice. Future tender competitions will be advised on the NAMA website www.nama.ie. While the drafting of the NAMA legislation is being overseen by the Steering Group, the expert advice of the three companies appointed to advise NAMA will feed into the process.

I also would add that many constructive observations, comments and advices have been independently offered. These have been referred to the Steering Group and the interim Managing Director of NAMA for consideration.

Banking Sector.

90. **Deputy Willie Penrose** asked the Minister for Finance when he will introduce a revised bank guarantee scheme for consideration by Dáil Éireann; if he will narrow the scope of the guarantee for periods beyond 30 September 2010; if, in particular, he will remove dated subordinated debt from the scope of the guarantee under any proposed extension; and if he will make a statement on the matter. [27960/09]

Minister for Finance (Deputy Brian Lenihan): As I announced in my Supplementary Budget Statement on 7 April 2009, it is the Government's intention to put a State guarantee in place for the future issuance of debt securities with a maximum maturity of up to five years.

The enactment of the Financial Measures (Miscellaneous Provisions) Act at the end of June provides a power to extend the guarantee by order beyond its current expiry date of 29 September 2010. As I mentioned during the debate on this Bill it is my intention to provide in any new Scheme that dated subordinated debt will not be part of any such extension. Work is continuing on the drafting of a Scheme, the introduction of which requires EU State aid approval.

Access to longer-term funding in line with the mainstream approach in the EU and is expected to contribute significantly to supporting the funding needs of the banks and to securing their continued stability. The extended scheme must be approved in accordance with EU State aid rules and discussions are continuing in this regard with the European Commission.

Debt Levels.

91. **Deputy Joe Costello** asked the Minister for Finance his views on the spread on recently

raised Irish sovereign debt above the benchmark German bonds; if he expects these spreads to ease or to become more pronounced over the 2009 to 2010 period; the expected impact of elevated bond spreads on the cost of financing the national debt in 2009 and 2010; the expected cost in nominal terms and as a proportion of GDP for 2009 and 2010, with comparative figures for 2007 and 2008; and if he will make a statement on the matter. [27989/09]

Minister for Finance (Deputy Brian Lenihan): The spread in the cost of funding that Ireland must pay over the German benchmark rate began to increase towards the end of 2008 and rose sharply in January 2009 as a result of a number of global and domestic factors. These included international concerns about the prospect for continued economic contraction in Ireland and internationally, the deterioration in the public finances, and uncertainty about the cost to the Exchequer of restructuring the Irish banking sector. While spreads have fallen from the peak levels, they remain volatile. The National Treasury Management Agency advise that it is not possible to disentangle the precise effects of the different factors behind these spread moves or to quantify them. For illustrative purposes, the NTMA have estimated that an increase of 10 basis points in the spread would increase the cost of funding the overall 2009 borrowing requirement by around €29 million in a full year.

While, as outlined above, a number of factors have impacted on the spread in the cost of funding, the Government is taking the necessary corrective actions to address the deterioration in the public finances and ensure the stabilisation of the financial sector. It is expected that these actions will assist in restoring the confidence of international investors and will have an impact on the longer term debt servicing costs.

The Supplementary Budget forecasts as advised by the NTMA for 2009 and 2010 for debt servicing costs, in nominal terms and as a proportion of GDP, along with comparative figures for 2007 and 2008 are set out as follows:

	Outturn 2007	Outturn 2008	Forecast 2009	Forecast 2010
Debt Service Cost	€2.1 billion	€2.1 billion	€3.9 billion	€5.8 billion
As a % of GDP	1.1%	1.1%	2.3%	3.5%

Tax Collection.

92. **Deputy Jim O’Keeffe** asked the Minister for Finance his views on loss of revenue to the Exchequer, estimated to be in the region of €400 million annually, arising from the illegal smuggling of cigarettes; and the steps he is taking by way of legislation, enforcement and prevention to stem this loss. [27637/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that they are not in a position to confirm the Deputy’s estimate of tax loss from cigarette smuggling, as there is no reliable method for determining such a figure. However, a tentative estimate was given by Revenue earlier this year that about 20% of cigarettes consumed in Ireland may be untaxed, but it is important to emphasise that this includes both legitimate cross-border purchases for personal consumption and contraband and counterfeit cigarettes. Cigarette clearances on payment of tax for the first five months of 2009 are broadly in line with the same period in 2008.

Approximately 42m cigarettes with a retail value of €17.5m have been seized in the first six months of 2009. The efforts that are being made by Revenue to tackle cigarette smuggling include a continuous review of resource deployment both at points of importation and inland

[Deputy Brian Lenihan.]

with a view to increasing the number of seizures and prosecutions, the procurement of a second Mobile Container Scanner that is expected to be completed this year, continued liaison with An Garda Síochána and where appropriate, the mounting of multi-agency international operations. In addition, Revenue will continue to liaise closely with the legitimate tobacco manufacturers and the Office of Tobacco Control, and will also maintain close contact with the authorities in other Member States and the European Anti-Fraud Office.

With regard to legislation, I can inform the Deputy that existing enforcement legislation is considered adequate for tackling cigarette smuggling. Current penalties on summary conviction for evasion of duties are €5,000 and/or a term of imprisonment not exceeding twelve months. These reflect the maximum statutory penalties that can be imposed by the District Courts. The penalty for conviction on indictment is currently €12,695 or treble the duty paid value of the goods, whichever is the greater, and/or a term of imprisonment not exceeding five years.

Banking Sector.

93. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if he has received reports from the banks covered under the guarantee scheme with regard to their lending to small businesses. [27280/09]

Minister for Finance (Deputy Brian Lenihan): As part of the recapitalisation package announced on 11 February, Allied Irish Bank and Bank of Ireland reconfirmed their December commitment to increase lending capacity to small and medium enterprises (SMEs) by 10% and to provide an additional 30% capacity for lending to first time buyers in 2009. If the mortgage lending is not taken up, then the extra capacity will be available to SMEs. Compliance with this commitment is monitored by the Financial Regulator. The banks make quarterly reports to ensure compliance and the first reports to end March 2009 were received in a timely manner.

Additionally, an independent review of credit availability was agreed in the context of the recapitalisation of AIB and Bank of Ireland. The purpose of the review was to ascertain the position on credit availability to SMEs in Ireland. 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. The final report of the Review of Lending to SMEs has just now been received. The report is quite extensive, running to almost 100 pages plus appendices. It will be considered by the Cabinet Committee on Economic Renewal which is meeting this afternoon. The intention is that it will be published shortly.

Public Service Contracts.

94. **Deputy Jim O’Keeffe** asked the Minister for Finance if the procurement process for the acquisition of a second mobile scanner needed to combat cigarette smuggling has been completed; and the expected date when it will be operational. [27636/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the procurement process for the acquisition of a second mobile scanner is progressing. The tenders have been evaluated, the project team responsible for procurement have decided on a supplier and have commenced the contract stage of the procurement process. The project plan envisages that the new scanner will be deployed by the end of this year.

Banking Sector.

95. **Deputy Liz McManus** asked the Minister for Finance the lending by the European Cen-

tral Bank and by the Irish Central Bank respectively to financial institutions covered by the bank guarantee; and if he will make a statement on the matter. [27964/09]

Minister for Finance (Deputy Brian Lenihan): The Central Bank do not publish separate figures for the guaranteed banks but do publish figures which cover all banks operating in Ireland, including the IFSC banks. The total aggregate balance sheet of these institutions is €1,392,046 million of which €118,087 million represents ECB lending. These figures for individual banks are highly market sensitive and are not published.

Financial Services.

96. **Deputy Denis Naughten** asked the Minister for Finance the steps he is taking to address the cost of fixed rate mortgages; the discussions he has had with the Irish Financial Services Regulatory Authority on the issue; and if he will make a statement on the matter. [27639/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy's question refers to the commitment I gave in this House on 26 March 2009 to request the Consumer Director in the Financial Regulator — which has a statutory mandate to safeguard customers' interests — to examine the level of redemption fees charged by banks to customers wishing to exit from fixed rate mortgages. My Department received a copy of the Financial Regulator's report on this matter on 29 June 2009.

The report sets out that the Financial Regulator requested specific information from 26 lenders on how early redemption fees quoted to customers are calculated. Of the 26 lenders, 25 confirmed to the FR that they did not impose any fees in respect of the early redemption of a fixed rate home loan other than those which would arise in the context of a normal redemption of any mortgage. In one case a €95 fee approved under the Consumer Credit Act, 1995 is charged by the lender for breaking a fixed rate mortgage.

The FR's report states that independent actuarial confirmation was also sought from all of the lenders to substantiate the case that the formulae applied by them to calculate redemption fees were restricted to the recovery cost of the funding of particular fixed rate mortgage arrangements in place.

On the basis of the information supplied by the lenders including worked examples and the actuarial confirmations submitted, the FR concluded and has confirmed to my Department that its analysis indicates that the early redemption fee calculation in all cases appears to seek to recover the costs; and lenders do not generally apply additional fees in the case of early redemption.

The Financial Regulator has advised my Department in its report that since its findings are based on a review of material provided by lending institutions rather than verification by means of on-site inspections it intends to carry out at least six on-site inspections on this issue.

Lenders do not therefore seem to be applying financial penalties in order to dissuade borrowers from early redemption of fixed rate mortgages. However, if the additional work to be undertaken by the Financial Regulator brings to light any information that does not support the findings and the conclusions contained in its report, the Financial Regulator has confirmed that this information will be made available in the public domain.

Departmental Expenditure.

97. **Deputy David Stanton** asked the Minister for Finance the way he proposes to make savings and reduce expenditure associated with the Office of Public Works; and if he will make a statement on the matter. [27869/09]

Minister for Finance (Deputy Brian Lenihan): The Revised Estimates Volume contains details on the financial provision for the Office of Public Works for 2009. The efficient and effective application of that provision is a matter for that Office. With regard to the impact of the general budgetary situation on the funds that may be provided for the OPW in 2010, that is a matter for decision in the context of the 2010 budget. The recommendations of the Special Group on Public Service Numbers and Expenditure Programmes will form an input to that process.

Economic Competitiveness.

98. **Deputy Brian O'Shea** asked the Minister for Finance his views on the International Monetary Fund's recent assertion that the economic distress currently facing Ireland is the most severe facing an advanced economy since World War II; the way he expects businesses and families here to be able to cope with the crisis and the reduced incomes it entails; the measures he will introduce to alleviate these financial pressures; and if he will make a statement on the matter. [27965/09]

Minister for Finance (Deputy Brian Lenihan): The IMF is projecting that the Irish economy will contract by 13.5% between 2008 and 2010. This is of similar magnitude to the forecast made by my Department in the April supplementary budget. This is a very sharp rate of contraction in both international and historical terms. However, as I have pointed out before, the IMF report commends the Government for its actions to resolve the difficulties.

The Government is acutely aware that businesses, families and almost everyone in our society is being affected by the deterioration in economic conditions. What we are attempting to do is to ensure that the burden of adjustment is spread evenly. Income reductions — which are inevitable — must also be seen in the context of declining prices.

Improving competitiveness and safeguarding our pro-enterprise economy, putting our public finances and our banking system on a sustainable footing while returning to export-led growth are the appropriate policies and will ensure that we achieve sustainable increases in employment in the future. In this context, the Government's approach to dealing with the present significant economic downturn is to ensure that the economy is in a position to be able to take advantage of the global recovery when it emerges.

Financial Services.

99. **Deputy Ruairí Quinn** asked the Minister for Finance if his attention has been drawn to the fact that consumers in stable employment and with a reliable credit history are having difficulties in accessing mortgage finance; his proposals to improve this situation; and if he will make a statement on the matter. [27971/09]

Minister for Finance (Deputy Brian Lenihan): While I cannot comment on individual cases, I would however point out that in response to the issue of access to mortgage finance, as part of the terms of the recapitalisation of AIB and Bank of Ireland, the banks agreed to provide an additional 30% capacity for lending to first time buyers in 2009. The banks have also committed to actively promote mortgage lending at competitive rates, with increased transparency on the criteria to be met.

In general, the decision on whether an institution operating in Ireland approves a mortgage application from individuals is a commercial decision for the institution concerned. The Deputy will appreciate that a balance must be achieved by Government between influencing private banks through the bank guarantee scheme and other financial support incentives while at the same time being seen to have a hands-off approach to the day to day running of these institutions which must operate on a strictly commercial basis.

Agriculture Sector.

100. **Deputy Arthur Morgan** asked the Taoiseach the number of people currently employed in the agrifood sector; the number of people employed in the agrifood sector in each of the past ten years; the breakdown of the sector into those currently employed in primary agriculture and those employed in the food processing industry; the further breakdown of the sector into those employed in primary agriculture and those employed in the food processing industry in each of the past ten years; and if he will make a statement on the matter. [28183/09]

102. **Deputy Arthur Morgan** asked the Taoiseach the number of people who have left employment in agriculture in all counties since 1998 to date in 2009; the breakdown of employment in each sector since 1998; the type of employments most people have moved into; and if he will make a statement on the matter. [28185/09]

103. **Deputy Arthur Morgan** asked the Taoiseach the numbers employed in the agrifood sector of the past ten years; the breakdown of the employment in the sector into constituent parts; the major procedures in each sector; and if he will make a statement on the matter. [28186/09]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): I propose to take Questions 100, 102 and 103 together.

The actual information requested by the Deputy is not available. Information on the numbers employed in Agriculture (NACE Rev. 1.1) at 2 digit level for the years 1999 to 2009 by NUTS 3 region are contained in the following table. This is the most detailed information available from the CSO Quarterly National Household Survey (QNHS).

Numbers employed in Agriculture classified by region

Region	Q1 1999	Q1 2000	Q1 2001	Q1 2002	Q1 2003	Q1 2004	Q1 2005	Q1 2006	Q1 2007	Q1 2008	Q1 2009
Border	19.1	17.1	16.9	17.1	16.8	17.8	18.8	17.6	16.3	17.1	13.5
Midland	11.3	10.3	9.4	9.9	9.8	9.0	7.4	8.3	9.5	10.0	7.9
West	27.1	27.8	24.0	22.9	20.1	19.9	18.1	19.5	17.2	19.2	17.5
Dublin	3.4	3.6	3.5	2.8	3.3	1.8	1.7	2.5	2.4	2.8	2.2
Mid-East	13.2	11.8	10.3	10.1	9.7	9.8	11.0	12.1	11.3	15.6	12.7
Mid-West	14.9	14.6	13.5	14.1	12.0	13.8	13.5	13.9	11.8	12.7	11.1
South-East	20.9	20.9	22.1	20.8	18.8	20.0	17.6	17.5	20.1	21.1	18.7
South-West	24.2	23.1	18.8	20.3	20.2	20.4	20.3	20.3	20.2	20.6	19.7
State	134.0	129.2	118.5	118.0	110.8	112.4	108.5	111.7	108.6	119.1	103.3

Table is based on the EU NACE Rev 1.1 (Nomenclature generale des activites economique dans les Communautés europeennes) classification.

Source: CSO Quarterly National Household Survey.

101. **Deputy Arthur Morgan** asked the Taoiseach the number of people who have left farming in all counties since 1998 to date in 2009; the type of employment most people have moved into; and if he will make a statement on the matter. [28184/09]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): A comparison of census figures on the number of persons in employment by sector in 1996 and 2006 gives an indication of net changes in employment by sector. However, this comparison between points in time does not allow any conclusion to be drawn on exits from farming and entries to other

[Deputy Pat Carey.]

sectors of employment in the intervening period, as such an analysis would require a micro-level longitudinal study.

The following table shows the number of persons at work in 1996 and 2006, distinguishing the Agriculture, Industry and Services sectors, for all counties.

Persons at work in Agriculture, Industry and Services, by county — 1996 and 2006

County	Years	Broad Industry Groups				Other Industries or Industry Not Stated
		Total	Agriculture	Industry	Services	
Carlow	1996	13,608	2,038	4,436	7,084	50
	2006	22,075	1,413	6,435	12,209	2,018
	1996 to 2006 change	8,467	−625	1,999	5,125	1,968
Dublin City	1996	184,097	709	39,339	135,829	8,220
	2006	245,007	640	36,051	181,890	26,426
	1996 to 2006 change	60,910	−69	−3,288	46,061	18,206
Dún Laoghaire-Rathdown	1996	76,271	332	13,131	61,407	1,401
	2006	87,815	427	11,782	70,673	4,933
	1996 to 2006 change	11,544	95	−1,349	9,266	3,532
Fingal	1996	65,807	1,384	14,074	49,019	1,330
	2006	120,794	1,437	22,483	87,899	8,975
	1996 to 2006 change	54,987	53	8,409	38,880	7,645
South Dublin	1996	82,978	367	22,869	58,219	1,523
	2006	119,280	483	24,641	83,567	10,589
	1996 to 2006 change	36,302	116	1,772	25,348	9,066
Kildare	1996	51,299	3,633	15,052	32,087	527
	2006	91,581	3,048	24,506	57,822	6,205
	1996 to 2006 change	40,282	−585	9,454	25,735	5,678
Kilkenny	1996	26,789	4,681	7,294	14,175	639
	2006	39,809	3,247	10,496	23,877	2,189
	1996 to 2006 change	13,020	−1,434	3,202	9,702	1,550
Laoighis	1996	18,120	3,527	4,783	9,613	197
	2006	30,219	2,293	8,170	17,647	2,109
	1996 to 2006 change	12,099	−1,234	3,387	8,034	1912
Longford	1996	10,154	2,187	2,939	4,895	133
	2006	14,527	1,176	4,461	7,681	1,209
	1996 to 2006 change	4,373	−1,011	1,522	2,786	1,076
Louth	1996	31,461	1,906	11,665	17,508	382
	2006	48,129	1,331	12,983	30,912	2,903
	1996 to 2006 change	16,668	−575	1,318	13,404	2,521
Meath	1996	40,475	5,146	12,768	21,920	641
	2006	78,437	3,674	22,407	47,910	4,446
	1996 to 2006 change	37,962	−1,472	9,639	25,990	3,805

County	Years	Broad Industry Groups				Other Industries or Industry Not Stated
		Total	Agriculture	Industry	Services	
Offaly	1996	20,006	3,259	7,489	9,094	164
	2006	31,231	2,152	10,418	16,460	2,201
	1996 to 2006 change	11,225	−1,107	2,929	7,366	2,037
Westmeath	1996	22,328	2,856	6,570	12,510	392
	2006	35,469	1,824	9,755	21,200	2,690
	1996 to 2006 change	13,141	−1,032	3,185	8,690	2,298
Wexford	1996	35,321	6,250	10,007	18,640	424
	2006	56,011	4,216	16,700	32,934	2,161
	1996 to 2006 change	20,690	−2,034	6,693	14,294	1,737
Wicklow	1996	36,423	3,097	9,673	22,964	689
	2006	57,326	2,294	13,840	37,443	3,749
	1996 to 2006 change	20,903	−803	4,167	14,479	3,060
Clare	1996	34,572	5,571	10,672	17,699	630
	2006	50,607	3,213	14,332	29,308	3,754
	1996 to 2006 change	16,035	−2,358	3,660	11,609	3,124
Cork City	1996	41,169	291	11,518	28,274	1,086
	2006	48,892	199	11,641	32,841	4,211
	1996 to 2006 change	7,723	−92	123	4,567	3,125
Cork County	1996	107,219	17,239	31,221	57,206	1,553
	2006	167,092	12,042	48,749	97,245	9,056
	1996 to 2006 change	59,873	−5,197	17,528	40,039	7,503
Kerry	1996	42,909	8,052	10,077	23,492	1,288
	2006	60,810	5,040	15,524	35,696	4,550
	1996 to 2006 change	17,901	−3,012	5,447	12,204	3,262
Limerick City	1996	17,168	79	5,706	11,095	288
	2006	20,911	58	5,856	13,980	1,017
	1996 to 2006 change	3,743	−21	150	2,885	729
Limerick County	1996	41,454	6,508	13,065	21,291	590
	2006	59,614	4,103	18,641	33,829	3,041
	1996 to 2006 change	18,160	−2,405	5,576	12,538	2,451
North Tipperary	1996	20,769	4,097	5,899	10,547	226
	2006	29,355	2,822	8,302	16,678	1,553
	1996 to 2006 change	8,586	−1,275	2,403	6,131	1327
South Tipperary	1996	25,886	5,043	7,935	12,410	498
	2006	35,828	3,962	10,809	19,307	1,750
	1996 to 2006 change	9,942	−1,081	2,874	6,897	1,252
Waterford City	1996	14,718	131	5,815	8,564	208
	2006	19,389	135	5,821	11,579	1,854
	1996 to 2006 change	4,671	4	6	3,015	1,646

[Deputy Pat Carey.]

County	Years	Broad Industry Groups				Other Industries or Industry Not Stated
		Total	Agriculture	Industry	Services	
Waterford County	1996	18,296	3,542	5,875	8,588	291
	2006	26,869	2,589	8,454	14,813	1,013
	1996 to 2006 change	8,573	−953	2,579	6,225	722
Galway City	1996	21,563	263	4,959	15,827	514
	2006	33,878	219	8,094	23,231	2,334
	1996 to 2006 change	12,315	−44	3,135	7,404	1820
Galway County	1996	45,934	10,124	12,217	22,590	1,003
	2006	70,617	5,749	21,439	39,276	4,153
	1996 to 2006 change	24,683	−4,375	9,222	16,686	3,150
Leitrim	1996	8,518	1,993	2,342	4,017	166
	2006	12,669	1,173	3,552	7,442	502
	1996 to 2006 change	4,151	−820	1,210	3,425	336
Mayo	1996	36,583	7,963	9,883	18,207	530
	2006	52,277	4,754	15,109	29,773	2,641
	1996 to 2006 change	15,694	−3,209	5,226	11,566	2,111
Roscommon	1996	18,559	4,529	4,799	8,916	315
	2006	25,829	2,606	7,284	14,956	983
	1996 to 2006 change	7,270	−1,923	2,485	6,040	668
Sligo	1996	20,204	2,934	5,339	11,647	284
	2006	27,328	1,795	7,026	17,281	1,226
	1996 to 2006 change	7,124	−1,139	1,687	5,634	942
Cavan	1996	18,593	4,760	5,287	8,350	196
	2006	28,319	2,740	8,795	14,584	2,200
	1996 to 2006 change	9,726	−2,020	3,508	6,234	2,004
Donegal	1996	39,811	5,427	13,782	20,085	517
	2006	56,670	3,796	14,948	35,304	2,622
	1996 to 2006 change	16,859	−1,631	1,166	15,219	2,105
Monaghan	1996	18,174	4,051	5,586	8,383	154
	2006	25,378	2,627	7,903	13,201	1,647
	1996 to 2006 change	7,204	−1,424	2,317	4,818	1,493
State	1996	1,307,236	133,969	354,066	792,152	27,049
	2006	1,930,042	89,277	477,407	1,230,448	132,910
	1996 to 2006 change	622,806	−44,692	123,341	438,296	105,861

*Includes Forestry and Fishing.

*Questions Nos. 102 and 103 answered with Question No. 100.***Departmental Expenditure.**

104. **Deputy Denis Naughten** asked the Taoiseach the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding

figure for each agency under the control of his Department; and if he will make a statement on the matter. [28425/09]

The Taoiseach: The following tables detail the expenditure by my Department and the Bodies under the aegis of my Department on public advertising from 1 January to the end of June 2009.

Departmental spend January-June 2009

	Statutory Advertising	Non-Statutory Advertising
Dept. of the Taoiseach	€1,765.00	€9,076.05

Spend by Bodies under the Aegis of the Department

Body	Statutory Advertising	Non-Statutory Advertising
National Economic and Social Development Office	Nil	€8,296.92
National Forum on Europe	Nil	€1,768.74

105. **Deputy Leo Varadkar** asked the Taoiseach the amount spent by his Department on legal fees directly to lawyers or through the States solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28473/09]

The Taoiseach: The following table details the total expenditure by my Department on legal fees for the years 2006, 2007 and 2008:

Year	Amount
	€
2006	60,846
2007	12,197
2008	159,677*

*159,377 of this expenditure relates to costs from the Independent Commission of Inquiry.

It should be noted that payments in respect of the Moriarty Tribunal are not included.

Economic Competitiveness.

106. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the degree to which she has carried out an assessment of costs in the private sector in respect of both manufacturing and service; the degree to which such costs have fluctuated in the past 12 months; and if she will make a statement on the matter. [28218/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The National Competitiveness Council (NCC) regularly produces reports assessing the quality of Ireland's business environment including our relative cost competitiveness.

The recently launched NCC Report '*Getting Fit Again; The Short Term Priorities to Restore Competitiveness*' (June 2009) reported that Ireland's current price competitiveness has improved. The recession and the strength of the euro (as imports become cheaper) is resulting in a fall in price levels in Ireland. Inflation fell significantly across most goods and services groups in 2009. Housing and utilities experienced the most dramatic fall from increases of 6.9%

[Deputy Mary Coughlan.]

p.a. in 2005-2008 to -4.5% in 2009 Q1. We are also witnessing significant falls in house prices and a weakening in wage growth.

The NCC recommend that in the medium term, policies need to facilitate the convergence of Irish costs, charges, professional fees, rents and incomes/ wages towards the levels of our trading partners.

Under the Framework for Economic Renewal we are taking a number of measures across Government to improve our competitiveness. Improving our cost competitiveness is a priority and we are already seeing results as noted by the NCC. We will continue to exert further pressure on costs, including reviewing those recommendations of the Competition Authority which have most effect on competitiveness, particularly in the non-traded sectors. 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.

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.

Workforce Statistics.

107. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the educational profile of the workforce in each county for 2009; the educational profile of the workforce in each county for each of the past ten years; and if she will make a statement on the matter. [28332/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The educational profile of the labour force is measured by the Quarterly National Household Survey or QNHS and published by the Central Statistics Office. The most recent data on educational levels of the labour force for the last seven years (on a year on year quarterly basis) is set out in the table. This data is not available by county level and backdated data for this series, in its current format, is available to 2003 only. Prior to 2003 data was collected using different criteria and is, therefore, not directly comparable.

Highest education level attained	2009	2008	2007	2006	2005	2004	2003
Primary or below	155.1	178.2	189.4	196.0	204.2	207.4	209.0
Lower secondary	301.0	330.3	327.2	335.8	337.0	330.3	324.8
Higher secondary	591.7	612.8	594.0	574.5	546.0	524.2	491.9
Post leaving certificate	223.6	229.0	235.8	228.5	218.4	208.2	227.5
Third level non degree	268.9	250.7	239.9	231.6	222.3	215.3	197.4
Third level degree or above	528.5	505.8	473.0	432.2	379.9	367.1	348.2
Other	74.9	80.2	84.7	65.4	56.9	33.6	34.0
Total persons aged 15 to 64	2,143.7	2,187.0	2,144.0	2,063.9	1,964.8	1,886.0	1,832.8

Source: CSO, Quarterly National Household Survey, Q1 2009 (January-March 2009).

The educational profile of the labour force has increased significantly since 2003. Over 528,000 people now have a third level degree or above in Quarter 1 2009, an increase of 180,300 since 2003. The Government is committed to developing our economy into one of the world's leading

knowledge based economies. That is why last December, in response to the much more challenging economic environment, the Government introduced a Framework for Sustainable Economic Renewal, called “Building Ireland’s Smart Economy” which provides us with the necessary roadmap to guide our development over this turbulent period. Ireland continues to possess a pro-business environment, which is characterised by a highly skilled, educated and flexible labour force. The Government actively promotes Ireland as having a highly educated workforce to attract foreign direct investment.

Employment Support Services.

108. **Deputy Enda Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Questions Nos. 1 and 2 of 30 June 2009, in regard to the conditions of the temporary employment subsidy scheme, if a firm is currently manufacturing; if it is a condition that it also be exporting; the conditions of assessment that determine viability in the medium term in the context of this scheme; the nature and extent of restructuring that has to take place for eligibility; and if she will make a statement on the matter. [28357/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Government is proposing to introduce 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 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 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 in order to receive support under the scheme. Enterprise Ireland will be administering the scheme and they will determine whether a company meets the eligibility criteria of the scheme.

It is intended that a National Steering Committee will be established to oversee the implementation of the scheme and it would consist of representatives of the relevant Government Departments and the Social Partners. The Government will continue discussions with the social partners with a view to implementing the Temporary Employment Subsidy Scheme over the coming period. It is intended to have the scheme in operation with the first tranche of payments being made to companies after the summer.

Community Employment Schemes.

109. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that it is proposed to cut community employment schemes programme funding by 40%; and if she will make a statement on the matter. [28617/09]

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

[Deputy Dara Calleary.]

provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine and to assist them to enhance/develop both their technical and personal skills.

The aim of CE still remains as an active labour market programme with the emphasis on progression into employment. The programme is managed within this context, with consideration to the availability of resources and the needs of participants and the community.

The overall budget for community employment in 2009 has been increased by €6.4 million from that allocated in 2008. In addition, there has been an increase of 400 places in the allocated places available on the Community Employment Programme.

Visitor Centres.

110. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status at a centre (details supplied) in County Waterford; and the efforts being made to secure jobs at the facility. [28141/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department and the agencies under the aegis of my Department do not operate any schemes for providing assistance to visitor centres. However, I understand from the Minister for Arts, Sport and Tourism that Fáilte Ireland has provided marketing assistance to the centre in question but has not received a request for financial assistance from the operators of the centre.

Employment Support Services.

111. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of efforts to secure replacement manufacturing jobs at a plant (details supplied) in County Waterford. [28142/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): A private equity firm in the United States has agreed to take over the assets of the company in question and retain a number of jobs in Waterford. The sale of the company in Waterford to the US company was completed on 26 March 2009. Under a transitional service agreement due to expire in September 2009, the company continues to operate as a going concern and employs approximately 200 people in Waterford both on back office duties and in the Visitors Centre. However, all crystal production has ceased pending a decision on the future of the plant by its new owner. In the meantime, Waterford City Council has established a Waterford Crystal Forum to deal with the situation following the manufacturing job losses. The Enterprise Development agencies under the aegis of my Department are actively involved with the Forum.

112. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of companies brought to County Waterford by the Industrial Development Authority per year over the past ten years and the number of jobs provided by each company; and if she will make a statement on the matter. [28143/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): In the past 10 years (1999 to 2008) a total of 15 IDA supported companies set up in Waterford.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are supported by the industrial development agencies. Data is compiled on an annualised basis and is aggregated at county level. The information is provided by companies on a confidential basis for statistical purposes only. It is therefore not possible to provide information at company level or for individual locations throughout the country.

The following tabular statement shows the number of new jobs created in IDA assisted companies in the same period. While IDA Ireland seeks to influence the selection of location, the final decision on location is taken in all cases by the promoting company.

Table showing the number of new jobs created in IDA assisted companies in the period 1999 to 2008.

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Jobs Created	279	350	545	575	561	253	351	711	370	176

FÁS Training Programmes.

113. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people in County Waterford to whom FÁS is providing training or other services. [28144/09]

114. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people in Waterford who have received training or other services from FÁS to date in 2009 and separately in every other year over the past five years. [28145/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I propose to take Questions Nos. 113 and 114 together.

It is not readily possible to provide a breakdown of numbers between Waterford City and County. The following table below shows the number of people in County Waterford, including Waterford City, who have received training or another service from FÁS over each of the past five years, and also in 2009 year-to-date.

Year	Yearly Total
2009 year-to-date	3,718
2008	5,349
2007	3,744
2006	4,207
2005	3,942
2004	3,481

115. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people currently listed as professional apprentices; and the regional breakdown of these figures by county. [28147/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): There are currently 23,656 apprentices registered with FÁS. Of these 18,278 are currently employed and there is a cumulative total of 5,378 redundant apprentices in the period 1 January 2007 to 7 July 2009.

[Deputy Dara Calleary.]

The further information requested by the Deputy is contained in the following tabular statement.

County	Apprentices	
	Redundant	Currently with Employers
Armagh	6	24
Carlow	60	263
Cavan	49	316
Clare	89	480
Cork City	295	923
Cork County	358	1,291
Donegal	146	286
Dublin	1,740	4,729
Galway City	65	194
Galway County	217	709
Kerry	113	619
Kildare	246	754
Kilkenny	126	442
Laois	83	224
Leitrim	36	127
Limerick City	76	328
Limerick County	137	603
Longford	47	94
Louth	116	374
Mayo	161	478
Meath	229	871
Monaghan	41	338
Offaly	72	333
Roscommon	64	188
Sligo	81	253
Tipperary (North Riding)	61	267
Tipperary (South Riding)	78	664
Waterford City	59	401
Waterford County	100	407
Westmeath	73	288
Wexford	200	683
Wicklow	154	327
TOTAL	5,378	18,278

116. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of professional apprentices who have completed their apprenticeships every year for the past five years; the number who are expected to complete their apprenticeships in 2009; and the breakdown on these figures by county. [28148/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The information requested by the Deputy is contained in the following tabular statement.

County	Apprentices Certified by year					Projection 2009
	2004	2005	2006	2007	2008	
Armagh						7
Carlow	98	68	94	88	66	39
Cavan	87	76	65	83	88	48
Clare	171	120	115	117	144	99
Cork	800	692	583	703	687	382
Donegal	104	93	83	104	97	49
Dublin	1,281	1,285	1,144	1,073	1,093	859
Fermanagh			2			
Galway	328	318	295	309	300	169
Kerry	167	156	152	181	213	107
Kildare	208	194	230	204	223	102
Kilkenny	140	122	121	119	118	66
Laois	161	97	76	73	94	37
Leitrim	27	26	34	40	48	19
Limerick	308	239	266	282	264	167
Longford	43	38	48	35	43	12
Louth	111	103	93	104	101	77
Mayo	165	117	129	143	161	80
Meath	211	193	167	172	202	194
Monaghan	69	70	84	72	76	70
Offaly	133	48	80	87	74	59
Roscommon	69	60	57	58	73	37
Sligo	70	71	87	74	81	45
Tipperary	167	169	191	204	223	167
Tyrone		1				
Waterford	243	221	214	206	196	136
Westmeath	76	73	76	94	87	44
Wexford	157	178	163	170	186	107
Wicklow	125	120	111	122	119	32
Total	5,519	4,948	4,760	4,917	5,057	3,210

117. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people who have had their professional apprenticeships halted after being let go during the past 12 months. [28149/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The number of apprentices who have been notified to FÁS as redundant for the period 1 July, 2008, to 30 June, 2009, is 3,827.

FÁS has put in place a number of measures to assist apprentices who have been made redundant in progressing their apprenticeship. Over 4,000 places will be provided under the various measures outlined below.

- The Department of Social and Family Affairs immediately refers redundant apprentices to FÁS for assistance.

[Deputy Dara Calleary.]

- 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 5 August 2009 for a placement in Germany. Léargas has 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 18 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.

Community Employment Schemes.

118. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people in County Waterford currently under the community employment scheme; and the number who have been employed in these schemes every year for the past five years. [28173/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I am advised by FÁS that there are currently 680 participants in community employment schemes in County Waterford.

Details of the number of people employed on Community Employment projects in County Waterford in each the years 2003-2008 are as follows:

2003 — 681;

2004 — 772;

2005 — 760;

2006 — 650;

2008 — 659.

State Agencies.

119. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the budget for Enterprise Ireland in each of the past five years; the amount of that budget spent on administration; the amount used for training and upskilling; the amount used on consultancy; the amount spent on contributions to enterprises which are specifically increasing the workforce; and if she will make a statement on the matter. [28175/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): It has not been possible in the time available to complete the detailed information sought for each of the past five years. I have arranged for my Department to prepare the data in the form requested and I will forward it to the Deputy as soon as possible.

County Enterprise Boards.

120. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the budget for county enterprise boards in each of the past five years; the amount of that budget spent on administration; the amount used for training and upskilling; the amount

[Deputy Arthur Morgan.]

used on consultancy; the amount spent on contributions to enterprises which are specifically increasing the workforce; and if she will make a statement on the matter. [28176/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The County Enterprise Boards (CEBs) provide support for micro-enterprises (ten or less employees) 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. The costs associated with the operations of the CEBs are incurred in the delivery of a wide range of both financial and non-financial supports to the micro-enterprise sector across the Country.

The forms of financial assistance which are available, subject to certain eligibility criteria, include Capital Grants, Employment Grants and Feasibility Study Grants. The non-financial assistance can take the form of a wide range of Programmes such as Start Your Own Business Programmes, Management Capability Training and Development Programmes, Mentoring, E-commerce, Enterprise Education, and Women in Business networks. The primary objective of many of these Programmes is to upskill owner/managers to enable them to both sustain and grow their businesses. These activities are considerably more labour intensive than processing grant applications and a significant portion of CEB staff time is taken up with the delivery of such activities. In addition, CEB staff would be engaged on a daily basis in the provision of an informal information and advisory service to local entrepreneurs and aspiring entrepreneurs. The availability of both financial and non-financial support from the CEB Network contributes positively to greater levels of entrepreneurial activity and enterprise creation, which in turn leads to employment creation in a broader context. Expenditure details are outlined in the following table:

Year	Total CEB Budget	Administration Costs*	Expenditure on Financial Supports**	Expenditure on Training & Upskilling Measures
	€000	€000	€000	€000
2004	28,571	11,580	10,550 (2,218 on employment grants)	6,484
2005	33,330	12,189	10,809 (2,068 on employment grants)	7,411
2006	36,363	12,779	10,622 (1,885 on employment grants)	9,212
2007	33,900	13,492	12,372 (2,367 on employment grants)	11,272
2008	33,291	13,713	11,648 (2,173 on employment grants)	9,895

*The total estimated expenditure on consultancy over the past five years is €671,757 across the CEB Network. This includes costs relating to IT, Audit Fees, Accountancy and costs associated with the preparation of Strategic Plans etc.

**Please note that in addition to the annual allocation that a CEB receive the CEBs also use repaid grants at their disposal to disperse further grant aid to eligible micro-enterprises. In addition please note that employment grants are paid to a business in two moieties, which may cross over two years.

State Agencies.

121. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of grant aid awarded by Enterprise Ireland to enterprises for research and development purposes in each of the past five years; and if she will make a statement on the matter. [28177/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): From 2004-2008, €130,861,000 has been grant aided by Enterprise Ireland under the initiatives below in order to help companies engage in R&D.

Total yearly breakdown:

2004: €17,596,000

2005: €19,802,000

2006: €21,698,000

2007: €30,356,000

2008: €41,409,000

Enterprise Ireland operates three primary mechanisms aimed at helping companies to engage in R&D both within the company and in collaboration with third level institutions, namely: the research and development fund, through which funding goes directly to companies and the Innovation Voucher and Innovation Partnership initiatives, through which funding goes to third level Institutions to undertake work on a firm's behalf.

The Enterprise Ireland research and development fund is designed to provide support for research, development and technological innovation relevant at all stages of company development, and which will enable companies to progress from undertaking an initial research project to higher level innovation and R&D activities. The Fund is allied with a strong awareness campaign which seeks to promote the benefits of R&D. From 2004-2008 €103,937,000 has been grant aided directly to enterprise through this initiative and its predecessor (The Research, Technology and Innovation, or RTI, Fund) in order to help them to undertake specific R&D projects and to increase their R&D capabilities.

R&D (RTI) Fund yearly breakdown:

2004: € 15,704,000

2005: € 16,882,000

2006: € 17,180,000

2007: € 21,898,000

2008: € 32,273,000

EI's Innovation Voucher Initiative, launched in 2007, provides vouchers worth €5,000 to small businesses to introduce them to innovation by linking them with a network of 38 knowledge providers, North and South of the Border. A simple application process and facilitation support from Enterprise Ireland can help small companies who have never engaged in R&D to engage high skilled researchers to address key company needs and provide innovative solutions to business problems. To date over 370 projects have been completed, among them the first cross-border projects. In 2007 and 2008 €1,569,000 has been funded to colleges to help them to undertake R&D projects and provide innovative solutions to companies.

Innovation Voucher yearly breakdown:

2007: €168,000

2008: €1,401,000

The Innovation Partnership Initiative helps industry firms to access innovative “know how” and R&D solutions in the Third level system. By providing key funding Enterprise Ireland can help to reduce both the cost and the risk associated with larger collaborative research projects.

[Deputy Mary Coughlan.]

The programme enables companies to engage in collaborative research projects with Irish universities and Institutes of Technology to develop new products and services. From 2004-2008 €25,355,000 has been funded to colleges to undertake Research and Development work with industry partners.

Innovation Partnership yearly breakdown:

2004: €1,892,000

2005: €2,920,000

2006: €4,518,000

2007: €8,290,000

2008: €7,735,000

Research and Development and Innovation (R&D&I) and the application of knowledge are critical drivers for the future success of Irish enterprise. It is therefore imperative that Ireland focuses on promoting the level, quality and commercial applicability of the R&D&I undertaken, ensuring that industry leads the response to rapid changes in customer needs.

122. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of grant aid awarded by the Industrial Development Authority to enterprises for research and development purposes in each of the past five years; and if she will make a statement on the matter. [28178/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The amount of grants awarded by the Industrial Development Authority to enterprises for research and development purposes from 2005 to date in 2009 are shown on the following tabular statement. It is important to note that grants paid in a particular year do not necessarily refer to approvals in the same year.

The global business community now sees Ireland as a prime location for Research Development and Innovation (RD&I) functions. Government policies such as the Strategy for Science, Technology and Innovation (SSTI) have played a key role in establishing this competitive advantage for Ireland. In 2008, IDA supported clients announced 56 RD&I projects with a projected investment of circa €420m. IDA Ireland will continue to target high value investments in keeping with the Government's current strategy outlined in the recent framework document "*Building Ireland's Smart Economy*". The amount of grants awarded by the Industrial Development Authority to enterprises for research and development purposes from 2005 to date in 2009

Year	2005	2006	2007	2008	2009
R&D Grants Paid	€8.348m	€26.899m	€40.687m	€45.627m	€16.417m

123. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of grant aid awarded by the county enterprise boards to enterprises for research and development purposes in each of the past five years; and if she will make a statement on the matter. [28179/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The County Enterprise Boards (CEBs) were set up in 1993 to provide support for

micro-enterprises (ten or less employees) in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to 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 forms of financial assistance, which are available, subject to certain restrictions, include Capital Grants, Employment Grants and Feasibility Study Grants. While CEBs do not award grants under the specific heading of Research and Development, the Feasibility Study Grant may assist with the cost of necessary pre-start up studies carried out for the purpose of assessing market interest in and demand for a proposed new product or service, the appropriateness of the associated funding plans and the general viability and sustainability of the venture.

During the past five years CEBs have provided approximately €3 million for such Feasibility Studies. While the obtaining of a feasibility study grant is not linked to the direct creation of a job in the enterprise or proposed enterprise the availability of these grants can contribute to greater enterprise creation which leads to employment creation in a broader context.

Job Creation.

124. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs funded or part-funded by her for research and development in each of the past five years; the breakdown of the jobs created into the relevant sectors; and if she will make a statement on the matter. [28180/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Government is very much aware that supporting enterprise, innovation and research and development is of critical importance to our economy. The way forward is to stay competitive and maintain an edge over our competition by developing new products and processes. In this regard, funding is provided to the Enterprise Development agencies as part of the Government's Estimates process. While I may give general policy guidelines to the agencies from time to time, and indeed, they are very much aware of the vital role that research and development plays, the application of the funding provided is a day to day operational matter for the agencies and I do not have any role in such matters. I can say that support levels would be tied to an assessment of strategic objectives, in conjunction with commercial and technical assessments rather than to job numbers. In any event, information on job numbers would be provided by companies on a confidential basis.

Grant Payments.

125. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 211 of 21 October 2008, the funds that have been repaid; and if she will make a statement on the matter. [28251/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan): Payment and repayment of grants are day-to-day operational matters for the Industrial Development agencies.

While I do not have any role in the day-to-day operations of the agencies, I understand from Enterprise Ireland that grants are approved on foot of a business proposal ahead of the investment taking place. Grant payments subsequently follow the actual expenditure undertaken consistent with that business plan. Grants are usually paid on an instalment basis, and in most cases the company has a contingent liability to repay the grant for the term of the grant agreement, i.e. the company may be liable to repay the grant if it is in breach of the grant agreement.

[Deputy Conor Lenihan.]

The term of a grant agreement is usually, and was in this case, five years from the date of payment of the last instalment of the grant.

In this particular case the company received approximately €370,000 in grant aid for the Ballaghadereen site during the past ten years. The grant agreements relating to this amount expired prior to the closure of the Ballaghadereen facility. For this reason there is no outstanding liability in respect of the grants paid.

Forfás Report.

126. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps which have been taken to implement the recommendations in the Forfás report of the overview of the main infrastructure issues for enterprise; and if she will make a statement on the matter. [28252/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Forfás compiles a report “Overview of Main Infrastructure Issues for Enterprise”. The latest publication of this report was in May 2008.

This report acknowledged that significant progress had been made in addressing Ireland’s infrastructure deficits, but also indicated that there were still a number of areas requiring continued investment to ensure the availability of cost competitive world class infrastructure. The main areas in which such action is required are telecoms, energy, waste, water and transport. Policy responsibility for these areas of infrastructure are a matter for my colleagues, the Minister for Communications, Energy and Natural Resources; the Minister for the Environment, Heritage and Local Government; and the Minister for Transport.

Redundancy Payments.

127. **Deputy John McGuinness** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a claim against a company (details supplied) under the redundancy payments acts will be struck out in view of the fact that the company ceased trading some years ago and was not notified of the action; and if she will expedite a positive response given the circumstances of this case. [28277/09]

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 moneys 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.

Employment Support Services.

128. **Deputy Catherine Byrne** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she will take to protect small businesses here which are being hit hard by the economic downturn; her plans for incentives to small businesses who will create employment and bring revenue here; and if she will make a statement on the matter. [28279/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): 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 SMEs, including:

- 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 €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.

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 the Minister for Finance, and will be published shortly. 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 and provide some clarity on the level of credit being declined.

Arising from the Recapitalisation Package, the Minister for Finance, and the Tánaiste 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

[Deputy Billy Kelleher.]

responsibility of the banks. The Credit Supply Clearing Group is being chaired by the Department of Enterprise, Trade and Employment 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 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. To date, meetings have been held 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, the 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.

The 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.

In addition to the above package of measures to assist the SME sector, the Government is proposing to introduce 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 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 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 in order to receive support under the Scheme. Enterprise Ireland will be administering the Scheme and they will determine whether a company meets the eligibility criteria of the scheme.

It is intended that a National Steering Committee will be established to oversee the implementation of the Scheme and it would consist of representatives of the relevant Government Departments and the Social Partners. The Government will continue discussions with the Social Partners with a view to implementing the Temporary Employment Subsidy Scheme over the coming period. It is intended to have the scheme in operation with the first tranche of payments being made to companies after the summer.

Employment Rights.

129. **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 is to be increased over the coming months in 2009; 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 cost to date in 2009 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 number of prosecutions or cases pending; the type of breaches being discovered; and if she will make a statement on the matter. [28283/09]

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.

[Deputy Dara Calleary.]

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)

Category	2008	2009 (to end June)
	€000s	€000s
Pay	4,813	2,430
Travel & Subsistence	914	243
Total	5,727	2,673

Table 2: Estimate of Number of Employers visited by NERA in 2008 and 2009 (to end June)

Region	Regional HQ	No. of Employers Visited	
		2008	2009 (to end June)
South East	Carlow	3,287	1,230
South	Cork	1,339	372
North East	Dublin	3,080	894
West	Shannon	1,318	827
North West	Sligo	1,065	239
Totals		10,089	3,562

Employment Support Services.

130. **Deputy Noel J. Coonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the assistance she will provide to a company (details supplied) in County Tipperary to ensure the continuation of employment for the workforce there; and if she will make a statement on the matter. [28303/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Eltex of Sweden AB was a private family owned company established in Sweden in 1964, manufacturing electronic yarn control equipment for textile machines. Over the years the company added many products to its portfolio to include temperature control systems.

The Irish operation was established in Templemore, County. Tipperary in 1976 to manufacture stop control systems for textile looms. This detects yarn breakage and switches off the machine. There are currently 24 people employed in Ireland.

In June 2007, Eltex was taken over by three former employees and renamed Eltex Global Holdings Limited. This company is registered and headquartered in Ireland. Each owner holds one third of the company. There are three operations in this group, in Sweden, Ireland and the US.

Due to the downturn in the sector, the Irish operation is working on a two day week. The operation in the US has been reduced to two people and the Swedish operation (its R & D centre) has been reduced to 12 people. There are now 38 people employed in the group, down from 50 people in June 2008.

In June 2008, the IDA approved a feasibility grant for the company, to develop a computerised test system to manage its yarn sensors and improve and streamline the testing processes. This project has been put on hold by the company due to the downturn in the industry.

Departmental Programmes.

131. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken to solve the problem of graduate retention in the western region; the partnerships that are in place between his Department, third level institutions and enterprise groups to promote graduate retention; and if she will make a statement on the matter. [28335/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department works closely with many other Government Departments and State Agencies in ensuring the provision of appropriate courses and training which match, the known and future, needs of employers and of students.

My Department, the Department of Social and Family Affairs and FÁS are co-operating in relation to the Work Placement Programme which was jointly launched by the Minister for Social and Family Affairs, Deputy Mary Hanafin, and I on 27 May last. The Work Placement Programme is a six-month work experience programme for an initial 2,000 individuals who are currently unemployed. Under this programme there are two streams each consisting of an initial 1,000 places of 6 months duration. The first stream is for graduates who before this year have attained a full award at level seven or above on the National Framework of Qualifications and who have been receiving Job Seeker's Allowance for the last six months. This scheme will provide invaluable work experience to graduates, including graduates in the western region, who have just left college or have very limited experience of the workplace.

Employment Support Services.

132. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Industrial Development Authority supported jobs in existence in a county (details supplied); and if she will make a statement on the matter. [28366/09]

136. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Industrial Development Authority supported jobs created in a county (details supplied) each year for the past five years and to date in 2009; and if she will make a statement on the matter. [28370/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 132 and 136 together.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected on an annualised basis and is aggregated at county level. Figures for 2009 will not be available until early 2010.

As at the end of 2008, there were 129 persons in permanent employment in IDA supported companies in County Laois. The number of jobs created by IDA supported companies in County Laois in each year of the five year period 2004-2008 are shown on the following tabular statement. Table showing the number of jobs created by IDA supported companies in County Laois in each year 2004– 2008 inclusive.

Year	2004	2005	2006	2007	2008
Number of New Jobs Created	18	12	18	9	0

133. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Industrial Development Authority supported jobs in existence in a county (details supplied); and if she will make a statement on the matter. [28367/09]

137. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Industrial Development Authority supported jobs created in a county (details supplied) each year for the past five years and to date in 2009; and if she will make a statement on the matter. [28371/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 133 and 137 together.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected on an annualised basis and is aggregated at county level. Figures for 2009 will not be available until early 2010.

As at the end of 2008, there were 1,109 persons in permanent employment in IDA supported companies in County Offaly. The number of new jobs created by IDA supported companies in County Offaly in each year of the five year period 2004 –2008 are shown on the following tabular statement. Table showing the number of new jobs created by IDA supported companies in County Offaly in each year 2004-2008 inclusive.

Year	2004	2005	2006	2007	2008
Number of New Jobs Created	71	56	81	47	24

134. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Enterprise Ireland supported jobs in existence in a county (details supplied); and if she will make a statement on the matter. [28368/09]

138. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Enterprise Ireland supported jobs created in a county (details supplied) each year for the past five years and to date in 2009; and if she will make a statement on the matter. [28372/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 134 and 138 together.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected on an annualised basis and is aggregated at county level. Figures for 2009 will not be available until early 2010.

The numbers of new jobs created by EI supported companies in County Laois in each year of the five-year period 2004-2008 are shown on the following tabular statement. Table showing the number of jobs in Enterprise Ireland supported companies in County Laois over the five year period 2004-2008

Laois	2004	2005	2006	2007	2008
Full Time Jobs in existence	2,646	2,495	2,614	2,522	2,362
Jobs created	177	161	267	194	151

Source: Forfás Employment Survey 2008.

135. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Enterprise Ireland supported jobs in existence in a county (details supplied); and if she will make a statement on the matter. [28369/09]

139. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Enterprise Ireland supported jobs created in a county (details supplied) each year for the past five years and to date in 2009; and if she will make a statement on the matter. [28373/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 135 and 139 together.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected on an annualised basis and is aggregated at county level. Figures for 2009 will not be available until early 2010.

The numbers of new jobs created by EI supported companies in County Offaly in each year of the five-year period 2004-2008 are shown on the following tabular statement.

Table showing the number of jobs in Enterprise Ireland supported companies in County Offaly over the five year period 2004-2008

Offaly	2004	2005	2006	2007	2008
Full Time Jobs in existence	2,778	2,925	3,159	3,167	3,035
Jobs created	276	205	358	270	285

Source: Forfás Employment Survey 2008.

Question No. 136 answered with Question No. 132.

Question No. 137 answered with Question No. 133.

Question No. 138 answered with Question No. 134.

Question No. 139 answered with Question No. 135.

Departmental Expenditure.

140. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the cost of public advertising funded by her Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of her Department; and if she will make a statement on the matter. [28418/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): In the time available, it has not been possible to compile the information requested by the Deputy. This information is currently being compiled in relation to my Department and the Offices of my Department and I will be in touch with the Deputy shortly about the matter. I would, however, point out that the information in respect of the State Agencies falls within the day-to-day administration of the State Agencies concerned and I have asked them to respond directly to the Deputy.

141. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount spent by her Department on legal fees directly to lawyers or through the State solicitor's office for each of the years 2006 to 2008, inclusive; and if she will make a statement on the matter. [28466/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The information requested by the Deputy in respect of annual expenditure on legal fees paid directly by my Department to lawyers for the years in question is set out below. However, my Department does not have access to complete data on fees paid through the State Solicitor's Office as the CSSO is independent of my Department.

Year	Costs
	€
2006	803,753
2007	1,189,773
2008	812,811

Public Service Contracts.

142. **Deputy Noel Ahern** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will clarify the situation concerning complaints from the printing industry regarding the level of Government agency work, on behalf of the Office of Public Works, being awarded to companies outside the State; if same can be quantified in value terms; the efforts that have been made to retain the work in Ireland; and if she will make a statement on the matter (details supplied). [28745/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Office of Public Works (OPW) does not come under the remit of my Department and it would not be appropriate for me to respond to the Parliamentary Question on behalf of the OPW. I

note that the Deputy has put down an identical question to the Minister for Finance who would be the appropriate Minister to respond on behalf of the OPW.

Insurance Industry.

143. **Deputy Charlie O'Connor** asked the Minister for Finance if his attention has been drawn to the situation in which a company (details supplied) is apparently refusing to take business from customers in certain parts of Dublin; if his further attention has been drawn to the widespread anger being generated by this issue; his views on the need to protect the image of these areas which could be affected by the decision; and if he will make a statement on the matter. [28123/09]

Minister for Finance (Deputy Brian Lenihan): At the outset, the Deputy should note that in my role as the Minister for Finance I have responsibility for the development of the legal framework governing financial regulation. The day to day responsibility for the supervision of financial institutions is a matter for the Financial Regulator which is statutorily independent in the exercise of its regulatory functions.

I am aware of the reports referred to by the Deputy. The Financial Regulator has informed me that it cannot compel insurers to quote for business. The decision to provide any specific form of insurance cover and the price at which it is offered is a commercial matter based on the assessment an insurer will make of the risks involved.

The Financial Regulator has also indicated that it has no role in relation to issues of pricing or the scope of cover provided by insurance companies. In addition, the Consumer Protection Code does not address the issue of the non-provision of insurance services based on an insurer's commercial assessment.

There are however, some options open to persons who find themselves in this position. Firstly, they can contact the Irish Insurance Federation (IIF) which administers a Declined Cases Agreement. This is adhered to by all motor insurers in Ireland. Under the agreement, the insurance market will not refuse to provide insurance to an individual seeking insurance, if he/she has approached at least three insurers and has not been able to obtain cover from them. Details of this scheme can be found on the IIF website. The second option open to consumers in such circumstances is to refer any unresolved complaint to the Financial Services Ombudsman for investigation and adjudication.

Flood Relief.

144. **Deputy Noel J. Coonan** asked the Minister for Finance his plans to alleviate flooding in an area (details supplied) in County Tipperary; and if he will make a statement on the matter. [28304/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works held the statutory Public Exhibition for the proposed River Mall (Templemore) Drainage Scheme, which I opened in the presence of the Deputy and other local public representatives in January of this year, as required under the Arterial Drainage Acts. OPW officials are at present assessing the observations, which were received following the Exhibition. Once the Exhibition Report has been considered, a decision will be made on the progress of the proposed Scheme.

Feachtais Gaeilge.

145. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Airgeadais cén dul chun cinn atá

[Deputy Aengus Ó Snodaigh.]

déanta maidir leis an bhfeachtas ag duine (sonraí tugtha) chun an leagan Béarla coimrithe d'ainm na tíre (IRL) atá ar chlárúimhreacha na gcarranna anseo a athrú ar ais go dtí an leagan Gaeilge coimrithe (ÉIR), a bhí ar ghluaisteáin go dtí 1962 sular athraíodh faoin Acht um Thrácht ar Bhóithre 1961 é, i gcás carranna a chláraítear in Éirinn ó Eanáir 2009 ar aghaidh; agus an ndéanfaidh sé ráiteas ina thaobh. [28452/09]

149. D'fhiafraigh **Deputy Caoimhghín Ó Caoláin** den Aire Airgeadais cén dul chun cinn atá déanta maidir leis an bhfeachtas ag duine (sonraí tugtha) chun an leagan Béarla coimrithe d'ainm na tíre (IRL) atá ar chlárúimhreacha na gcarranna anseo a athrú ar ais go dtí an leagan Gaeilge coimrithe (ÉIR), a bhí ar ghluaisteáin go dtí 1962 sular athraíodh faoin Acht um Thrácht ar Bhóithre 1961 é, i gcás carranna a chláraítear in Éirinn ó Eanáir 2009 ar aghaidh; agus an ndéanfaidh sé ráiteas ina thaobh. [28339/09]

Minister for Finance (Deputy Brian Lenihan): Tá sé beartaithe agam Ceisteanna 145 agus 149 a thógáil le chéile.

Tá curtha in iúl dom ag na Coimisinéirí Ioncaim go bhfuil foráil le hAlt 141 san Acht Airgeadais 1992 do na Coimisinéirí le rialacháin a dhéanamh mar is cuí nó is dóigh leo is gá le bainistiú, fáil agus bailiú a dhéanamh ar cháin chláráithe feithiclí (VRT) sa Stát. Maidir leis sin forordaíonn Ionstraim Reachtuil Uimh. 318 de 1992 (Na Rialacháin um Chlárú Feithiclí agus Cánachas 1992 (arna leasú)) formáid, toisí agus sonraíocht theicniúil plátaí cláráithe a léireofar ar fheithiclí a chláraítear sa Stát.

Is eol don Teachta go bhfuil freagracht ar na Coimisinéirí Ioncaim maidir le nithe a bhaineann le formáid plátaí cláráithe sa Stát ó tugadh isteach VRT an 1 Eanáir 1993 agus roimhe sin gur bhain nithe a bhain le formáid plátaí cláráithe le dualgas na Roinne Comhshaoil mar a bhí.

Ar bhonn idirnáisiúnta bíonn difríochtaí idir plátaí cheadúnais thíortha éagsúla trí chód tíre breise do phlátaí ceadúnais. Tá sainitheoir na tíre seo léirithe i mbloc dubh láidir ceannlitreacha ar phláta beag bán ubhchruthach nó greamán ar chúl na feithicle in aice leis an bpláta uimhreacha. Ba Choinbhinsiún de chuid na Náisiún Aontaithe ar Thrácht Bóthair a dháil na sainitheoirí ar dtús sa Ghinéiv in 1949.

Tugadh an cód trí litreach “IRL” d’Éirinn in 1962 agus tá úsáid á bhaint as ó shin. Tugadh isteach pláta cláráithe fhormáid choiteanta an AE le Rialachán AE Uimh. 2411/98 ón AE ar fud an AE an 11 Samhain 1998. Tá an Rialachán sin athraithe isteach ag Éirinn sa reachtaíocht náisiúnta VRT agus comhlíonann an pláta cláráithe atá ann faoi láthair an fhormáid a éilíonn an AE. Ba chóir a thabhairt ar aird nach bhfuil gá an greamán ubhchruthach leis an sainitheoir tíre idirnáisiúnta a léiriú i gcás feithiclí a bhíonn ag taisteal laistigh den AE ar an gcoinníoll go bhfuil an pláta uimhreacha de réir ghnáth-Chaighdeán an AE.

B’fhéidir gur thug an Teachta faoi deara nár baineadh leas riamh as an tsiombail “ÉIR” mar shiombail náisiúnta na hÉireann ar phlátaí cláráithe in Éirinn. Sannadh an sainitheoir “EIR” do Cho. Uíbh Fhailí áfach le hIonstraim Reachtuil Uimh. 46 de 1960 — Na Rialacháin um Fheithiclí Bóthair (Marcanna Innéacs) (Leasú), 1960. Tá sé deimhnithe ag na Coimisinéirí Ioncaim nach bhfuil athbhreithniú á dhéanamh ó thaobh aon athrú a dhéanamh ar an tsiombail náisiúnta atá ann “IRL” agus in aon iarracht chun an tsiombail sin a athrú go gcaithfí leasú a dhéanamh ar chód tíre sannta na Náisiún Aontaithe don Stát agus ar an Iarscríbhinn chuí a ghabhann le Rialachán AE Uimh. 2411/98 ón gComhairle.

Tax Yield.

146. **Deputy Thomas P. Broughan** asked the Minister for Finance the initiatives being under-

taken to address the problem of millions of euro worth of cigarettes being smuggled through ports in Ireland; and if he will make a statement on the matter. [28582/09]

165. **Deputy Thomas P. Broughan** asked the Minister for Finance if up to 25% of cigarettes smoked in Ireland have been imported and sold illegally; if the illegal sale of cigarettes is costing retailers here approximately €496 million in lost sales turnover; if the forecasted loss to the Exchequer in 2010 for the illegal importation and sale of cigarettes is set to reach €528 million; if he will report on the illegal importation of cigarettes from the USA; his views on the allegation that a certain percentage of cigarettes are produced in the US for illegal sale abroad; the efforts being taken to address this problem; and if he will make a statement on the matter. [28581/09]

Minister for Finance (Deputy Brian Lenihan): I propose taking Parliamentary Questions Nos. 146 and 164 together.

I am informed by the Revenue Commissioners that they are not in a position to confirm the Deputy's various estimates of tax loss from cigarette smuggling or to attempt to forecast the tax loss on cigarettes in 2010, as there is no reliable method for determining such figures. However, a tentative estimate was given by Revenue earlier this year that about 20% of cigarettes consumed in Ireland may be untaxed, but it is important to emphasise that this includes both legitimate cross-border purchases for personal consumption and contraband and counterfeit cigarettes. Cigarette clearances on payment of tax for the first five months of 2009 are broadly in line with the same period in 2008.

As regards the illegal importation of cigarettes from the USA, I am informed that this illicit traffic was detected by Revenue some years ago and these detections resulted in the European Anti-Fraud Office, (OLAF), opening an international investigation that involved several Member States and the US Authorities. This investigation has culminated in the arrest of a US national who is due to go on trial in Florida on 3 August 2009 on a number of indictments relating to the shipment of cigarettes to several Member States including Ireland. However, none of the cigarettes in question were manufactured in the USA but Florida was used as the transit route into Europe.

Approximately 42m cigarettes with a retail value of €17.5m have been seized in the first six months of 2009. The efforts that are being made by Revenue to tackle cigarette smuggling include a continuous review of resource deployment both at points of importation and inland with a view to increasing the number of seizures and prosecutions, the procurement of a second Mobile Container Scanner that is expected to be completed this year, continued liaison with An Garda Síochána and where appropriate, the mounting of multi-agency international operations. In addition, Revenue will continue to liaise closely with the legitimate tobacco manufacturers and the Office of Tobacco Control, and will also maintain close contact with the authorities in other Member States and OLAF.

With regard to legislation, I can inform the Deputy that existing enforcement legislation is considered adequate for tackling cigarette smuggling. Current penalties on summary conviction for evasion of duties are €5,000 and/or a term of imprisonment not exceeding twelve months. These reflect the maximum statutory penalties that can be imposed by the District Courts. The penalty for conviction on indictment is currently €12,695 or treble the duty paid value of the goods, whichever is the greater, and/or a term of imprisonment not exceeding five years.

Customs Service.

147. **Deputy Charles Flanagan** asked the Minister for Finance the annual funding provided

[Deputy Charles Flanagan.]

to the customs service to directly tackle drugs since 2002 to date in 2009; his plans to provide them with greater resources; and if he will make a statement on the matter. [28669/09]

Minister for Finance (Deputy Brian Lenihan): Revenue's Customs Service has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. This Service has particular responsibility for implementing import and export controls at all points of entry/exit to/from Ireland, including ports and airports.

I am advised by the Revenue Commissioners that it is not possible to provide the figures requested by the Deputy. This is because most enforcement personnel and equipment are not solely involved with illicit drug importation, but also carry out a wide range of other enforcement functions. In addition, the funding can vary from year to year depending on the expenditure on capital equipment. Nevertheless, estimated figures recently compiled suggest that the overall cost of the Revenue resource employed on drug prevention activities was of the order of €15 million in 2008.

I have been assured by the Revenue Commissioners that they are fully committed to providing an effective level of protection against drug smuggling by systematically applying controls commensurate with the levels of risk identified. In this regard, Revenue is continuously engaged in analysis and evaluation of seizure trends, routes and smuggling risks and resource deployment is adjusted accordingly. Furthermore, an additional Revenue cutter is due for delivery later this year, and the procurement process is underway for an additional x-ray scanner.

Flood Relief.

148. **Deputy Finian McGrath** asked the Minister for Finance if he will provide funding for anti-flood measures in areas (details supplied) in County Dublin. [28685/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works are aware that the areas of Clanmoyle Road, Donnycarney, Dublin 5, Elm Mount Avenue, Beaumont, Dublin 3, Lower Fairview Avenue, Dublin 3 and Clontarf, Dublin 3 were affected by the stormwaters of 2 July of this year, having been previously affected last August.

The OPW are awaiting the completion of the report by Dublin City Council, which will outline some options for dealing with the flood risk in this area. A meeting has been scheduled between the OPW and DCC to plan how best to proceed.

Question No. 149 answered with Question No. 145.

Tax Yield.

150. **Deputy Brendan Kenneally** asked the Minister for Finance the amount of income tax contributed by people on professional apprenticeships every year for the past five years; and the amount that the Exchequer expects to receive during the course of the coming year. [28150/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that information on income tax receipts is not captured in such a way as to provide a basis for compiling the information sought by the Deputy.

Garda Stations.

151. **Deputy Michael Creed** asked the Minister for Finance the position regarding the proposed development of a new Garda station (details supplied) in County Cork; and if he will make a statement on the matter. [28298/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The revised tender documents, which are to comply with the “New Conditions of Contract for Public Works Contracts”, are at an advanced stage of preparation and the tender process is to commence shortly. The award of a contract will be subject to the availability of funding.

Pension Provisions.

152. **Deputy Seán Sherlock** asked the Minister for Finance if a person (details supplied) in County Cork is entitled to a tax free allowance having paid into a private pension fund; and if he will make a statement on the matter. [28324/09]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that as the individual in question is already a member of an Occupational Pension Scheme, he is not entitled to income tax relief in respect of PRSA contributions. The person in question was advised of this on 27th May 2009.

If further clarification is needed, the individual may contact Mr. Pearse Penney, Revenue House, Blackpool, Cork (Tel 021-6027266).

Banking Sector.

153. **Deputy Joe Costello** asked the Minister for Finance the steps he will take to address the failure of the banks to provide a flow of credit to Irish business, particularly, the small business sector; and if he will make a statement on the matter. [28348/09]

Minister for Finance (Deputy Brian Lenihan): A core Government objective is to free up lending on a commercial basis into the economy to support economic growth and a number of actions have been taken to achieve this objective. In the context of the bank guarantee scheme and recapitalisation the banks have made important commitments to support business lending.

An independent review of credit availability was agreed in the context of the recapitalisation of AIB and Bank of Ireland. The purpose of the review was to ascertain the position on credit availability to SMEs in Ireland. 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. The final report of the Review of Lending to SMEs has just now been received. The report is quite extensive, running to almost 100 pages plus appendices. It will be considered by the Cabinet Committee on Economic Renewal which is meeting this afternoon. The intention is that it will be published shortly.

A Code of Conduct for Business Lending to Small and Medium Enterprises was published by the Financial Regulator on 13 February and took effect on 13 March. This code applies to all regulated banks and building societies and will facilitate access to credit, promote fairness and transparency and ensure that banks will assist borrowers in meeting their obligations, or otherwise deal with an arrears situation in an orderly and appropriate manner. The business lending code includes a requirement for banks to offer their business customers annual review meetings, to inform customers of the basis for decisions made and to have written procedures for the proper handling of complaints. Where a customer gets into difficulty the banks will give the customer reasonable time and seek to agree an approach to resolve problems and to provide appropriate advice. This is a statutory code and banks will be required to demonstrate compliance.

In addition, as part of the recapitalisation package announced on 11 February, Allied Irish Bank and Bank of Ireland reconfirmed their December commitment to increase lending capacity to small and medium enterprises (SMEs) by 10% and to provide an additional 30% capa-

[Deputy Brian Lenihan.]

city for lending to first time buyers in 2009. If the mortgage lending is not taken up, then the extra capacity will be available to SMEs. AIB and Bank of Ireland have also committed to public campaigns to actively promote small business lending at competitive rates with increased transparency on the criteria to be met. Compliance with this commitment is being monitored by the Financial Regulator. Officials from my Department are also in regular contact with the banks concerned in relation to their progress on implementing these measures.

My colleague the Tánaiste and Minister for Enterprise, Trade and Employment has recently set up a Clearing Group including representatives from the main banks, business interests and state agencies, which is chaired by the Department of Enterprise, Trade and Employment. The purpose of the group is to identify specific patterns of events or cases where the flow of credit to viable businesses appears to be blocked and to seek to identify credit supply solutions. Any questions on the clearing group should be directed to my colleague the Tánaiste and Minister for Enterprise, Trade and Employment.

The banks report that they are “open for business” as evidenced by their promotional and advertising material. The banks state that they have funds available for lending to businesses and have provided details on approval levels and amounts drawn down. They report a slow-down in certain areas which they say reflects a reduced level of demand. The review of credit availability has considered this point. The most recent Central Bank Monthly Statistics for May 2009 show that credit to non-financial corporates actually increased by €225m month-on-month after two months of substantial falls. While care is always to be taken when reading monthly data, this could be a positive indicator of credit actively being fed through the real economy and businesses.

You may also be aware that my colleague, the Minister of State for Trade and Commerce, Mr Billy Kelleher TD has commenced a series of regional meetings to discuss access to bank credit with key local stakeholders.

Departmental Expenditure.

154. **Deputy Denis Naughten** asked the Minister for Finance the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28420/09]

Minister for Finance (Deputy Brian Lenihan): The following table sets out the cost of public advertising paid for by my Department and the offices under its aegis year to date in 2009.

Office	Statutory Advertising	Non-statutory Advertising	Total
	€	€	€
Office of the Minister for Finance	Nil	27,476	27,476
Office of the Revenue Commissioners	93,841	389,861	483,702
The State Laboratory	Nil	Nil	Nil
The Valuation Office	Nil	Nil	Nil
The Public Appointments Service	Nil	120,392	120,392
Office of the Commission for Public Service Appointments	1,406	3,038	4,444
Office of the Appeals Commissioner	Nil	Nil	Nil

In the time available, the Office of Public Works was unable to collate the information sought. I have asked that office to communicate the relevant information direct to the Deputy.

Banking Sector Regulation.

155. **Deputy Bernard J. Durkan** asked the Minister for Finance the steps he will take to prevent a recurrence of the departure from good banking and lending practice throughout the sector for the past ten years; and if he will make a statement on the matter. [28436/09]

156. **Deputy Bernard J. Durkan** asked the Minister for Finance if it has been possible to identify with accuracy the exact cause or causes of the departure from good banking practice throughout the sector in the past ten years; and if he will make a statement on the matter. [28437/09]

157. **Deputy Bernard J. Durkan** asked the Minister for Finance if instruction, leave or any other indication was given to the banking sectors in the past ten years which might cause an understanding that deviation from good banking practice might be acceptable; and if he will make a statement on the matter. [28438/09]

158. **Deputy Bernard J. Durkan** asked the Minister for Finance the reprimands, restrictions or impositions of a financial or disciplinary nature imposed on the banking sectors when departure from good banking or lending practice has been identified; and if he will make a statement on the matter. [28439/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 155 to 158, inclusive, together.

It is important at the outset to highlight that the problems currently being experienced in the Irish banking sector are part of a wider international phenomenon. The causes of the current financial crisis have been extensively analysed and reported on internationally by various international bodies. Within the EU, the Report of the High Level Group on Financial Supervision in the EU, chaired by Mr. Jacques de Larosière, identifies a number of areas where financial services regulatory reform is required.

The de Larosière Report makes a number of recommendations to strengthen risk management on both a micro- and macro-prudential levels, including improvements in risk management in individual firms; improved systemic shock absorbers; reductions in pro-cyclical amplifiers; strengthening transparency; and improvements in the incentives in financial markets and in directors' remuneration.

Separately, EU Finance Ministers and the G20 have each recognised that the Basel II capital adequacy framework, which is implemented in the EU through the Capital Requirements Directive, should be strengthened with regard to risk management on both a micro- and macro-prudential levels. The Basel Committee on Banking Supervision and the European Commission are currently developing proposals to address these various recommendations, which can be expected to be implemented over the coming years.

The impact of the crisis on the banking system in Ireland has emphasised the importance to the wider economy of the framework for financial regulation as well as the links between financial regulation and functions of central banks. The reform of regulatory structures which I announced on 18 June last will underpin a much more effective and efficient financial services regulatory system. In particular, the reforms will see the establishment of a single fully integrated institution, the Central Bank of Ireland Commission, with responsibility for both the supervision of individual firms and the stability of the financial system generally.

At domestic level, the Government has increased the disclosure requirements for directors of banks, through the recent Companies (Amendment) Act 2009. This Act improves the disclosure requirements for loans made by banks to their directors and to persons connected with

[Deputy Brian Lenihan.]

them. The Act also increases the powers available to the Director of Corporate Enforcement to enforce compliance with company law. These powers will apply to all companies and not just financial institutions.

In relation to the reprimands, restrictions or impositions of a financial or disciplinary nature imposed on the banking sectors when departure from good banking or lending practice has been identified, the Deputy will be aware that in my role as Minister for Finance, I set out the legislative framework within which offences and penalties are contained. I am satisfied that such offences and penalties are in line with international best practice. The Financial Regulator is empowered under the Central Bank Acts to initiate administrative sanctions procedures where it suspects, on reasonable grounds, that a prescribed contravention may have been committed by a regulated financial service provider. The following sanctions may be imposed:

- Caution or reprimand;
- Direction to refund or withhold all or part of an amount of money charged or paid, or to be charged or paid, for the provision of a financial service;
- Monetary penalty (not exceeding €5,000,000 in the case of a corporate and unincorporated body, not exceeding €500,000 in the case of a person);
- Direction disqualifying a person from being concerned in the management of a regulated financial service provider;
- Direction to cease the contravention if it is found the contravention is continuing;
- Direction to pay all or part of the costs of the investigation and inquiry.

Obviously, it is important that where offence and penalty provisions are provided for in law that they are properly enforced. In this regard, the Financial Regulator has taken 18 enforcement actions (16 administrative sanctions procedures and 2 market abuse actions) since these powers became available to it in 2004. Seven individuals have been disqualified from working in the financial services industry (for various periods of time). There have been five breaches of the Consumer Protection Code, two breaches of Market Abuse Regulations and eleven breaches of other codes of conduct (five prudential and six consumer breaches). There have been twelve fines imposed, one of €3,250,000, one of €200,000, 1 of €80,000, 1 of €50,000, 1 of €45,000, 2 of €20,000, 2 of €10,000, and 3 of €5,000, which totals €3,700,000.

To date, one credit institution has been reprimanded and subject to a monetary penalty of €50,000.

By way of concluding, I would not accept any suggestion that an instruction, leave or any other indication was given to the banking sector in the past 10 years which might cause any understanding that deviation from good banking practice might be acceptable. While it is not my role as Minister for Finance to seek to intervene in the decision-making of individual financial institutions, I would repeat my desire that the sector provides prudent and responsible lending that is in the interest of the financial institutions, the borrower and the wider economy.

Economic Competitiveness.

159. **Deputy Bernard J. Durkan** asked the Minister for Finance the steps he will take to reduce costs in both the public and private sectors with a view to improving economic performance; the targets set; and if he will make a statement on the matter. [28440/09]

Minister for Finance (Deputy Brian Lenihan): Since the early years of this decade Ireland has lost competitiveness. Up until last year, prices grew faster than those in the euro area, while wages grew at a rate greater than productivity would justify. These developments have left Ireland exposed in the midst of the collapse in global demand. Nonetheless, consumer prices have adjusted quickly downwards in the last six months. In addition, we are also seeing the benefits of our labour market flexibility: all available evidence points to recent downward pressure on wages economy-wide. The European Commission forecasts that Ireland's unit labour costs will fall by -4% this year, against a rise of 3% in the rest of the euro area.

In relation to public sector pay, the recently-introduced public service pension-related deduction decreases the net cost to the Exchequer of the public sector paybill. It is currently estimated that receipts from the deduction will come to just under €940 million in 2009 and over €1.1 billion in 2010. This reduction in public service net pay is likely to have a demonstration effect on private sector wages too.

On indirect costs, the Government spends over €1 billion annually on a range of professional services across all Departments. In view of the need for an equitable sharing of the burden of the adjustment to address the deterioration in the public finances, the Government is pursuing a general 8% reduction on fees to legal, medical, veterinary and other professionals engaged by the public service. This will raise €80 million in a full year. This process is being done by engaging in consultations through appropriate channels.

Regulated energy costs to private households also decreased this year, with piped gas falling by 12% from the 1st of May and electricity by 10% on the same date. Overall, my Department expects a small but significant fall in consumer prices this year which will go some way to addressing cost pressures that exist economy-wide.

Fiscal Policy.

160. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which the various budgetary cutbacks proposed in the context of recent reviews of public spending have been tested for likely negative impacts on the economy; the way these issues will be addressed; and if he will make a statement on the matter. [28441/09]

Minister for Finance (Deputy Brian Lenihan): In the normal course of events, the macro-economic implications of various fiscal measures are considered in the context of the budgetary process. In that regard in the recent Supplementary Budget the macro-economic impact of the 2009 measures was set out.

Regarding the additional aggregate annual consolidation measures for the later years, the overall macro-economic impact was incorporated within the medium term economic and fiscal forecasts.

Therefore, all the specific measures that will be brought forward in terms of both expenditure and taxation will be considered in the context of the estimates / budgetary process in the normal manner and the economic and social impact of the specific budgetary package will be considered then.

Economic Competitiveness.

161. **Deputy Bernard J. Durkan** asked the Minister for Finance when his attention was drawn to the fact that some sectors in the economy were suffering from or creating costs which were likely to affect the competitiveness of the economy; the steps he will take to address the issues; and if he will make a statement on the matter. [28442/09]

Minister for Finance (Deputy Brian Lenihan): Since becoming Minister for Finance my specific attention has been drawn to the fact that Ireland has been losing competitiveness for some time. In fact the loss of competitiveness and the need to improve it is one that is a constant theme of the Government in recent years. Up until last year, prices grew faster than those in the euro area, while wages grew at a rate greater than productivity would justify in some cases. These developments have left Ireland vulnerable in our international markets in the midst of the collapse in global demand. Nonetheless, consumer prices have adjusted quickly downwards over the last six months. In addition, we are also seeing the benefits of our labour market flexibility: all available evidence points to recent downward pressure on wages in the economy.

The European Commission forecasts that Ireland's unit labour costs will fall by -4 per cent this year, against a rise of 3 per cent in the rest of the euro area. Our economy is rapidly adapting to changed circumstances as we witness prices and wages falling. A substantial improvement in Ireland's competitiveness will place us on a much better footing for when global growth resumes.

162. **Deputy Bernard J. Durkan** asked the Minister for Finance if he has satisfied himself regarding the adequacy of the resources available to his Department to carry out the necessary evaluation of performance and cost in both the public and private sectors with a view to improving competitiveness in the economy; and if he will make a statement on the matter. [28443/09]

Minister for Finance (Deputy Brian Lenihan): My Department must, as is the case for all Departments, operate within available resources, both in respect of staffing and other provisions. However, I am satisfied that the resources available to enable my Department to carry out the necessary evaluation of performance and cost in both the public and private sectors with a view to improving competitiveness in the economy are appropriate. The Department continually keeps under the review the prioritisation of resources.

Tax Code.

163. **Deputy Noel Ahern** asked the Minister for Finance if he will clarify the revenue refund due to a person (details supplied) in respect of rebate on employee's redundancy payment. [28444/09]

Minister for Finance (Deputy Brian Lenihan): I wish to draw to the Deputy's attention that rebates on employee's redundancy payments are a matter for the Department of Enterprise, Trade and Employment.

Departmental Expenditure.

164. **Deputy Leo Varadkar** asked the Minister for Finance the amount spent by his Department on legal fees directly to lawyers or through the State solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28468/09]

Minister for Finance (Deputy Brian Lenihan): In general, my department uses the services of the Office of the Attorney General and the Office of the Chief State Solicitor, and seeks outside legal advisors in circumstances requiring legal services of a specific nature. The costs associated with the Office of the Attorney General and the Office of the Chief State Solicitor are borne by the respective Votes and are not charged back to my Department.

The following table sets out expenditure in the years 2006 to 2008 on contracts for legal services by my department and the related offices.

Name of Office	2006	2007	2008
	€ ,000	€ ,000	€ ,000
Office of Public Works	1,047	1,167	518
State Laboratory	—	—	103
Valuation Office	125	20	139
Public Appointments Service	—	—	17
Office of the Commission for Public Service Appointments	63	130	115
Office of the Minister for Finance	654	403	1,876
Office of the Revenue Commissioners	6,090	5,690	6,970

In addition the Office of the Revenue Commissioners incurred expenditure in respect of cases where they petition the courts for the liquidation of a company. These payments mainly comprise professional fees for Liquidators and their legal teams and totalled €1.7m in 2006, €2.5m in 2007. A breakdown isolating legal fees from within this total spend is not readily available for 2006 or 2007. The legal fees element for 2008 is included in the figures quoted above.

Question No. 165 answered with Question No. 146.

Departmental Properties.

166. **Deputy Thomas P. Broughan** asked the Minister for Finance the gross cost, including fee and all related items, per square foot for the combined social welfare and Garda station buildings recently constructed in Ballymun, Dublin; the way this compares to other similar buildings constructed in 2008; his views on whether this level of cost is justified and if effective cost management was applied to the building project; and if he will make a statement on the matter. [28585/09]

167. **Deputy Thomas P. Broughan** asked the Minister for Finance the number and value of all extra costs paid to the contractor, additional to the contract sum agreed at the commencement of the construction contract for the social welfare and Garda station building in Ballymun, Dublin; his views on whether these costs would have been avoided if the contract had been a fixed-price contract; and if he will make a statement on the matter. [28586/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): I propose to take Questions Nos. 166 and 167 together.

The development in Ballymun comprised a new Divisional Headquarters for An Garda Síochána, offices for the Department of Social and Family Affairs, including accommodation for the Money Advice and Budgeting Service, together with facilities for the Probation Service.

It is anticipated that the final account for the project will be completed in the next few weeks. I would be in a position at that stage to provide the Deputy with confirmation of the cost per square foot and other information requested, relating to the financial aspects of the project. I can, however, assure the Deputy that cost effective management was applied to the project, as is the case with all such projects undertaken by the Office of Public Works.

Details of the nature and value of additional works carried out under the contract would also be available when the final account has been agreed. I am advised that the additional works were requested by the public bodies concerned, and were deemed necessary, in order that they could deliver satisfactorily in relation to their statutory / operational functions, or were necessitated to address project critical issues that arose during the course of the contract.

Fiscal Policy.

168. **Deputy Bernard J. Durkan** asked the Minister for Finance if he has sufficient resources to undertake the necessary research to ensure that budgetary projections are accurately based; and if he will make a statement on the matter. [28587/09]

169. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which VAT, income tax and stamp duty targets identified in the various budgets over the past 12 months have been realised in the half yearly returns; the areas requiring attention; the action to be taken; and if he will make a statement on the matter. [28588/09]

170. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which tax returns for the first six months of 2009 are in accordance with budgetary projections; the action taken or expected to be taken to address issues arising therefrom; and if he will make a statement on the matter. [28589/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 168 to 170, inclusive, together.

The Supplementary Budget forecast that total tax revenue for the year would amount to €34.4 billion. Monthly profiles for individual tax-heads were published at the end of April.

The end of June Exchequer Returns showed that €15.8 billion in tax receipts were collected in the first half of 2009. Income Tax receipts were €113 million or 2.0% below target, VAT receipts were €202 million or 3.5% behind profile and Stamp Duty receipts were €40 million or 10.3% down on target. Against this, other taxes, namely Corporation Tax and Excise Duties, were ahead of target. Overall, total taxes were €188 million or 1.2% below profile. While this is very close to target, significant sums remained to be collected in the second half of the year and the performance of Income Tax and VAT receipts in particular, will need to be monitored closely.

Economic and fiscal forecasting, at the best of times, is not an exact science. In the extraordinary circumstances prevailing over the last twelve months, it has proven to be extremely difficult for all forecasters to accurately predict short-term economic trends. In this context, the economic and tax projections were revised during the course of the year. My Department works closely with the Revenue Commissioners on an ongoing basis to ensure the highest quality tax forecasts are delivered to Government.

Last year my Department published a report produced by a group specifically established to examine the tax forecasting methodologies used by the Department. The Tax Forecasting Methodology Review Group comprised of experts from the Department of Finance, the ESRI, the Revenue Commissioners, and the Central Bank and had input from the EU Commission.

In terms of its findings, while the Group suggested that the Department of Finance displays a prudent bias in tax forecasting, it did not suggest any major structural recommendations to the way the Department forecasts tax revenue. However, it did recommend a number of adjustments which the Department is currently implementing. Furthermore, the Group's report also indicated that the Department's methods were not out of line internationally. A copy of the Group's report was laid in the Dáil library and is available on the Department of Finance website at www.finance.gov.ie.

As I have stated many times, I am satisfied that my Department as currently resourced is fully capable of providing the necessary economic analysis and advice to myself and to Government.

National Development Plan.

171. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if his attention has been drawn to the fact that the European Commission has sent a reasoned opinion to the Government to the effect that the National Development Plan 2007 to 2013, containing Transport 21, is in breach of EU law, as it has not been subject to strategic environmental assessment under the SEA directive; and his response to the Commission. [28643/09]

172. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the reason he continues to perform strategic environmental assessments on the national development plan and Transport 21. [28644/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Numbers 171 and 172 together.

To my knowledge, no reasoned opinion on this issue has been received from the European Commission by Ireland.

During the preparation of the NDP, the question of undertaking a Strategic Environment Assessment (SEA) was considered by the Government. The outcome of this consideration, which included taking legal advice, was that an SEA was not required.

In 2007, the European commission sent a Letter of Formal Notice seeking information on the NDP and its status as it was their opinion that the NDP appeared to be a plan or programme subject to the SEA Directive. A reply was sent to the Commission setting out our position that the NDP is not subject to the aforementioned Directive.

The Commission sent a revised Letter of Formal Notice in 2008. Ireland's response confirmed our considered opinion that the NDP is not subject to the SEA Directive. Issues relating to Transport 21 are a matter, in the first instance, for the Minister for Transport.

Tax Yield.

173. **Deputy Noel Ahern** asked the Minister for Finance the level of taxation on cigarettes; the various taxation increases over the past 15 years; if this revenue is ring-fenced for health spending; if some of the extra taxation in recent years was ring-fenced, for example the 50 pence levy in the mid 1990s; the health spending on illnesses specifically related to tobacco products; and if he will make a statement on the matter. [28733/09]

Minister for Finance (Deputy Brian Lenihan): Based on cigarettes costing €8.35 per pack of 20, following the most recent increase of 25 cent from midnight on 7 April, 2009, the price includes a total of €6.67 in taxation (€5.19 excise duty and €1.48 VAT). The increases in excise, inclusive of VAT, made over the past 15 years are set out in the following table.

In accordance with section 3 of the Appropriation Act, 1999, the Revenue Commissioners made payments each year of certain excise duties on tobacco products as an appropriation-in-aid to the Department of Health and Children. These payments, which are spread over the year, amount to €167.605 million per annum.

It is not the normal practice of the Government to ring-fence individual tax receipts for particular purposes. The receipts from taxation are paid to the Exchequer and used to finance the general provisions of public services.

As the Deputy may be aware smoking is the greatest single cause of preventable illness and premature death in Ireland, causing the deaths of over 6,500 people a year. The impact of smoking on costs in the health service in terms of treatment services for cancer, cardiovascular

[Deputy Brian Lenihan.]

disease and respiratory diseases is significant. Between them, these diseases account for a very significant element of hospital admissions and hospital bed occupancy.

Increases in Excise Duty, inclusive of VAT

Budget	Amount of Duty Increase, inclusive of VAT, per pack of 20 cigarettes
1994	10 cent
1995	15 cent
1996	13 cent
1997	9 cent
1998	13 cent
1999	6 cent
2000	63 cent
2001	4 cent
2002	13 cent
2003	50 cent
2004	25 cent
2005	No increase
2006	No increase
2007	50 cent
2008	30 cent
2009	50 cent
Supplementary Budget April 2009	25 cent

Public Service Contracts.

174. **Deputy Noel Ahern** asked the Minister for Finance if he will clarify the situation concerning complaints from the printing industry regarding the level of Government agency work, on behalf of the Office of Public Works, being awarded to companies outside the State; if same can be quantified in value terms; the efforts that have been made to retain the work in Ireland; and if he will make a statement on the matter (details supplied). [28746/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Up to recently, the Government Supplies Agency (GSA), a Business Unit of the Office of Public Works, has provided a centralised procurement service to Government Departments, Offices and Agencies for a range of goods and services, including printing. This service is provided principally by means of drawdown contracts, which sets out prices, terms and conditions under which supplies are delivered. The various Departments, Offices and Agencies can purchase, as required, from the appointed contractors. 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 needs 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.

Contracts are awarded on the basis of the most economically advantageous tender, determined on the basis of criteria detailed in the tender documents. There is no advantage to non-Irish companies in assessing tender prices — comparisons are made on the basis of prices excluding VAT.

The expenditure on GSA contracts for printing and binding services for the past three years is as follows:

	2006	2007	2008
	€	€	€
Printing and Binding Services	9,374,092	11,157,120	10,874,780
Cost of items printed outside the State	193,160	1,267,915	1,294,808

Of the contracts for printing and binding services, the proportion delivered by Irish printers under these contracts was 97.9% in 2006, 88.6% in 2007 and 88.1% in 2008.

All public procurement is subject to the fundamental EU Treaty principles of non-discrimination, transparency, freedom of movement and freedom to provide goods and services. The OPW is not permitted to discriminate on the grounds of nationality in its assessment of tenders.

The function of the Government Supplies Agency have now been subsumed by the National Public Procurement Operations Unit (NPPOU), a new Business Unit within OPW. 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 procurement strategies for each individual market. This may entail changes in the nature and duration of the contractual arrangements, which currently apply. The NPPOU have been in regular consultation with the Print and Packaging Forum to explore measures, which could be adopted to meet the challenges faced by the Irish Print Industry into the future. The NPPOU will encourage greater participation of SME's in public procurement, by providing guidance on how to compete more effectively for future tenders, and also encouraging partnerships between SME's (where appropriate) to bid for the larger print contracts. Through meaningful effective supplier interaction, the NPPOU will support the Print Industry to meet the challenges and opportunities provided for in these national print contracts into the future.

Tax Code.

175. **Deputy Noel Ahern** asked the Minister for Finance the approved VAT ranges that are allowed by the EU; if it is open to a member state to only use one VAT rate if they so decide; the VAT take from each of the rates in 2009; his views on the suggestion that Ireland should follow the UK and reduce our normal rate to 15% and increase the lower rate to 15%; if such an increase would substitute for the reduction; the loss to the Revenue Commissioners if the above change are made here; and if he will make a statement on the matter. [28755/09]

Minister for Finance (Deputy Brian Lenihan): EU VAT law requires Member States to apply a single standard rate of VAT of not lower than 15%, and there is also political agreement that the standard rate applying in each Member State does not exceed 25%. Member States may also apply up to two reduced rates of VAT of no less than 5% and not more than 15% on those goods and services listed in Annex III of the EU VAT Directive. In addition, Member States may apply a reduced rate or a zero rate of VAT to goods and services not listed in Annex III in certain circumstances where a reduced or zero rate applied to those on 1 January 1991.

It is open to Member States to use a single rate of VAT, so long as it falls within the rules for the standard rate of VAT as outlined above.

[Deputy Brian Lenihan.]

I am informed by the Revenue Commissioners that the yield from the reduced and standard rates of VAT of 13.5% and 21.5% is estimated at €3,690 million and €7,730 million respectively in 2009.

Consolidating our existing reduced and standard rates of VAT into a single rate of 15% may simplify the VAT system and increase our competitiveness with the UK, however such a measure would be far too costly. It is estimated that while an increase from 13.5% to 15% in the reduced rate of VAT would yield an additional €410 million in a full year, however a decrease in the standard rate of VAT from 21.5% to 15% would cost €2,340 million in a full year; resulting in an overall loss to the Exchequer of around €1,930 million in a full year.

It should also be noted that in Ireland we apply the reduced VAT rate to a relatively large number of goods and services, and therefore consolidating our VAT rates to 15%, would result in a VAT increase for almost 40% of goods and services. The services involved include labour intensive services, residential housing, commercial construction and electricity, gas and domestic fuels. These increases would fall disproportionately on the less well off leading to significant public opposition to such a change.

Many of the items charged at 13.5% in Ireland are at the parked rate of VAT which applies in the case of such goods and services that are not included in Annex III of the EU VAT Directive but which were charged at a reduced rate on 1 January 1991. Such items include fuel used for heat or light and certain housing and construction. If the VAT rates are re-aligned into a new single standard rate, it would not be possible in the future under EU VAT law to revert these parked items back to the reduced rate.

Health Repayment Scheme.

176. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [28687/09]

177. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [28688/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for administering the Health Repayment Scheme in conjunction with the appointed Scheme Administrator KPMG/McCann Fitzgerald.

The Health (Repayment Scheme) Act 2006 provides a clear legal framework to repay recoverable health charges for publicly funded long-term residential care including contract beds in private institutions. Recoverable health charges are charges which were imposed on persons with full eligibility under the Health (Charges for In-patient Services) Regulations 1976 as amended in 1987 or charges for in-patient services only, raised under the Institutional Assistance Regulations 1954 as amended in 1965.

All applications from or in respect of persons with an intellectual disability who were admitted to long-stay residences are assessed within this legal framework and only the specific charges outlined above are repayable under the Health Repayment Scheme. The closing date for receipt of applications under the Scheme was 31 December 2007.

Child Care Services.

178. **Deputy Ulick Burke** asked the Minister for Health and Children the position regarding the provision of preschool for children as announced in budget 2009; if her projections and

targets will be achieved; the total financial provision announced; if there is a cut in this provision; and the total number of children for which that provision will cater for. [28761/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware, I have responsibility for the implementation of the new scheme to provide a free Preschool in Early Childhood Care and Education (ECCE), which will be implemented from January 2010.

The scheme will be funded from resources re-directed from the Early Childcare Supplement (ECS) which is being abolished from the end of this year. The proposed funding allocation for the scheme in 2010 is in the region of €170 million and I am not aware of any proposal to reduce this provision.

As part of the preparations for introducing the new scheme, the Childcare Directorate of my Office recently wrote to almost 5,000 private and voluntary preschool service providers in the State, inviting them to participate. These included preschool service providers who are notified to the Health Service Executive (HSE) or registered with the Irish Montessori Education Board (IMEB) and a number of other persons who have expressed an interest in establishing a preschool service and participating in the scheme. Application forms and other relevant information regarding the scheme were included in this correspondence and applicants are now returning forms to their local City or County Childcare Committees.

The closing date for response is 10 July 2009 and to date nearly 2,500 applications have been received from preschool services which will secure more than 43,000 preschool year places. It is estimated that up to 60,000 preschool year places could be required in January 2010 and I am confident that this will be achieved. It is expected that the application process will be completed by the end of September 2010 and following this a list of all participating services will be available to parents through the City and County Childcare Committees.

Pharmacy Regulations.

179. **Deputy Joe McHugh** asked the Minister for Health and Children her views that a reduction of 34% to pharmacists is fair and proportionate; her plans to negotiate this with pharmacists; and if she will make a statement on the matter. [28873/09]

180. **Deputy James Reilly** asked the Minister for Health and Children if she will negotiate with pharmacists to try and prevent their withdrawal from the community drugs scheme from 1 August 2009; and if she will make a statement on the matter. [28821/09]

181. **Deputy Joe McHugh** asked the Minister for Health and Children her contingency plans in the event of a withdrawal of pharmacists from the community drugs scheme from 1 August 2009; and if she will make a statement on the matter. [28921/09]

182. **Deputy Joe McHugh** asked the Minister for Health and Children her plans negotiate with pharmacists to try to prevent their withdrawal from the community drugs scheme from 1 August 2009; and if she will make a statement on the matter. [28922/09]

183. **Deputy James Reilly** asked the Minister for Health and Children the contingency plans she has put in place in the event of a withdrawal of pharmacists from the community drugs scheme from 1 August 2009; and if she will make a statement on the matter. [28820/09]

185. **Deputy Charlie O'Connor** asked the Minister for Health and Children the contingency plans to deal with the situation in which pharmacies have given notice of terminating services

[Deputy Charlie O'Connor.]

from 1 August 2009; if her attention has been drawn to the concern of the general public in this regard; and if she will make a statement on the matter. [28122/09]

202. **Deputy John O'Mahony** asked the Minister for Health and Children the plans she has put in place following the withdrawal of pharmacists contracts with the Health Service Executive which will affect medical card patients and many others using the drug payments scheme; her plans and those of the Health Service Executive to ensure the continued supply of medication to patients; and if she will make a statement on the matter. [28216/09]

203. **Deputy Denis Naughten** asked the Minister for Health and Children the action taken by Health Service Executive on payments to pharmacists; if an assessment has been completed on the impact that this will have in smaller towns; and if she will make a statement on the matter. [28254/09]

210. **Deputy Noel J. Coonan** asked the Minister for Health and Children the position regarding reducing margins given to pharmacists, provided for under the Financial Emergency Measures in the Public Interest Act 2009, taking into account pharmacists' plans to discontinue providing services if the plans proceed; her plans to rescind this issue; and if she will make a statement on the matter. [28302/09]

227. **Deputy Olwyn Enright** asked the Minister for Health and Children her views on whether the reduction of 34% to pharmacists is fair and proportionate; her plans to negotiate same with pharmacists; and if she will make a statement on the matter. [28435/09]

233. **Deputy Olwyn Enright** asked the Minister for Health and Children the contingency plans she has in place in the event of a withdrawal of pharmacists from the community drugs scheme from 1 August 2009; and if she will make a statement on the matter. [28475/09]

234. **Deputy Olwyn Enright** asked the Minister for Health and Children if she will negotiate with pharmacists to prevent their withdrawal from the community drugs scheme from 1 August 2009; and if she will make a statement on the matter. [28476/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 179 to 183, inclusive, 185, 202, 203, 210, 227, 233 and 234 together.

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.

The decisions I have made on the reduction in payments to community pharmacists under the Act 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.

Care of the Elderly.

184. **Deputy Michael D'Arcy** asked the Minister for Health and Children if the agreement still stands whereby the health care costs of pensioners living here who have paid national insurance in the UK while living and working here are covered and then reimbursed by the British Government; and if she will make a statement on the matter. [28118/09]

Minister for Health and Children (Deputy Mary Harney): Regulation (EC) 1408/71 co-ordinates health and social security arrangements among EU member states (it also applies in the remaining EEA member states and Switzerland). Under these provisions, people who are insured with (covered by) the healthcare system of one EU member state are entitled to receive healthcare in the public system of another member state in certain circumstances, at the cost of the member state in which they are insured.

[Deputy Mary Harney.]

Ireland operates a bilateral healthcare reimbursement agreement with the United Kingdom, arising from the application of Regulation (EC) 1408/71. The agreement comprehends such persons as temporary visitors between the two countries; pensioners of one country residing in the other country and their dependants; and the dependants residing in one country of people who are employed in the other country. The amount due is the net difference between the costs to the Irish health services of providing care to those with UK entitlements and the cost to the UK health services of providing services to those with Irish entitlements. Allowance is also made for those with dual entitlements in both jurisdictions.

Under the terms of the agreement net liability between the two countries is calculated on a lump sum basis rather than an individual basis. Officials from my Department liaise regularly with their UK counterparts in discussions on the application of the agreement and I can confirm to the Deputy that the bilateral agreement continues to operate.

Question No. 185 answered with Question No. 179.

Pharmacy Statistics.

186. **Deputy Chris Andrews** asked the Minister for Health and Children the number of pharmacists in existence on 1 March 2008; and the number on 1 March 2009. [28124/09]

Minister for Health and Children (Deputy Mary Harney): According to the Pharmaceutical Society of Ireland (PSI) records the number of Retail Pharmacy Businesses that were notified to the PSI on 1 March 2008 was 1571 and on 1 March 2009 was 1599.

Care of the Elderly.

187. **Deputy Lucinda Creighton** asked the Minister for Health and Children the funding schemes available to a voluntary organisation being set up in the Dublin inner city area to provide voluntary care to the elderly in the Meath Street area; and if she will make a statement on the matter. [28137/09]

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.

Departmental Investigations.

188. **Deputy Billy Timmins** asked the Minister for Health and Children the breakdown of the €2.1 million cost into the inquiry involving Leas Cross Nursing Home; and the person who was in receipt of €2.1 million. [28139/09]

Minister for Health and Children (Deputy Mary Harney): On 24 April 2007, the Government announced its decision to establish a commission of investigation into the management, ownership, and operation of Leas Cross Nursing Home. The Commission of Investigation (Leas Cross Nursing Home) was established on 6 June 2007, under section 3 of the Commissions of Investigation Act 2004. Mr Diarmuid P. O'Donovan, S.C., was appointed as the Sole Member of this Commission. It formally commenced its work in September 2007. The final report was received in June 2009.

Mr O'Donovan was assisted in his work by one solicitor, five barristers at different time intervals, and three clerical / secretarial staff. The total cost for the Commission is expected to be in the region of €2.1 million and includes staffing, accommodation, equipment and third-party legal costs. Invoices paid to 26 March 2009 totalled €1.423 million. This consisted of

staffing and associated costs for the Commission of €1.270 million and accommodation and ICT costs of €0.153 million. A number of invoices were received towards the end of the Commission's lifetime which were subject to query before payment. Consequently, a final breakdown of the costs is not yet available. The remaining expenditure will consist mainly of third party legal fees, staffing costs and administration and ICT expenses.

Hospitals Building Programme.

189. **Deputy Brendan Kenneally** asked the Minister for Health and Children the status of the proposed new 50 bed unit for St. Patrick's Hospital, Waterford; and if she will make a statement on the matter. [28157/09]

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 Procedures.

190. **Deputy Brendan Kenneally** asked the Minister for Health and Children the number of angiograms conducted in Waterford Regional Hospital in 2009; and the number conducted every year for the past five years per year. [28158/09]

191. **Deputy Brendan Kenneally** asked the Minister for Health and Children the number of patients over the past five years who have received an angiogram in Waterford Regional Hospital and went on to receive further follow up treatment locally, broken down by year to date in 2009. [28159/09]

192. **Deputy Brendan Kenneally** asked the Minister for Health and Children the number of patients who were treated for an angiogram in hospitals other than Waterford Regional Hospital after having initially been diagnosed in Waterford Regional Hospital in the past five years with a breakdown of these figures by year; and the cost of treating these patients per year. [28160/09]

193. **Deputy Brendan Kenneally** asked the Minister for Health and Children the estimated cost of running a full time angiogram service in Waterford Regional Hospital. [28161/09]

194. **Deputy Brendan Kenneally** asked the Minister for Health and Children the number of days the angiogram service operates in Waterford Regional Hospital per week; the number of days it has been in operation in 2006, 2007, 2008 and to date in 2009. [28162/09]

195. **Deputy Brendan Kenneally** asked the Minister for Health and Children the efforts made to operate the angiogram service in Waterford Regional Hospital on a full time basis; and if she will make a statement on the matter. [28163/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 190 to 195, inclusive, together.

As these are service matters, they have been referred to the HSE for direct reply.

Hospital Services.

196. **Deputy Brendan Kenneally** asked the Minister for Health and Children the different departments that are currently in operation in Waterford Regional Hospital. [28164/09]

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.

197. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will ensure that funding is maintained in respect of an organisation (details supplied) in County Cork. [28197/09]

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 Cards.

198. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application for renewal of a medical card by a person (details supplied) in County Cork. [28198/09]

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.

Pre-school Services.

199. **Deputy Richard Bruton** asked the Minister for Health and Children her views on providing schools participating in the free pre-school scheme a higher capitation grant if they employ teachers with higher educational qualifications; and if she will make a statement on the matter. [28204/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy will be aware, I have responsibility for the implementation of the new Early Childhood Care and Education scheme which provides a free pre-school year to eligible children and which will be introduced in January 2010.

The scheme is open to private and voluntary pre-school services including both sessional playschools and creche facilities. Sessional playschools will, normally, participate in the scheme by providing the pre-school year for 3 hours a day, 5 days a week over 38 weeks while full or part-time creche facilities will, normally, participate by providing the pre-school year for 2 hours, 15 minutes a day, 5 days a week over 50 weeks.

An annual capitation fee of over €2,400 will be paid to participating services in return for the provision of a free pre-school year to each child. This is equivalent to approximately €276 per month where a service is participating for 38 weeks and approximately €207 per month where it participates for 50 weeks. Services may, however, charge parents for additional services provided these are clearly optional to parents and provided appropriate programme based activities continue to be provided to children not availing of such services during the pre-school year hours.

While there is no requirement in relation to the qualifications of staff under the Child Care (Pre-School Services) (No. 2) Regulations 2006, it is a requirement of the ECCE scheme that pre-school year leaders in services participating in the scheme hold a qualification in childcare which is equivalent to FETAC Level 5. It is proposed to increase this requirement to a qualification in childcare equivalent of FETAC Level 6 over time. The capitation fee which is provided for applies to all services which choose to participate and additional funding is not provided where the requirements of the scheme are exceeded.

Health Services.

200. **Deputy Catherine Byrne** asked the Minister for Health and Children if she will grant speech and language therapy for a person (details supplied) in Dublin 12; if her attention has been drawn to the fact that this person is waiting a long time and their condition could deteriorate further unless they receive treatment now; and if she will make a statement on the matter. [28211/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive advised this Department that there is a high demand for Speech and Language Therapy Services in Crumlin and the surrounding areas. The Local Health Office has in recent weeks received approval to recruit a Speech and Language Therapist. The HSE LHO Manager has advised that his office will be in a better position in the near future to give a firm indication as to when Hugo will be seen for assessment. As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

201. **Deputy Catherine Byrne** asked the Minister for Health and Children the number of speech therapists who currently operate from a health centre (details supplied) in Dublin 12 and their working hours; if there are vacancies for speech therapists at this health centre; when these vacancies will be filled; and if she will make a statement on the matter. [28212/09]

Minister for Health and Children (Deputy Mary Harney): Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

Questions Nos. 202 and 203 answered with Question No. 179.

204. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 169 of 28 January 2009, if all agencies under her authority have now furnished a full response; and if she will make a statement on the matter. [28258/09]

Minister for Health and Children (Deputy Mary Harney): I refer the Deputy to my reply to Question No.94 of 5 March 2009 on this matter. My Department has contacted the HSE and the other agencies once more and requested again that they reply to the Deputy as a matter of urgency.

205. **Deputy Finian McGrath** asked the Minister for Health and Children if he will support the case of a person (details supplied) in Dublin 11. [28267/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards.

206. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued in the case of a person (details supplied) in County Kilkenny who is in need of ongoing medical treatment; and if she will expedite the matter. [28276/09]

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.

207. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will ensure that a follow-on day service will be made available to a person (details supplied) in Dublin 12; and if she will make a statement on the matter. [28289/09]

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.

208. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will ensure that a follow-on day service will be made available to a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [28290/09]

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.

Hospital Procedures.

209. **Deputy John McGuinness** asked the Minister for Health and Children the reason a person (details supplied) in County Kilkenny has to wait 18 months for a scan at Waterford Regional Hospital; and if he will expedite a response. [28293/09]

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. 210 answered with Question No. 179.

Health Service Expenditure.

211. **Deputy Mattie McGrath** asked the Minister for Health and Children the amount of money paid out by the Health Service Executive in 2005, 2006, 2007, 2008 and to date in 2009 for the services of public relations companies, consultants and special advisers who are not in direct employment of the HSE or her Department; and if she will make a statement on the matter. [28307/09]

Minister for Health and Children (Deputy Mary Harney): As this is a matter for the HSE, it has been referred to the Executive for attention and direct reply to the Deputy.

Care of the Elderly.

212. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children her plans to avert the closure of the six bed acute psychiatric unit for older people at Portlaoise General Hospital and the closure of beds at St. Brigid's Hospital, Shaen, Portlaoise; and if she will make a statement on the matter. [28312/09]

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.

Medical Cards.

213. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason a

person (details supplied) in County Galway has been deemed not to be eligible for an over 70s medical card; and if she will make a statement on the matter. [28321/09]

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.

Cancer Incidence.

214. **Deputy Dinny McGinley** asked the Minister for Health and Children if she has had a meeting with an organisation (details supplied); the persons who were present at the meeting; the matters discussed; the steps she will take in regard to same; and if she will make a statement on the matter. [28351/09]

Minister for Health and Children (Deputy Mary Harney): I met a delegation from Co-operating for Cancer Care NorthWest on 29 June. A senior official from the Department's Cancer Policy Unit was also present. A wide range of issues was discussed in relation to cancer services for the people of the North West. These included, in particular, cross-border co-operation in radiotherapy services and the roll-out of the BreastCheck programme to Donegal and other remaining counties. In regard to the provision of cross-border radiotherapy services, I advised that discussions are ongoing between officials from my Department and their counterparts in Northern Ireland following the announcement of Minister McGimpsey of the Department of Health, Social Services and Public Safety, Northern Ireland of the provision of a satellite radiotherapy centre, linked to Belfast City Hospital, at Altnagelvin. I told the group that the facility is expected to be operational by 2015 and that I am committed to providing appropriate funding for the project.

In regard to the roll-out of BreastCheck in Clare, Donegal and Leitrim, I confirmed that the consent process for women in Clare is underway. The consent process in Donegal will begin in the second half of September with screening commencing in October, while the consent process will commence in Leitrim in October. A wide range of other issues was also discussed at the meeting including cancer screening and preventative initiatives, cross-border funding for health projects, services at Letterkenny General Hospital and transport for cancer patients. The discussion enabled me to understand the concerns of the CCC(NW) group and also to outline to them my Department's position in relation to these issues. I understand that the interim Director of the National Cancer Control Programme will meet this group in the near future.

Health Services.

215. **Deputy Enda Kenny** asked the Minister for Health and Children the level of genetic services provided from the National Centre for Medical Genetics as of June 2009; the reduction in laboratory staff at the NCMG since September 2008; the number of requests for tests that have been placed by doctors; if she will confirm that these tests are being sent to commercial laboratories in the UK, France and other locations and that the cost of these tests is being borne by the Health Service Executive; the number of staff let go from these laboratories since September 2008; the number of those staff who are signing on for social welfare; and if she will make a statement on the matter. [28358/09]

216. **Deputy Enda Kenny** asked the Minister for Health and Children her views on the validity of results of genetic tests from commercial laboratories; the number of tests carried out by some commercial genetic laboratories that have been incorrect and that have had to be repeated in the past two years; if she will confirm that many genetic tests need expert interpretation and that such interpretation is often at times not available at a commercial laboratory

[Deputy Enda Kenny.]

requiring the Health Service Executive to pay substantial amounts for the tests in the first instance and that the results are often so ambiguous and unclear that the genetics consultant has to have such tests repeated at the National Centre for Medical Genetics in order to have a reliable diagnosis before advising a patient of a family; and if she will make a statement on the matter. [28359/09]

217. **Deputy Enda Kenny** asked the Minister for Health and Children the waiting time for patients who require a genetic service from genetic consultants; and if she will make a statement on the matter. [28360/09]

218. **Deputy Enda Kenny** asked the Minister for Health and Children her plans to expand the genetics service based on current levels of demand; and if she will make a statement on the matter. [28361/09]

219. **Deputy Enda Kenny** asked the Minister for Health and Children if she has carried out a cost benefit analysis on the efficiency of having genetics tests paid for by the Health Service Executive being sent abroad and the consequence of letting trained scientists and technologists who have unique skills in laboratory genetics being made redundant; if she will publish the results of such cost benefit analysis; and if she will make a statement on the matter. [28362/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 215 to 219, inclusive, together.

As these are service issues, they have been referred to the HSE for direct reply.

220. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children her views on the fact that some general medical practitioners and consultants have continued to increase their fees to non-medical card patients, despite the changed economic climate; her plans to discourage this trend; and if she will make a statement on the matter. [28363/09]

Minister for Health and Children (Deputy Mary Harney): Consultation fees charged to private patients by general practitioners and consultants are a matter of private contract between the doctor and the patient. While I have no role in relation to such fees, I would expect Consultants and General Practitioners to have regard to the overall economic situation in setting their fees. I should add that General Practitioners who hold General Medical Services contracts with the Health Service Executive must not seek or accept money from medical card or GP visit card holders in respect of routine treatment.

Departmental Expenditure.

221. **Deputy Denis Naughten** asked the Minister for Health and Children the cost of public advertising funded by her Department in 2009; the breakdown between statutory and non-statutory advertising; the corresponding figure for each agency under the control of her Department; and if she will make a statement on the matter. [28422/09]

Minister for Health and Children (Deputy Mary Harney): In 2009, my Department spent €103,091.73 on public advertising. Some €58,467.11 had a statutory basis and €44,624.62 a non-statutory basis. The expenditure on public advertising by agencies under the aegis of my Department, other than the HSE, is being collated and will be forwarded directly to the Deputy as soon as it is available. The question of advertising costs incurred by the HSE has been referred to the Executive for direct reply to the Deputy.

Health Services.

222. **Deputy Olwyn Enright** asked the Minister for Health and Children the savings and the changes made to the 2009 Health Service Executive budget in the Laois-Offaly area by item in tabular form; the services that have been reduced or varied; and if she will make a statement on the matter. [28430/09]

223. **Deputy Olwyn Enright** asked the Minister for Health and Children the savings and the changes made to the 2009 Health Service Executive budget in respect of each hospital and each hospital department in the Laois-Offaly area by item in tabular form; the services that have been reduced or varied; and if she will make a statement on the matter. [28431/09]

224. **Deputy Olwyn Enright** asked the Minister for Health and Children the contracts that have not been renewed in the Health Service Executive in the Laois-Offaly area since 1 January 2009; the further contracts that will not be renewed for the remainder of 2009; and if she will make a statement on the matter. [28432/09]

236. **Deputy Olwyn Enright** asked the Minister for Health and Children the service reviews currently being carried out by the Health Service Executive in Laois and Offaly; the purpose of these reviews; when they were initiated; and if she will make a statement on the matter. [28478/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 222 to 224, inclusive, and Question No. 236 together.

As the Deputy is aware, the National Service Plan 2009 which I approved in December contained a number of economic and cost avoidance measures for 2009 (in addition to a continuation of value for money measures from 2008). Subsequently a range of potential exposures (some of which were identified in the National Service Plan) materialised. Based on the best information available, a figure of €540 million was arrived at following intensive discussions and a detailed examination by the HSE and my Department.

The Government made significant decisions on spending, revenue raising and employment control in the Supplementary Budget. The approach agreed as part of the Supplementary Budget when combined with the €133 million in measures previously identified by the HSE and not affecting the National Service Plan left a potential shortfall of €147 million to be addressed. In April I approved a series of measures to address this potential shortfall and obviate the need to amend the National Service Plan. The HSE is now implementing these measures in order to deliver the Service Plan within its existing allocation. The level of service originally planned by the HSE and set out in the 2009 Service Plan is continuing to be delivered. Indeed, in a number of areas planned service levels have been exceeded so far this year. Maintaining this level of performance will demand close attention to value for money and ongoing modernisation of service delivery in line with best practice. With regard to specific issues relating to the Laois-Offaly area, I have referred the matter to the HSE for direct reply.

Health Service Staff.

225. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of staff in the Laois-Offaly area on maternity leave whose positions have not been filled in their absence in 2009; the grades and areas that these staff are in; and if she will make a statement on the matter. [28433/09]

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.

226. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of staff in the Laois-Offaly area on sick leave of more than one weeks duration whose positions have not been filled in their absence in 2009; the grades and areas these staff are in; and if she will make a statement on the matter. [28434/09]

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.

Question No. 227 answered with Question No. 179.

Services for People with Disabilities.

228. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding persons with an intellectual disability and a person (details supplied) in Dublin 5; if all existing funded schemes in this area are being maintained; the reason the person was told there will be no service for them from September 2009 unless additional funds are provided; and if she will provide same. [28447/09]

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.

Pre-school Services.

229. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the basis, with regard to the early childhood care and education scheme, on which the cut-off age of four years and ten months on 1 January 2010 was chosen; if it will be waived in the case of a family whose child is a year from starting school but is slightly too old to qualify; and if she will make a statement on the matter. [28456/09]

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 Early Childhood Care and Education scheme which provides a free Pre-School year to eligible children and which will be introduced in January 2010.

Under the scheme, eligible children will be able to avail of a pre-school year prior to commencing primary school. Children will be eligible where they are aged between 3 years 3 months and 4 years 6 months on 1 September each year. The scheme is being introduced in January 2010 and children aged between 3 years 7 months and 4 years 10 months on the 1st January 2010 will be eligible to avail of the free pre-school provision.

To provide additional flexibility for parents, for the purposes of this scheme children will qualify where they have not yet reached the age of 4 years 7 months during the month of September each year. This provision will also apply to children entering the scheme in January 2010 and those who have not reached the age of 4 years and 11 months during the month of January will be eligible.

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 and the 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.

Health Services.

230. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the reason a contract to provide renal dialysis with an Irish company (details supplied) was not renewed by the Health Service Executive and was instead awarded to a non-Irish company; if she will ensure that the decision is re-visited; and if she will make a statement on the matter. [28458/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue, it has been referred to the HSE for direct reply.

Medical Cards.

231. **Deputy Jan O’Sullivan** asked the Minister for Health and Children when a person (details supplied) in County Kerry who applied for renewal of their medical card in October 2008 will receive a decision; and if she will make a statement on the matter. [28459/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Expenditure.

232. **Deputy Leo Varadkar** asked the Minister for Health and Children the amount spent by her Department on legal fees directly to lawyers or through the State Solicitor’s Office for each of the years 2006, 2007 and 2008; and if she will make a statement on the matter. [28470/09]

Minister for Health and Children (Deputy Mary Harney): Payments made by my Department in respect of legal fees, the legal costs associated with awards/settlements and similar payments made on behalf of the Hepatitis C and HIV Compensation Tribunal in the years 2006 to 2008 are set out in tabular form below.

	2006	2007	2008
	€m	€m	€m
Department of Health and Children	3.931	4.412	4.711
Hepatitis C and HIV Compensation Tribunal	11.962	8.345	9.372

Questions Nos. 233 and 234 answered with Question No. 179.

Hospital Services.

235. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of beds in each hospital and nursing unit in Laois and Offaly of all types that have been closed or are currently not open in tabular form; and if she will make a statement on the matter. [28477/09]

240. **Deputy Olwyn Enright** asked the Minister for Health and Children if she will itemise in tabular form the number of people waiting to receive a service or therapy under each category of service in the hospital in patient and outpatient section of Laois Offaly Health Service Executive; the average length of wait in each category; and if she will make a statement on the matter. [28482/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 235 and 240 together.

As the issues raised relate to service matters, they have been referred to the Health Service Executive for direct reply.

Question No. 236 answered with Question No. 222.

Health Service Staff.

237. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of speech and language therapists who were to be employed under the Laois-Offaly service plan; the number in place; the number whose contracts have not been renewed or who are on leave whose posts have not been filled; the number of unfilled vacancies; and if she will make a statement on the matter. [28479/09]

Minister for Health and Children (Deputy Mary Harney): Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

238. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of hours of speech and language therapy delivered in Laois and Offaly in the first six months of 2008 and of 2009; and if she will make a statement on the matter. [28480/09]

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.

239. **Deputy Olwyn Enright** asked the Minister for Health and Children if she will itemise in tabular form the number of people waiting to receive a service or therapy under each category of service in the community care section of Laois-Offaly Health Service Executive; the average length of wait in each category; and if she will make a statement on the matter. [28481/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to service matters it has been referred to the Health Service Executive for direct reply.

Question No. 240 answered with Question No. 235.

Patient Advocacy.

241. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the hospitals here which have a patients' council or a patient advocate and their contact details. [28618/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

242. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason patients at Cherry Orchard Hospital, Dublin, do not have a patient advocate. [28619/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Services.

243. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the cost saving

involved in closing down the respite bed unit in Cherry Orchard Hospital, Dublin 10; the cost of outsourcing private nursing homes beds for some of the current users of the beds in the hospital; and the duration that the unit will be closed. [28620/09]

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.

244. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children when the new mental health centre to replace the Ballyfermot mental health centre, Dublin, will be completed; if she will confirm that funding for the centre which had been secured from the sale of other Health Service Executive properties is not affected by the HSE's savings plan; and the details of what will be included in the new centre in the grounds of Cherry Orchard Hospital. [28621/09]

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.

245. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [28686/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue, it has been referred to the HSE for direct reply.

246. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for treatment at a hospital in view of the hardship the delay is causing them. [28703/09]

Minister for Health and Children (Deputy Mary Harney): The matter raised by the Deputy relates to the provision of healthcare services and accordingly, I have asked the HSE to respond directly to him.

Ambulance Service.

247. **Deputy Pat Breen** asked the Minister for Health and Children if she will report on the level of ambulance cover 24 hours a day seven days a week at a station (details supplied) in County Clare; and if she will make a statement on the matter. [28714/09]

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.

248. **Deputy Paul Gogarty** asked the Minister for Health and Children if the decision to close long term respite facilities at Cherry Orchard Hospital, Dublin and move the services into a roll-over respite service unit will result in savings to the HSE; if the benefit of savings made is outweighed by the moving of patients from a long-stay care ward into a roll-over respite service unit outside the area and the difficulties that this may cause for patients and their families; and if she will make a statement on the matter. [28716/09]

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.

249. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will respond to correspondence (details supplied); and if she will make a statement on the matter. [28731/09]

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.

Medical Cards.

250. **Deputy Noel Ahern** asked the Minister for Health and Children if he will clarify the position in relation to the legislation passed restricting the automatic right to medical cards for persons over 70; the agreed provision to take place with renewal of medical cards after March 2009; if it was agreed at the passing of the legislation that existing card holders would be subject to a full means test system on renewal of their card or if it was to be a simplified process; if she is satisfied that the Health Service Executive is operating the system in accordance with the legislation; and if she will make a statement on the matter. [28732/09]

Minister for Health and Children (Deputy Mary Harney): Under the Health Act 2008, automatic entitlement to a medical card for persons aged 70 and over ended on 31st December 2008. With effect from 1st January, 2009, the income thresholds for entitlement to a medical card for those aged 70 and over are €700 (gross) per week (€36,500 per year) for a single person and €1,400 (gross) per week (€73,000 per year) for a couple.

In early January 2009, the HSE wrote to persons aged 70 and over who were medical card holders on 31st December 2008, informing them that either they would continue to hold their card or, if they considered that they were over the income thresholds, they should advise the HSE by 2nd March 2009, after which date their medical card was no longer valid.

A medical card holder aged 70 or over, who continues to hold a card will, of course, be subject to review on a regular basis, as is the case with all other medical card holders. However, under the new arrangements, a much simplified system of assessment for eligibility was introduced in respect of persons aged 70 and over, based on gross income rather than net income, as applies otherwise for means-testing of eligibility for medical cards.

Health Services.

251. **Deputy Noel Ahern** asked the Minister for Health and Children the counselling or advisory services available from her Department or agencies under the aegis of her Department for women who have lost a baby through death or miscarriage; if there is a service provided by maternity hospitals; if this is available for a significant period thereafter; if women in such a crisis are referred on by maternity hospitals; the structure, organisation and availability of such services; the relevant routes to access such services; and if she will make a statement on the matter. [28735/09]

Minister for Health and Children (Deputy Mary Harney): I am aware that counselling and other services are provided by the HSE for parents and families who have lost a child through death or miscarriage in maternity hospitals, and in some cases, these services are provided by volunteer organisations such as the Irish Stillbirth and Neonatal Society (ISANDS) and the Miscarriage Association of Ireland.

Since the Deputy has raised a number of specific questions in relation to the services being provided, they have been referred to the Health Service Executive for direct reply.

252. **Deputy Noel Ahern** asked the Minister for Health and Children if she will arrange to have the case of a person (details supplied) in Dublin 5 attended to; and if she will make a statement on the matter. [28738/09]

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.

253. **Deputy Noel Ahern** asked the Minister for Health and Children the cost of taxis used by the Health Service Executive each year; the criteria used or categories of patients who qualify; the change made in 2009, when persons with illness, mobility and age problems are no longer provided with a taxi service when going to and from a hospital; if she will clarify the changes in the case of a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [28749/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Accident and Emergency Services.

254. **Deputy Noel Ahern** asked the Minister for Health and Children her plans to improve the accident and emergency units in the Mater and Beaumont Hospitals, Dublin; when same and improved general organisation, particularly at weekends, will be expedited; if she will report on the case of a person (details supplied) in Dublin 9; if this case can be examined; and if she will make a statement on the matter. [28752/09]

Deputy Mary Harney: As this is a service issue, it has been referred to the HSE for direct reply.

Medical Cards.

255. **Deputy Noel Ahern** asked the Minister for Health and Children the current target timescale for the processing of medical card applications; and if she will respond to the case of persons (details supplied) in Dublin 5. [28753/09]

Minister for Health and Children (Deputy Mary Harney): Up to the start of this year, medical card and GP visit card applications were processed in the 32 local health areas. However, under the Health Service Executive's 2009 Service Plan, the processing of all medical card and GP visit card applications will transfer to the Executive's Primary Care Reimbursement Service (PCRS) in Dublin. The change is being implemented on a phased basis and has commenced with the PCRS processing all medical card applications for persons aged 70 or over.

Under the new arrangements, the HSE will be aiming for a turnaround time of 15 days or less for all medical card applications. Emergency applications will be dealt with immediately with a card issuing within 24 hours. People whose income exceeds the income guidelines but have a case to be considered on medical or hardship grounds will continue to have their application considered by the PCRS. Since medical card applications will all be processed centrally, this will result in a more consistent and transparent approach being applied.

This is an example of the type of innovation signalled in the Transforming Public Services Programme announced by the Taoiseach last November. It demonstrates how improved services can be delivered within the more limited resources available in a way which meets the needs of citizens in a modern society. As the Deputy's question refers specifically to an individual, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter, and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

256. **Deputy Noel Ahern** asked the Minister for Health and Children the date of the commencement of the nursing home fair deal scheme, that was passed in the Houses of the Oireachtas; if a person (details supplied) in Dublin 9 will be eligible under the terms of the scheme; if they will receive a subvention to continue in a private nursing home or be moved to a Health Service Executive Nursing home; if she will provide this Deputy with the arrangements for this person. [28754/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The Nursing Homes Support Scheme Act 2009 was signed into law by the President on the 1st July. The Minister intends to implement the scheme in the final quarter of this year.

Under the scheme, existing nursing home residents in public or approved private nursing homes, and new entrants to public and approved private nursing homes, will be able to apply for financial support. In order to become approved for the purposes of the scheme, a private nursing home must: be registered under the Health (Nursing Homes) Act 1990 at present and, in the future, under the Health Act 2007 (once the relevant sections are commenced), have agreed a price for the purposes of the scheme with the National Treatment Purchase Fund (NTPF), and hold a valid tax clearance certificate.

Existing nursing home residents in approved private nursing homes who are in receipt of subvention can choose to transfer to the new scheme or can remain on the subvention scheme. As such, the individual referred to by the Deputy may remain on subvention or may apply to transfer to the new scheme subject to their nursing homes being approved for that purpose, according to their particular wishes.

Departmental Expenditure.

257. **Deputy Ulick Burke** asked the Minister for Health and Children in view of the current financial shortfall to the Health Service Executive, if she will stop all unnecessary expenditure on reports and leaflets for a period of time, while there is a need for urgent funding in the delivery of front line services and community services in view of the stated cost to the HSE of such items; and the details of this expenditure in each of the years 2006, 2007, 2008 and to date in 2009 for each HSE area and at departmental level. [28762/09]

Minister for Health and Children (Deputy Mary Harney): My Department is making increasing use of electronic and online publishing in order to reduce costs in this area, with hard copies being produced only where it is considered necessary. The printing costs in respect of my Department for the years mentioned are: 2006 — €880,579.60; 2007 — €901,950.60; 2008 — €555,370.00; 2009 — €211,401.10. My Department is asking the HSE to reply directly to the Deputy regarding printing costs incurred by the Executive.

258. **Deputy Ulick Burke** asked the Minister for Health and Children the total amount spent by the Health Service Executive in public relations consultancy for each of the years 2007, 2008 and to date in 2009; the areas of greatest cost of such expenditure in each HSE area and at departmental level; and if she will make a statement on the matter. [28763/09]

Minister for Health and Children (Deputy Mary Harney): My Department has requested the Parliamentary Affairs Division of the HSE to have a reply issued directly to the Deputy on this matter.

Hospital Accommodation.

259. **Deputy Ulick Burke** asked the Minister for Health and Children the number of beds and wards currently out of use at hospitals (details supplied); the number of beds and wards to be closed on a seasonal basis; the start date and proposed reopening date of these beds; and if she will make a statement on the matter. [28765/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Public Transport.

260. **Deputy Fergus O'Dowd** asked the Minister for Transport if he will respond to issues raised in correspondence (details supplied); and if he will make a statement on the matter. [28641/09]

Minister for Transport (Deputy Noel Dempsey): I have replied directly to the letter from the Lord Mayor of Cork, Cllr Dara Murphy, to which the Deputy refers. The issues referred to by the Lord Mayor in his letter are a matter for Iarnród Éireann in the first instance. I understand from Iarnród Éireann that the Kent Station project is dependent on developer funding, and that this is no longer available. For this reason, the company cannot progress the project at this time.

Iarnród Éireann has informed me that for operational reasons it plans to develop Kilbarry and Blarney stations in a similar timeframe with Kilbarry to be developed first. In the current economic circumstances, where there are inevitable restrictions on funding, it has been necessary for Iarnród Éireann to prioritise projects and, in that context, the company has decided to defer the development of these stations. The construction of Kilbarry and Blarney stations will be considered again when priorities are being examined for funding in 2010.

Regional Airports.

261. **Deputy Brendan Kenneally** asked the Minister for Transport the position regarding funding which was approved for the runway extension at Waterford Airport. [28140/09]

Minister for Transport (Deputy Noel Dempsey): In February 2007 the Government approved a programme of capital grants amounting to €86 million from within the Transport 21 envelope for specific projects at the six regional airports, including Waterford, under a new Capital Expenditure Grant Scheme covering the period until the end of 2010. The approved programme comprised €39 million at the 90% rate for safety and security improvements and €47 million at the 75% rate for developmental projects aimed at increasing capacity in the sector.

Under this scheme, Waterford Airport was allocated grants totalling €22.33 million, including €3.63 million in respect of a runway extension and widening project to facilitate the airport's business development plans. Because of the current difficulties with the public finances, it has been decided that until the end of 2009, expenditure under the scheme at all of the airports should be focused on projects and project elements where the individual airports had already entered into contractual commitments by 23 July 2008. Decisions on expenditure in subsequent years must await the outcome of the Value for Money review of exchequer expenditure on regional airports being undertaken within my Department, which is due for completion in the autumn.

Light Rail Project.

262. **Deputy Brendan Kenneally** asked the Minister for Transport his proposals to undertake

[Deputy Brendan Kenneally.]

a feasibility study into providing a light rail system for Waterford city; when this feasibility study will be completed; and if he will make a statement on the matter. [28172/09]

Minister for Transport (Deputy Noel Dempsey): In line with a commitment in the Programme for Government, my Department is funding a study into the feasibility of light rail in Waterford, as well as similar studies in other regional cities. I have asked that these studies also consider the feasibility of bus rapid transit. I understand from Waterford City Council that significant progress has been made in the examination of the feasibility of light rail and bus rapid transit. I am advised that the final report from the study in Waterford is now due for completion in September. Following its completion, the study will be published by the City Council.

Taxi Regulations.

263. **Deputy Eamon Scanlon** asked the Minister for Transport the number of taxi plates currently issued here; the way this compares to 2006, 2007 & 2008; if he will provide this information on a local authority basis in tabular form; and if he will make a statement on the matter. [28200/09]

Minister for Transport (Deputy Noel Dempsey): The issue of taxi licences, under Section 34 of the Taxi Regulation Act, 2003, is a matter for the Commission for Taxi Regulation. I have asked to Commission to compile and forward the information requested by the Deputy.

Road Network.

264. **Deputy Christy O'Sullivan** asked the Minister for Transport the reason landowners along the R572 between Glengarriff and Castletownbere in County Cork are still awaiting payment for land acquisition by Cork County Council in order to facilitate road improvement and that these same landowners are awaiting accommodating works and fencing for their property; and the further reason no works are currently underway on this stretch of road which has a temporary surface which poses a serious health and safety risk to road users. [28207/09]

Minister for Transport (Deputy Noel Dempsey): The improvement and maintenance of regional and local roads, in its area, is a statutory function of each individual local authority to be funded from its own resources supplemented by State road grants paid by my Department.

Cork County Council was allocated a total of €43,880,723 in regional and local road grants in 2009. Included in this overall allocation is a grant of €400,000 towards the R572 Road. Progression of the project is a matter for the Council.

Rail Network.

265. **Deputy Olivia Mitchell** asked the Minister for Transport if Iarnród Éireann has examined the possibility of reopening the Limerick to Foynes port railway for the carriage of freight; their cost estimate for same; if not, if he will request Iarnród Éireann to examine the feasibility of same; and if he will make a statement on the matter. [28287/09]

Minister for Transport (Deputy Noel Dempsey): I am informed by Irish Rail that no rail freight traffic has operated on the Foynes branch line since December 2000. In the years prior to that, I understand that Iarnród Éireann provided a service for 3 companies transporting fertiliser, animal feeds and molasses. However, the combined revenue from the 3 traffics fell far short of the operating costs involved. Despite working very hard with Foynes Port, Iarnród Éireann was unable to attract sufficient viable rail traffic to justify keeping the line open. Since

that time the line has been maintained on a care and maintenance basis and substantial investment would now be required before the line could be considered for re-opening. Nevertheless, Iarnród Éireann advise that the Foynes line could be brought back into service if a sufficiently high volume of viable freight traffic were to emerge in the future.

Road Safety.

266. **Deputy Jim O’Keeffe** asked the Minister for Transport his plans to introduce legislation to make it compulsory for cyclists to wear bicycle helmets, in order to at least provide protection against minor injuries. [28313/09]

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 now a matter for the Road Safety Authority.

Air Services.

267. **Deputy Pat Breen** asked the Minister for Transport if, the recent passage of the Aviation (Preclearance) Bill 2009, all scheduled airlines carrying passengers from Ireland to the US will process their passengers through this facility when it is operational at Shannon Airport from July 2009; the efforts he will make to encourage airlines to use this facility; and if he will make a statement on the matter. [28314/09]

Minister for Transport (Deputy Noel Dempsey): As Deputies will be aware the Aviation (Preclearance) Bill 2009 was passed by both Houses of the Oireachtas last week and is due to be signed into law by the President this week.

My officials are working closely with the U.S. authorities on the final aspects of the operating procedures between the two administrations to ensure that preclearance will work to the benefit of both countries. My objective is that these collaborative efforts with the U.S. will allow preclearance to be inaugurated in Shannon before the end of July. I understand that three airlines will be using the service. Preclearance is voluntary and airlines can chose to sign up for it or not. I understand from Aer Lingus that the airline would face severe logistical difficulties in a situation where their ex Shannon flights would be precleared and their ex Dublin flights would not. Accordingly I understand that they have taken a decision to postpone using preclearance for their flights until the service is available both in Dublin and Shannon.

Two new daily British Airways services are due to use Preclearance services once they become operational at Shannon and I hope that more airlines will follow this example. It is important that Shannon Airport and local stakeholders vigorously market preclearance so that the service can be maximised for the benefit of Shannon and the Mid West Region.

Duty Free Sales.

268. **Deputy Pat Breen** asked the Minister for Transport if he will report on his recent discussions with the US Homeland Security Secretary regarding the US customs and border preclearance facilities; if outstanding issues have been resolved, namely in relation to duty free purchases in view of the fact that airlines flying to the US will be classed as domestic flights; and if he will make a statement on the matter. [28315/09]

Minister for Transport (Deputy Noel Dempsey): As the Deputy will be aware I recently met with Ms. Janet Napolitano, United States Secretary of Homeland Security to discuss the introduction of Preclearance at Shannon and Dublin.

[Deputy Noel Dempsey.]

In the course of these discussions Secretary Napolitano confirmed that precleared flights will be able to land at domestic airports and domestic terminals and that, despite the recent downturn in traffic at Shannon, the United States remained committed to preclearance.

Preclearance will have no impact on the purchase of duty free goods at Shannon Airport for U.S. based passengers as the U.S. rules governing duty free goods in preclearance will be the same as they are today in post-clearance. However the U.S. authorities do have difficulties with the sale of duty free goods after passengers have been cleared for entry into the U.S. There are several issues remaining that are the subject of on-going discussions between Irish officials and the United States Department of Homeland Security which I am optimistic can be resolved before Preclearance becomes operational on 29 July 2009.

Rail Services.

269. **Deputy Dinny McGinley** asked the Minister for Transport if surveys or studies have been carried out in relation to a railway link between Derry and Sligo, through County Donegal; if such a link is being considered; and if he will make a statement on the matter. [28349/09]

Minister for Transport (Deputy Noel Dempsey): The Strategic Rail Review (SRR), which was completed in 2003, set out priorities for future rail investment which fed into the development of Transport 21, my Department's ten-year investment framework, which runs from 2006 to 2015. While the SRR considered possible developments in Donegal, in particular a proposed Derry-Letterkenny rail link, which could, potentially be extended to Sligo, the SRR did not include this as a priority in its recommendations. As a consequence, no capital provision for rail developments in County Donegal was included in Transport 21.

Taxi Regulations.

270. **Deputy Lucinda Creighton** asked the Minister for Transport his plans to empower the Taxi Regulator or other bodies, to regulate issues such as noise pollution caused by taxis in ranks. [28355/09]

Minister for Transport (Deputy Noel Dempsey): The regulation of taxi ranks, including their location, is a matter for the relevant local authority in conjunction with the Gardaí.

The general position in regard to vehicle engine noise is that vehicle in-service standards are specified in the Road Traffic (Construction, Equipment and Use of Vehicle) Regulations 1963, which requires vehicle to be fitted with a silencer or other device to reduce to a reasonable level the noise caused by the escape of exhaust gases from the engine. Article 85 of these Regulations prohibits the use in a public place of a vehicle which causes excessive noise.

In addition, it is understood from the Road Safety Authority that it is the intention under the next national car testing contract that there will be checks on vehicles in relation to noisy exhaust systems.

Departmental Expenditure.

271. **Deputy Denis Naughten** asked the Minister for Transport the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28426/09]

Minister for Transport (Deputy Noel Dempsey): The cost of public advertising to date in 2009 for statutory and non-statutory are as follows. Statutory — €54,967.50; Non-statutory — €107,374.71. The figure for agencies is a matter for the agencies themselves.

Motor Insurance.

272. **Deputy Noel Ahern** asked the Minister for Transport if he will clarify the position in relation to the operation of motor insurers; if there are agreed rules or criteria in relation to premiums, cancellations, transfer fees and refunds paid whether in full or part; and if he will make a statement on the matter in relation to general agreed criteria and specifically in relation to the case of a person (details supplied) in Dublin 5. [28446/09]

Minister for Transport (Deputy Noel Dempsey): Under the Road Traffic Acts, third party liability motor insurance is compulsory for the use of a mechanically propelled vehicle in a public place. The contract for motor insurance is a private contract between the policyholder and the motor insurance company. Motor insurance is provided by private companies in an open and competitive market where consumer interests can exert influence by seeking quotes and comparing costs, before purchasing. As in any free market, the best advice to consumers is to shop around to get the best value for the particular drivers requirements.

Insurance companies are controlled by the Financial Regulator who has a role in relation to the protection of consumers of financial services. The Agency set up to deal with complaints specifically in financial services is the Financial Services Ombudsman. The Financial Services Ombudsman is a statutory officer who deals independently with unresolved complaints from consumers about their individual dealings with all financial service providers. Both of these services operate under the aegis of my colleague, the Minister for Finance.

Departmental Expenditure.

273. **Deputy Leo Varadkar** asked the Minister for Transport the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's Office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28474/09]

Minister for Transport (Deputy Noel Dempsey): The table sets out the amount spent by my Department on legal fees directly to lawyers or through the State Solicitor's office for the year's 2006, 2007 and 2008.

2008	2007	2006
€859,512.91	€1,315,809	€187,296.77

Road Network.

274. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport his views on the consequences if UNESCO tells the Government to move the M3, the Dublin-Navan railway and the electrical connector; and if he has received advice on whether his proposal to run power lines along the M3 requires a new EIA. [28648/09]

Minister for Transport (Deputy Noel Dempsey): The nomination of sites for consideration as UNESCO World Heritage sites is a matter for my colleague the Minister for the Environment, Heritage and Local Government. The position on this matter is as set out in the

[Deputy Noel Dempsey.]

Minister for the Environment, Heritage and Local Government's response today to a Question from the Deputy on this subject.

As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads projects, including the M3, is a matter for the National Roads Authority (NRA) under section 17 of the Roads Act, 1993, as amended by the Roads Act 2007, in conjunction with the local authorities concerned. Work on the M3 motorway is well underway and is expected to be complete in 2010.

With regard to the proposed Dublin to Navan railway line, the preferred route for the line follows the existing disused railway track bed between Clonsilla (junction with the Maynooth line) and Navan. This route is approximately 7km to the west of Tara. This project will be the subject of an application to An Bord Pleanála for a railway order, and all relevant environmental and other issues will be addressed in its consideration of that application. Issues relating to the north south electrical connector are a matter for my colleague the Minister for Communications, Energy and Natural Resources.

Road Network.

275. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport the reason, regarding the current case being brought by the European Commission against Ireland, in the European Court of Justice, for failure to implement the EIA Directive, he did not order the National Roads Authority to halt works on the M3, in the Tara area, when the European Commission put the Government on notice that an EIA was required; the amount spent on outside legal counsel to defend this action in the ECJ; the consequences for the M3 motorway if the ECJ finds against Ireland; the consequences for the National Monuments Act 1930 and the NRA codes of practice, if the ECJ finds against Ireland; the consequences for transport projects, already underway, if the ECJ finds against Ireland; and the person who bears the costs if the EC orders a new EIA on the M3. [28649/09]

Minister for Transport (Deputy Noel Dempsey): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads projects, including the M3, is a matter for the National Roads Authority (NRA) under section 17 of the Roads Act, 1993, as amended by the Roads Act 2007, in conjunction with the local authorities concerned.

The allocation of funding to individual national road projects, including the M3, is a matter for the NRA under section 19 of the Roads Act, 1993, as amended by the Roads Act 2007. Ireland has been referred to the European Court of Justice (ECJ) by the EU Commission concerning Ireland's alleged failure to properly transpose and implement certain provisions of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

This is a matter for my colleague the Minister for Environment, Heritage and Local Government. Ireland is strongly contesting the Commission's assertions and lodged a comprehensive defence in this case on 27 April 2009. The legal costs of contesting this case are a matter for the Office of the Attorney General. The Court's decision is not expected for some time. It is not expected to have any implications for the M3 motorway, work on which is well underway and is expected to be complete in 2010.

I am not prepared to speculate on the impacts (if any) of the Court's judgement until its detailed decision has been published and carefully considered by the Irish authorities.

276. **Deputy Ulick Burke** asked the Minister for Transport the consequences of his most recent proposals whereby the National Roads Authority would have further responsibility for roads other than national, primary and secondary roads; if this has been negotiated with local authorities throughout the country; if he will make a statement on the reason for such a change. [28757/09]

Minister for Transport (Deputy Noel Dempsey): In agreement with the National Roads Authority, I propose, from 1st September 2009, to assign responsibility to the Authority for the management of the State funded regional and local road investment programme. As Minister, I intend however to retain responsibility for policy and the allocation of grants for the programme. Details of the new arrangements will be notified to local authorities in advance of any changes.

Illegal Immigrants.

277. **Deputy Ciarán Cuffe** asked the Minister for Justice, Equality and Law Reform further to section 70 of the Immigration, Residence and Protection Bill 2008, if he will amend the provision allowing an immigration officer, when it is not practicable to issue a protection application entry permit on arrival, to arrest and detain an applicant for the purpose of issuing a protection application; and if he will make a statement on the matter. [28114/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As was indicated at Dail Committee Stage by my colleague, Minister of State John Moloney, T.D., the provision referred to by the Deputy is under consideration in my Department in consultation with the Office of the Attorney General. The matter is one that has, in addition to the debate at Committee Stage, been brought to my attention by the Irish Human Rights Commission and indeed by the Deputy himself. I will inform the House of my response, as soon as possible, in the context of my proposals for amendments to the Bill at Report Stage.

Equality Issues.

278. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform if the review of the equality for women measure access to employment has been completed; if funding will soon be reached; and if he will make a statement on the matter. [28130/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Moloney): I refer the Deputy to my reply to his Question No. 93 of 14 May 2009. The position remains that the decision taken on each of the applications made under the Equality for Women Measure will be made known in the near future.

Garda Deployment.

279. **Deputy Brendan Kenneally** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed at Waterford City Station at present and every year for the past five years. [28170/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the personnel strength in Waterford Garda Station as at 31 December 2004-2008 and as at the 31 May, the latest date in 2009 for which figures are readily available, was as set out in the table:

[Deputy Dermot Ahern.]

2004	2005	2006	2007	2008	2009
135	134	149	161	170	171

Residency Permits.

280. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for naturalisation by a person (details supplied) in County Kerry; and if he will make a statement on the matter. [28199/09]

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 has commenced further processing of this application. More complicated cases can at times take more than the current average while an element of straight forward cases are now being dealt with in less than that time scale. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

281. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process applications for a certificate of naturalisation; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28219/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are currently 17,744 applications for naturalisation with the Citizenship Division of my Department that are 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 2009 10,599 applications have been received up to the end of June, of which 5,023 were valid applications. This upward trend seems set to continue and it is anticipated that applications for naturalisation will increase to over 18,000 in the present year. In the past twelve months 4,734 applications have been approved, 800 applications were refused and 2,167 applications were deemed ineligible.

Substantial increased resources have been made available to this Department from mid 2008 in order to deal with the increasing volumes of applications and provide a better quality service to all applicants. This has 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. 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 Citizenship 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.

Upon receipt, an initial examination of each application is carried out to determine that the application form is completed fully and correctly and that all requested supporting documentation has been submitted. Passports and other documentation are then examined in detail and enquiries with the Garda National Immigration Bureau may also be necessary to determine if the applicant meets the statutory residency criteria as set out in the Irish Nationality and Citizenship Act, 1956, as amended. A significant number of applications are initially found to be invalid for a variety of reasons and these are now being dealt with and returned to the applicant within a week.

Further processing takes place at a later stage and involves assessing an applicant's financial status in respect of their ability to support themselves in the State. Enquiries with the Revenue Commissioners and the Department of Social and Family Affairs may be necessary in this regard. Investigations are also undertaken to determine if the applicant can be considered to be of good character. Depending on the complexity of any given case, these processes can take a lengthy time to complete. Once all enquiries are completed, the file is referred to me for a decision.

I am sure that the Deputy will appreciate that a certificate of naturalisation is an exceptional and important document that facilitates a non-Irish 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 I am satisfied that they are necessary to maintain the integrity of the naturalisation process.

Visa Applications.

282. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process renewal of temporary leave to remain in the State under the Irish born child 2005 scheme; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28220/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that 14,254 applications for renewal of permission to remain in the State under the IBC/05 Scheme have been received in my Department since 1 January, 2007. To date 97 of these applications were refused, 18 are currently outstanding as further investigation is required, and the remainder have been granted renewed permission to remain in the State for a 3 year period.

I should add that as the closing date for receipt of applications for leave to remain under the IBC/05 Scheme was 31 March, 2005 and given that permission to remain under that scheme was initially granted for a period of two years, the majority of the applications for renewal were processed before end December, 2007. Applications were generally processed within three weeks of receipt of an application.

Precise figures for the number of renewal applications dealt with by my Department in the past 12 months are not readily available, but I would point out that such applications represent a small proportion of the overall figure received.

283. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process renewal of temporary leave to remain in the State under section 3 of the Immigration Act 1999, as amended; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28221/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for renewal of Leave to Remain in the State are founded on the provisions of Section 3 of the Immigration Act 1999 (as amended). Under these provisions, persons who have been residing in the State under Section 3 of the Immigration Act 1999 (as amended) are required to apply to the Minister for renewal of such permission before their current period of permission expires.

All such applications for renewal of Leave to Remain have to be considered on their individual merits in order to ascertain whether the person has complied with the conditions of their Leave to Remain. This includes the necessary checks with outside agencies. The average waiting time for the processing of such applications is 1 to 3 months. Given that outside checks are necessary during this process the time frame involved in processing such applications is considered to be reasonable.

The Deputy can be assured that strenuous efforts have been and continue to be made to ensure that applications in respect of this matter are processed as promptly as possible. Additional staff have been deployed to the area and considerable investment has been made in the development of technology required to support the processing of such applications. The Deputy might wish to note that statistical data is not available for the renewal of Leave to Remain in the State, primarily as it is recorded electronically as a further grant of leave to remain and therefore cannot be recorded as a stand alone procedure.

284. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process applications for temporary leave to remain in the State under section 3 of the Immigration Act 1999, as amended; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28222/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for leave to remain in the State are considered on their individual merits under the eleven separate headings set out in Section 3(6) of the Immigration Act, 1999 (as amended).

Each case is considered individually and regardless of whether or not written representations are submitted by, or on behalf of, the applicant. Following a detailed examination of each individual case, including a consideration having regard to Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, a recommendation is made as to whether a Deportation Order should be issued or temporary Leave to Remain in the State granted.

At present, 14,131 such cases are recorded as awaiting decision. However, this figure includes around 3,158 cases where applications for Subsidiary Protection in the State have been submitted by the same persons. Where an application for Subsidiary Protection in the State has been submitted in addition to an application for leave to remain, the Subsidiary Protection application must first be considered.

Indications are that many of those whose cases are still awaiting decision may already have left the State without notifying my Department of their having done so while others will have submitted other applications for residency e.g. applications for permission to remain in the

State on the basis of their marriage to an Irish or EU National. Decisions on these applications must be finalised before their applications for leave to remain in the State can be finalised.

The Deputy will appreciate that the consideration of applications for leave to remain in the State is a resource intensive process. It is not, however, possible to provide an average waiting time for the processing of such applications, primarily because no two applications will be the same in terms of their complexity. The Deputy can be assured that strenuous efforts have been and continue to be made to ensure that applications are processed as promptly as possible. Additional staff have been deployed to the area and considerable investment has been made in the development of technology required to support the processing of such applications. The following table sets out the other statistical information requested by the Deputy.

Month	Leave to Remain Granted	Deportation Order Signed
<i>2008</i>		
June	182	59
July	189	83
August	110	49
September	85	93
October	69	110
November	58	93
December	64	43
<i>2009</i>		
January	80	65
February	49	97
March	60	119
April	49	102
May	84	61
Totals	1,079	974

Deportation Orders.

285. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process applications for revocation of deportation orders under section 3 of the Immigration Act 1999, as amended; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28223/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The revocation of a Deportation Order may be sought pursuant to the provisions of Section 3(11) of the Immigration Act, 1999, as amended. However such an application would require substantial and compelling new grounds in order to be successful.

The average waiting time for the processing of such applications is four to six weeks, which due to the complexity of the issues involved in each individual application is considered to be reasonable. The Deputy can be assured that strenuous efforts have been and continue to be made to ensure that applications in respect of this matter are processed as promptly as possible. Additional staff have been deployed to the area and considerable investment has been made in the development of technology required to support the processing of such applications.

[Deputy Dermot Ahern.]

The Deputy might wish to note that statistical records of the number of Section 3 (11) applications on hand on a monthly basis are not available. However, I can give a breakdown on the number of decision made on such applications. The table sets them out.

Month	Section 3(11) applications approved	Section 3(11) applications rejected
<i>2008</i>		
June	0	0
July	0	0
August	0	24
September	0	19
October	16	31
November	4	
December	2	
<i>2009</i>		
January	8	18
February	11	23
March	2	34
April	2	60
May	4	25
Total	49	234

Asylum Applications.

286. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process applications for subsidiary protection in accordance with the European Communities (Eligibility for Protection) Regulations; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28224/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Subsidiary Protection under the provisions of the European Communities (Eligibility for Protection) Regulations 2006 is a form of international protection offered to those persons who do not meet the criteria for recognition as a refugee but who nonetheless claim a risk of serious harm in their country of origin if repatriated there. Each application for Subsidiary Protection in the State is considered on the basis of its individual merits, having regard for the claims made by the applicant and measured against objective, reputable, up to date information relating to the applicant's country of origin. The Deputy will therefore appreciate that the consideration of applications for Subsidiary Protection in the State is a resource intensive process. The average waiting time for the processing of such applications is 211 days. However, due to the huge numbers of applications and of the fact that no two applications will be the same in terms of their complexity the processing times will vary on a case to case basis.

The Deputy can be assured that strenuous efforts have been and continue to be made to ensure that applications in respect of this matter are processed as promptly as possible. Additional staff have been deployed to the area and considerable investment has been made in the development of technology required to support the processing of such applications.

The Deputy might wish to note that as there is a constant turnaround of applications it is not possible to give an accurate breakdown of the number of Subsidiary Protection applications on hand on a monthly basis. However, there are currently 3158 Subsidiary Protection applications on hand. The table sets out the other statistical information requested by the Deputy.

Month	SP applications received	SP applications approved	SP applications rejected
<i>2008</i>			
June	117	0	75
July	146	0	51
August	135	1	29
September	133	0	48
October	179	1	47
November	125	1	45
December	133	1	15
<i>2009</i>			
January	103	0	36
February	188	1	6
March	183	3	4
April	207	1	44
May	206	1	24
Total	1,855	10	424

287. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process applications in accordance with section 4(2) of the European Communities (Eligibility for Protection) Regulations for admittance into the subsidiary protection process; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28225/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 4(2) of the European Communities (Eligibility for Protection) Regulations — Statutory Instrument No. 518 of 2006 essentially relates to my discretion to accept and consider an application for Subsidiary Protection from persons, who do not have an automatic right to apply for Subsidiary Protection (i.e. are persons for whom Deportation Orders were signed before the coming into force of the Regulations on 10 October, 2006). In such cases, I may exercise discretion pursuant to Regulation 4(2) of the European Communities (Eligibility for Protection) Regulations, 2006 S.I. No. 518 to accept and consider an application for Subsidiary Protection where an individual has identified new facts or circumstances which demonstrate a change of position from that which pertained at the time the Deportation Order was made.

The average waiting time for the processing of such applications is four to six weeks, which due to the complexity of the issues involved in each individual application is considered to be reasonable. The Deputy can be assured that strenuous efforts have been and continue to be made to ensure that applications in respect of this matter are processed as promptly as possible. Additional staff have been deployed to the area and considerable investment has been made in the development of technology required to support the processing of such applications.

[Deputy Dermot Ahern.]

The Deputy might wish to note that statistical records of the number of Section 4(2) applications on hand on a monthly basis are not available. However, I can give a breakdown on the number of decision made on such applications. The table sets them out.

Month	Section 4(2) applications approved	Section 4(2) applications rejected
<i>2008</i>		
June	0	0
July	0	0
August	1	1
September	1	3
October	2	10
November	1	1
December	4	11
<i>2009</i>		
January	2	6
February	0	2
March	1	2
April	5	9
May	5	5
Total	22	50

288. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process applications for readmittance to the asylum process under section 17(7) of the Refugee Act 1996, as amended; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28226/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The average processing time for applications for readmittance to the asylum process under Section 17(7) of the Refugee Act 1996, is four weeks, from the date of receipt of all relevant information. From June 2008 to June 2009, 128 applications were considered, of which 34 applicants were readmitted to the asylum process and 86 applicants were unsuccessful. There are 8 cases on hands awaiting processing.

Visa Applications.

289. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process visas; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28227/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Visa applications are processed as speedily as possible having regard to the numbers on hand and the resources available to process them. Although the INIS website states that visa applications are processed in six to eight weeks, in fact most applications are processed much faster than that. In our dedicated overseas offices, visa applications are processed typically in two to three weeks.

Currently applications referred to Dublin are generally being turned around within ten to fifteen working days of receipt in Dublin.

In 2008, over 72,000 visas were granted. In the first five months of 2009, provisional figures indicate that over 26,000 visas were granted for travel to Ireland. In 2008, fewer than 14,000 visas were refused. In the first five months of 2009, provisional figures indicate that fewer than 4,600 visas were refused.

290. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process re-entry visas; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28228/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applicants who call to the Public Office in person for re-entry visas are dealt with on a same day basis. Alternatively a postal application for a re-entry visa can be made and such applications are dealt with within four working days. In the past twelve months 60,455 re-entry visa applications were received and approved.

Residency Permits.

291. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process EU Treaty Rights, applications for residence by non-EEA family members of EU or EEA citizens, EU Directive 2004/38/EC and SI 656/2006 refers; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28229/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation & Immigration Service (INIS) of my Department that applications for residence in the State based on EU Treaty Rights are currently being processed within the six month statutory time frame allowed by Directive 2004/38/EC and S.I. 656/2006 as amended.

The EU Treaty Rights statistics requested by the Deputy in respect of the previous 12 months (July 2008 to June 2009) are set out in the table. The total approval figure is inclusive of 1395 applications which were reviewed under the provisions of Directive 2004/38/EC conducted as a result of the European Court of Justice ruling in “Metock” of 25 July 2008. The total refusal figure includes 529 applications also reviewed as a result of the European Court of Justice ruling.

EU Treaty Rights applications July 2008-June 2009		
Applications received	2,506	
Applications approved	2,978*	1,395 Metock review
Applications refused	1,216*	529 Metock review
Applications pending	1,123	

292. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process married to an Irish national applications from non EEA national spouses of Irish nationals for residence here on the sole basis of their marriage; the number of applications awaiting a decision; the number received, approved and rejected in the

[Deputy Denis Naughten.]

past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28230/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): 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 or is an asylum seeker 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. I am informed by the Immigration Services Section of the Irish Naturalisation and Immigration Service that applications of this type are currently taking 6 — 7 months to process. The processing time for dealing with such applications can vary depending on the particular circumstances of each individual case and the nature of the investigation required. This processing time meets our current expectations and in fact in the High Court Case of *K M & D G -v- The Minister for Justice, Equality and Law Reform* (2007 No. 321 J.R.) Justice John Edwards held that a period of between 9 and 12 months was reasonable for the making of such decisions.

At the end of June 2009 there were 122 applications on hand. In all instances processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service. The following table outlines the figures for the past 12 months in respect of applications processed by the Marriage to Irish National Unit.

Month	Received	Approved	Refused
July 2008	28	19	0
August 2008	15	40	8
September 2008	31	50	9
October 2008	49	50	9
November 2008	24	31	12
December 2008	31	28	1
January 2009	24	42	9
February 2009	38	38	1
March 2009	47	70	1
April 2009	32	38	5
May 2009	44	28	4
June 2009	37	43	7
Overall	400	477	66

293. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process business permission applications from non EEA nationals for permission to reside in the State for the purposes of establishing and operating a commercial business; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28231/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Services Section of the Irish Naturalisation and Immigration Service that applications for Business Permission are currently taking 5-6 weeks to process on receipt of fully completed applications.

In all instances, processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service. At the end of June 2009 there were 10 applications on hand awaiting decision. The following table outlines the figures for the past 12 months in respect of applications processed by the Business Permission Unit.

Month	Received	Approved	Refused
July 2008	14	3	6
August 2008	12	3	12
September 2008	11	3	16
October 2008	6	2	5
November 2008	10	4	11
December 2008	0	0	1
January 2009	7	7	6
February 2009	15	11	7
March 2009	18	2	17
April 2009	21	9	20
May 2009	18	7	11
June 2009	9	4	12
Overall	141	55	124

Refugee Status.

294. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process travel documents, 1951 convention travel document, issued to persons granted a declaration of refugee status in the State under section 17(1) Refugee Act 1996 and programme refugees, temporary travel document, may issue in specific emergency circumstances; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28232/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Services Section of the Irish Naturalisation and Immigration Service that applications for Travel Documents are currently taking 5 — 6 weeks to process on receipt of fully completed applications. In all instances processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service. At the end of June 2009 there were 505 applications on hand awaiting decision.

The following table outlines the figures for the past 12 months in respect of applications processed by the Travel Document Unit.

[Deputy Dermot Ahern.]

Month	Received		Approved		Refused	
	UN Convention	Temporary	UN Convention	Temporary	UN Convention	Temporary
Jul 2008	461	193	587	253	1	25
Aug 2008	181	85	326	154	1	20
Sep 2008	80	153	238	67	0	27
Oct 2008	320	170	347	101	0	75
Nov 2008	361	117	339	60	0	87
Dec 2008	258	39	262	33	1	43
Jan 2009	284	128	296	55	0	54
Feb 2009	315	161	267	60	0	85
Mar 2009	447	117	407	40	0	65
Apr 2009	505	195	574	25	1	177
May 2009	495	99	330	23	0	82
Jun 2009	619	217	513	105	3	19
Overall	4,326	1,674	4,486	976	7	759

Foreign Adoptions.

295. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process foreign adoption, immigration clearance letter issued in respect of approved foreign adoption; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28233/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Services Section of the Irish Naturalisation and Immigration Service that applications for an Immigration Clearance Letter in respect of a Foreign Adoption are currently taking 5 working days to process on receipt of fully completed applications.

In all instances processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service. At the end of June 2009 there were 2 applications on hand awaiting decision. The following table outlines the figures for the past 12 months in respect of applications processed by the Foreign Adoption Unit.

Month	Received	Approved	Refused
July 2008	84	84	0
August 2008	61	61	0
September 2008	45	45	0
October 2008	73	73	0
November 2008	69	69	0
December 2008	39	39	0
January 2009	79	79	0
February 2009	81	67	0

Month	Received	Approved	Refused
March 2009	86	98	0
April 2009	63	65	0
May 2009	61	61	0
June 2009	49	47	0
Overall	790	788	0

Residency Permits.

296. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process Irish born child pre-2003, family dependents, applications made by non-EEA nationals granted residence under pre 2003 conditions for residence in the State for specified minor family dependents; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28234/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Following the decision of the Supreme Court in the case of *Fajujonu v. Minister for Justice* [1990] 2 IR 151, and in view of the state of the law as expressed in that judgment, previous Ministers adopted a policy of generally granting permission to remain in the State to non-national parents of Irish citizen children. Applications were refused in cases where Ministers deemed that the requirements of the common good necessitated a refusal. Approximately 10,500 non-EEA nationals were granted permission to remain on the basis of parentage of an Irish citizen child between 1996 and February 2003. Following the case of *L and O v. Minister for Justice* [2003] 1 IR 1, judgment in which was delivered by the Supreme Court on 23 January, 2003, the policy referred to was reviewed. It was decided that the separate procedures for the consideration of residency applications based solely on parentage of an Irish citizen child should cease with effect from 19 February, 2003.

Persons whose applications were processed under the pre-2003 arrangements were generally granted permission to remain in the State for an initial period of twelve months. Any subsequent renewals of this permission are dealt with by the Garda National Immigration Bureau without the necessity of recourse to my Department.

The dependent children of such applicants are automatically granted permission to remain in the State in line with that granted to their parent(s). Upon reaching the age of sixteen such children are required to write to my Department in order that they may obtain permission to remain in the State in their own right. Such applications are dealt with immediately on receipt by officials within my Department.

297. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process change of status, non-EEA national granted a particular permission to remain here and seeking an alternative residency status; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28235/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by non-EEA nationals seeking a change of status are outlined in the following table.

[Deputy Dermot Ahern.]

	Change of Status
Processing time of application	Approximately 12 months
Number of applications received in the past 12 months	330
Number of applications awaiting decision	340
Number of applications approved in the last 12 months	97
Number of applications rejected in the last 12 months	46

As the Deputy will appreciate, the processing time for dealing with such applications can vary depending on the type of application involved and the particular circumstances of the individual concerned. In all instances, processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service.

298. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process non-EEA national in a relationship with an Irish or non-EEA national and seeking permission to remain here on that basis; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28236/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding non-EEA nationals who are in a relationship with an Irish or a non-EEA national and seeking permission to remain on that basis are outlined in the following table.

	De-facto relationship with Irish National	De-facto relationship with Non-EEA National
Processing time of application	1 to 2 weeks	1 to 2 weeks
No. of applications received in past 12 months	324	6
No. of applications awaiting decision	60	6
No. of applications approved in past 12 months	249	9
No. of applications rejected in past 12 months	21	14

Applications for de-facto relationships are dealt with once they are received in the General Immigration Division, and a decision is made once the division receives the appropriate documentation supporting the relationship.

299. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process non-EEA national previously granted permission to study seeking extension of student conditions; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28237/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by non-EEA nationals seeking an extension of student conditions are outlined in the following table.

	Extension of student conditions
Processing time of application	Approximately 12 months
Number of applications received in the past 12 months	206
Number of applications awaiting decision	263
Number of applications approved in the last 12 months	36
Number of applications rejected in the last 12 months	34

As the Deputy will appreciate, the processing time for dealing with such applications can vary depending on the type of application involved and the particular circumstances of the individual concerned. In all instances, processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service.

300. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process non-EEA national previously granted permission to remain here as a visitor seeking extension of those conditions; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28238/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by non-EEA nationals seeking an extension of visitor conditions are outlined in the following table.

	Extension of visitor conditions
Processing time of application	Approximately 6-12 months
Number of applications received in the past 12 months	482
Number of applications awaiting decision	283
Number of applications approved in the past 12 months	190
Number of applications rejected in the past 12 months	175

As the Deputy will appreciate, the processing time for dealing with such applications can vary depending on the type of application involved and the particular circumstances of the individual concerned. In all instances, processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service.

301. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process non-EEA national previously granted permission to remain here on work permit conditions seeking extension of those conditions; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28239/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by non-EEA nationals seeking an extension of their permission to remain in order to apply for a work permit or an extension of their work permit are outlined in the following table.

	Extension of work permit conditions
Processing time of application	Approximately 12 months
Number of applications received in the past 12 months	293
Number of applications awaiting decision	202
Number of applications approved in the past 12 months	225
Number of applications rejected in the past 12 months	29

As the Deputy will appreciate, the processing time for dealing with such applications can vary depending on the type of application involved and the particular circumstances of the individual concerned. In all instances, processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service.

302. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process persons admitted here for various reasons and subsequently seeking permission to remain for medical treatment; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter.
[28240/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by non-EEA nationals seeking permission to remain for medical treatment are outlined in the following table.

	Permission to remain for medical treatment
Processing time of application	Approximately 6 months
Number of applications received in the past 12 months	3
Number of applications awaiting decision	15
Number of applications approved in the past 12 months	4
Number of applications rejected in the past 12 months	2

As the Deputy will appreciate, the processing time for dealing with such applications can vary depending on the type of application involved and the particular circumstances of the individual concerned. In all instances, processing arrangements are kept under ongoing review and steps are taken to ensure that applications are dealt with as quickly as possible having regard to overall resources across the full range of services provided by the Irish Naturalisation and Immigration Service.

303. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process persons admitted here for various reasons and subsequently seeking permission to remain as a temporary registered doctor; the number of applications

awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28241/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by non-EEA nationals seeking permission to remain as temporary registered doctors are outlined in the following table.

	Temporary Registered Doctors
Processing time of application	1/2 weeks depending on documentation received
Number of applications received in the past 12 months	56
Number of applications awaiting decision	20
Number of applications approved in the past 12 months	41
Number of applications rejected in the past 12 months	7

Applications for temporary registered doctors are dealt with once they are received in the General Immigration Division, and a decision is made once the division receives the appropriate documentation.

304. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process Turkish nationals seeking permission to remain here pursuant to the Turkish association agreement; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28242/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the statistics requested by the Deputy regarding applications made by Turkish nationals seeking permission to remain pursuant to the Turkish Association Agreement are outlined in the following table.

	Turkish Association Agreement
Processing time of application	2/3 weeks depending on documentation received
Number of applications received in the past 12 months	37
Number of applications awaiting decision	12
Number of applications approved in the last 12 months	26
Number of applications rejected in the last 12 months	3

Applications pursuant to the Turkish Association Agreement are processed on receipt by General Immigration Division and a decision is made once the division receives the appropriate documentation.

305. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process non-EEA nationals who have completed 60 months legal residency here on work permit, work visa or work authorisation conditions and seeking permission to remain under the administrative long-term residency scheme; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28243/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are currently 8,180 applications for long-term residency 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 the past twelve months the Long-Term Residency Section of my Department has received 4,109 applications. In that period, 2,812 applications have been approved, 628 refused and 344 applications deemed abandoned. In the coming weeks increased resources will be made available to this Section in order to reduce backlogs and provide a better quality service to all applicants. This will also have a positive impact on processing times. The average processing time from application to decision for the generality of valid applications for long-term residency is now at approximately twenty-two months. The Section is currently commencing further processing of applications received in October 2007. 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.

306. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average waiting time to process persons granted refugee status here seeking family reunification for other family members; the number of applications awaiting a decision; the number received, approved and rejected in the past 12 months; the steps he is taking to speed up the processing time; and if he will make a statement on the matter. [28244/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that applications from refugees for Family Reunification take approximately 24 months to complete. The number of applications received, approved, rejected in the last 12 months and the number of applications on hand are contained in the table.

	Family Reunification
Number of applications received in the past 12 months	884
Number of applications approved in the past 12 months	749
Number of applications refused in the past 12 months	706
Number of applications on hand	1,595

Additional resources have been assigned to the Family Reunification Unit in the last 12 month period. This has made a positive impact in reducing the arrears of applications.

English Language Schools.

307. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 285 of 23 June 2009, his plans to review the conditions for stamp 2A students; when he will have completed the review; the type of educational establishments referred to which have damaged the reputation of the sector; and if he will make a statement on the matter. [28247/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As I have previously indicated, 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.

The review does not concentrate on specific immigration stamps but rather on the regime for students as a whole. It is a question of establishing the policy first and then seeing what stamps are appropriate for its implementation rather than reviewing the conditions for Stamp 2A holders.

The provision of educational services to non-Irish nationals is an important niche of the Irish economy with considerable growth potential. At the same time it must be recognised that immigration permission is a hugely valuable commodity, particularly when it carries with it a right to work. The sort of establishments which cause a problem, and these are a minority, are those whose primary purpose is to act as a procedural device or vehicle for students to enter the labour market as opposed to the delivery of a quality educational service.

It is anticipated that the internal aspect of the review will be completed shortly. Ultimately it is envisaged that all relevant stakeholders will be afforded the opportunity to make submissions on the draft proposals and on student immigration issues more generally before any final proposals are settled.

Immigration Statistics.

308. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of non-EEA nationals registered with the Garda National Immigration Bureau as being resident here; the number who are on student visas; the number with refugee status; and if he will make a statement on the matter. [28253/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that as of the 31st May 2009, there were a total of 149,203 non-EEA nationals recorded on the Register of non-nationals maintained by An Garda Síochána. This includes 38,547 who were registered as students. I have also been informed that persons who have been granted refugee status are registered with Stamp 4 status as are many other non-nationals. As of the 31st May 2009 there were 62,381 non-nationals registered with Stamp 4. It is not possible to provide a breakdown of those with refugee status in this group.

Departmental Expenditure.

309. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the cost of public advertising funded by his Department in 2008; the breakdown between statutory and non-statutory; and if he will make a statement on the matter. [28257/09]

314. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28423/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 309 and 314 together.

I would refer the Deputy to my replies to Question Nos. 305 and 306 of 23 June, 2009. In the time available it has not been possible to compile the information in respect of 2008 requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Garda Stations.

310. **Deputy Maureen O'Sullivan** asked the Minister for Justice, Equality and Law Reform the timeframe for the closing of a Garda station (details supplied) in Dublin 1; the extent of

[Deputy Maureen O’Sullivan.]

the refurbishment; and if he will guarantee the continued existence of this Garda station in Dublin 1. [28295/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by the Garda authorities that due to its condition it is necessary to temporarily vacate the station referred to by the Deputy to facilitate refurbishment. During this period, Garda personnel will operate from facilities provided in Mountjoy Garda station. I am assured by the Garda authorities that current policing levels will be maintained during this period and there will be no diminution of service being provided to the community. I am not aware of any proposals to close the Garda station in question and indeed any such proposal would, in the first instance, have to be made by the Garda Commissioner in the context of the Annual Policing Plans as provided for under Section 22 of the Garda Síochána Act 2005.

Departmental Properties.

311. **Deputy Noel J. Coonan** asked the Minister for Justice, Equality and Law Reform the position regarding the sale of Garda houses (details supplied) attached to the Garda College, Templemore, County Tipperary, and in particular the sale of houses to the long-term occupants of same; if Garda authorities have targeted houses for sale; and if he will make a statement on the matter. [28305/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The allocation and utilisation of Garda resources, including accommodation where this is appropriate, is a matter for the Garda Commissioner. I have been informed by the Garda authorities that the houses referred to by the Deputy are not among those identified for sale by the Commissioner.

Road Safety.

312. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the details on the proposed introduction of privatised speed cameras nationwide. [28319/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda authorities support the action in the Road Safety Strategy 2007-2012 to implement a safety camera network. Consequently, An Garda Síochána is engaging in a procurement process, in accordance with EU Directives, national public procurement procedures and relevant legislation, for the provision and operation of safety cameras. As a result, a preferred supplier has been selected. Until the contract discussions are concluded, it is not possible to indicate details of the proposed introduction of or a specific timescale for the project.

Departmental Bodies.

313. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform his plans for State agency, tribunal or quango consolidation; and if he will make a statement on the matter. [28376/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would refer the Deputy to my reply to Question No. 322 of 25 November, 2008. With the exception of some on-going work to reduce operating costs, particularly in relation to office accommodation, all of the rationalisation proposals agreed for my Department as part of Budget 2009 have been implemented.

Question No. 314 taken with Question No. 309.

Court Fines.

315. **Deputy Jan O’Sullivan** asked the Minister for Justice, Equality and Law Reform if, in the context of people’s difficult financial circumstances at this time, he will request the courts to accept payment of fines in instalments or deferral of payments when a person has not got the means to pay a fine in full on the due date; and if he will make a statement on the matter. [28457/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Fines Bill 2009, which is currently before the House and awaiting Committee Stage, makes provision for the payment of fines by instalments. Section 14 of the Bill allows a person on whom a fine has been imposed, to apply to the court to pay the fine by instalments. If the court is satisfied that to pay in full by the due date would cause undue financial hardship, it can direct that the fine be paid in instalments over a period not exceeding one year. An extension of not more than a further year may be given by the court where it is satisfied that the financial circumstances of the person have changed and the change is not due to that person’s culpable neglect. The Bill also introduces the concept of “equality of impact” under which the court may reduce or raise the otherwise appropriate fine in accordance with a person’s financial circumstances.

Departmental Expenditure.

316. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor’s office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28471/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In the time available it has not been possible to compile the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Crime Statistics.

317. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the crime statistics for Coolock Garda station, Dublin, for 2008 and for the first six months of 2009; and if he will make a statement on the matter. [28583/09]

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.

Garda Operations.

318. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if Operation Hawkeye is active; the number of gardaí involved; the amount of stolen goods recovered under this operation; the number of persons arrested and charged to date; the cost of the operation to date; and if he will make a statement on the matter. [28584/09]

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 information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Crime Statistics.

319. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of complaints of intimidation, threatening behaviour and verbal assault the Garda has recorded from 2004 to date in 2009; the number of convictions; and if he will make a statement on the matter. [28654/09]

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.

Garda Strength.

320. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the analysis conducted most recently on Garda to population ratios; the breakdown by district for 2007, 2008 and to date in 2009; the strength of the Garda Síochána; the number of students in Templemore; the number of student gardaí in training in garda stations; and if he will make a statement on the matter. [28655/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that as of 31 May 2009, the latest date for which figures are readily available, the personnel strength of An Garda Síochána was 14,426. The total number of Student Gardaí in Templemore was 485 (211 in Phase I and 274 in Phase III) and the number of Students training in Garda Stations was 389 (Phase II).

As detailed in the Policing Plan of An Garda Síochána for 2008, the Commissioner proposed to realign Garda Divisional boundaries to make them coterminous with local authority boundaries. As a consequence of this work, the geographical areas of Garda district and sub-district stations were also realigned, thus ensuring that service delivery to the community was maintained to a high standard. The first of these realignments took place in June 2008 and, therefore, it is not possible to give the ratio of population to Garda strength comparisons for 2008 or 2009. The information in relation to 2007 is contained in Parliamentary Question No. 152 of 22 October 2008.

Irish Prison Service.

321. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the approximate number in the prison service escort corps for 2007 and 2008; and if he will make a statement on the matter. [28656/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Prison Service Escort Corps was set up in 2005 arising from the Proposal for Organisational Change in the Irish Prison Service. The approved number of staff in the Escort Corps during 2007 and 2008 was 143, inclusive of all grades. I have been advised that, allowing for temporary variations caused by the retirement or movement of staff, the actual number of staff employed remained at or very near the approved number during 2007 and 2008.

Garda Operations.

322. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his plans to establish Operation Cleanstreet again; if he will provide details of the successes of this operation; the resources and manpower afforded to this operation; and if he will make a statement on the matter. [28657/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An Garda Síochána is fully committed to tackling the supply of illegal drugs in keeping with its remit under the National Drugs Strategy.

As part of this commitment, An Garda Síochána regularly undertakes initiatives targeted at persons involved in on-street sale and supply of drugs in the community.

One such initiative is Operation Cleanstreet which is undertaken by the Garda National Drugs Unit in conjunction with district and divisional Garda management.

'Cleanstreet' is the operational generic code name allocated to the overall on-street test purchase type initiative which originally commenced in approximately 1997.

Under Operation Cleanstreet specific initiatives are planned, by Divisional / District Officers in conjunction with the Garda National Drugs Unit, at regular intervals, for the purposes of gathering evidence in furtherance of a Garda investigation into the sale and supply of drugs.

The most recent of these such initiatives took place recently in the Dublin Metropolitan Region on the 1st and 2nd July 2009, which resulted in over 100 searches taking place. This led to the arrest of eighty-five persons who were charged with offences relating to the sale and supply of illegal drugs.

The Garda National Drugs Unit continues to work together with local Garda management and district and divisional Garda drugs units to ensure a coordinated and effective approach is in place to tackle drug supply.

323. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he will report on the successes of Operation Archer; the number of persons arrested; the number of prosecutions being followed up on; the number of gardaí involved; the cost of the operation to date; if it is a co-ordinated effort including Operation Anvil; and if he will make a statement on the matter. [28658/09]

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 information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Departmental Expenditure.

324. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of advertising and public relations campaigns carried out in the first six months of 2009 to promote policies or programmes being implemented by his Department; the funding provided to each campaign; and the timeframe of each campaign. [28659/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would refer the Deputy to my reply to Question No. 306 of 23 June, 2009.

Prison Accommodation.

325. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the prisoner capacity of each prison; the number of prisoners held in each prison; and if he will make a statement on the matter. [28660/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that as of 6 July, 2009 there were 3,786 permanent beds available in the prison system. On the same day there were 3,908 prisoners in custody. This represented an occupancy level of 103%. The following table provides a breakdown of the population of each prison/place of detention on 6 July, 2009:

[Deputy Dermot Ahern.]

Prison/Place of Detention	Bed Capacity	No. of prisoners held in custody
Arbour Hill Prison	148	153
Castlerea Prison	342	312
Cloverhill Prison	431	443
Cork Prison	272	302
Dóchas Centre	85	111
Limerick Prison (male)	275	301
Limerick Prison (female)	20	26
Loughan House	150	115
Midlands Prison	469	531
Mountjoy Prison (male)	540	642
Portlaoise Prison	240	116
Shelton Abbey	100	96
St. Patrick's Institution	217	225
Training Unit	107	107
Wheatfield Prison	390	428
Total	3,786	3,908

It is the case that there has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months during which time the total number in custody has increased by 309. This represents a 8.6% rise in the number in custody.

There are a number of reasons for this increase. In particular with the extra resources provided by this Government, the Garda Síochána has been increasingly successful in prosecuting criminals and extra court sittings have resulted in higher committal rates.

There has been significant investment in the criminal justice system in recent years, not least in the prison system. Indeed, the Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure. This has involved both the modernisation of the existing estate and the provision of extra prison spaces.

Since 1997 in excess of 1,400 prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick Prison.

Despite this significant investment, it is quite clear that, in some of our prisons, we are operating in excess of our bed capacity at this time. However, in the short to medium term this issue will be addressed by the provision of 400 prison spaces by mid 2009 by means of:

- a new remand block in Castlerea Prison which will accommodate approximately 104 prisoners which opened in June;
- a new block in Portlaoise Prison which will accommodate approximately 150 prisoners and which is due to open at the end of July; and
- a new block in Wheatfield Prison which will accommodate 150 prisoners due to be completed in the Autumn.

Crime Levels.

326. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the

number of offences committed by persons on bail for each of the years 2004 to date in 2009; and if he will make a statement on the matter. [28661/09]

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.

Bench Warrants.

327. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of bench warrants that remain outstanding; his views on the execution of bench warrants; and the action he proposes to take to address deficiencies in the bench warrant system. [28662/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that there are 37,345 bench warrants recorded as unexecuted as of 3 July, 2009.

It is inevitable in any criminal justice system that at any given time there will be a significant number of warrants awaiting execution. The Garda authorities are committed to strengthening the warrants in the system enforcement process. The Commissioner has raised the issue of the execution of warrants with each Regional Assistant Commissioner and a range of measures, aimed at reducing the number of warrants on hand, have been identified and are being implemented. These measures include the re-assignment of additional Gardaí to this function and the appointment of Inspectors with responsibility for execution of outstanding warrants. The position is being closely monitored by senior Garda management and consideration will be given, at an organisational level, to introducing further measures to address the issue if necessary.

It should be borne in mind too that the vast majority of the outstanding bench warrants relate to unpaid fines for modest sums, arising from minor infractions of the law and not convictions arising from violent and other serious crime. An Garda Síochána give priority to the execution of warrants in respect of serious crime.

The Fines Bill 2009, which is awaiting Committee Stage in this House, provides for the payment of fines by instalments and an improved means of assessing the capacity of a person to pay a fine. It also gives the courts powers to treat non-payment of a fine in the same way as non-payment of a civil debt and to impose a community service order for non-payment of a fine. As a result, imprisonment for default should in future become the exception rather than the rule. As so many warrants relate to financial penalties, these proposals should result in a smaller number of warrants being issued and so reduce pressure on the system.

The Enforcement of Court Orders (Amendment) Bill 2009, currently before the Oireachtas, provides that certain safeguards will apply to the provisions under which a court may hear an application or grant an imprisonment order against a debtor who has failed to comply with an instalment order. This will also tend to result in a smaller number of warrants being issued.

The operation of the warrants system will continue to be monitored, particularly with a view to making whatever changes may be necessary to improve its operation.

Garda Communications.

328. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the reason for the continuing delay in the roll-out of secure digital radio for the Garda Síochána;

[Deputy Charles Flanagan.]

his views on recent media reports on the delays; and if he will make a statement on the matter. [28663/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is no continuing delay in the roll-out of the National Digital Radio Service to An Garda Síochána. Roll-out of the service commenced on a phased basis in the Dublin Metropolitan Region on 16th June 2009 when the network was declared to be ready for use. A further phase of the Garda roll-out is taking place today (8th July) and further phases are planned in accordance with agreed schedules drawn up by the Garda Síochána.

The roll-out to other Garda Regions will continue thereafter in line with the provision of the national network and the Garda roll-out schedules.

Juvenile Offenders.

329. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number and location of all detention places for young offenders; the average monthly occupancy rate in each facility in 2007 and 2008; and his plans for additional places to be put in place for young offenders. [28664/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I assume the Deputy is referring to offenders under the age of 18 who are detained by Order of the Courts.

In relation to the four Children Detention Schools, which come under the remit of the Irish Youth Justice Service, an executive office of this Department, the information requested is as follows:

Children Detention School	Certified max. Capacity	2007 Rate*	2008 Rate*
		%	%
Oberstown Boys School†	20 places	85	73
Oberstown Girls School†	12 places	33	31
Trinity House School†	27 places	70	58
Finglas Child and Adolescent Centre	18 places	72	63

†Located on Oberstown Campus near Lusk, Co. Dublin.

*‘Rate’ is Average Monthly Occupancy Rate.

In addition boys aged 16-17 years are currently detained in St. Patrick’s Institution, North Circular Road, Dublin 7, which is a closed medium security place of detention under the remit of the Irish Prison Service. St. Patrick’s houses males aged 16 to 21 years and has a bed capacity of 216. It had 57 places occupied, on average, by under 18 year olds in 2007, while in 2008 the corresponding figure was 59 places.

In March 2008, the Government approved the development of new national children detention facilities on the Oberstown campus. This project will increase the number of children detention places available from 77 to 167. It is currently at the design stage and it is expected that the tendering process for construction should take place in 2010. The Deputy will be aware, however, that tendering for the construction of the new facilities will be subject to Government approval and to the necessary funding being made available.

Irish Prison Service.

330. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his

plans to commission a new study on literacy rates among prisoners; the results of previous reports; the cost of the 2003 study; and if he will make a statement on the matter. [28665/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In 2003 the results of a survey commissioned by my Department were published in the Irish Prison Service publication entitled “The Prison Adult Literacy Survey — Results and Implications”. The cost of commissioning and publishing the survey was €32,080. The survey found that a significant number of prisoners were not functionally literate, with 52% of them at Level 1 or Pre-Level 1 literacy levels. Level 1 is defined as knowing the alphabet but having difficulties with reading. Pre-Level 1 is defined as being unable to read simple words but with the ability to write their names or know the alphabet. More than twice as many prisoners are at the lowest level compared with the population generally. Given this deficit, literacy work is a priority element in prison education and every effort is made to publicise literacy classes and encourage as many prisoners as possible to participate.

Prisoners coming into the Education Centre of each prison have an individual interview to assess their educational needs and interests. Those with literacy difficulties are prioritised for support. They are encouraged to participate in non-academic pursuits to enhance their perception of school and education, and to stimulate a general interest in learning. Once their personal self confidence grows they are proactively encouraged to participate in courses which require increased emphasis on the use of text and written format.

Following on the recommendations of the 2003 survey a number of significant initiatives commenced or were strengthened in the prisons. These initiatives parallel efforts to address adult literacy in the community. Among these are the fuller use of negotiated learning plans for all literacy students, introducing and supporting the FETAC level 1 and level 2 courses, the introduction of the National Adult Literacy Agency’s assessment framework “Mapping the Learning Journey”, devising and delivering the national 30-hour Initial Tutor Training course for new teachers and drawing up and rolling out a national Literacy Plan for Prison Education — work on which commenced in 2009.

There are currently no plans to undertake a further survey.

Garda Equipment.

331. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of the Garda Síochána firearms stolen, reported stolen, missing or otherwise unaccounted for in each of the years 2004 to date in 2008; and if he will make a statement on the matter. [28666/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda authorities that two firearms were reported stolen over this five year period*, one in 2004 and the other in 2006. Both firearms were subsequently recovered.

*From the beginning of 2004 up to 15 December 2008.

Irish Prison Service.

332. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of mobile phones seized in each of the prisons to date in 2009; the measures put in place in each prison to prevent mobile phone use by prisoners; the categories of visitor and staff in each prison permitted to enter the prison with mobile phones on their person; and if he will make a statement on the matter. [28667/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Mobile phones are viewed as highly valuable commodities which could assist in illegal activity and eliminating their supply is one of the major challenges facing prisons worldwide.

[Deputy Dermot Ahern.]

The Irish Prison Service is dealing with this problem through a multifaceted approach which incorporates measures to prevent the smuggling of mobile phones into prisons, search and find operations aimed at locating and removing phones from within the prisons and the installation of mobile phone blocking technology.

Airport style scanners and x-ray machines are now in operation at the entrances of all closed prisons (excluding the Training Unit and Arbour Hill). Cell and area searches for contraband such as mobile phones take place in all prisons on a daily basis. These include random, targeted and intelligence led searches. These searches have been particularly effective and local intelligence indicates that the availability of mobile phones has decreased across the prison system.

Only Governor grades and other persons that may from time to time be authorised by the Governor, for example, the Director General of the Irish Prison Service are permitted to enter prisons while in possession of a mobile phone.

In relation to mobile phone inhibition, as the Deputy will be aware, a project to identify means of inhibiting the use of mobile phones in prisons has been ongoing since April 2007. The project commenced at the Midlands Prison and results to date have been sufficiently positive to convince the Irish Prison Service of the merit of extending the inhibition system at the Midlands into the new “C” block at Portlaoise Prison and also to the nearby Segregation Unit, and installation work in this regard is close to completion.

Three other test projects are also being undertaken at other prison locations. When all trial systems are fully in place and evaluation is complete it is intended to seek competitive tenders on a prison by prison basis from each of the companies in the trials whose product meets the requirements of the Irish Prison Service in relation to mobile phone inhibition.

In relation to the number of mobile phones seized in each of the prisons to date in 2009, I have been informed by the Irish Prison Service that it was not possible to collate the relevant information in the time available but I include, for the Deputy’s information, the latest figures I have to hand on the following table. I will furnish the updated information to the Deputy as soon as possible.

Mobile Phone Seizures for 2008 and up to 20.03.09

Prison/Place of Detention	2008	2009 (to 20.03.09)
Arbour Hill	3	2
Castlerea	106	21
Cloverhill	128	10
Cork	64	8
Dóchas Centre	55	14
Limerick	292	87
Loughan House	58	9
Midlands	136	13
Mountjoy (Male)	580	137
Portlaoise	41	19
Shelton Abbey	72	27
St. Patrick’s	160	25
Training Unit	120	17
Wheatfield	232	42
Total	2,047	431

Drugs in Prisons.

333. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number, location and date of introduction of BOSS chairs in the prison system here; the approximate cost of such a chair; his plans for the roll out of these chairs across all prisons; and if he will make a statement on the matter. [28670/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The first Body Orifice Security Scanner (BOSS) chair was introduced by the Irish Prison Service in early 2008 on a pilot basis as part of a wide range of security initiatives introduced to combat the smuggling of contraband into our prisons. Since then seven additional chairs have been installed bringing the total to eight and it is proposed to introduce them in all closed prisons during the course of this year, subject to the availability of resources.

The approximate cost of a BOSS chair is €12,000. For security reasons, I am not in a position to indicate the precise locations of this equipment.

Garda Deployment.

334. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Síochána who are regularly carrying out non-front line duties that could be carried out by civilians; the rank of these members; and if he will make a statement on the matter. [28671/09]

335. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of civilians carrying out non-front line duties in the Garda Síochána; the annual increase in civilianisation since 2002; the number of posts to be filled; and if he will make a statement on the matter. [28672/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 334 and 335 together.

I have requested the information sought by the Deputy from the Garda Commissioner. I will write to the Deputy directly when this information is to hand.

Proposed Legislation.

336. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the consultation process for the White Paper on crime; the budget in respect of same; the methods being used for the promotion and community involvement in the process; when the consultation process will commence and where; and if he will make a statement on the matter. [28673/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my Reply to Parliamentary Question No. 289 of Tuesday, 24 February 2009, which sets out the position in this matter. As indicated therein, a key element in the White Paper process will be the production of a series of discussion documents designed to stimulate and structure the debate on relevant topics. I can confirm that the first in the series will be published shortly.

Crime Prevention.

337. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the position regarding his knife crime campaign; the organisers contracted to run the campaign; the budget for the campaign; the timeframe for same; the location of road shows; the methods of advertising and promoting the campaign; and if he will make a statement on the matter. [28674/09]

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 information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Payment of Fines.

338. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the amount of uncollected fines imposed by the courts and the Garda Síochána, including driving related offences, for 2006, 2007 and 2008; and if he will make a statement on the matter.

[28675/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Statistics of the kind sought by the Deputy are not readily available, in particular because there is inevitably a time lapse between a fine being imposed and its collection.

Garda Remuneration.

339. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the overtime budget spent for the Garda Síochána and the Prison Service for each year since 2004 to date in 2009; and if he will make a statement on the matter. [28676/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is set out in the following tables.

Overtime Expenditure in An Garda Síochána

Year	Expenditure
	€ million
2004	63.1
2005	79.5
2006	105.0
2007	138.4
2008	115.3
2009 (to 6th July)	41.9

Overtime Expenditure in the Irish Prison Service

Year	Expenditure
	€ million
2004	45.50
2005	46.00
2006	6.20*
2007	0.06*
2008	0.07*
2009 (to end June)	0.04*

*In August 2005, agreement was reached between the Irish Prison Service and the Prison Officers' Association on the Proposal for Organisational Change in the Irish Prison Service. A key element of the agreement was the elimination of overtime working and its replacement with an Additional Hours system. The introduction of the Additional Hours system has led to a very significant decrease in overtime expenditure by the Irish Prison Service since 2005. Since the introduction of the Additional Hours system, the only overtime payments made by the Irish Prison Service relate to headquarters staff.

Sentencing Policy.

340. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the breakdown of the number of offences resulting in imprisonment (details supplied) for each year for the past five years; and the average time spent in prison under each heading over the same timeframe. [28677/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that the available statistical information can be obtained from the Annual Reports of the Irish Prison Service for the years requested. I am further advised that the 2008 report will be published in the near future. The Irish Prison Service have also informed me that the relevant reports are available on their website: www.irishprisons.ie

Citizenship Applications.

341. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position in the case of a person (details supplied) in Dublin 5 who applied for naturalisation in 2006 when the fee was €550 and when the certificate of naturalisation was being granted the fee had increased; the way this situation arose; his views on whether it is fair; and if he will make a statement on the matter. [28737/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Nationality and Citizenship (Fees) Regulations, 2008, sets out the prescribed fees payable by applicants on the issue of a certificate of naturalisation since 1 August, 2008. The fees are as follows:

- (a) where an application is made on behalf of a minor, a fee of €200.00
- (b) where an application is made by a spouse of a naturalised Irish citizen, a fee of €950.00
- (c) where an application is made by a widow or widower of an Irish citizen, a fee of €200.00
- (d) in the case of all other applications, a fee of €950.00
- (e) the fee payable under (a), (b), (c), or (d) shall be nil, if the application for the certificate concerned was made by or on behalf of a refugee or stateless person or by or on behalf of a programme refugee.

The increases in fees were in line with inflation for the period 1993 to 2008. While the fees are designed to reflect the effort and cost involved in processing the different categories of applicant, the certification fees do not recoup the full cost of processing in any category.

As this is a certification fee, it is the date of issue rather than the date of application that must be taken into account. Certificates of naturalisation can only be issued on payment of the prescribed fee at the time of certification.

Officials in the Citizenship Division of my Department inform me that the person in question has paid the prescribed fee and that her certificate of naturalisation was issued to her by registered post on 26 May, 2009.

Asylum Support Services.

342. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform if he will provide this Deputy with the details of the current usage of a centre (details supplied) in County Dublin; the number compared with recent years; the number of nationalities who are

[Deputy Noel Ahern.]

residing there in 2009; the category of applicant residing there; and if he will make a statement on the matter. [28750/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In replying to the Deputy's Question, it is firstly necessary to give the following general background to the asylum seeker accommodation system.

The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The RIA is currently accommodating almost 6,900 persons representing 94 nationalities across 59 centres in 23 counties.

Persons entering the State seeking asylum make their initial asylum application with the Office of the Refugee Applications Commissioner (ORAC). Once an asylum application is made, the asylum seeker is offered accommodation by RIA. All such asylum seekers are provided with initial accommodation for a reception period usually of 10 to 15 days at a reception centre prior to being re-accommodated on dispersal to longer-term accommodation centres.

Balseskin Reception Centre in St. Margaret's, North Dublin, is the main reception centre for newly arrived asylum seekers in the State: there is another smaller reception centre in Kilmacud, Dublin. While at Balseskin, asylum seekers are offered medical screening and associated health supports at the on-site Health Centre operated by the Health Services Executive (HSE). Also, they are registered on-site by the Community Welfare Services for certain welfare supports such as direct provision allowance. Initial substantive interviews by ORAC are also conducted in Balseskin. Residents at Balseskin avail of full board accommodation and avail of other on-site facilities, including child and family supports. Once the initial reception period is completed, the RIA 'disperses' asylum seekers from Balseskin to longer-term asylum accommodation centres throughout the country.

In relation to the specific details sought, the number of residents being accommodated changes on a daily basis. This is due to Balseskin being a reception centre with, as explained above, a high turnover of residents. Because of its particular reception function, occupancy would generally remain high. As at 3 July 2009, there were in the order of 250 residents on-site representing 42 nationalities. On average, to date in 2009, the occupancy level at Balseskin Reception Centre has been in the order of 264 persons. This compares with an occupancy for the centre at end-July 2008 of 216 persons and at end-July 2007 of 260 persons.

International Agreements.

343. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the steps he will take to protect Irish interests under the proposed US tax haven abuse laws; and if he will make a statement on the matter. [28255/09]

Minister for Foreign Affairs (Deputy Micheál Martin): There are a number of proposals, in Congress, and from the Administration, for measures to address the use of tax havens by individuals or companies.

Ireland is not considered a tax haven and proposals in this area should not be a threat to our interests. Nonetheless, the Embassy in Washington is closely following developments in this regard and promoting awareness among policy-makers that Ireland's tax system is fully compliant with OECD and EU frameworks and that Ireland has a network of tax treaties and information sharing agreements with many countries, including the United States.

The Embassy in Washington and IDA are monitoring proposed changes to the broader US international tax system and reviewing the possible implications for Ireland. They are continuing a comprehensive programme of outreach with contacts in the Administration and Congress to ensure that the mutual benefits of our existing relationships with the U.S. and U.S. companies in Ireland are fully understood.

Overseas Development Aid.

344. **Deputy Olivia Mitchell** asked the Minister for Foreign Affairs the amount of overseas development aid that has been allocated to the United Nations Population Fund for 2009; if the allocation includes UNFPA trust funds concerning female genital mutilation, maternal mortality and reproductive health commodity security; and if he will make a statement on the matter. [28288/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Government's 2006 White Paper on Irish Aid outlines our commitment to addressing the specific health needs of women, as an essential element in Ireland's contribution to improving health and fighting poverty in developing countries. We work closely with a number of UN agencies to address maternal health issues, including the United Nations Population Fund (UNFPA). Our partnership with the UNFPA is focused in particular on the reduction of maternal mortality, the fight against HIV and AIDS and the need to address gender inequality.

The reality is that, to date, progress in these areas has been limited. Every year some 500,000 women die and a further 10 million suffer from severe illnesses or disabilities as a result of complications in pregnancy and childbirth. Underlying this tragedy is the lack of access by women in developing countries to good quality maternal and reproductive health, including family planning. In addition, it is estimated by the World Health Organisation that between 100 million and 140 million girls and women worldwide are living with the consequences of female genital mutilation.

The Government's aid programme, Irish Aid, currently supports the work of the UNFPA in these areas through a multi-annual framework agreement for the years 2008-2011. Under the agreement, €3 million is being provided in core funding to the UNFPA in 2009, bringing Ireland's overall contribution to the work of the Fund to €23.5 million since 2005. This includes contributions totalling €5 million for the UNFPA Trust Funds for Maternal Health and Global Reproductive Health Commodities Security, and for a joint programme with UNICEF on female genital mutilation.

Emigrant Support Services.

345. **Deputy Dinny McGinley** asked the Minister for Foreign Affairs the discussions he has had with the United States authorities regarding the status of the undocumented Irish residents there; and if he will make a statement on the matter. [28350/09]

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. During that visit we also had useful exchanges on this issue with Speaker of the House of Representatives, Nancy Pelosi, and Chairman of the Senate Judiciary Committee, Patrick Leahy. In addition, I raised the issue in my discussions

[Deputy Micheál Martin.]

with Senator Chuck Schumer and Congresswoman Zoë Lofgren, the respective Chairs of the Senate and House subcommittees on immigration.

Most recently, 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 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.

Departmental Expenditure.

346. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28421/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Advertising undertaken by my Department typically includes; advisory notices on public opening hours over holiday periods, changes in passport application procedures and fees, and public information notices relating to significant developments in the European Union or in regard to Ireland's Official Development Assistance programme, Irish Aid.

While much of this material is now placed on the Department's website, a certain level of advertising continues to be necessary in order to reach all of our customers, particularly in relation to important passport and consular services.

The following table give the details of such advertising both statutory and non-statutory, under Votes 28 (Foreign Affairs) and 29 (International cooperation) for 2009 to date.

	Statutory	Non-Statutory
	€	€
Vote 28 Department of Foreign Affairs	949	28,887
Vote 29 International Cooperation	Nil	38,934

The statutory advertising in question relates to advertising in the *Iris Oifigiúil*.

347. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28469/09]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy will be aware, Government Departments do not pay for the legal services provided by the Office of the Attorney General and the Chief State Solicitors Office or for advice from Counsel briefed by them.

My Department has a Legal Division, staffed by qualified legal professionals who provide legal advice on a wide range of international legal issues. Having such 'in-house' legal experts reduces the costs which would be incurred if the Department was to engage externally for all of its legal services.

The costs for engaging external legal services in Ireland and overseas, for the period requested, is set out in tabular form.

Year	2006	2007	2008
Legal Costs	€319,110	€299,830	€217,443

Sports Funding.

348. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism if he informed the Gaelic Players Association, at a meeting in June 2009, that the player grants scheme as operated in 2008 will not be implemented in 2009; and if he will make a statement on the matter. [28308/09]

349. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism if he proposed a player grant scheme to the Gaelic Players Association in June 2009 that would apply only to players on teams that reach the final stage of the championship; and if he will make a statement on the matter. [28309/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 348 and 349 together.

In the agreement reached in November 2007 between the then Minister for Arts, Sport and Tourism, the Irish Sports Council (ISC), the GAA and the Gaelic Players Association, provision was made for the introduction of two schemes to recognise the outstanding contribution of senior Gaelic inter-county players to our indigenous sports, by meeting additional costs

[Deputy Martin Cullen.]

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

It was agreed that the schemes would be funded through the ISC and would be administered through the Council and the GAA. An amount of €3.5 million was provided to the ISC in 2008 to fund the schemes. As I have previously indicated to the House, the drastically changed economic circumstances means that the taxpayer cannot continue to fund the entire cost of schemes such as this.

I have discussed this issue with the ISC and the GAA. I met representatives of the GPA on 29th June last with a view to agreeing a sustainable new scheme that would recognise the outstanding contribution of Gaelic players to our indigenous sports.

We had a robust exchange of views in an honest and open atmosphere. I explained to the GPA the difficulties facing my Department in the current economic climate. It fully understood and accepted those difficulties. I explained my view that the scheme as originally constituted was no longer viable. However, I am anxious to address the main concern of the players, which is recognition of the contribution that they make to the culture and traditions of this country. In that context I want to put in place a scheme that is sustainable and provides that recognition.

I want as many sports as possible to be funded within the limits of the resources available to me to ensure the continued strategic development of sport. I would like to see a scheme agreed with the GPA that would reflect that ambition. To put this in context, as the Deputy knows we funded athletes directly. The total cost of the other 16 sports that we fund, which is quite extensive and goes directly to athletes and not NGBs, is €2million. What I have proposed to the GPA is a very generous and worthy scheme. I hope its members will reflect on that.

Departmental Expenditure.

350. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28413/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The requested information in respect of public advertising costs incurred to date in 2009 by the Department (including the National Archives of Ireland, which forms part of the Department) is as set out in tabular form. These figures do not include the minor expenses payable to the Office of Public Works for placing notices in *Iris Oifigiúil*. The commissioning of advertising by the agencies under the aegis of the Department is a matter for the agencies themselves.

351. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28461/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): In general, whenever the Department requires legal services, it obtains these from the Office of the Attorney General and/or the Office of the Chief State Solicitor. The associated costs are borne directly by those two Offices. However, on occasion and in exceptional circumstances, the Department, including the National Archives, may obtain legal services from other sources. In the years 2006 to 2008, inclusive, the costs associated with such other legal services are as set out in tabular form. The expenditure in 2008 relates to legal costs associated with the public private partnership (PPP)

processes in respect of the redevelopment of the National Concert Hall and the new Abbey Theatre. Contracts for legal services in both cases are fixed-fee contracts and follow from competitive procurement processes.

Year	2006	2007	2008
Costs	€3,031	Nil	€250,802

Tourism Promotion.

352. **Deputy Ulick Burke** asked the Minister for Arts, Sport and Tourism the number of applications submitted to his Department as a result of the announcement of the inclusion of the mid-Shannon regions as a designated tourism incentive area for each year since its introduction; and the funding available in the estimates for such projects. [28760/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Mid-Shannon Tourism Infrastructure Investment Scheme, which was introduced in section 29 of the Finance Act 2007 and launched in June 2008, provides tax incentives for investment in tourism attractions and facilities in the designated Mid-Shannon Corridor. The approval and certification of projects under the Scheme is a matter for the Mid-Shannon Tourism Infrastructure Board in accordance with the guidelines issued by the Minister for Arts, Sport and Tourism in consultation with the Minister for Finance. As the scheme takes the form of a tax incentive, it is not funded through the annual Estimates.

The Mid-Shannon Board and the executive teams within Fáilte Ireland and Shannon Development have extensively promoted the Scheme since its commencement date. Information seminars have been held with industry groups throughout the targeted region and local authorities have also been engaged to ensure their support for the Scheme and projects that might result from it. I am advised that, to date, a total of nine applications have been submitted to Fáilte Ireland and Shannon Development for consideration under the Scheme. One of these applications was submitted to the Mid Shannon Tourism Infrastructure Board a week ago and was approved. The remaining eight applications are currently being reviewed. It is anticipated that two more applications will be submitted to the Mid Shannon Tourism Infrastructure Board for evaluation within the next four weeks.

The Finance Act 2009 made provision to extend the period during which such applications can be made from one year to two years so that the latest date for the submission of applications is now 31 May, 2010. The eligible period within which expenditure must be incurred for capital allowances purposes has also been extended to 31 May, 2013.

Swimming Pool Projects.

353. **Deputy Ulick Burke** asked the Minister for Arts, Sport and Tourism the progress made since the date of the public announcement in June 2009 on the provision of a swimming pool in Loughrea in County Galway; if the parties in the public private partnership have been identified for the project; the costing for each participant; and the proposed starting date on the available site. [28766/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I understand that as a result of a tender process conducted in 2003 a developer was identified to construct and operate the swimming pool at Loughrea on behalf of Galway County Council. On 25 May 2009 my Department informed Galway County Council that a grant capped at €1.7m had been allocated under the Department's Local Authority Swimming Pool Programme towards the construction of a

[Deputy Martin Cullen.]

pool at Loughrea. The Local Authority concerned has advised that it is not possible at this stage to give a starting date for the construction of the pool.

Community Development.

354. **Deputy Seymour Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding available to each of the LEADER groups to encourage investment and jobs; the percentage of the funds that will be needed for administration; when applications will be made available; the way it will be advertised; his views on whether this is one of the few areas that can provide funding to rural areas through aid from the EU; if he will ensure that as much as possible of the approved funding is provided in the earlier stage of the scheme to avoid panic and possible poor value being received from the fund in a rush to utilise it before the closing date; and if he will make a statement on the matter. [28272/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy may be aware, 36 Local Action Groups have been contracted to deliver the LEADER elements of the Rural Development Programme (RDP) 2007-2013. The Programme has been fully operational since late January 2009. Under the RDP, the main measure providing direct support for investment and job creation is Support for Business Creation and Development. In addition, there are a number of other measures in the Programme, which will contribute to job creation. These include (i) Diversification into Non Agricultural Activities, (ii) Encouragement of Tourism Activities, (iii) Basic Services for the Economy and Rural Population, (iv) Village Renewal and Development and (v) Conservation and Upgrading of the Rural Heritage.

Over the lifetime of the RDP, each Group has been assigned a total allocation as well as an allocation under each individual measure. Allocations under the Business Creation and Development Measure are detailed in the table below. Under the Programme, a maximum of 20% of the overall Programme allocation can be assigned to administration costs.

In line with the bottom-up nature of the LEADER approach, the Local Action Group is the principal decision-maker in the allocation of project funding. My Department does not have any role to play in the decision-making process at group level. All Groups are currently accepting applications for funding under the various measures in the RDP, in accordance with their individual Local Development Strategies.

I can assure the Deputy that my Department is working closely with the Local Action Groups so that they maximise the impact of all funding received through the RDP in their own areas. This is being done in the context of the local strategies of the individual groups and in line with the overall objectives of the Programme. Each local Action group has received authorisation to approve projects for 2009, 2010 and 2011 to a total value as per table.

Local Action Group	Overall Programme Allocation	Business Creation and Development Measure	Overall Authorisation to approve projects to date
	€	€	€
Avondhu/Blackwater Partnership	9,057,810	1,323,000.00	844,195
Ballyhoura Development Ltd	11,673,519	1,470,000.00	1,024,659
Carlow Co Development Partnership Ltd	8,878,177	680,000.00	82,6987
Cavan and Monaghan LEADER	12,035,118	1,405,000.00	112,1681
Comhar na nOileán Teo	4,642,415	262,000.00	1,307,469
Clare Local Development Co. Ltd	14,028,529	1,990,000.00	349,635

Local Action Group	Overall Programme Allocation	Business Creation and Development Measure	Overall Authorisation to approve projects to date
	€	€	€
Donegal Local Development Co. Ltd.	12,831,901	1,195,000.00	1,178,940
FORUM Connemara	9,668,965	1,250,000.00	723,869
Fingal LEADER Partnership	7,766,780	920,000.00	901,155
Galway Rural Development Co. Ltd.	15,257,985	1,165,000.00	1,422,056
Inishowen Development Partnership	8,286,143	895,000.00	772,275
IRD Duhallow	10,315,943	1,260,000.00	961,453
Cill Dara ar Aghaidh Teo	12,282,448	955,000.00	1,144,733
Co Kilkenny LEADER Partnership Ltd	11,523,729	1,680,000.00	997,674
Laois Community and Enterprise Development Co. Ltd	10,993,608	1,630,000.00	1,024,613
Leitrim Integrated Development Co	10,845,497	1,220,000.00	1,010,808
Longford Community Resource Ltd	8,714,110	895,000.00	812,162
Louth LEADER Partnership	8,839,815	1,285,000.00	823,878
Mayo North East LEADER Partnership Co. Teo	10,751,894	1,265,000.00	1,002,085
Meath Partnership	12,748,771	1,486,000.00	1,188,195
Meitheal Forbartha na Gaeltachta Teo	17,278,809	1,680,000.00	1,610,398
North & East Kerry LEADER Partnership Teo	10,558,882	970,000.00	984,096
North Tipperary LEADER Partnership Co	9,708,008	960,000.00	904,794
Offaly Integrated Local Development Co	11,520,489	1,230,000.00	1,073,718
Roscommon Integrated Development Co	12,838,021	1,754,000.00	1,085,531
Co. Sligo LEADER Partnership Co	10,888,673	1,160,000.00	1,014,833
South East Cork Area Development Ltd	10,641,494	720,000.00	991,795
South Tipperary Local Development Co.Ltd	11,106,187	1,185,000.00	1,152,956
South Kerry Development Partnership Ltd	12,370,667	1,800,000.00	1,035,105
South West Mayo Development Co. Ltd	12,150,007	1,815,000.00	1,132,390
Waterford LEADER Partnership Ltd	10,558,519	1,310,000.00	984,062
West Cork Development Partnership	14,601,149	1,700,000.00	1,341,491
West Limerick Resources	9,997,751	1,410,000.00	931,798
Westmeath Community Development	10,987,060	925,000.00	1,024,002
Wexford Local Development	12,515,565	1,340,000.00	1,166,459
Co. Wicklow Partnership	11,135,560	1,190,000.00	1,007,509
Total	399,999,998.00	45,380,000.00	36,879,457

State Agencies.

355. **Deputy Michael Creed** asked the Minister for Community, Rural and Gaeltacht Affairs the status of the proposed amalgamation of MFG and Údarás na Gaeltachta; and if he will make a statement on the matter. [28300/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I refer the Deputy to my reply to Questions Nos 299 to 302, inclusive, which were taken together on 12 May 2009. The current status of the proposed transfer of functions from MFG Teo to Údarás na Gaeltachta is that preparations for the transfer of the Rural Social Scheme to Údarás with effect from 26 July 2009 are currently well advanced, while proposals regarding both the Local Development and Social Inclusion Programme and the Rural Development Programme are

[Deputy Éamon Ó Cuív.]

currently under consideration in consultation with both organisations and the Office of the Attorney General.

Departmental Expenditure.

356. **Deputy Denis Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28415/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Public advertising costs funded by my Department and the details provided by the agencies under the aegis of my Department so far in 2009, is in the Table.

2009	Cost of public advertising	How much of the cost was statutory advertising	How much of the cost was non-statutory advertising
	€	€	€
Dept. of Community, Rural & Gaeltacht Affairs	19,732	230	19,502
Oifig an Choimisinéir Teanga*	14,167	**14,167	0
Waterways Ireland	0	0	0
Commissioners for Charitable Donations & Bequests	0	0	0
Údarás na Gaeltachta	7,699	47	7,652
Western Development Commission	9,568	0	9,568
<i>An Foras Teanga, comprising:</i>			
Foras na Gaeilge	37,694	4,336	33,358
Ulster-Scots Agency	***3,353	0	3,353

*Independent statutory office.

**This cost relates to a public advertising campaign in pursuance of a statutory obligation to provide advice to the public regarding their rights under the Official Languages Act 2003.

***The exchange rate used was Sterling £0.78 = €1.00.

National Drugs Strategy.

357. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs if he will explain the management structure overseeing the National Drugs Strategy and the way in which the National Drug Strategy team has been replaced; the number of members of staff currently working on the National Drugs Strategy within his Department; and if he will make a statement on the matter. [28453/09]

358. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs his plans for the local and regional drugs task forces into the future; if he envisages them having a long term role with the National Drug Strategy; and if he will make a statement on the matter. [28454/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I propose to take Questions Nos. 357 and 358 together.

The Government approved the establishment of an Office of the Minister for Drugs (OMD) on 16 June. The main staffing cohort for the new Office will be drawn from my Department. A total of 14 people are currently working in this area, which equates just under 12 whole

time equivalents. Direct involvement of the broader statutory sector will continue through the assignment of personnel on a half-time basis, with the possible additional direct engagement by some further agencies. Representation from the community and voluntary sectors will continue in the OMD with funding being provided by my Department to support their engagement. I look forward to the Local and Regional Drugs Task Forces continuing to play an important role in the National Drugs Strategy 2009-2016, supported by the OMD.

359. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs the funding available under his Department for drug related initiatives and projects for the remainder of 2009; when and the way this money will be allocated to the drugs task forces; and if he will make a statement on the matter. [28455/09]

361. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for the lack of communication with local drugs task forces since the ending of the national drugs strategy team in relation to security of their funding, the transfer of promised funds, and the fact that the insecurity regarding funding is threatening the future of several key drugs projects around the city; and if he will make a statement on the matter. [28614/09]

362. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that many drugs task force funded drugs projects have no wages to pay staff for July and August 2009 as a result of a delay or confusion regarding funding due to the demise of the national drugs strategy team and the dispersal of their staff. [28615/09]

363. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that the lacuna in deciding funding for drugs projects and drugs task forces is causing problems for planning service delivery in 2010; when a decision will be made regarding future funding of these services; if his attention has further been drawn to the fact that any cut in budget at this stage or into 2010 will result in an inability to deliver the same level of services. [28616/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I propose to take Questions Nos. 359, 361, 362 and 363 together.

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) and to seven of the Regional Drugs Task Forces (RDTFs). Approval was conditional on the requisite information being furnished by them and outstanding material is still awaited from 3 RDTFs. My officials are working closely with the Task Forces concerned and I would expect their allocations to be finalised in the coming days.

In 2009, €32.5m in current funding is being provided to the 24 Task Forces — €22.3m to the Locals and €10.2m to the Regionals. I want to assure the Deputies that my officials have been working closely with the Task Forces in recent weeks on finalising their funding allocations.

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.

[Deputy John Curran.]

In relation to funding for 2010, the Deputies will appreciate that this is a matter for the annual Estimates process.

Departmental Expenditure.

360. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28463/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The amount spent by my Department on legal fees directly to lawyers in the period in question was:

2006 — NIL;

2007 — €25,894;

2008 — €6,050.

While my Department does not reimburse the Chief State Solicitor's Office (CSSO) in respect of legal fees for actions in relation to my Department, my officials are in contact with that office to establish such costs and this material will be forwarded to the Deputy when it has been compiled.

Questions Nos. 361 to 363, inclusive, answered with Question No. 359.

Water and Sewerage Schemes.

364. **Deputy Finian McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs when funding will become available for a group water scheme (details supplied) in County Mayo. [28683/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Under the CLÁR Programme, my Department has already made substantial commitments under the water and sewerage schemes, and against the background of the current economic climate, these schemes were suspended to new applications in August 2008.

I am reviewing the Programme as a whole, having regard to demand, the funding available and the level of outstanding commitments. In this context, I am liaising with the local authorities regarding possible further group water schemes and I will give consideration to this when the relevant information is provided to me and in the context of the available resources.

In the case raised by the Deputy, I am awaiting information from the relevant local authority.

Question No. 365 withdrawn.

Social Welfare Benefits.

366. **Deputy James Bannon** asked the Minister for Social and Family Affairs the savings she has made from the reduction in rent supplement to the most needy people in society; and if she will make a statement on the matter. [28131/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There are currently almost 90,000 people in receipt of rent supplement, an increase of 51% since the end of December

2007. Rent supplements are subject to a limit on the amount of rent that a recipient may incur. Setting or retaining maximum rent limits at higher levels than are justified by the open market can have a distorting effect on the rental market, leading to a more general rise in rent levels and in landlord income. This in turn may worsen the affordability of rental accommodation unnecessarily, with a particularly negative impact for those tenants on lower incomes. Prior to the Supplementary Budget, the Department of Social and Family Affairs analysed data from the Private Residential Tenancies Board, the CSO and a leading property rental website, all of which showed significant drops in rental prices over the past year.

In order to ensure that taxpayers money is not being used to pay inflated rents to private landlords, the Budget provided for decreases in both the maximum rent payable in respect of new tenancies and in rent supplement payments to existing tenants. As of 1 June 2009, the maximum rent supplement limits payable by the State in respect of new tenancies and renewals of existing ones were reduced by 6% to 7% on average, ranging up to 10%, depending on the geographical area and household size. Rent supplements for all existing tenancies were similarly reduced with effect from 1 June 2009. It is expected that landlords will reduce rents in recognition of the fact that rents have fallen generally and that there are now a large number of vacant rental properties nationally. If a landlord refuses to reduce a tenant's rent, they should be able to find alternative accommodation within the rent limits. Community Welfare Officers have discretion to provide assistance where exceptional circumstances exist in any individual case. Officers have also been advised that support, appropriate to the circumstances of the particular case, may be provided to rent supplement tenants for up to two months, where alternative accommodation is being sourced within the existing rent limits. The minimum contribution that individuals and families make towards their rent or mortgage interest payments was also increased in the Supplementary Budget by €6 to €24 per week, with effect from 1 June 2009. This increased contribution aligns the Rent Supplement scheme more closely with the rents that local authority tenants have to pay, which in Dublin city is a minimum of €25.80 a week and averages around €58.95 a week.

It is estimated that a saving of €48m will be achieved in 2009 as a result of these measures. It should be noted that even with these changes, the overall provision in the Supplementary Budget for the rent supplement scheme is €490.4 million — which is €50.7 million more than the 2008 outturn on this scheme.

Pension Provisions.

367. **Deputy James Bannon** asked the Minister for Social and Family Affairs the action she is taking on behalf of a person (details supplied) in County Westmeath to ensure that the pension benefits of workers who took out a pension with pension fund providers are secure; and if she will make a statement on the matter. [28135/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Construction Federation Operatives Pensions Scheme (now known as the Construction Workers Pension Scheme) operates as a Registered Employment Agreement under the Industrial Relations Acts. Compliance with the terms of the scheme is enforced through the Construction Industry Monitoring Agency, The Labour Court and the Department of Enterprise, Trade and Employment. My Department has no direct role in relation to the operation of the scheme.

The Pensions Board has a role in relation to the scheme in so far as compliance with the various aspects of the Pensions Act is concerned. The Board will investigate matters brought to its attention which are relevant to the requirement of the Act. Alternatively, it is open to a

[Deputy Mary Hanafin.]

person to make a complaint to the Pensions Ombudsman who can investigate complaints of financial loss due to maladministration and disputes of fact or law in relation to occupational pension schemes and Personal Retirement Savings Accounts.

Social Welfare Benefits.

368. **Deputy James Bannon** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Longford has been waiting over five months for their jobseeker's allowance; when they will receive same; and if she will make a statement on the matter. [28136/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A claim for Jobseeker's Benefit from the person concerned was received in the Department on 29th of January 2009. There is a discrepancy in his contribution record for 2007 and enquiries are being made with his former employer. A decision on his entitlement to jobseeker's benefit will be made as soon as these enquiries are completed and the current PRSI contributions applicable is determined.

In the meantime, it is open to the person concerned to apply for job seekers allowance. The person concerned is in receipt of Supplementary Welfare Allowance from their local Health Service Executive Community Welfare Officer since 12 March 2009 at a weekly rate of €237.90.

369. **Deputy Brendan Kenneally** asked the Minister for Social and Family Affairs the number of former professional apprentices who are claiming jobseeker's allowance or jobseeker's benefit, the amount that has been paid out to these people every month for the past year; and the amount that is expected to be paid out to such people by the end of 2009. [28151/09]

370. **Deputy Brendan Kenneally** asked the Minister for Social and Family Affairs the number of former professional apprentices who are claiming jobseeker's allowance or jobseeker's benefit on a county basis. [28152/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 369 and 370 together.

Applicants for a jobseeker's payment are assigned a code based on their previous occupation. This code identifies a person's trade or profession, for example painter, printer or teacher. However, the Department does not have a specific code for apprentices and as a result the information requested by the Deputy is not available.

Departmental Staff.

371. **Deputy Brendan Kenneally** asked the Minister for Social and Family Affairs the number of people currently employed in social welfare offices throughout County Waterford; the breakdown of these numbers by office; the number employed per year over the past five years; and if there are plans to increase the number of staff employed in Waterford. [28153/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There are currently 93 people employed on a permanent basis in Social Welfare Offices in County Waterford. As a number of these avail of family-friendly work arrangements and are consequently employed on a less than full-time basis, the total employment in these offices equates to some 85 full time equivalent posts.

The following table gives a breakdown by office of permanent staff.

TABLE A

	Posts	People
<i>Waterford</i>		
Social Welfare Local Office	62.68	69
Regional/Investigative	21.70	23
<i>Dungarvan</i>		
Regional/Investigative	1.00	1
Total	85.38	93

In addition, there are currently 4 Temporary Clerical Officers employed in the Social Welfare Local Office in Waterford City, pending the assignment of permanent staff. 9 extra staff members have been assigned to Waterford Local Office since June 2008 to deal with the significant increase in the Live Register.

Table B details the number of permanent staff in the Social Welfare Local Office and Regional/Investigative offices in the past 5 years.

TABLE B

	Waterford		Dungarvan	Total
	SW Local Office	Regional/ Investigative	Region/ Investigative	
01-Jan-04				
Posts	47.8	20.0	1	68.8
People	55.0	23.0	1	79.0
01-Jan-05				
Posts	49.0	21.0	1	71.0
People	57.0	24.0	1	82.0
01-Jan-06				
Posts	51.0	21.0	1	73.0
People	59.0	24.0	1	84.0
01-Jan-07				
Posts	51.7	22.5	1	75.2
People	59.0	25.0	1	85.0
01-Jan-08				
Posts	52.0	23.5	1	76.5
People	60.0	26.0	1	87.0
01-Jul-09				
Posts	62.7	21.7	1	85.4
People	69.0	23.0	1	93.0

Social Welfare Benefits.

372. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if an anomaly exists in relation to a reply given to a person (details supplied) in County Mayo. [28356/09]

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.

Rent supplement scheme is intended 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.

In determining entitlement to rent supplement, a community welfare officer must have regard to the statutory qualifying conditions of the scheme and the circumstances of each individual case.

There are a number of qualifying conditions that must be satisfied to qualify for payment of rent supplement. Under Article 9(2)(b) of the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (SI 412 of 2007), it is a condition of a person's entitlement to rent supplement that they could reasonably have afforded the rent at the commencement of the tenancy, had at that time an expectation that s/he could have afforded the rent into the future and had experienced a substantial change in his or her circumstances leading to an inability to afford the rent. Failing that, a person may qualify for rent supplement on a number of other grounds including having been assessed by a housing authority as being homeless or having a housing need, be in receipt of a disability type payment or in any other circumstance which, in the opinion of a community welfare officer, warrant a rent supplement being paid.

The Executive has advised that rent supplement was refused on the basis that the person concerned was not in a position to afford the rent at the commencement of the tenancy in question. An appeal by the person concerned against this decision to an Appeals Officer of the Executive and to the Chief Appeals Officer of the Department of Social and Family Affairs was unsuccessful.

If the circumstances of the person concerned have changed, it is open to him to make a new application for rent supplement.

Departmental Expenditure.

373. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the cost of public advertising funded by her Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of her Department; and if she will make a statement on the matter. [28424/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The total amount spent on public advertising to date in 2009 is €137,473. €660 on statutory and €136,813 on non-statutory.

The breakdown between statutory and non-statutory advertising across the Department and the agencies under its aegis is outlined in the table.

Name of Agency/ Board	Cost of Statutory Advertising in 2009	Cost of Non-Statutory Advertising in 2009	Total cost of Advertising in 2009
	€	€	€
The Department of Social and Family Affairs	660	129,000	129,660
Pensions Board	Nil	Nil	Nil
Combat Poverty Agency	Nil	Nil	Nil
Citizens Information Board (CIB)	Nil	774	774
Family Support Agency	Nil	2,810	2,810
Office of the Pensions Ombudsman	Nil	4,229	4,229
Total	660	136,813	137,473

374. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the amount spent by her Department on legal fees directly to lawyers or through the State Solicitor's office for each of the years 2006, 2007 and 2008; and if she will make a statement on the matter. [28472/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Cases of social welfare fraud can be taken to court 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.

In 2006, payments totalling €44,138 in respect of legal expenses and damages were made to 3 people in respect of personal injuries sustained on Departmental property. Compensation and associated legal and miscellaneous costs totalling €37,554 were paid in 5 cases of personal injury claims by employees.

In 2007, payments totalling €20,122 in respect of legal expenses and damages were made to 3 people in respect of personal injuries sustained on Departmental property. Compensation and associated legal and miscellaneous costs totalling €89,956 were paid in 8 cases of personal injury claims by employees. In addition, ex-gratia payments and legal costs totalling €96,536 were made in respect of a number of schemes. The 2008 Accounts for the Department are being finalised at present.

Social Welfare Benefits.

375. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if her attention has been drawn to the long queues, including queues onto the street for a number of hours, at a social welfare office (details supplied) in County Offaly; when and the way she will address same; and if she will make a statement on the matter. [28704/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Live Register at the office concerned has increased by 76% over the last twelve months as a result of the economic downturn. Accordingly there are now larger volumes of people, both making claims for the first time and also signing on the Live Register.

Applicants for Jobseeker's Benefit and Jobseeker's Allowance at the office concerned sign on the Live Register once a month. Signing of Jobseeker's Benefit applicants is currently carried out on two days each month, Wednesday and Thursday of the same week. Signing of Jobseeker's Allowance applicants is currently only carried out on one day each month.

Queues at the office concerned are normally early in the morning before the office opens and on the day Jobseeker's Allowance applicants sign on the Live Register. From the end of July, signing arrangements for Jobseeker's Allowance applicants at the office concerned will be extended to two days, Tuesday and Wednesday of the same week. The position will be kept under review and all options will be explored to minimize delays.

376. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the length of time it takes to assess applications for jobseeker's allowance and benefit at a social welfare office (details supplied) in County Offaly; when and the way she will bring this back to an acceptable level; and if she will make a statement on the matter. [28706/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Live Register at the office concerned has increased by 76% over the last twelve months as a result of the economic

[Deputy Mary Hanafin.]

downturn and staff are working flat out to deal with this increased claim load and to minimize the time taken to decide claims.

The average processing times at the office concerned for the month of June were 2.87 weeks for Jobseeker's Benefit claims and 6.05 weeks for Jobseeker's Allowance claims. The national averages for the same period were 3.34 weeks and 5.92 weeks, respectively. The Department has set a target to process 90% of Jobseeker's Benefit claims in 3 weeks and 90% of Jobseeker's Allowance claims in 6 weeks. During June the processing times for the office concerned were 65.86% and 64.63%, respectively.

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

Furthermore, processing times can vary depending on other factors such as staff vacancies, the duration of such vacancies and the turnover of staff which would impact on the overall level of experience in the office.

To cope with the increased workload an additional inspector was appointed for County Offaly in March and an additional two full-time staff and two temporary staff have been appointed to the office concerned during March and April. Accordingly, the time taken to process claims will improve as these staff, become more experienced.

It is recognised that the provision of additional staff in itself will not deal with the rising claim load. Accordingly all aspects of the work associated with the processing of claims is being examined and streamlined where possible, without compromising scheme controls.

377. Deputy Olwyn Enright asked the Minister for Social and Family Affairs the length of time it takes to assess applications for jobseeker's allowance and benefit at a social welfare office (details supplied) in County Laois; when and the way she will bring this back to an acceptable level; and if she will make a statement on the matter. [28709/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Live Register at the office concerned has increased by 92% over the last twelve months as a result of the economic downturn and staff are working flat out to deal with this increased claim load and to minimize the time taken to decide claims.

The average processing times at the office concerned for the month of June were 2.73 weeks for Jobseeker's Benefit claims and 9.75 weeks for Jobseeker's Allowance claims. The national averages for the same period were 3.34 weeks and 5.92 weeks, respectively. The Department has set a target to process 90% of Jobseeker's Benefit claims in 3 weeks and 90% of Jobseeker's Allowance claims in 6 weeks. During June the processing times for the office concerned were 75.88% and 44.67%, respectively.

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

Furthermore, processing times can vary depending on other factors such as staff vacancies, the duration of such vacancies and the turnover of staff which would impact on the overall level of experience in the office.

To cope with the increased workload an additional two full-time staff and two temporary staff were appointed to the parent local office of the office concerned during March and April.

In addition to this the Department is currently in the process of recruiting an additional inspector for County Laois. Accordingly, the time taken to process claims will improve as these additional staff, become more experienced.

It is recognised that the provision of additional staff in itself will not deal with the rising claim load. Accordingly all aspects of the work associated with the processing of claims is being examined and streamlined where possible, without compromising scheme controls.

378. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the length of time it takes to assess applications for jobseeker's allowance and benefit at a social welfare office (details supplied) in County Offaly; when and the way she will bring this back to an acceptable level; and if she will make a statement on the matter. [28710/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The average claim processing times for the office in question, in the month of June, were 2.63 weeks for jobseeker's benefit and 5.05 weeks for jobseeker's allowance. The corresponding figures nationally were 3.34 weeks for jobseeker's benefit and 5.92 weeks for jobseeker's allowance.

The processing target for jobseeker's benefit is 90% in three weeks, while for jobseeker's allowance the target is 90% in six weeks. In June, 85.37% of jobseeker's benefit claims and 66.67% of jobseeker's allowance claims in the office were decided within the specified times.

Every effort is being made to bring processing times back in line with targets. Following staffing reviews in 2008 and again in recent months, some 300 extra staff have been assigned to Local Offices, new Central Support Units and the Departments Inspectorate since May 2008. This includes 90 temporary staff who have been appointed to Local Offices around the country pending the assignment of permanent staff. Arrangements are also in train to assign a further 24 inspectors.

Anyone who is under financial pressure while awaiting a decision on their claim for a jobseeker's payment can apply for Supplementary Welfare Allowance which is subject to a means test and other qualifying conditions.

379. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the length of time it takes to assess applications for jobseeker's allowance and benefit at a social welfare office (details supplied) in County Offaly; when and the way she will bring this back to an acceptable level; and if she will make a statement on the matter. [28711/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The processing times for jobseeker's allowance applications for June 2009 in respect of the social welfare office in Edenderry are 13.10 weeks. The processing times for jobseeker's benefit applications for June 2009 at the office are 4.73 weeks.

The social welfare office in Edenderry is a branch office and decisions on applications made in that office as with the branch office in Castlepollard are made in their parent Social Welfare Local Office in Mullingar which is currently dealing with the significant increase in the number of persons registering as unemployed in all three offices as set out in the table.

LO/BO	4.7.2008	3.7.2009	% +
Mullingar	2,822	4,906	74
Edenderry	1,036	2,233	116
Castlepollard	672	1,278	90
Total	4,530	8,417	93

[Deputy Mary Hanafin.]

The Department has put a range of measures in place to speed up claim processing which include: Three new staff were assigned to the Mullingar Area in the beginning of the year and a further 4 temporary clerical officers have been assigned in recent weeks. A further two staff have been approved and are in the process of being resourced. A Regional Local Office Support Unit has recently been established for the purpose of alleviating backlogs in social welfare offices including the Mullingar Local Office. All measures to improve processing times are being reviewed on a continuous basis.

Departmental Staff.

380. **Deputy Ulick Burke** asked the Minister for Social and Family Affairs if she will provide additional staff to eliminate the long delays in applications being assessed for social assistance in Loughrea and Tuam, County Galway; and the action she will take to provide reasonable processing times for such assessments. [28771/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Government is determined to ensure that people who have lost their jobs, or been put on shorter working weeks, can get access to their entitlements as quickly as possible. To that end, productivity in local offices has increased, claim processing procedures have been improved and extra staff have been put in place.

Following staffing reviews in 2008 and again in recent months, some 300 extra staff have been assigned to Local Offices, new Central Support Units and the Departments Inspectorate since May 2008. This includes 90 temporary staff who have been appointed to Local Offices around the country pending the assignment of permanent staff. Arrangements are also in train to assign a further 24 inspectors.

An additional staff member is due to report to the Loughrea office in the coming weeks and work is continuing on the assignment of a further member of staff. The office in Tuam is a branch office which operates under a contract for service to the Department and reports to the Loughrea Local Office. Additional staff allocated to the Loughrea office will also have a positive impact on decisions on claims in the Tuam area.

It is not possible to predict when claim processing time targets will be met while the Live Register continues to increase to record numbers. However, every effort is being made to ensure that people get access to financial and other supports as quickly as possible and to bring processing times back in line with targets.

Anyone who is under financial pressure while awaiting a decision on their claim for a job-seeker's payment can apply for Supplementary Welfare Allowance which is subject to a means test and other qualifying conditions.

Departmental Expenditure.

381. **Deputy Denis Naughten** asked the Minister for Defence the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28416/09]

Minister for Defence (Deputy Willie O'Dea): Expenditure on advertising by my Department in 2009 amounted to €49,343 all of which was non-statutory. Of this total, €30,923 was expended in relation to property transactions and warning notices to the public in respect of military training exercises; €11,127 was in respect of publication of a notice in the national newspapers

regarding the fees payable to professional service providers; €4,353 was in respect of publication of a notice in the national newspapers concerning the Commemoration to mark the 93rd Anniversary of the 1916 Rising on Easter Sunday (April 2009). A further €2,940 related to an advertisement advising prospective candidates in the European and Local Elections and Dáil Bye-Elections who wished to contact military personnel serving overseas.

A total of €4,124 was spent on advertising by the Defence Forces in 2009 all of which was non-statutory. The expenditure was in respect of recruitment advertising.

382. **Deputy Leo Varadkar** asked the Minister for Defence the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28464/09]

Minister for Defence (Deputy Willie O'Dea): The main requirement for legal services in my Department is in the context of administrative law litigation, usually in the form of judicial review and personal injury proceedings.

The Chief State Solicitor's Office is responsible for the costs of the State's legal teams in cases that it manages on behalf of my Department. Details of these costs are not available within the Department. Apart from the cost of the State's legal teams, my Department can be required to pay plaintiffs' legal costs as part of awards/settlements. The information in relation to these costs is as follows:

Year	Costs
	€
2006	1,128,943
2007	1,055,078
2008	1,440,898

Other than the cost of legal services arising from litigation, my Department may from time to time have certain projects that are more suitable to assignment to a dedicated legal team on a once-off basis. Information in relation to these costs is as follows:

Year	External legal costs
	€
2006	4,271
2007	34,891
2008	85,353

383. **Deputy Enda Kenny** asked the Minister for Defence the costs associated with the running, servicing and administration of Baldonnell Airport, Dublin, for each of the past three years; and if he will make a statement on the matter. [28739/09]

Minister for Defence (Deputy Willie O'Dea): The total cost of running, servicing and administration of Baldonnell Airport was in the region of €1.028 million for the year 2006, €1.113 million for 2007 and €1.35 million in 2008 amounting to € 3.491 million over the three year period. These costs include electricity, gas, water, waste, cleaning and other general administration costs.

384. **Deputy Ulick Burke** asked the Minister for Defence the cost to his Department of providing escort security for cash transportation inter banks moves and for each of the commercial banks for each of the years 2006, 2007, 2008 and to date in 2009; and the amount paid by each bank in return for such service provided. [28768/09]

Minister for Defence (Deputy Willie O'Dea): Following a detailed formal agreement with the Irish Bankers Federation, which was signed on 11 May 2005, the banks pay the total actual costs incurred by the Defence Forces in the provision of cash escorts, therefore there is no itemised breakdown per individual bank. Costs in respect of each 12 month period to end-December, are paid the following year on or before the 1st June. This is to allow for the compilation of returns from the brigades and allocation of costs following the year-end.

The total cost in respect of the provision by the Defence Forces of assistance to the Garda Síochána in protecting movements of cash for the years 2006 to 2009 is as follows:

Year	2006	2007	2008	2009
Total Number of Escorts	2,259	2,291	2,210	Breakdown due May 2010
Payment received from Irish Bankers Federation	€6.47m	€7.34m	€7.45m	Payment due June 2010

Building Energy Ratings.

385. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the number of BER inspections undertaken within the social housing sector; if he will confirm that the inspections were undertaken by qualified inspectors; if he will confirm that the relevant certificate was produced to persons expressing an interest in availing of social housing; and if he will make a statement on the matter. [28116/09]

393. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the reason Sustainable Energy Ireland requires a fee of €1,000 plus VAT to register as a building energy rating assessor; the further reason that these fees apply to unemployed persons who wish to train and work in this area; and if he will make a statement on the matter. [28264/09]

394. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government if Sustainable Energy Ireland will reduce or eliminate the fees required for unemployed persons to register or sit exams to qualify as a building energy rating assessor; and if he will make a statement on the matter. [28265/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 385, 393 and 394 together.

The register of Building Energy Rating (BER) certificates maintained by Sustainable Energy Ireland (SEI) does not separately identify those certificates which relate to social housing units. The production of BER certificates and advisory reports to persons expressing an interest in availing of social housing is a matter for each individual local authority who are aware of their legal obligations in this regard.

Only persons who are fully trained and qualified and who have registered with SEI as BER assessors for dwellings may undertake BER assessments. In order to qualify as a BER Assessor, a person must have a qualification equivalent to National Certificate Level 6 in construction studies and undergo a short duration BER training course with an SEI-approved training pro-

vider. A person who is certified as having completed the necessary training may then apply to undergo SEI's National BER Assessors examination following which, provided they are successful at examination, they may seek to register with SEI as a BER assessor for dwellings.

I am advised by SEI that some of the training providers listed on SEI's website may have entered into funding arrangements with FÁS, the State training and employment agency. The fee for undertaking SEI's national examination is €100 and the initial registration fee is €1,000 for the first year and €100 per annum thereafter. In the case of companies, the registration fee is reduced to €500 in respect of the registration of a second and subsequent BER Assessor. All registration fees are used solely for the purposes of the development, maintenance and operation of the BER scheme, which is expected to be self-financing, and for this reason the fees are considered necessary and appropriate.

Capital Projects.

386. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if he will permit local authorities to enter into contractual arrangements with the private sector for the construction and lease back of capital projects including housing, fire stations and other facilities; and if he will make a statement on the matter. [28129/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): It is open to local authorities to enter into leasing arrangements for capital projects subject to compliance with capital appraisal guidelines issued by the Department of Finance for all publicly funded contracts and in conformity with public procurement procedures.

Earlier this year my Department issued a circular letter to local authorities setting out new arrangements for the use of leased properties for social housing purposes to assist authorities in meeting their social housing requirements. In order to promote the use of leases, a funding provision of €20 million is available for this measure in 2009. Properties that are constructed specifically for leasing to a local authority for social housing purposes may also be considered under these new arrangements, subject to proposals complying with all elements of capital appraisal and procurement requirements, including value for money criteria.

Housing Grants.

387. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the allocations made in terms of housing adaptation funding to disabled persons for the period 2007-08 in Counties Longford and Westmeath; the way it compares to that for 2006-07; and if he will make a statement on the matter. [28132/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Details of Exchequer funding provided to Longford and Westmeath County Councils for the schemes concerned for each of the years 2006, 2007 and 2008 are set out in the following table. Data for 2006 relate to the old Disabled Persons and Essential Repairs Grant schemes. Data for 2007 and 2008 also include the new Housing Adaptation Grants for Older People and People with a Disability, as well as the Mobility Aids Grant Scheme.

Local Authority	2006	2007	2008
	€	€	€
Longford County Council	442,074	418,699	966,847
Westmeath County Council	1,044,279	958,321	1,361,958

Departmental Funding.

388. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the funding allocations for the protection and conservation of heritage here in 2007-08; the way it compares to the allocations for 2006-07; and if he will make a statement on the matter. [28133/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Total spending by my Department on the protection and conservation of the built and natural heritage in each of the years 2006-2008 is set out in the following table.

Year	Amount
	€m
2006	61.189
2007	76.594
2008	92.280

Departmental Schemes.

389. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the number of families in County Longford who have been compensated for heritage designated bogs in the county since the compensation scheme was introduced by him; and if he will make a statement on the matter. [28134/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): To date, my Department has executed ten contracts of sale in respect of applications for the Bog Purchase Scheme from vendors in County Longford. According to my Department's records, sales have closed in three of these cases and compensation has been paid in full. In the majority of the other cases, deposits have been paid to the vendor and the balance is being held by the Chief State Solicitor's Office, while arrangements are being made to close the sales.

Planning Issues.

390. **Deputy Brendan Kenneally** asked the Minister for the Environment, Heritage and Local Government his plans to bring local democracy back into the decision making process for individual planning applications; and if he will make a statement on the matter. [28169/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Planning and Development Act 2000, the procedure under which a person may apply for planning permission, and a planning authority, or An Bord Pleanála on appeal, may determine such an application, is open and transparent. Any person may make a written submission or observations regarding an application for permission for proposed development and, having done so, may appeal a decision of a planning authority to the Board.

Register of Electors.

391. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will furnish a response to correspondence (details supplied); and if he will make a statement on the matter. [28245/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In accordance with electoral law, the preparation of the register of electors is a matter for each

local registration authority and it is the duty of each authority to ensure, in so far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the register.

Under section 63 of the Electoral Act 1997, students attending an educational institute in the State on a full time basis who are registered to vote and live away from the family residence for study purposes and cannot attend at their designated polling station on polling day are eligible to apply for entry onto the postal voters list. It is a matter for the relevant registration authority to satisfy itself that application forms are properly completed and duly certified by the educational institute and that the circumstances of the case are in accordance with the law. Rule 5(3)(a) of the Second Schedule to the Electoral Act 1992 provides that the registration authority may for the purposes of their duties in relation to the preparation of a register require a person to give any information in their possession which the registration authority may require.

Section 6 of the Electoral (Amendment) Act 2001 provides that a person who is on the register of electors and moves residence from one Dáil constituency to another can apply for entry to the supplement at their new address provided they have notified the registration authority to delete their name from the register in respect of their previous address. It is open, therefore, to a student to complete a change of address form (Form RFA 3) so that they may vote in the constituency in which they are ordinarily resident for the period of their studies.

Departmental Correspondence.

392. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will furnish a response to correspondence (details supplied); and if he will make a statement on the matter. [28246/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): A Certificate of Reasonable Cost issued in this case on 29 April 2009.

Questions Nos. 393 and 394 answered with Question No. 385.

Local Authority Funding.

395. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government the applications for funding that have been received from local authorities in County Louth; the dates when applications were received; the status of the applications; the number of house units applied for; and if he will make a statement on the matter. [28266/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): During March 2009, my Department held Housing Action Plan meetings with all housing authorities to discuss the direction and content of authorities' proposed housing investment programmes and particularly to consider the prioritisation of projects under the Social Housing Investment Programme. On foot of these discussions, and in the context of the funding available under the Revised Estimates for the Public Service 2009, each housing authority was provided with an allocation under the Social Housing Investment Programme by which to deliver on its agreed programme for the year.

In addition to funding for voluntary and co-operative housing projects, traveller specific accommodation, and improvement works programmes, the Louth housing authorities were notified of the following allocations for their main construction and acquisition programme in 2009.

[Deputy Michael Finneran.]

Louth County Council: €12 million;

Drogheda Town Council: € 6 million;

Dundalk Town Council: € 9 million.

However, the prioritisation of projects under that programme is a matter for the authority in question.

While a significant number of projects being funded under the 2009 programme are already underway, my Department is at present liaising closely with the local authorities on further priority projects to be approved in the current year. Approval continues to be subject to the projects meeting sustainable communities objectives and my Department and the authorities must also have regard to the capital funding commitments which may arise in future years.

Water and Sewerage Schemes.

396. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local Government the position regarding the sewerage scheme for each of the towns (details supplied); if funding will be provided for all or any of these schemes; and if he will make a statement on the matter. [28269/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Castleblaney/Ballybay/Clones Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007 — 2009 at an estimated cost of €12 million. My Department currently awaits the submission of Monaghan County Council's preliminary report for the scheme.

397. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local Government the amount paid by local authorities prior to design and operate schemes being introduced for waste water treatment plants here; the costs being paid by local authorities in 2009 to private contractors under the DBO schemes; and if he will publish the public sector cost comparator in relation to these plans in order that there can be public transparency in order that the public are aware they are achieving value for money results for the Irish tax payer; and if he will make a statement on the matter. [28273/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to Question No. 406 of 10 March 2009. Costs associated with the operation and maintenance of water services treatment plants have been increasing in recent years, reflecting both the increased capital investment in the sector over the past decade or so and the need to meet increased water quality standards. Details of income and expenditure by each Water Services Authority in respect of water services may be obtained from Local Authorities' Financial Out-turns which are published on my Department's website.

Where local authorities propose to provide water services treatment plants by way of Public Private Partnership procurement — typically by way of a Design, Build and Operate (DBO) contract — they are required to prepare a Public Sector Benchmark (PSB) Report. The PSB consists of a comprehensive, detailed risk adjusted costing of the project elements over the whole life of the project on the basis of conventional procurement and enables a comparison to be made on a like for like basis between traditional and PPP procurement. PPP tenders are then evaluated by reference to the PSB to determine whether the PPP approach will deliver better value for money compared to traditional procurement. In all PSB reports to date, the

PPP route has been shown to provide better value for money than conventional procurement, of up to 15% — 20% in the case of capital costs and 10 — 15% in the case of operating costs, depending on scale.

PSB Reports in individual cases can be obtained from the relevant procurement authorities once the tenders have been awarded.

398. **Deputy John McGuinness** asked the Minister for the Environment, Heritage and Local Government the progress made regarding approval for funding for the serviced land initiative at Castlecomer in County Kilkenny; the stage the application is at; the timeframe involved for the completion of consideration of the project and final decision; and if he will make a statement on the matter. [28294/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 207 of 16 June 2009. The position is unchanged.

399. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his plans to ensure that Galway County Council has adequate funding to implement its water services investment programme; his views on whether this programme is of importance to the people of Galway in view of recent drinking water crises; and if he will make a statement on the matter. [28325/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Funding for major water and sewerage schemes in Galway is provided under my Department's Water Services Investment Programme 2007-2009 which is available in the Oireachtas Library.

The Water Services Investment Programme is currently under review to ensure that spending is focused on priority schemes. Water Services Authorities will be asked to undertake updated assessments of needs which will be used as a key input to the review of the Programme. Priority objectives for the new Programme will include the need to deliver infrastructure required to meet National and EU standards in relation to drinking water.

400. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if local authorities have communicated to him that they are experiencing or will experience financial difficulties in respect of completing or implementing their water services investment programme; and if he will make a statement on the matter. [28326/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): 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. In addition to funding ongoing commitments and new works under the Rural Water Programme, the provision will fund ongoing progress on some 120 major water and wastewater schemes under the Water Services Investment Programme. 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.

In accordance with the Government's Water Pricing Policy, the marginal capital cost of providing water services infrastructure to the non-domestic sector is funded by that sector. Pending the receipt of funds from the non-domestic sector in respect of such works, local authorities fund the works themselves through the proceeds of development levies or access to

[Deputy John Gormley.]

borrowing. My Department continues to work closely with local authorities to ensure that within the overall financial limits applying to borrowing decisions, are taken in a way which gives the necessary prioritisation to the provision of key infrastructure.

Social and Affordable Housing.

401. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government if funding will be made available for social housing (details supplied) in County Tipperary; and if he will make a statement on the matter. [28327/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): No application for funding in respect of this project has been received from South Tipperary County Council, which is responsible for the administration of the voluntary housing capital funding schemes in the county. On receipt of an application from the local authority, the proposal will be considered in the light of available resources and competing demands.

Greenhouse Gas Emissions.

402. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government the changes in greenhouse gas emissions over the past five years; his targets for each year up to 2020 to reach the 20% reduction guidelines for the EU; and if he will make a statement on the matter. [28352/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The EPA is responsible for compiling the national inventories of greenhouse gas emissions for Ireland and for reporting these to the European Union and the United Nations Framework Convention on Climate Change (UNFCCC). These inventories are compiled on an annual basis using the good practice guidelines established by the Intergovernmental Panel on Climate Change. The results become available in preliminary form about 11 months after the end of a calendar year, and they are then finalised and submitted as required to the EU and UNFCCC over the following 5 months.

The National Inventory Report 2009, which reports on actual emissions in 2007 and previous years, is available on the Agency's website (www.epa.ie). Preliminary greenhouse gas emissions data for 2008 are expected to become available from the Agency towards the end of 2009.

In the period 2008-2012, Ireland is required to meet a challenging greenhouse gas emission reduction target under the Kyoto Protocol; this target is binding in international law. In addition, by 2020, Ireland is committed under the EU climate and energy package agreed in December 2008 to achieve a 20% reduction on 2005 levels of greenhouse gas emissions in the sectors of the economy not covered by the EU emissions trading scheme. This 20% target is binding in EU law, as will any adjustment to it in the light of the outcome to the Conference of the Parties to the UNFCCC in Copenhagen later this year.

The EPA is responsible for emission projections. Its most recent analysis, which reflected the ESRI's then assessment of the changed economic situation, was published in March 2009. The updated figures indicated a Distance to Target for the Kyoto period 2008-2012 in the range of 1.3-1.8 million tonnes per annum, a reduction of around 3 million tonnes from the projections of Autumn 2008.

In the current economic climate, an unusually high degree of uncertainty attaches to all projections. It is now clear that the economic contraction will be deeper than assumed in the

March projections. It is, accordingly, possible that Ireland will now meet its Kyoto target for the non-trading sector without using carbon credits.

It is important to emphasise that the effect of the recession on our emissions is a short-term one and it would be a serious mistake to ease off on our efforts to address the underlying trend. When economic growth resumes, so too will our emissions grow unless we have the measures in place to achieve the necessary reductions.

All relevant Government Departments are working on the development of further measures to reduce Ireland's greenhouse gas emissions. This work is overseen by the Cabinet Committee on Climate Change and Energy Security, which is chaired by the Taoiseach.

Departmental Expenditure.

403. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28419/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in respect of my Department is being compiled and will be forwarded to the Deputy as soon as possible.

404. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28467/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The legal costs incurred by the Department and by the Chief State Solicitor's Office on behalf of my Department are set out in the table. These do not include the costs of the Planning Tribunal.

Year	Amount
	€
2008	2,485,619
2007	864,289
2006	2,214,747

National Heritage Sites.

405. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason he did not submit the Hill of Tara and the entire revised Ireland's Tentative List of UNESCO sites to UNESCO as promised, for the July 2009 33rd session of the world heritage committee in Seville, Spain. [28622/09]

406. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the amount spent in hiring consultants and reviewing Ireland's list of world heritage sites in the past two years. [28623/09]

407. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his plans in relation to revising Ireland's tentative list of UNESCO sites. [28624/09]

408. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the way he or his advisors made a determination of the ability of Tara to become a UNESCO site, before the advisors had visited the site or reviewed the M3. [28625/09]

409. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that an organisation (details supplied) nominated the Hill of Tara as a world heritage site, but only on condition that the M3 was rerouted, in view of the fact that it passes through the middle of the proposed world heritage site. [28626/09]

410. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his views on whether UNESCO will accept the Hill of Tara as a UNESCO site with the M3 passing through it. [28627/09]

411. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he will define the area of the proposed Tara world heritage site. [28628/09]

412. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his views on the cost involved if UNESCO demands that Ireland move the M3 motorway, once Tara is declared a world heritage site. [28629/09]

413. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he has included a consortium (details supplied), the M3 public private partners, in the consultation process for making Tara a world heritage site; and if so, their involvement in relation to same. [28630/09]

414. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he has included Iarnród Éireann in the consultation process, in view of the fact that the preferred route for Navan-Dublin railway was announced in May 2009 and will be passing through the proposed Tara world heritage site. [28631/09]

415. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he has included Eirgrid in the consultation process, in view of the fact that the Department of Transport has proposed that the north south electrical connector be placed underground along the M3 or the N3, thereby passing through the proposed Tara world heritage site. [28632/09]

427. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if he was scheduled to present a revised tentative list to UNESCO at the Seville world heritage committee meeting; if not, when it is required to do so; and if he will make a statement on the matter. [28693/09]

428. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps taken to have Tara considered a world heritage site; and if he will make a statement on the matter. [28694/09]

430. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the position regarding the publishing of the list of potential sites for world heritage site nomination that was to have been published in spring 2009; his views on the inclusion of Tara in this list; and if he will make a statement on the matter. [28696/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 405 to 415, inclusive, and Questions Nos. 427, 428 and 430 together.

I am aware of some misleading information in the media recently concerning the process of nomination for UNESCO World Heritage status and am pleased to have the opportunity to put the facts on record.

Ireland's Tentative List of potential sites for nomination for inscription on the World Heritage List was last updated in 1992, and does not include the Hill of Tara. Last year I directed my Department to review the 1992 list, and requested that the Tara complex, amongst other sites, be considered for inclusion on a revised list. In December 2007 & April 2008 I arranged for Dr Jukka Jokileht to, a world heritage UNESCO expert, to visit a number of these sites to advise on their suitability for inclusion.

In October 2008 I established an Expert Advisory Group to carry out the review of the Tentative List; consultants have not been engaged by my Department on the review process. Total expenditure by my Department to date on the Tentative List Review is approximately €42,700.

The Expert Advisory Group (EAG) has completed extensive analysis of the sites on the current Tentative List. Members of the public and interested groups were also invited to submit potential properties for inclusion on the new Tentative List. 31 such proposals were received and these were considered and assessed by the EAG.

On the basis of its own analysis, and consideration and assessment of the proposals received from the public and interested groups, the EAG has now finalised a draft new Tentative List which contains the details of the properties which the EAG considers are of outstanding universal value, meet the UNESCO World Heritage inscription criteria in terms of integrity and authenticity and have the best potential for future inscription on the World Heritage List. I expect to be in a position to publish this draft tentative list for public consultation before the end of the month, and I understand that the Hill of Tara is included in this list.

While it was initially envisaged that Ireland's new Tentative List would be submitted to UNESCO in advance of the June 2009 session of the World Heritage Committee, this has not been possible mainly because the review process and World Heritage Committee requirements for the tentative list process have been more complex than at first envisaged. It was also considered better to take more time in preparing a new Tentative List in keeping with UNESCO guidelines and best international practice. I will be forwarding the new Tentative List to UNESCO before the end of this year and it will then be presented at the 34th Session of the World Heritage Committee in 2010.

I am not currently in a position to process a nomination for the Hill of Tara for inscription on UNESCO's World Heritage List as the property was not included on the 1992 Tentative List. Only sites that have been on the State Party's Tentative List for a period of at least one year may be nominated for consideration by the World Heritage Committee for inscription on the World Heritage List. In order to adhere to the very stringent UNESCO requirements concerning management of sites and other matters, in practice it usually takes a number of years following inclusion on a Tentative List before a site is considered suitable for inscription.

Planning Issues.

416. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason he did not revoke archaeological licences and halt excavations

[Deputy Aengus Ó Snodaigh.]

on the M3, in the Lismullin-Tara area, when the European Commission put him on notice that an environmental impact assessment was required. [28633/09]

417. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the amount spent on outside legal counsel to defend the action in relation to the requirement for an environmental impact assessment for the M3 project in the European Court of Justice. [28634/09]

418. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the consequences for the National Monuments Act 1930, and archaeological codes of practice, if the European Court of Justice finds against Ireland. [28636/09]

419. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the consequences for capital infrastructure projects, already under way, if the European Court of Justice finds against Ireland in relation to environmental impact assessments. [28637/09]

421. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason, in view of the legal action initiated by the European Commission, and his admission that there are gaps in the way archaeological finds are dealt with in certain circumstances, he is defending the environmental impact assessment case being taken against Ireland by the European Commission, rather than amending the Act to adopt the recommendations of the Commission. [28639/09]

426. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to comply with the recommendations of the European Commission in respect of the need for environmental impact assessments for works that affect national monuments; and if he will make a statement on the matter. [28692/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 416 to 419, inclusive, 421 and 426 together.

I understand that the questions refer to the European Court of Justice (ECJ) case C50/09, initiated by the European Commission, concerning Ireland's alleged failure to properly transpose and implement certain provisions of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. The Reasoned Opinion from the European Commission relates only to the excavations at the national monument at Lismullin and not to any other archaeological works along the route of the M3 motorway.

In the case of Lismullin, the vulnerability of the remaining fragile archaeological features required urgent steps to be taken, and although the question of an EIA did not arise, it would not have been practicable in any event. Despite protective covering, heavy rainfall since its discovery had already significantly impacted on the site. Urgent measures were needed to ensure that no further degradation occurred.

The option of preservation in situ had been carefully considered by the then Minister for the Environment, Heritage and Local Government. The conclusion reached was that, because of the fragility of the features and the location of the site in a natural hollow, preservation in situ could not guarantee the actual preservation of the monument. This conclusion was endorsed by the Expert Advisory Committee I appointed, on the advice of the Director of the National Museum, to advise on the conduct of the archaeological works. The only viable archaeological

option, therefore, was preservation by record, i.e. the full archaeological excavation and recording of the exposed features.

Ireland lodged a comprehensive defence in this case on 27 April 2009. The European Commission is required to lodge its response with the Court not later than 15 July 2009. I am not prepared to speculate on the outcome or possible consequences of this case.

The engagement and remuneration of legal counsel to advise in this case is a matter for the Office of the Attorney General.

Legislative Programme.

420. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason he did not present a new National Monuments Act as promised in the middle of 2008. [28638/09]

422. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the amount spent conducting a consultation for a revision of the National Monuments Act 1930, and archaeological policy. [28640/09]

425. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the position regarding the promised National Monuments Bill; and if he will make a statement on the matter. [28691/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 420, 422 and 425 together.

The Expert Advisory Committee I established to review archaeological policy and practice submitted its recommendations on improving and updating national monuments legislation in February 2009, following which work began on the preparation of Heads of a Bill. This is now at an advanced stage and I expect to circulate the Heads to other Departments for consideration shortly. The Expert Committee met five times during 2008 and the related costs, along with the costs of information seminars held for other interested parties, amounted to €30,871.38.

Question No. 421 answered with Question No. 416.

Question No. 422 answered with Question No. 420.

423. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason he has agreed a code of practice with Eirgrid when it is based on the National Monuments Act 1930. [28642/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Codes of Practice, such as that recently agreed between my Department and EirGrid, provide a framework to enable infrastructure providers to progress their work programmes, while carrying out appropriate archaeological mitigation in accordance with an agreed set of principles and actions. They serve as operational guidance to ensure best archaeological practice in accordance with legal and other requirements and may be revised, as necessary, to reflect legislative change or other relevant developments.

EU Directives.

424. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if the environmental noise directive, Directive 2002/49/EC, has been transposed

[Deputy Finian McGrath.]

and implemented; and if so, the details regarding the completion of noise maps and action plans. [28684/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The Environmental Noise Regulations 2006 give effect in Ireland to EU Directive 2002/49/EC relating to the assessment and management of environmental noise. The EPA is designated as the National Authority for the purpose of the Regulations. The Agency's role includes supervisory, advisory and coordination functions in relation to both noise mapping and action planning, as well as reporting requirements for the purpose of the Directive.

The Directive and Regulations provide for a two-stage approach to the assessment and management of environmental noise, and the preparation of strategic noise maps for areas and infrastructure falling within defined criteria, e.g. large agglomerations, major roads, railways and airports. Responsibility for the preparation of such maps lies with the designated noise mapping authorities, i.e., the relevant local authorities, Dublin Airport Authority, the National Roads Authority, Iarnród Éireann and the Railway Procurement Agency. Based on the results of the mapping process, the designated action planning authorities, i.e. the local authorities are required to prepare noise action plans for each entity concerned which falls within their functional area.

The required noise maps were prepared during 2007 and the associated action plans commenced preparation following this. At this stage, all strategic mapping has been finalised and actions plans have either been completed or are in the process of being finalised at present. The Regulations also provide for strategic noise maps and action plans to be made available to the public. They further provide for public consultation on proposed action plans, and for the results of public consultation to be taken into account in finalising action plans or reviews of action plans. Copies of maps and actions plans are available directly from the local authorities concerned. For example the action plan for Dublin may be viewed at www.dublincity.ie under Noise Maps and Action Plans.

Data in relation to the noise maps and the action plans were reported by the EPA to the European Commission within the specified time frame laid down in the Directive. The EPA has also submitted data in relation to the major roads, major railways, major airports and agglomerations designated by Member States concerning the second implementation stage of the Directive for which noise mapping will be carried out in 2012 with Action Plans to follow in 2013.

Question No. 425 answered with Question No. 420.

Question No. 426 answered with Question No. 416.

Questions Nos. 427 and 428 answered with Question No. 405.

National Monuments.

429. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps taken to protect Lismullin, County Meath; and if he will make a statement on the matter. [28695/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The national monument at Lismullin has been included in the Register of Historic Monuments established under Section 5 of the National Monuments (Amendment) Act, 1987. That portion

of the monument encompassed by the M3 Motorway Scheme has been archaeologically excavated and recorded to achieve preservation by record. Notice must be given to my Department no less than two months prior to the carrying out of any works to a registered historic monument. In addition, no detection device may be used at, or in the vicinity of, such a monument without a licence from my Department.

Question No. 430 answered with Question No. 405.

Water and Sewerage Schemes.

431. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if, in response to the findings of the Environmental Protection Agency report *Urban Waste Water Discharges in Ireland: A Report for the Years 2006 and 2007*, that there is inadequate waste water treatment at Kinsale and Skibbereen, County Cork, he will ensure adequate treatment is in place; and if he will make a statement on the matter. [28697/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Kinsale and Skibbereen Sewerage Schemes are included for funding under my Department's Water Services Investment Programme 2007 — 2009 at €20 million each. I understand that the Kinsale scheme and the collection network element of the Skibbereen scheme are under construction. Cork County Council are currently preparing the contract documents for the wastewater treatment plant element of the Skibbereen scheme, which will be procured, along with treatment plants for Baltimore, Dunmanway and Schull, as a single Design Build Operate (DBO) contract. Accordingly, further details on progress with the two schemes may be obtained from the Council.

432. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the works due to be carried out and the cost of same in 2009 in works to improve waste water treatment facilities at places that were identified by the Environmental Protection Agency as having inadequate treatment facilities in tabular form; and if he will make a statement on the matter. [28698/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I assume the question refers to the table of agglomerations where the provision of secondary wastewater treatment is outstanding, as set out by the EPA in page 4 of its report *Urban Wastewater Discharges in Ireland — A Report for the Years 2006 — 2007*.

My Department has funded a programme of works in successive years to ensure that priority is accorded to meeting the requirements of the Directive. As a result of these works, compliance with the requirement to provide secondary treatment of wastewater at plants increased from 25% in 2000 to some 92% at present. In the case of the 28 agglomerations outlined by the EPA in the table referred to, the required treatment plants have since been provided in the case of 6 locations; the required treatment plants will come into operation later this year in the case of a further 4 locations; a further 4 plants are under construction and the remainder are scheduled to commence construction between 2009 and 2013.

The approved costs incurred in the development of these projects are recouped to the local authorities under my Department's Water Services Investment Programme. Information in relation to costs arising on each individual project in 2009 may be obtained from the relevant local authorities.

433. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps taken following the European Court of Justice finding in 2008 that inadequate waste water treatment was being carried out at six locations here; and if he will make a statement on the matter. [28699/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The current position in relation to the provision of the required infrastructure arising from this judgement is set out in the following table:

Location	Current position
Tramore	Works completed
Sligo	Works completed
Howth	Works in progress and expected to be finalised in 2009
Bray	Works in progress and expected to be finalised in 2011
Shangannagh	Works in progress and expected to be finalised in 2011
Letterkenny	Works in relation to collection networks completed. Contract for Treatment Plant expected to be awarded end of 2009 and works finalised by end of 2011.

Departmental Contracts.

434. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the amounts paid in respect of private public relations contracts for the years 2006, 2007, 2008 and 2009; the public relations companies or professionals to whom these amounts were paid and the contracts in relation to same; and if he will make a statement on the matter. [28700/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in respect of my Department is being compiled and will be forwarded to the Deputy as soon as possible.

Public Service Staff.

435. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government the number of staff with a degree in environmental science that are employed by local authorities, his Department or agencies under his remit; the standing of the degree in his Department; if same is a requirement for many local authority positions; the promotional prospects that are available to staff with this degree with reference to a matter (details supplied); and if he will make a statement on the matter. [28747/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department employs staff with a wide range of professional qualifications in the environment area, including natural heritage. In addition, many administrative staff have degrees in a variety of subjects. However, my Department's Human Resources records do not hold information in a way that would readily identify the number of staff that hold a degree in Environmental Science. My Department, in conjunction with the Public Appointments Service, requires that all professional and technical staff recruited into my Department possess the necessary qualifications and experience for the posts concerned and these are specified for the individual competitions. The skills and competencies for promotional posts are specific to the requirements of the posts being filled.

My Department does not hold information on qualifications held by staff of local authorities. As Minister, I may declare qualifications for any post within the local authority sector with

reference to the standard of the qualification. All vacant posts in local authorities must be filled through the appropriate recruitment processes. Day to day operational matters, including the qualifications of staff of the agencies under the aegis of my Department, are matters for the individual agencies concerned.

Water and Sewerage Schemes.

436. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government the progress that has been made following his meeting with representatives of an organisation (details supplied) in financing of the waste water enhancement scheme for a town in County Galway; when the project will commence. [28758/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Athenry Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007 — 2009. My Department currently awaits Galway County Council's Design Review Report for the scheme.

437. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government the position regarding the extension and upgrade of a regional water scheme for a town (details supplied) in County Galway; and if he will make a statement on the matter. [28759/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Loughrea Regional Water Supply Scheme is included for funding under my Department's Water Services Investment Programme 2007 — 2009. My Department awaits the submission of Galway County Council's Design Review Report for the scheme.

438. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government the funding available for the upgrade of the water treatment plant for a town (details supplied) in County Galway; if the tenders for the above scheme have been with his Department for some time; his views on the nature of the supply, both in quality and quantity; and if he will make a statement on the matter. [28764/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Gort Regional Water Supply Scheme is included for funding in my Department's Water Services Investment Programme 2007-2009. Following Galway County Council's submission of its tender report and recommendations for this scheme to my Department last month, the Council was recently requested to submit additional information to enable the Department to finalise its consideration of the report. The revised tender report will be dealt with as quickly as possible on its receipt by my Department.

Water Quality.

439. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government if in view of the recent Environmental Protection Agency report his attention has been drawn to the crisis in water quality in Kinvara Bay, County Galway, due to the absence of a proper and safe sewerage waste water treatment system for this coastal location. [28767/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Kinvara Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007 — 2009. My Department awaits Galway County Council's Design Review Report for this scheme.

Architectural Heritage.

440. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government his plans for the retention of the Turore stone at its present location at Bullaun, Loughrea, County Galway; and if he will make a statement on the matter. [28770/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department is in consultation with the Office of Public Works to establish appropriate conservation arrangements for the Turoe Stone, a national monument in state ownership, following which there will be further discussions with local interests regarding its long-term protection.

Local Authority Housing.

441. **Deputy Edward O’Keeffe** asked the Minister for the Environment, Heritage and Local Government if he will arrange to release documentation in relation to a project application by a council (details supplied) in County Cork in view of a written request submitted to his Department on 22 May 2009. [28775/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Copies of the correspondence requested from my Department were forwarded to the person concerned on 10 June, 2009.

Telecommunications Services.

442. **Deputy Brendan Kenneally** asked the Minister for Communications, Energy and Natural Resources the plans in place to provide broadband to the rural areas of County Waterford that are currently not served; and when these plans will be put in place. [28167/09]

443. **Deputy Brendan Kenneally** asked the Minister for Communications, Energy and Natural Resources the status of Broadband provision in County Waterford by town. [28168/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Question Nos. 442 and 443 together.

Broadband services are provided by private service providers over various platforms including DSL (i.e over the telephone lines), fixed wireless, mobile, cable, satellite and fibre. Details of broadband availability from service providers together with the availability of broadband services in specific areas, including areas in County Waterford, are available at www.broadband.gov.ie.

In order to address a lack of broadband in areas where it is not commercially viable for the private sector to operate my Department entered into a contract with “3”, a Hutchison Wham-poa company, for the delivery of the National Broadband Scheme (NBS) in late December 2008. 3 is required to provide services to all fixed residences and businesses that are located within the NBS Coverage Area and who seek a service. The NBS will be rolled out on an Electoral Division (ED) basis. Details of the EDs to be covered by the NBS can be found at: <http://www.dcenr.gov.ie/Communications/Communications+Development/National+Broadband+Scheme.htm>. The EDs in County Waterford that will be covered by the NBS are set out on the following list.

Challenging programme roll-out targets have been agreed with 3 and initial NBS services were launched in a small number of rural areas at the end of April this year. Broadband coverage in individual EDs will be made available incrementally during the coming months. The forthcoming availability of services to premises located within identified EDs will be

announced progressively prior to their enablement on 3's coverage map which can be accessed on its website at www.three.ie/nbs. All of the EDs in the NBS Coverage Area are required to be enabled by the end of September 2010.

National Broadband Scheme (NBS)

Electoral Divisions (ED) to be Covered by the NBS in County Waterford

ED Name	Ed Reference No.
Ballyduff	ED 227004
Ballydurn	ED 227005
Ballynamult	ED 227013
Ballysaggart More	Ed 227014
Bohadoon	ED 227015
Carrigcastle	ED 227019
Castlerichard	ED 227021
Clashmore	ED227022
Colligan	ED 227025
Comeragh	ED 227026
Coumaraglin	ED 227027
Fews	ED 227038
Fox's Castle	ED 227039
Gardenmorris	ED 227040
Georgestown	ED 227041
Glen Ed	ED 227042
Graignagower	ED 227045
Gurteen	ED 227048
Kilbarrymeaden	Ed 227052
Kilcockan	ED 227053
Kilwatermoy East	Ed 227062
Knockaunbrandaun	Ed 227065
Knockmahon	ED 227066
Mocollop	ED 227068
Modelligo	ED 227070
Mountkennedy	ED 227072
Rathgormuck	ED 227078
Ross	ED 227082
Seskinan	ED 227083
Templemichael	ED 227087
Tinnasaggart	ED 227088

Community Development.

444. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources the amount of funding being made available to each of the LEADER groups to encourage investment and jobs; the percentage of the funds which will be needed for administration; when applications will be made available; the way they will be advertised; his views on whether this is one of the few areas that can provide funding to rural areas through significant aid from the EU; if he will ensure that as much as possible of the approved funding is

[Deputy Seymour Crawford.]

provided in the earlier stage of the scheme to avoid panic and possible poor value being received from the fund in a rush to utilise it before the closing date. [28208/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I assume the Deputy is referring to the Community Support Scheme (CSS) operated by the LEADER groups in areas where commercial salmon fishing has been a well established activity.

The following table sets out the amount of funding available to each of the LEADER companies through the CSS. Each LEADER company received an administration grant equivalent to 15% of the funds made available to it subject to a maximum of €70,000 per company. The CSS is an Exchequer funded scheme.

The focus of the scheme is primarily on those communities where commercial salmon fishing has been a well-established activity and where its withdrawal demonstrably impacts on the economic and social fabric of the community. The scheme is being administered through 15 identified LEADER companies and Comhdháil Oileáin na hÉireann (in respect of island communities) and Meitheal Forbartha na Gaeltachta Teoranta (in respect of the Gaeltacht areas) under the supervision of the Department in conjunction with the Department of Community, Rural and Gaeltacht Affairs.

The scheme was advertised in 2008 and the closing date for receipt of applications under the scheme was extended to the 31 March 2009 to facilitate maximum participation in the scheme. All funding in relation to the scheme must be drawn down by the LEADER companies by November 2009.

	Leader Company	Total Allocation (revised)
		€
1	Wexford Organisation for Rural Development	91,500
2	Waterford LEADER Partnership	615,400
3	West Cork LEADER Co-operative Society Ltd	733,300
4	South & East Cork Area Development Ltd	188,000
5	South Kerry Development Partnership Ltd	342,210
6	Tuatha Chiarraí Teo	221,490
7	West Limerick Resources Ltd	262,530
8	Rural Resource Development Ltd (Clare)	183,000
9	Galway Rural Development Co Ltd	183,915
10	Comhdháil Oileáin na hÉireann	189,405
11	Comhar Iorrais LEADER Teo	210,000
12	Meitheal Forbartha na Gaeltachta Teo	632,350
13	Co Sligo LEADER Partnership Co Ltd	137,250
14	Donegal Local Development Co Ltd	279,500
15	Inishowen Rural Development Ltd	286,210
16	Louth LEADER	5,325
17	Meath Community Partnership	91,500
	Totals	4,652,885

Broadcasting Services.

445. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural

Resources if he has consulted with RTÉ regarding the future of live television coverage of gaelic games in Britain, America and around the world following the collapse of a company (details supplied); and if he will make a statement on the matter. [28215/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The issue of live television coverage by RTÉ of gaelic games in Britain, America and around the world is an operational matter for RTÉ to consider and I have not consulted the company in that regard.

Telecommunications Services.

446. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he will take to provide a broadband service to communities who cannot avail of broadband from existing suppliers and are not covered by the national broadband scheme; and if he will make a statement on the matter. [28248/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): When considering the exclusion of certain unserved premises from the National Broadband Scheme (NBS), it is important to clarify that, in designing the NBS, which was approved by the EU Commission, a balance had to be struck between reaching as many unserved areas as possible and minimising the impact of the scheme on businesses already providing broadband services in rural areas.

EU State aid and competition rules govern how States can intervene in areas where there are existing service providers. The nature of broadband networks is such that they provide a coverage footprint over a certain area rather than an individual link to isolated premises. It was essential to guard against the NBS coverage footprint spilling over, to an extent which would be unacceptable from a state aids perspective, into surrounding areas already served by existing service providers. Accordingly, to try to include individually unserved premises that are located within EDs deemed to be already served within the scope of the NBS would have given rise to an unacceptable level of market distortion and therefore, such areas had to be excluded.

It is expected that over time, as competition increases and technology develops, service providers will be attracted to offer service to any such premises located within currently served areas. My Department is also considering how isolated unserved rural premises might be addressed by an appropriate intervention within State aid rules.

Television Licence Fee.

447. **Deputy John McGuinness** asked the Minister for Communications, Energy and Natural Resources if the cost of operating the free TV licence scheme is paid by the Government to cost involved for each of the past five years. [28280/09]

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.

[Deputy Eamon Ryan.]

Year	DSFA Gross Receipts in respect of Free Television Licences
	€million
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 in turn 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.

448. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28414/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The detail requested by the Deputy is contained in the following table.

Division	Details of Adverts	Cost (incl VAT)	Statutory/Non-statutory
		€	
Oil Supply	Iris Oifigiúil — SI 09/059 European Communities (Internal Market in Electricity) (Amendment) Regulations 2009	53.00	Statutory
Oil Supply	Iris Oifigiúil — SI 09/214 NORA (Returns & Levy) (Amendment) Regulations 2009	42.00	Statutory
Gas (Corporate)	Publication of BGÉ Board Member in Iris Oifigiúil	20.00	Statutory
Broadcasting Policy	Advertising of Major Events Coverage	3,145.21	Statutory
Energy Efficiency and Affordability Division	Advertising of public notice in Iris Oifigiúil for SI No. 76 of 2009	53.00	Statutory
Inland Fisheries	Advertising of Bye-laws and Statutory Instruments	14,280.00	Statutory
EMD	Public notices in connection with the grant of prospecting licences	14,416.00	Statutory
Renewable and Sustainable Energy	Publication in Iris Oifigiúil of SI 226 of 2009 — European Communities (Internal Market in Electricity) Regs. 2009	64.00	Statutory
Corporate Services (SCU)	Advertising in the Independent for public consultation on the External Customer Charter	752.33	Non-statutory
PAD	Advertising in connection with the North West Mayo Forum	1,419.50	Non-Statutory
PAD	Notice of intention to grant a Petroleum Prospecting Licence to Lansdowne Celtic Sea Ltd.	1,552.92	Statutory
PAD	Notice of intention to grant a Petroleum Prospecting Licence to TGS-Nopec Geophysical Company ASA	2,355.73	Statutory

449. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's Office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28462/09]

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 costs. However, if the Deputy has a question in relation to a specific item I will make appropriate enquiries. Expenditure by the bodies under the aegis of the Department is a day to day operational issue for those bodies and is a matter for them. The following table contains details of legal costs for my Department in 2007 and 2008.

Year	Cost
	€
2007	702,065.00
2008	2,157,807.94

I would point out that these figures include the cost of necessary legal advice in relation to important procurement activity undertaken by my Department. They also include legal costs arising from the Moriarty Tribunal.

Mobile Telephony.

450. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources his views on the experience of mobile phone consumers who have large mobile phone bills as a result of receiving premium subscription texts, where the terms and conditions of such subscription services are not immediately evident; his plans to introduce legislation to assist mobile phone consumers; and if he will make a statement on the matter. [28713/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am very concerned about the increase in the number of complaints by consumers in recent years in relation to the subscription services, particularly in relation to the lack of transparency in the provision of those services which has resulted in many consumers incurring unexpected charges. In order to address this and other issues concerning the regulation of premium rate services I have obtained Government approval to publish a Bill entitled Communications Regulation (Premium Rate Services) Bill 2009, for the purpose of transferring the regulation of premium rate services from Regtel to ComReg.

The Bill is aimed at ensuring a robust and timely response to those service providers who continue to flout the rules and mislead consumers. It will provide for the necessary enforcement measures to ensure effective regulation by ComReg. I intend to progress the Bill through the Oireachtas as quickly as possible. When enacted, I believe it will adequately address the issues relating to subscription services, lead to improved protection for consumers and enhance confidence in the sector.

Telecommunications Services.

451. **Deputy Noel Ahern** asked the Minister for Communications, Energy and Natural Resources if he has received a request for the State to take over a company (details supplied); the person such requests are from; his views on the subject; and if he will make a statement on the matter. [28736/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): No request has been made to my Department proposing the nationalisation of eircom. The commercial performance and ownership of the company is a matter for the company in the first instance and I have no direct role in this regard. Given the importance of eircom to Ireland's communication infrastructure and services, I am monitoring the overall situation in relation to the company but I have no plans to propose State ownership.

Electricity Generation.

452. **Deputy Noel Ahern** asked the Minister for Communications, Energy and Natural Resources if he will clarify a matter in relation to a company (details supplied) selling electricity below that of the ESB; his policy on same; the reason the ESB cannot obtain permission to reduce prices likewise; the net loss of revenue to the ESB per 10,000 customers who sign over to the other company; the number of customers who have moved to date in 2009; if the ESB will require a subsidy to survive; and the further reason that the cap can not be lifted on the ESB to allow provision of free competition. [28744/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I welcome the fact that the benefits of competition in electricity retail supply, which have previously been confined to large industrial and commercial customers, are becoming available to domestic consumers. The entry into the domestic electricity market of Airtricity and Bord Gáis Energy demonstrates that policy to encourage competition in electricity generation and supply is paying dividends for consumers.

The independent suppliers are currently offering discounts of between 10% and 14% on ESB tariffs. These discounts apply even after the 10% reduction to the regulated ESB price announced by the Commission for Energy Regulation (CER) on 1 May. The independent suppliers are also offering domestic consumers other choices, such as the proportion of renewable electricity they purchase, as well as alternative billing arrangements. Domestic customers have been switching to the independent suppliers in significant numbers. To date in 2009, 196,815 domestic customers have left ESB. However, it is important to note that ESB still retains almost 90% of domestic electricity customers.

The net loss of revenue to the ESB per 10,000 customers who sign over to alternative suppliers is an operational matter for ESB. ESB is, and will remain, a commercially viable entity. There is no question of subsidising ESB's operations. Energy price regulation is designed to ensure that a dominant player does not engage in uncompetitive, short-term pricing practices, which could undermine or drive out emerging competition. The CER has signalled that it intends to cease regulating ESB Public Electricity Supply (PES) prices when sufficient competition has taken hold in the domestic and SME market. This is in line with EU legal requirements for the internal energy market. ESB's tariffs are set by the CER at a level that reflects the costs incurred by ESB in supplying that electricity. If ESB can reduce its legitimate costs then the regulator will permit them to charge a lower tariff. Below-cost selling of electricity or other anti-competitive practices is not permitted under the regulatory model.

The nature of regulation is to drive improved efficiencies and lower costs in areas that are under regulatory control. This is designed to benefit customers first and foremost. The CER will continue its review of overall energy tariff structures over the coming months taking account of global fuel prices, the necessity for regulatory and market certainty for the energy sector, and economic conditions.

Telecommunications Services.

453. **Deputy Ulick Burke** asked the Minister for Communications, Energy and Natural

Resources the availability by way of a map of the broadband service in County Galway; the provider in each area; the scale of availability and speed and when service will be made available in areas currently without service. [28772/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Broadband services are provided by private service providers over various platforms including DSL (i.e over the telephone lines), fixed wireless, mobile, cable, satellite and fibre.

Details of broadband availability from service providers together with the availability of broadband services in specific areas, including areas in County Galway, are available at www.broadband.gov.ie. Additionally, the National Broadband Scheme (NBS) will bring broadband services to some areas of County Galway. Details of the areas to be covered by the NBS can be found at: <http://www.dcenr.gov.ie/Communications/Communications+Development/National+Broadband+Scheme.htm>. These areas are shown in the following list on an Electoral Division (ED) basis.

National Broadband Scheme (NBS)

EDs to be Covered by the NBS in County Galway

ED Name	ED Reference Number
Abbeygormacan	ED 67003
Abbeyville	ED 67004
Addergoole	ED 67005
Ahascragh	ED 67006
Aille	ED 67007
Ballycahalan	ED 67022
Ballyglass	ED 67023
Ballymacward	ED 67024
Ballynagar	ED 67027
Ballynakill	ED 67028
Beaghmore	ED 67034
Belclare	ED 67035
Bencorr	ED 67037
Boyouanagh	ED 67038
Bracklagh	ED 67039
Bullaun	ED 67040
Bunowen	ED 67041
Cahermore	ED 67042
Camus	ED 67044
Cappalusk	ED 67045
Cappard	ED 67046
Carrownagur	ED 67049
Carrowrevagh	ED 67050
Claretuam	ED 67056
Cleggan	ED 67058
Clifden	ED 67059
Clonbern	ED 67060
Clontuskert	ED 67063
Clonbur	ED 67064
Cloonkeen	ED 67066

[Deputy Eamon Ryan.]

ED Name	ED Reference Number
Cloonkeen	ED 67067
Colmanstown	ED 67068
Cong	ED 67069
Coos	ED 67071
Creggs	ED 67073
Cur	ED 67076
Curraghmore	ED 67077
Cushkillary	ED 67078
Derrew	ED 67080
Derryglassaun	ED 67082
Doonbally	ED 67086
Doonloughan	ED 67087
Drumkeary	ED 67090
Drummin	ED 67091
Eyrecourt	ED 67095
Foxhall	ED 67096
Gorumna	ED 67102
Grange	ED 67104
Hillsbrook	ED 67107
Illion	ED 67108
Inishmore	ED 67110
Island	ED 67111
Kilbennan	ED 67114
Kilchreest	ED 67115
Kilconierin	ED 67117
Kilcoona	ED 67119
Kilcroan	ED 67120
Kilcummin	ED 67121
Kilcummin	ED 67122
Killaan	ED 67123
Killallaghtan	ED 67124
Killeen	ED 67128
Killian	ED 67132
Killimor	ED 67133
Killimor	ED 67134
Killinny	ED 67135
Killoran	ED 67137
Killower	ED 67138
Killursa	ED 67140
Kilmeen	ED 67143
Kilquain	ED 67145
Kilreekill	ED 67146
Kilshanvy	ED 67147
Kilthomas	ED 67150
Kiltormer	ED 67151
Kiltullagh	ED 67152
Kiltullagh	ED 67153

ED Name	ED Reference Number
Knockboy	ED 67155
Laurencetown	ED 67159
Leitrim	ED 67160
Letterbrickaun	ED 67161
Letterfore	ED 67162
Lettermore	ED 67163
Levally	ED 67164
Loughatorick	ED 67168
Marblehill	ED 67171
Milltown	ED 67173
Moat	ED 67174
Mountain	ED 67177
Mounthazel	ED 67178
Moyrus	ED 67182
Oatfield	ED 67183
Owengowla	ED 67186
Pallas	ED 67187
Portumna	ED 67188
Raford	ED 67189
Raheen	ED 67191
Rinvyle	ED 67192
Ross	ED 67193
Roundstone	ED 67194
Scregg	ED 67196
Selerna	ED 67197
Shankill	ED 67198
Sillerna	ED 67199
Templetogher	ED 67206
Tiaquin	ED 67207
Toberadosh	ED 67209
Toberroe	ED 67210
Turlough	ED 67214
Tynagh	ED 67215
Woodford	ED 67216

Grant Payments.

454. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of applications for installation aid and early retirement scheme that were received after the closing date either by his Department or to Teagasc which have since been approved for payment; and if he will make a statement on the matter. [28125/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): No applications received after the suspension of both the Young Farmers' Installation and Early Retirement Schemes on the 14 October 2008 have been approved for payment.

Harbours and Piers.

455. **Deputy Brendan Kenneally** asked the Minister for Agriculture, Fisheries and Food when

[Deputy Brendan Kenneally.]

harbour development works will begin in Dunmore East, County Waterford; the status of the project; and if he will make a statement on the matter. [28165/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following funding is being provided for works at Dunmore East Fishery Harbour Centre as part my Department's 2009 Fishery Harbour and Coastal Infrastructure Development Programme.

	€
Safety and Maintenance	297,000
Disability Access	15,000
Harbour sedimentation/dredging study	7,000
Repairs to East Pier — Phase II	210,000
Upgrading slipway and access to West Wharf	57,000

Future investment at Dunmore East Fishery Harbour Centre will be considered each year in the context of available exchequer funding and overall national priorities.

Agriculture Sector.

456. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the volume of produce exported in each of the past five years by product category; and if he will make a statement on the matter. [28187/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department of Agriculture, Fisheries and Food publishes detailed data on Agri-Food trade based on CSO data. This data is published in the Compendium of Agriculture Statistics on an annual basis. The Compendium is available under the Publications section of the Department of Agriculture, Fisheries and Food's website at www.agriculture.gov.ie The table gives export details, in terms of the tonnage exported, for a selected range of key product categories.

	2004	2005	2006	2007	2008
	Volume exported in 000's of tonnes				
Beef	410.83	398.02	428.51	432.87	428.27
Sheepmeat	53.60	57.82	54.94	52.79	44.39
Pigmeat	104.29	113.90	124.83	127.29	122.67
Poultry	94.22	91.31	87.21	90.83	97.40
Dairy Products, Caseins, Ingredients & Eggs	793.76	829.54	916.39	979.52	921.17
Cereals & Cereal Preparations	251.90	395.26	307.33	275.92	316.56
Fruit & Vegetables including Potatoes	155.81	175.32	175.46	418.43	187.74

Source: CSO Trade Data.

For most products, other than sheepmeat, the volume exported had increased in the five- year period reflecting the success of Ireland's agri-food exporters.

457. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the distribution of Irish agrifood exports by sector for the past ten years; the destination of these exports relative to each sector; the overall export contribution of the agrifood sector in 2009 and in each of the past ten years; and if he will make a statement on the matter. [28188/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In view of the highly detailed nature of the Deputy's request for information, I would like to, in the first instance, point him towards a relevant data source. The Department of Agriculture, Fisheries and Food publishes detailed data on Agri-Food trade based on CSO data. This data is published in the Compendium of Agriculture Statistics on an annual basis. The Compendium is available under the Publications section of the Department of Agriculture, Fisheries and Food's website at www.agriculture.gov.ie.

The table attached gives aggregate export details, in terms of the value exported for the sector over the past ten years as well as the proportion of trade that the agri-food sector accounted for in terms of total exports. In 2008, the sector accounted for approximately 10% of total merchandise exports compared to approximately 9.6% in 1999. Over the 10-year period in question, the sector accounted for around 9% of total exports on average. In 2008, it is estimated that over three-quarters of exports in the sector were destined for EU markets. In 2000 this was approximately two-thirds. The UK, including Northern Ireland, remains a key market for exports and accounted for over 46% of agri-food exports in 2008, compared to 36% in 2000. The proportion of agri-sector trade accounted for through non-EU trade has declined from approximately 34% in 2000 to approximately 24% in 2008.

Agri-Sector Export Values in Millions and Percentage of Total Exports

Year	Exports	% of Total Exports	Year	Exports	% of Total Exports
	€m	%		€m	%
1999	6,414	9.6	2004	7,294	8.6
2000	7,057	8.4	2005	7,761	8.9
2001	6,873	7.4	2006	8,654	10.0
2002	6,877	7.3	2007	9,203	10.3
2003	7,027	8.6	2008	8,595	10.0

Source: CSO Trade Data.

458. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the markets to which Irish exports are going by volume; the efforts made to develop further markets; and if he will make a statement on the matter. [28189/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): For the year 2008, the CSO estimates that the Irish food and beverage sector exported €8.6 billion in product. While strides towards greater market diversification continue, particularly towards the wider EU and Far East, established high value markets remain the primary destination for Irish agri-food exports. In 2008, the CSO estimated that over 75% of exports in the sector were destined for EU markets. The UK, including Northern Ireland, remains a key market for exports and accounted for over 46% of agri-food exports in 2008.

My Department in conjunction with the industry, the Department of Foreign Affairs and Bord Bia continues to pursue the opening up of markets. The Meat Market Access Group was established in 2007 to ensure market for Irish meat to non-EU markets. The main barrier had been the restrictions imposed by countries as a result of BSE. Efforts to remove remaining restrictions have met with considerable success. The Saudi Arabian and South African markets were re-opened in 2007 while, more recently, the Philippines and Israel have lifted their restrictions. Efforts are continuing to regain access to other markets such as Japan and Indonesia,

[Deputy Brendan Smith.]

which continues to restrict for BSE related reasons, and Russia, whose restrictions are related to the recent dioxin incident.

Building on the ongoing work of the Meat Market Access Group, an inter-Departmental Group chaired by my Department and comprised of representatives from the Departments of Foreign Affairs and Enterprise, Trade and Employment, An Bord Bia, Enterprise Ireland and Bord Iascaigh Mhara has also been established and is currently engaged in a coordinated effort to identify potential market opportunities for the full range of Irish food and beverages, prioritisation of market initiatives and broader access issues.

459. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the average annual farm gate price for each of the main farm products in each of the past five years; the average annual wholesale price for each of the main farm products in each of the past five years; and if he will make a statement on the matter. [28190/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Prices paid to producers are measured through agricultural output price indices (API). According to the Central Statistics Office, in the 5-year period covering the years 2004 to 2008 inclusive, the total index for agricultural output prices increased by approximately 20%, with significant variations between commodities over the period. For example, these indices increased by 33% for cattle for slaughter, 18% for milk and 32% for cereals during the period. The tables outline the changes in both the Agriculture Price Indices and Wholesale Price Indices over the period 2004-2008.

Agriculture Output Price Indices						% Change over 5 years
Year	2004	2005	2006	2007	2008	
Total Output Index	101.8	102.3	107.4	118	122.3	20%
Milk	95.3	93.5	90.2	111	112.7	18%
Cows for Slaughter	103.2	107.1	118	115.2	137.4	33%
Sheep	117.6	109.6	112.2	114.9	120.2	2%
Pigs	103.3	101.5	108.8	103	112.4	9%
Poultry	111.6	108.1	106.9	112.2	125.2	12%
Cereals	100.9	96.6	110.6	185.4	133.1	32%
Potatoes	97.6	145.5	236.3	218.4	179.1	84%
Vegetables	110.7	116.1	123.6	138.1	139	26%

Source: CSO Agriculture Price Indices.

Wholesale Price Indices						% Change over 5 years
Year	2004	2005	2006	2007	2008	
Food products	101.3	105.9	109.3	113.1	118.8	17.2%
Meat and meat products	107.7	112.2	120.8	124.7	135.0	25.3%
Fruit and vegetables	128.0	127.4	128.5	132.2	135.7	6.0%
Dairy products	97.0	98.2	98.5	107.5	107.0	10.3%
Other food products	98.2	105.4	107.2	107.5	112.8	14.8%

Source: CSO Wholesale Price Indices.

Food Industry.

460. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the initiatives he is taking to work with the agrifood industry; the efforts he is making directly or in conjunction with his EU colleagues to promote the agri-food sector here; the correspondence he has had with these organisations to address their concerns on the future of the sector; and if he will make a statement on the matter. [28191/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is my function as Minister to continue to plan to help the sector remain competitive so that it can capitalise on the inevitable global recovery and meet the challenges in the coming decade. Addressing the industry's capacity to compete successfully at home and overseas has assumed a new urgency and my belief is that a new development plan for the period to 2020 is required to maintain the impetus gained from the very successful Agri-Vision 2015 strategy. Preparatory work has already started on this plan which is focusing on the critical issue of competitiveness, the challenges from the global economic downturn, currency fluctuations, climate change and how best to maximise the opportunities arising from a growing international food and energy crop markets. There will be a role for all major stakeholders in this process.

My own view, which I have expressed at meetings of the Council and bilaterally to my Ministerial colleagues, is that we must maintain a strong agricultural production base in the European Union in the future to take account of the challenges ahead in meeting increased demands for food. Any reduction in food production in the EU would be taken up elsewhere where less efficient production systems exist and would result in a heavier carbon footprint. We must also undertake food production and distribution in a manner that is sustainable in all its dimensions — economically, socially and environmentally.

There will be major challenges ahead from climate change, increased competition on world and EU markets, the financial crunch and other factors. We must ensure that we have the capacity to cope with the challenges and fully exploit the opportunities as they emerge. To do so our whole sector, from farm to fork, must be highly efficient and competitive. It must also be innovative, producing the products that changing consumer tastes demand, and it must be relentlessly focused on quality and safety.

Grant Payments.

461. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan can expect to be awarded their REP scheme three payment; and if he will make a statement on the matter. [28192/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My officials are currently processing the application of the person named. It is expected that payment will issue within the next 15 days.

462. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food if he will confirm when inspections will be carried out in the context of applications for the farm waste management scheme in respect of persons (details supplied) in County Limerick. [28193/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am pleased to say that pre-payment inspections have been carried out in both these cases. My Department is currently processing the applications concerned and a decision will be made as soon as possible.

463. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive their entitlements from the national reserve; and if he will make a statement on the matter. [28194/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named submitted an application for an allocation of entitlements under Category B of the 2007 National Reserve. This category caters for new entrants to farming who commenced farming after 31 December 2005. In addition applicants are required to fulfil certain criteria relating to on and off-farm income limits and educational qualifications.

When the person named initially submitted her application she did not submit sufficient information in order to fully process her application. My Department wrote to the person named on 26th March 2008 requesting the outstanding information. My Department contacted the person named by telephone and spoke with her husband on 9th July 2008 who confirmed the relevant information would be submitted. My Department subsequently wrote to the person named on 10th September 2008, 6th November 2008, 14th November 2008 and 2nd December 2008 requesting the outstanding information.

As the person named had still not submitted the required information a letter issued to her on 4th June 2009 stating that her application was being rejected, as the required information had not been submitted. To date numerous attempts have been made to obtain the required information and if the person named can submit the outstanding information my Department will be in a position to re-examine her application.

464. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 550 of 21 October 2008, the position regarding the recovery of funds; and if he will make a statement on the matter. [28250/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department is in discussions with the Company regarding recovery of the amount involved.

465. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be awarded their REP scheme three payment; and if he will make a statement on the matter. [28328/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment to the person named will issue within the next 10 days.

Question No. 466 withdrawn.

Agriculture Sector.

467. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the geographical concentration of agrifood employment here; the geographical concentration of agrifood employment by sector, for example primary agriculture, processing and ancillary services; and if he will make a statement on the matter. [28333/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Employment in the agri-food sector accounted for 179,200 jobs, or 8.5% of employment in 2008, according to figures from the CSO's Quarterly National Household Survey. Of this total, 117,100 were employed in primary agriculture, 50,000 in food and beverage production, 7,800 in wood processing, 2,200 in forestry and 2,100 in fishing.

The agri-food sector encompasses a wide range of company types and sizes, from the small independent farmhouse producer to the large food processors. The latest available figures for 2006 show a wide geographical dispersion throughout the country, whereas the Dublin area dominates the overall manufacturing sector. Of the 665 units in the food and drink sector, 44% were located in the Border, Midlands and West (BMW) Region.

These figures underpin the importance of the agri-food sector both in terms of employment and geographical spread.

Departmental Expenditure.

468. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28412/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The cost of public advertising funded by my Department to the end of June 2009 was €176,031.11.

Statutory expenditure:

€28,736.60 paid to Brindley Advertising Ltd.

€29,686.74 paid to AFA O'Meara Advertising

Non-statutory expenditure:

€117,607.76 paid to AFA O'Meara Advertising.

469. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor's Office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28460/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is not possible to compile the information requested within the short timeframe available. My Department will write to the Deputy within the next two weeks detailing the information requested.

Grant Payments.

470. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the reason he continues to subject a person (details supplied) in County Meath to unnecessary delay in checking the amended plan submitted; if he will take steps to have same awarded without further delay; and if he will make a statement on the matter. [28612/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To comply with European Union regulations all REPS 4 applications and plans, including adjusted plans, are subject to eligibility and other checks. The checking procedures are in the final stages and I expect that payment in this case will issue in the next few weeks.

Animal Carcase Disposal.

471. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if he

[Deputy Willie Penrose.]

will take steps to expedite an application by a person (details supplied) for an appropriate licence. [28613/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned has applied to my Department for approval to treat animal by-products in a composting plant in accordance with Regulation (EC) No 1774 of 2002. This Regulation lays down strict controls for the safe use and disposal of animal by-products, with a view to safeguarding human and animal health.

As part of the approval process, the plant operator must be able to demonstrate that the technology used is capable of achieving prescribed processing parameter requirements consistently and reliably. To that end a satisfactory validation proposal must be submitted to my Department, before validation of the plant can commence. Unfortunately validation proposals submitted to date have not been satisfactory and the person concerned has been advised that it will be necessary to cease accepting animal by-products from 15th July 2009, unless a satisfactory validation proposal is received and agreed in the meantime. Any relevant information received from the applicant will be dealt with as a matter of priority.

Dairy Sector.

472. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the measures being taken both at Irish and EU level to assist dairy farmers; and if he will make a statement on the matter. [28715/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Last November, when it became apparent that dairy commodity prices internationally were in decline, I pressed the EU Commissioner for Agriculture, Food and Fisheries, Mariann Fisher Boel, to re-activate dairy market supports. These had been suspended since 2006 because of the historically high milk prices that had prevailed in the intervening period.

The first step taken by the Commission, following my intervention, was to introduce the aid scheme for private storage of butter a full two months ahead of the normal date, ensuring that market support for butter was available in January instead of March. The scheme remains in place and has already supported the storage of some 96,000 tonnes of butter at EU level. Public intervention for butter and skimmed milk powder opened in March. When the mandatory limits of butter and SMP to be purchased at the intervention price were reached, 30,000 tonnes and 109,000 tonnes respectively, I secured agreement for the continuation of these schemes under tendering arrangements that are close to intervention prices.

To date some 81,000 tonnes of butter have been bought into intervention, equal to 8 per cent of the butter production in January to June. As regards skimmed milk powder, 203,000 tonnes have been purchased into stock, equal to more than 38 per cent of the SMP production in January to June this year. In all, 20,000 tonnes of butter and 27,000 tonnes of skimmed milk powder from Ireland have been funded under these schemes at an approximate value of €60 million to Irish dairy processors.

Also re-introduced in January were export refunds for butter, cheese, skimmed milk powder and whole milk powder. So far this year, licenses to export some 96,000 tonnes of butter and butteroil and 123,000 of SMP have been issued, which will enable these quantities to utilise export refunds for export outside the Community. Similarly, licenses were issued in respect of cheese exports for 129,000 tonnes. The support value of this trade amounts to a further €113

million when these products are exported. Taken together there has been a considerable commitment of EU funds to support the dairy sector. However, with the market continuing to show resistance, the Commissioner has agreed to bring forward proposals to the Council of Ministers next week with a view to continuing to keep open the private storage scheme for butter and intervention for butter and SMP. If agreed by the Council, these measures will be a further boost to the sector. I will also continue to press for the removal of the ‘free at frontier price’ for cheese, which has limited the export of cheddar and other cheese products.

Farm Household Incomes.

473. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the average incomes for each of the farming sectors, cereals, dairy, beef, sheep and dry stock for each of the years 2006, 2007, 2008 and to date in 2009; his proposals for these sectors to avoid a collapse in family farm incomes; and if he will make a statement on the matter. [28773/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The most recently published data on average incomes by sector is the National Farm Survey 2008. The table shows average family farm income by sector for the period 2006-2008 (2009 is not yet available).

Average Family Farm Income by System of Farming

	2006	2007	2008
	€	€	€
Dairying	36,221	51,071	45,732
Dairying/Other	24,774	31,068	23,733
Cattle Rearing	8,291	7,702	7,739
Cattle Other	11,292	10,710	11,200
Mainly Sheep	11,902	10,682	9,593
Mainly Tillage	28,536	40,611	19,380
All Systems	16,680	19,687	16,993

Source: Teagasc, National Farm Survey (various years).

In line with the forecasts of international organisation such as the FAO and OECD, there has been evidence of increased volatility in market prices and farm incomes in recent years. Income rose in 2007 as tighter supplies on international commodity markets led to higher output prices particularly on dairy and cereal markets. While these high output prices were maintained into the early part of 2008, there was a swift decline in the latter part of 2008, which has continued into 2009, most notably for the dairy sector. There is no doubt that certain parts of the industry are facing significant challenges again this year, however, some reduction in input prices should help to soften the impact of these difficulties. I will be also pressing the European Commission to use all possible market management measures to improve demand and prices on EU markets. For the medium term outlook the European Commission forecast a gradual recovery aided by growth in global food demand due to population increase and also a longer-term decline in the growth of food-crop productivity. With this in mind preparatory work has begun on a new development plan for the agri-food sector for the period to 2020. It will focus on the critical issues of competitiveness, the challenges from the global economic downturn, currency fluctuations, climate change and how best to maximise the opportunities arising from a growing international food and energy crop markets.

Schools Building Projects.

474. **Deputy Michael Creed** asked the Minister for Education and Science the position regarding the proposed development of a new school (details supplied) in County Cork; and if he will make a statement on the matter. [28174/09]

492. **Deputy Michael Creed** asked the Minister for Education and Science the situation regarding the proposed development of a new school (details supplied) in County Cork; and if he will make a statement on the matter. [28296/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 474 and 492 together.

As the Deputy will be aware, my Department has identified a suitable site for the school referred to by him. Contracts for the acquisition of the site have been received and are being examined by the Chief State Solicitor’s Office (CSSO) which acts on behalf of the Department on property related matters. The Deputy will appreciate that given the commercial sensitivities in relation to the acquisition of sites generally, I am not in a position to comment any further at this time.

475. **Deputy Seán Sherlock** asked the Minister for Education and Science the funding stream that is available to a school (details supplied) in County Cork wishing to demolish an existing structure and build a much needed new classroom; and if he will make a statement on the matter. [28110/09]

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.

476. **Deputy Seán Sherlock** asked the Minister for Education and Science the status of an application under the capital works programme that applied in October 2006 by a school (details supplied) in County Cork; and if he will make a statement on the matter. [28119/09]

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.

In the meantime, it is open to the school to apply to the Department for temporary accommodation if necessary.

Teaching Qualifications.

477. **Deputy Michael Creed** asked the Minister for Education and Science further to Parliamentary Question No. 203 of 18 June 2009 if he will reconsider the leaving certificate Irish language requirements for science graduates who wish to pursue a career in teaching; the future role of the sciences in developing the knowledge economy; if he will reconsider this requirement; and if he will make a statement on the matter. [28126/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As I outlined to the Deputy in June, there is a set of common criteria for entry to courses leading to qualification as a primary teacher, which includes certain Leaving Certificate requirements. Applicants for the approved Graduate Diploma in Education (Primary Teaching) and the Higher Diploma in Arts in Primary Education must have the following academic qualifications:

- (a) an honours Bachelor degree — level 8 on the National Framework of Qualifications or a qualification at level 9 or 10 on the National Framework of Qualifications, and
- (b) the following second level qualifications (or approved equivalents):
 - (i) in the Leaving Certificate Examination from 1969 onwards: a grade C3 or above in Higher Level Irish; a grade D3 or above in Mathematics (Ordinary or Higher level); and a grade C3 or above in English (Ordinary level) or grade D3 or above in English (Higher level);
 - (ii) in the Leaving Certificate Examination prior to 1969, Honours in Irish and passes in English and Mathematics.

A post primary teacher in Ireland must hold a suitable degree and a suitable teacher education qualification. Details of the qualifications needed to be eligible for appointment to an incremental salaried teaching position in a voluntary secondary school, other than in a probationary capacity, are available on the Teaching Council website: www.teachingcouncil.ie. Irish is not an essential requirement for teaching other subjects, such as science, in a post primary school.

I am glad to have graduates entering teacher education from a range of disciplines and backgrounds, including the sciences. However, it is necessary to maintain teaching standards at a high level and so it is considered important that applicants have a good Leaving Certificate generally.

With regard to teachers in the primary sector, it is essential that they have a high standard of Irish on entry to teacher education programmes. It is a particular feature of Irish primary education that children, from the beginning of schooling, have an experience of language learning in two subjects, Irish and English. In addition the use of Irish is integrated throughout the primary curriculum where possible and Irish is used as a natural means of communication in the daily life of the class and the school. For these reasons, there are no plans to reduce the Irish language requirement for entry to teacher education programmes.

In the context of Section 38 of the Teaching Council Act, the Teaching Council has begun work on the development of its strategy for the review and accreditation of initial teacher education including the knowledge, skills and competences required of teachers in today’s

[Deputy Batt O’Keeffe.]

profession. Consultation fora have taken place and the Council hopes to commence reviews on a pilot basis in late 2009.

I have asked the Council to advise me on policy in this regard, in particular in relation to Irish, and the need for teachers to have full competence to teach the Irish curriculum. I look forward to the Council’s recommendations in this important area.

Science, technology, engineering and mathematics are seen as the drivers of growth and innovation in the knowledge society. Ireland’s continued competitiveness depends strongly on increasing the numbers of students studying the physical sciences at senior cycle, and on enhancing the attractiveness of mathematics, science, technology and engineering options so that students will choose these as third level options and as career opportunities.

School Staffing.

478. **Deputy Lucinda Creighton** asked the Minister for Education and Science the effect cuts will have on special needs teaching for the 2009-10 academic year in a school (details supplied) in Dublin 6; if there will be resource or special needs teachers or assistants lost; and if he will make a statement on the matter. [28138/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Based on the information provided by the school to my Department, the level of learning support teaching in the school in question will not change in the forthcoming school year.

The Deputy will be aware that 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.

The NCSE has been requested by my Department to arrange for its SENOs to review SNA allocations in all schools with a view to ensuring that the criteria governing the allocation of such posts are properly met. The review is currently underway and it is intended that it will be completed during 2009.

SENOs will be in close contact with schools as part of this review process. I have forwarded the Deputy’s query to the NCSE for their attention and direct reply.

Institutes of Technology.

479. **Deputy Brendan Kenneally** asked the Minister for Education and Science the position regarding the application for university status for Waterford Institute of Technology. [28154/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The position is that applications have been received from three higher education institutions for designation as Universities; Waterford Institute of Technology, Dublin Institute of Technology and Cork Institute of Technology.

The issue of university designation does not just affect the institutions and the regions from which applications have been received; it also impacts on the future structure of the higher education system throughout the country. The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole as well as the regions where they are based.

I have asked the strategy group on higher education to report to me before the end of the year with a two-decade roadmap for the development of the sector.

That group is now critically examining the roles and relationships of higher education institutions so that the system can deliver the levels of efficiency, performance, innovation and growth that will optimise Ireland's 'smart' economic recovery and social development.

There are no plans to advance any of the current applications for university status before the strategy group completes its work.

Higher Education Sector.

480. **Deputy Brendan Kenneally** asked the Minister for Education and Science when the review of the third level sector will be completed; and when it will be published. [28155/09]

481. **Deputy Brendan Kenneally** asked the Minister for Education and Science the people who are compiling the review of the third level sector; the number of times this group has met. [28156/09]

Minister for Education and Science (Deputy Batt O'Keeffe): I propose to take Questions Nos. 480 and 481 together.

The process to develop a new national strategy for higher education is being led by a High Level Steering Group chaired by Dr Colin Hunt which draws on national and international expertise. Membership of the group is listed below. The group has met on four occasions since its launch in February 2009. The process is expected to be completed by the end of the year.

Steering Group Membership:

Dr Colin Hunt, Economist

Dr John Hegarty, Provost Trinity College Dublin

Marion Coy, President, Galway-Mayo Institute of Technology

Professor John Casteen, President of the University of Virginia

Professor Jussi Valimaa, University of Jyväskylä

Dick Lehane, former Senior Vice-President of Worldwide Manufacturing at the EMC Corporation

Paul Rellis, Managing Director, Microsoft Ireland

Peter Cassells, Chair of the National Centre for Partnership Performance

Shane Kelly, President of USI

Michael Kelly, Chairman of Higher Education Authority

Dr Mary Canning, Former World Bank Education Specialist and authority member, HEA

Brigid McManus, Secretary General, Department of Education and Science

Martin Shanagher, Assistant Secretary, Department of Enterprise Trade and Employment

Mary Doyle, Assistant Secretary, Department of An Taoiseach

Robert Watt, Assistant Secretary, Department of Finance

Schools Building Projects.

482. **Deputy Emmet Stagg** asked the Minister for Education and Science the plans to provide a new secondary school at Derrinturn, County Kildare to serve the north west Kildare area. [28195/09]

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 for future school years.

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 an area.

Post-primary accommodation requirements for the Derrinturn area will be considered in this regard.

School Accommodation.

483. **Deputy Emmet Stagg** asked the Minister for Education and Science when funding will be provided to end the use of prefabs at a school (details supplied) in County Kildare. [28196/09]

Minister for Education and Science (Deputy Batt O’Keeffe): In 2002, the Department received an initial application for large scale capital funding to provide for suitable ancillary accommodation at the school referred to by the Deputy. An updated application was received in September 2007 seeking funding for a major extension to include additional classroom accommodation.

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.

484. **Deputy John O’Mahony** asked the Minister for Education and Science his proposals to address all outstanding accommodation requirements at primary and post-primary schools throughout County Mayo over the next two years; and if he will make a statement on the matter. [28213/09]

Minister for Education and Science (Deputy Batt O’Keeffe): 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. 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.

School Transport.

485. **Deputy Denis Naughten** asked the Minister for Education and Science the status of his review of school transport catchment boundaries; and if he will make a statement on the matter. [28249/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): A Value for Money Review of the School Transport Scheme, including catchment boundaries, is currently being undertaken by my Department and is due to be completed by the end of the year.

The Steering Committee of the Review is looking at the original objectives of the scheme, whether these objectives remain valid today, the extent to which the objectives are being achieved and whether there are possibilities for economies or efficiencies that would improve the value for money of the scheme. In this context, the review is also looking at fundamental issues such as catchment boundaries, which is in line with the commitment in the Programme for Government.

The review, when completed, will be published and sent to the Oireachtas Select Committee on Education and Science.

Schools Building Projects.

486. **Deputy Seymour Crawford** asked the Minister for Education and Science the position regarding the progress towards the building project at a college (details supplied) in County Monaghan; his views on the fact that this is dangerous for both pupils and personnel; and if he will make a statement on the matter. [28274/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers, is at an early stage of architectural planning. A stage 1 submission (Site Suitability, Site Report, Initial Sketch Scheme) is currently being reviewed by my Department.

The progression of all large scale building projects, including this project, from initial design stage to construction phase will continue to 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 this project at this time.

487. **Deputy Seymour Crawford** asked the Minister for Education and Science the position regarding the progress towards a building project at a school (details supplied) in County Monaghan; and if he will make a statement on the matter. [28275/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers is at an early stage of architectural planning. A stage 2A submission(developed sketch scheme) was approved by my Department in March 2009.

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.

[Deputy Batt O’Keeffe.]

The progression of all large scale building projects, including this project, from initial design stage to construction phase will continue to 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.

488. **Deputy Willie Penrose** asked the Minister for Education and Science the position relating to the provision of a new school building for a school (details supplied) in County Longford; and if he will make a statement on the matter. [28284/09]

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.

489. **Deputy Willie Penrose** asked the Minister for Education and Science the position regarding the application for a new school building (details supplied) in County Westmeath; and if he will make a statement on the matter. [28285/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department is in receipt of an application for major capital funding from the school to which the Deputy refers.

I recently met with a deputation from the school to discuss its accommodation needs and I am aware that the Patron has donated a site for the provision of a new school building. The deputation was advised that the Forward Planning Section of my Department is currently identifying the areas throughout the country where significant additional accommodation will be needed at primary and post primary level in the medium to long term. Factors under consideration include population growth, demographic trends, current and projected enrolment, recent and planned housing developments and the capacity of existing schools to meet demand for places.

The accommodation needs of the school in question will be considered both in this context and that of the competing demands on my Department’s capital budget.

490. **Deputy Willie Penrose** asked the Minister for Education and Science the position regarding a new secondary school (details supplied) in County Westmeath; if it is necessary for the land to be designated before it can be provided; and if he will make a statement on the matter. [28286/09]

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 for future school years.

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 an area. Post-primary accommodation requirements in the area referred to by the Deputy will be considered in this context.

The N4/M4 Area Development Plan indicates that a post primary school will not be required in the area referred to by the Deputy until post 2011 and my Department has requested the local authority to reserve a site for this development.

491. **Deputy Jimmy Deenihan** asked the Minister for Education and Science the position regarding the provision of a new primary school for an area (details supplied) in County Kerry; and if he will make a statement on the matter. [28291/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy may be aware, I announced in September 2008 that the project for the school in question was to proceed to re-tender and construction.

My Department’s Building Unit is currently awaiting a Stage 2B (Detailed Design) submission, to comply with the new form of Government Construction Contract. Once it is received and examined, my officials will be in contact with the school authorities regarding further progress.

Question No. 492 answered with Question No. 474.

Irish Language.

493. **Deputy Michael Creed** asked the Minister for Education and Science the situation regarding the proposed development of an Irish language educational facility (details supplied) in County Cork; and if he will make a statement on the matter. [28297/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Cabinet colleague, the Minister for Community, Rural and Gaeltacht Affairs and my predecessor Minister Hanafin announced in March 2007 that a support and development initiative for the Irish language under the aegis of An Chomhaire um Oideachas Gaeltachta agus Gaelscolaíochta would be located at Coláiste Íosagáin in Baile Bhúirne and that four additional staff would be assigned to An Chomhairle for this purpose.

My Department has been in continuing discussion with the Department of Finance on the grading of these posts. However, they are now affected by the moratorium on public service posts.

A Co-ordinating committee made up of representatives from An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, Údarás na Gaeltachta and Foras na Gaeilge has been set up to advise on cooperative elements of the overall work to be carried out in support of Irish. An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta has a budget of €1.234m for the purpose of providing policy advice, research, support services and texts and materials to support the teaching of and through Irish. The Chomhairle has published an extensive resource directory of the materials now available to support the teaching through Irish of subjects at primary and post primary level, and operates a mobile library van so that schools can see at first hand what is available. The Tus Maith primary support service and the Second Level Support Service continue to provide professional development for teachers in this area. In addition, my Depart-

[Deputy Batt O’Keeffe.]

ment is investing heavily in Séidean Sí materials and resources for Irish medium primary schools.

My Department will continue to build on this investment in the light of the resources available.

Schools Building Projects.

494. **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 a decision will be made; and if he will make a statement on the matter. [28301/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Department received an application for large scale capital funding to provide accommodation to cater for the amalgamation of the two primary schools in the town referred to by the Deputy. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 1.4 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. 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 Transport.

495. **Deputy John Perry** asked the Minister for Education and Science if he will ensure that school transport is provided for a person (details supplied) in County Sligo; and if he will make a statement on the matter. [28317/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The National Council for Special Education has responsibility, through its network of Special Educational Needs Organisers (SENOs), for the establishment of special education facilities and for allocating resource teachers and special needs assistants to schools to support children with special needs.

Under the terms of the school transport scheme for children with special needs, a child is eligible for transport if he or she is attending the nearest recognised mainstream school, special class/special school or unit that is, or can be resourced to meet the child’s special educational needs under my Department’s criteria.

In this case the application for transport indicates that the child will not be enrolling in the nearest such school. In that regard, my Department has requested the SENO to clarify certain matters in relation to the allocation of resources. The case will be reviewed in the light of the SENO’s report.

Higher Education Grants.

496. **Deputy Mattie McGrath** asked the Minister for Education and Science the financial supports available to a person (details supplied) in south Tipperary who wishes to return to education. [28320/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Under the terms of the maintenance grants schemes grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to age, residence, means, nationality and previous academic attainment.

The Maintenance Grant Scheme for Students attending Post Leaving Certificate courses is administered by the Vocational Education Committees on behalf of my Department. The scheme is means tested, but does not exclude candidates who are not in receipt of a social welfare payment. The decision on eligibility for funding under this scheme is a matter for the relevant VEC to determine. It will be necessary for the candidate referred to by the Deputy to contact her VEC directly to have her eligibility assessed.

Graduate Retention.

497. **Deputy Arthur Morgan** asked the Minister for Education and Science the steps he has taken to solve the problem of graduate retention in the western region; the partnerships that are in place between his Department, third level institutions and enterprise groups to promote graduate retention; and if he will make a statement on the matter. [28334/09]

Minister for Education and Science (Deputy Batt O’Keeffe): A breakdown of county of employment vs. county of origin of graduates is available annually from the Higher Education Authority in their What Do Graduates Do? series of reports. The latest available report published in October 2008 indicates that nationally 31% of graduates find employment in their county of origin. Galway has the third highest graduate retention rate (63%) after Dublin (93%) and Cork (68%). The key role for the third level institutions in relation to graduate employability is to ensure that courses provided are relevant to the skills needs of the economy. In this regard our higher education institutions recognise the business community as a key stakeholder and have developed governance and management arrangements to provide for business input at strategic decision making level. Work placements are available on a large number of courses throughout the third level sector and liaison between employers and institutes when designing courses and programmes are a common feature throughout the sector. While many individual third level institutions have forged close links with industry at a local level and develop courses in response to their specific workforce needs, it should be noted that there are many factors which may influence a graduate’s choice of employment and some may not necessarily wish to secure employment in their county of origin.

Teachers’ Remuneration.

498. **Deputy John Deasy** asked the Minister for Education and Science the reason that service in private post-primary schools in other EU states is not recognised when assessing applications for the award of incremental credits to teachers at second level while similar service in private primary schools in other EU states is recognised; and if he will make a statement on the matter. [28353/09]

499. **Deputy John Deasy** asked the Minister for Education and Science his plans to treat service in private post-primary schools in other EU states on the same basis as service in private primary schools in other EU states when assessing applications for the award of incremental credits to teachers at second level; and if he will make a statement on the matter. [28354/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 498 and 499 together.

[Deputy Batt O’Keeffe.]

The criteria for the award of incremental credit to recognised teachers is agreed by the Teachers Conciliation Council which is made up of representatives of the teacher representative bodies, school management and the Departments of Education and Science and Finance under an Independent Chairperson. The Teachers Conciliation Council is part of the Scheme of Conciliation and Arbitration for Teachers, the purpose of which is to provide a means of dealing with claims and proposals relating to the salaries and terms and conditions of teachers’ service.

Currently, the incremental credit scheme for teachers makes no provision for the recognition of service given in private post primary schools. However as discussions on this issue are ongoing under the auspices of the Teachers Conciliation Council, I am not in a position to comment further at this time.

Higher Education Grants.

500. **Deputy Catherine Byrne** asked the Minister for Education and Science when the terms of the higher education grant scheme for Dublin City Council and the City of Dublin Vocational Education Committee will be announced for 2009; the details of this scheme; and if he will make a statement on the matter. [28374/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The review of criteria for the 2009 maintenance grant schemes is currently being finalised. Decisions on the 2009 schemes will be announced as soon as the process is completed.

Departmental Expenditure.

501. **Deputy Denis Naughten** asked the Minister for Education and Science the cost of public advertising funded by his Department in 2009; the breakdown between statutory and non-statutory; the corresponding figure for each agency under the control of his Department; and if he will make a statement on the matter. [28417/09]

Minister for Education and Science (Deputy Batt O’Keeffe): To date in 2009 the cumulative value of advertising placed by my Department is €45,000.

My Department advertises for a wide range of educational related schemes and programmes. In general the advertising undertaken by my Department encompasses, for example, invitations to forward submissions on education related schemes/projects, invitations to tender for school building programmes and staff appointments in the public sector.

A detailed breakdown of the type of advertising placed by my Department between statutory and non-statutory categories is not readily available.

With regard to the bodies under the aegis of my Department, the expenditure incurred on advertising by the bodies is a matter for each agency. This information is not collated centrally by my Department.

If the Deputy has a particular advertising campaign in mind I would be happy to have my officials obtain the relevant details and to communicate them to the Deputy.

Departmental Funding.

502. **Deputy Mary Upton** asked the Minister for Education and Science the position relating to funding for the Irish Centre for Talented Youth; if he will respond to queries regarding

funding from a person (details supplied); and if he will make a statement on the matter. [28429/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Notwithstanding the increase of €302 million in the education budget for 2009, which is a real achievement in the current economic climate, a number of tough and difficult decisions had to be taken.

These decisions included the decision to discontinue the annual funding of €97,000 that my Department made available to the Centre for Talented Youth (CTYI) at Dublin City University.

While it is appreciated that the discontinuation of this funding will impact on the centre, given the current volatile and challenging economic climate, difficult choices had to be made in order to contain public sector spending. Tax revenues are down significantly and Government expenditure has to reflect this reality. The priority of this budget was to focus on measures to channel as much as was possible of the available resources to the direct funding of our schools.

A response is issuing this week to the query regarding funding from the person referred to by the Deputy.

Departmental Expenditure.

503. **Deputy Leo Varadkar** asked the Minister for Education and Science the amount spent by his Department on legal fees directly to lawyers or through the State Solicitor’s office for each of the years 2006, 2007 and 2008; and if he will make a statement on the matter. [28465/09]

Minister for Education and Science (Deputy Batt O’Keeffe): It is not possible to provide the information requested in the time available. A reply will issue to the Deputy as soon as the information is to hand.

Schools Building Projects.

504. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a building project at a school (details supplied) in County Tipperary; the timeframe for completion of works; and if he will make a statement on the matter. [28591/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The management authority of the school referred to by the Deputy submitted an application for additional accommodation to my Department. This application was approved last May to enable the school to either purchase temporary accommodation or to build a permanent structure with the funding available.

The funding was approved on a devolved basis which means that responsibility for the day to day management of the project has been devolved to the school authority.

Schools Building Projects.

505. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a building project at a school (details supplied) in County Tipperary; and the timeframe for completion of works. [28592/09]

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

[Deputy Batt O’Keeffe.]

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 3.2 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of 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.

Computerisation Programme.

506. **Deputy Noel J. Coonan** asked the Minister for Education and Science his position regarding the provision of broadband for a school (details supplied) in County Tipperary; the reason for delay in providing the infrastructure; the timeframe for providing same; and if he will make a statement on the matter. [28593/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I would like to inform the Deputy that the school in question has had a satellite broadband connection since January 2006. In June 2008 at the schools request, the satellite dish was removed during building works, and as there was no alternate location available, the satellite dish was temporarily stored. During this downtime the National Council for Technology in Education (NCTE) investigated the possibility of providing the school with DSL broadband, but unfortunately the school lines failed the DSL Broadband test and therefore satellite was still the only broadband option available to the school. In March 2009, as the building works were completed, the school agreed to the reconnection of the service. Following some delays and the replacement of some faulty equipment parts, the Satellite broadband service was restored at the beginning of May this year and, I am informed, has been operating normally since then.

My Department is currently evaluating tenders from Service Providers for Phase II of the Schools Broadband Programme and the broadband connections for some schools may be reviewed or upgraded depending on the results of that process.

Schools Building Projects.

507. **Deputy Noel J. Coonan** asked the Minister for Education and Science if a school (details supplied) in County Tipperary has applied for any building works; the timeframe for providing same; and if he will make a statement on the matter. [28594/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is not in receipt of an application for major capital works at the school referred to by the Deputy. However the school has received funding for building works in recent years under the Summer Works Scheme.

508. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a building project at a school (details supplied) in County Tipperary; the timeframe for completion of works; and if he will make a statement on the matter. [28595/09]

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 4.1 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.

509. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a building project at a school (details supplied) in County Tipperary; the timeframe for completion of works; and if he will make a statement on the matter. [28596/09]

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.

Schools Refurbishment.

510. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding an application under the summer works scheme by a school (details supplied) in County Tipperary; the timeframe for completion of works; and if he will make a statement on the matter. [28597/09]

Minister for Education and Science (Deputy Batt O'Keeffe): There is no record in my Department of an application from the school in question for funding under the current Summer Works Scheme.

511. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a school (details supplied) in County Tipperary which has applied for works under the summer works scheme; the timeframe for completion of works; and if he will make a statement on the matter. [28598/09]

514. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding an application under the summer works scheme by a school (details supplied) in County Tipperary; the timeframe for completion of works; and if he will make a statement on the matter. [28601/09]

517. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding an application under the summer works scheme by a school (details supplied) in County Tipperary; the timeframe for completion of works; the works to be carried out; and if he will make a statement on the matter. [28604/09]

522. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding an application under the summer works scheme by a school (details supplied) in County Tipperary; the timeframe for completion of works; the works to be carried out; and if he will make a statement on the matter. [28609/09]

530. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28717/09]

532. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28719/09]

533. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28720/09]

534. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28721/09]

535. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28722/09]

536. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28723/09]

537. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28724/09]

538. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28725/09]

539. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28726/09]

540. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28727/09]

541. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28728/09]

542. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28729/09]

543. **Deputy Noel J. Coonan** asked the Minister for Education and Science the status of a summer works scheme application for a school (details supplied) in County Tipperary; the timeframe for the completion of works; the stage the project is at; and if he will make a statement on the matter. [28730/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 511, 514, 517, 522, 530 and 532 to 543, inclusive, together.

The schools referred to by the Deputy were approved for funding under the current Summer Works Scheme. The details of the works to be carried out are included in the attached tabular statement of all schools approved for such funding in County Tipperary.

The grants were sanctioned on condition that the works commence on site and 70% of the funding has been drawn down within 6 months of the date of the letter and that the remaining 30% of the funding is drawn down within 9 months of the date of this letter. If there are valid reasons why the above timetable cannot be met a case can be made to my Department for an extension of the deadlines.

Schools Building Projects.

512. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a school (details supplied) in County Tipperary which has applied for major capital funding; the timeframe for completion of works; and if he will make a statement on the matter. [28599/09]

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 2.4 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.

513. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a school (details supplied) in County Tipperary which has applied for major capital funding; the timeframe for completion of works; the works to be completed; and if he will make a statement on the matter. [28600/09]

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 3.1 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.

Question No. 514 answered with Question No. 511.

Schools Building Projects.

515. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding a school building project at a school (details supplied) in County Tipperary; the timeframe for completion of works; and if he will make a statement on the matter. [28602/09]

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 1.2 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of 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.

516. **Deputy Noel J. Coonan** asked the Minister for Education and Science if a school (details supplied) in County Tipperary has made an application for building works; if so, the stage the application is at; and if he will make a statement on the matter. [28603/09]

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 2.2 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of 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.

Question No. 517 answered with Question No. 511.

518. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding an application for a refurbishment and extension project in respect of a school (details supplied) in County Tipperary; the timeframe for completion of works; the works to be carried out; and if he will make a statement on the matter. [28605/09]

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 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.

519. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position in relation to 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. [28606/09]

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 2.4 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.

520. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position in relation to 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. [28607/09]

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 3.4 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 Refurbishment.

521. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position in relation a bus parking space outside a school (details supplied) in County Tipperary being more clearly marked; when the project will proceed to the next stage; and if he will make a statement on the matter. [28608/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is not in receipt of an application for works in relation to bus parking spaces outside the school referred to by

[Deputy Batt O’Keeffe.]

the Deputy. It is open to the school to use funds available to it under its Minor Works Grant for work of this nature.

Question No. 522 answered with Question No. 511.

Schools Building Projects.

523. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position in relation to additional accommodation in respect of a school (details supplied) in County Tipperary; when the project will proceed to the next stage and be completed; and if he will make a statement on the matter. [28610/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy may be aware, I announced in September 2008 that the project for the school in question was to proceed to re-tender and construction.

My Department’s Building Unit is currently awaiting a Stage 2B (Detailed Design) submission, to comply with the new form of Government Construction Contract. Once it is received from the school authority and examined, my officials will be in contact with the school regarding further progress.

524. **Deputy Noel J. Coonan** asked the Minister for Education and Science if a school (details supplied) in County Tipperary has made an application for building works; if so, the stage the application is at; and if he will make a statement on the matter. [28611/09]

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 2.4 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.

525. **Deputy Deirdre Clune** asked the Minister for Education and Science the position regarding the provision of a school for a school (details supplied) in County Cork. [28679/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that the school building 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.

School Facilities.

526. **Deputy Deirdre Clune** asked the Minister for Education and Science the procedures in place to hand over a school from the State to a community; and if he will make a statement on the matter. [28680/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The interests of the State, in primary school buildings constructed on sites not in the ownership of the State, is protected by way of long-term legal agreements. These legal agreements generally take the form of a charge

registered as a burden on the relevant legal folio and must be surrendered by my Department should the owner of the site wish to dispose of the property. Prior to agreeing to a request to surrender Ministerial interest on charged property, my Department examines all requests to determine whether the property is required for future educational use.

The Deputy may wish to note that my Department has a general policy of encouraging the use of school facilities by community and other groups where this is possible and where appropriate arrangements are made to reimburse the school for any additional expenditure incurred by the school associated with such usage (heating, lighting, caretaking, insurance, etc). However, any proposal for the use of school facilities outside of normal schools hours must be approved by the local school management authorities in the first instance. In 2005, my Department issued a circular letter to all school authorities urging them to make their facilities available, where possible, for community and recreation purposes.

Special Educational Needs.

527. **Deputy Deirdre Clune** asked the Minister for Education and Science if he will provide an exemption for children with special needs from his new arrangements regarding uncertified cover for teachers; and if he will make a statement on the matter. [28681/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As a result of the 2009 Budget provisions for Education, and following subsequent proposals from the management bodies of primary and second level schools, new arrangements were put in place for substitution cover in the period January to June this year. These arrangements will continue for the 2009/2010 school year pending the completion of a review of the supervision, substitution arrangements and related matters.

New arrangements are not being introduced for the provision of substitution cover for teachers of special classes in mainstream schools or in special schools.

School Placement.

528. **Deputy Deirdre Clune** asked the Minister for Education and Science if he will provide a school place in September 2009 for a child (details supplied) in County Cork; and if he will make a statement on the matter. [28682/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and Special Needs Assistants to primary and post primary schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

I understand that the NCSE has been actively working with the family concerned to identify a suitable post-primary placement.

Schools Building Projects.

529. **Deputy Frank Feighan** asked the Minister for Education and Science the schools in counties Roscommon and Leitrim that are at the pre-architectural planning stage; and the programme of funding and plans in place to progress same. [28690/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The details of the schools in Counties Roscommon and Leitrim that are in the pre-architectural planning stage are given in the tabular statement.

[Deputy Batt O’Keeffe.]

The Deputy should be aware that the details refer to major capital grant applications only and does not include applications for funding under schemes such as the Summer Works Scheme and Emergency Works Scheme.

The progression of 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 these projects at this time.

County	Number	School
Leitrim	08673V	The Hunt N S Castle Street (Leitrim)
Leitrim	15194A	Naomh Caillin Fiodhnach Foxfield (Leitrim)
Leitrim	16474L	Carrigallen N S Carrigallen (Leitrim)
Leitrim	17233R	Manorhamilton B N S Scoil San Clar (Leitrim)
Leitrim	18181G	St. Hugh’S N.S. Dowra (Leitrim)
Leitrim	71540J	Carrigallen Vocational School Carrigallen (Leitrim)
Leitrim	71570S	Vocational School Drumshanbo (Leitrim)
Leitrim	81013P	St. Clare’S Comprehensive School Manorhamilton (Leitrim)
Leitrim	91496V	Community School Carrick-On-Shannon (Leitrim)
Leitrim	91519H	Ballinamore Community School Ballinamore (Leitrim)
Leitrim	71560P	Lough Allen College, Drumkeerin
Leitrim	19423J	St Patrick’s NS, Drumshanbo (Leitrim)
Leitrim	18656E	SN Beal an Atha Mhoir (Leitrim)
Roscommon	14966W	Kilteevan N S Roscommon (Roscommon)
Roscommon	15083O	St Marys Convent N S Roscommon (Roscommon)
Roscommon	15557K	Cloonfad N S Ballyhaunis (Roscommon)
Roscommon	16427C	Clonown N S Athlone (Roscommon)
Roscommon	16816N	Attyrory N S Ballinasloe (Roscommon)
Roscommon	17094G	S N Rath Cruachan Beal Atha Na Gcearr (Roscommon)
Roscommon	18395C	S N Cluain Na Cille Athlone (Roscommon)
Roscommon	18626S	An Gleann Duibh NS, Kiltoom, Athlone
Roscommon	19368E	S N Naomh Ciaran Scoil Naomh Ciaran (Roscommon)
Roscommon	20126K	Gaelscoil De Hide Cnoc Na Cruibe (Roscommon)
Roscommon	65080P	C.B.S. Roscommon Abbeytown (Roscommon)
Roscommon	91493P	Castlerea Community School Castlerea (Roscommon)
Roscommon	16291D	Clooncagh NS, Strokestown (Roscommon)

Question No. 530 answered with Question No. 511.

Schools Refurbishment.

531. Deputy Noel J. Coonan asked the Minister for Education and Science the number of schools in County Tipperary that have benefited from the summer works scheme to date since its introduction; if responses given to previous parliamentary questions remain unchanged; if not, the position regarding same; and if he will make a statement on the matter. [28718/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Tabular statements provide details of all the projects in County Tipperary approved for funding under the Summer Works Schemes 2004-2009 and the revised details following appeals of applications not approved in 2009.

Summer Works Scheme 2009

Unapproved Applications in North Tipperary

County	Sector	Roll No.	School	Works requested	Reason
Tipperary N.R.	Primary School	17543J	Cloughjordan NS Cloughjordan	Roof works	Works carried under contingency fund
Tipperary N.R.	Primary School	17653Q	Castleiny N S Luach Magh	Roof works/toilet upgrade/conversion works	Works carried out under Small Schools Scheme
Tipperary N.R.	Primary School	18087O	S N Odhran Naofa Baile na Cloiche	Roof works	Works carried out under Small Schools Scheme
Tipperary N.R.	Post Primary School	65380E	St Mary’s Secondary School Nenagh	Toilet upgrade/electrical upgrade/ roof works/window replacement	Works not absolutely necessary at this time
Tipperary N.R.	Post Primary School	65450W	C.B.S. Thurles O’Donovan Rossa St		Project too large for delivery over summer months also contain- ed a new build element, which does not qualify under the Scheme
Tipperary N.R.	Post Primary School	72370P	Borrisokane Community College Borrisokane	Sewerage works	Works carried out under contingency fund
Tipperary N.R.	Post Primary School	72470T	St. Sheelan’s College Templemore	Window replacement/ tarmacking	Works not absolutely necessary at this time

Summer Works Scheme 2009

Invalid applications submitted by schools in North Tipperary

County	Sector	Roll No.	School	Reason
Tipperary N.R.	Primary School	17237C	S N Cill Barfhionn Coolbawn	Consultant not properly qualified under the terms of the Scheme
Tipperary N.R.	Primary School	19677R	Scoil Iosagain Upper-Church Central NS	Consultant not properly qualified under the terms of the Scheme

Tipperary SWS 2004-2009

County	School No.	School		Works
<i>2004</i>				
Tipperary	65240L	Presentation Secondary School	Thurles	roof repair
Tipperary	65280A	Scoil Mhuire		roof repair
Tipperary	65500L	St. Anne’s Secondary School	Tipperary Town	upgrade heating system
Tipperary	72370P	Borrisokane VS	Nenagh	mechanical and electrical
Tipperary	72420E	Central Technical Institute	Clonmel	roof repair
Tipperary	72450N	St. Joseph’s College		fire safety
Tipperary	72470T	St. Sheelans		toilet upgrade

[Deputy Batt O’Keeffe.]

County	School No.	School		Works
Tipperary	72480W	St. Ailbes Vocational School	Tipperary Town	roof repair
Tipperary	72490C	Gairm Scoil Mhuire		toilet upgrade
Tipperary	07048O	Mohober National School	Mullinahone	sewerage treatment
Tipperary	07358I	Skeheenarinky National School	Cahir	roof replacement
Tipperary	11367I	Scoil Mhuire	Nenagh	wheelchair access & toilet
Tipperary	11384I	Gurtagarry National School	Toomevara	effluent treatment plant
Tipperary	12349L	Scoil Mhuire na nAingeal	Clonmel	Mechanical & Electrical
Tipperary	16810B	Youghal Arra National School	Nenagh	disabled access & toilet
Tipperary	17276M	Scoil na mBráithre	Tipperary Town	roof repair
Tipperary	17498H	Scoil Naomh Sheosamh		access for all and fire safety
Tipperary	17511T	Ballinure National School	Thurles	heating & electrical
Tipperary	17634M	Scoil Ailbhe	Thurles	re-surface play area/car park/paths
Tipperary	17681V	Scoil Na Maighne	Thurles	repair to toilet
Tipperary	17712G	Kilkeary National School	Norwood	sewerage system
Tipperary	18135W	Scoil Angela Ursuline		replacement roof
Tipperary	18443K	St. Joseph’s National School.	Roscrea	electrical improvement
Tipperary	19874T	Scoil Mhuire Presentation		electrical improvement
Tipperary	01862M/ 01285A	St.Michaels Girl’s & Boys National School	Tipperary Town	replacement heating system
Tipperary	12180W	Presentation Primary	Clonmel	provide ramps & lift access
Tipperary	17799V	Ayle National School	Monard	toilet upgrade
Tipperary	18345K	St Joseph’s National School	Roscrea	sewerage improvement
Tipperary	18486F	Scoil Mhuire	Clonmel	alterations to toilets
Tipperary	18716T	Cahir Boy’s National School	Cahir	electrical improvement
Tipperary	19356U	St. Mary’s Central National School		upgrade toilet facilities
<i>2005</i>				
Tipperary	07358I	S N Sceichin A Rince , An Chuirtd Doite , An Chathair		Windows
Tipperary	09432E	St Josephs NS, Convent of Mercy, Tipperary		Roofs
Tipperary	11470B	Slieveardagh N S, The Commons, Thurles		Roofs
Tipperary	12180U	Presentation Primary School, Clonmel, Co Tipperary		Access For All
Tipperary	12349L	S N Muire Na Naingeal, Clochar Na Carthanachta, Sraid Mortuin		Windows
Tipperary	16112A	St Marys Convent, Nenagh, Co Tipperary		Electrical
Tipperary	16810B	Eochaille Ara N S, Newtown, Nenagh		Access For All
Tipperary	17276M	Scoil Na Mbraithe, Tipperary, Co Tipperary		Windows
Tipperary	17498H	S N Sheosamh		Car park
Tipperary	17681V	S N Na Maighne, Thurles, Co Tipperary		Roofs
Tipperary	17703F	S N Ard Croine, Nenagh, Co Tipperary		Windows
Tipperary	17731K	S N Iosef Naofa, Templemore, Co Tipperary		Mechanical
Tipperary	18135W	Scoil Angela, Ursuline Convent, Thurles		Windows

County	School No.	School		Works
Tipperary	18213Q	S N Leamhach, Thurles, Co Tipperary		External Environment
Tipperary	18345K	S N Iosef Naofa, Cor An Bhile, Roscrea		Roofs
Tipperary	18486F	S N Cill Siolain, Cill Siolain, Clonmel		Access For All
Tipperary	19874T	Scoil Na Toirbhirte, Presentation Convent Ns, Thurles		Electrical
Tipperary	19937R	Gaelscoil Aonach, Bothar Naomh Chonlain, Aonach Urmhumhan		External Environment
Tipperary	65440T	Our Lady's SS Templemore		Fencing
Tipperary	65450W	C.B.S. Thurles, O'Donovan Rossa St, Thurles		Gas
Tipperary	65460C	Presentation Secondary School, Thurles, Co Tipperary		Windows
Tipperary	65470F	Ursuline Secondary School, Thurles, Co. Tipperary		Windows
Tipperary	65500L	St. Annes Convent of Mercy		Science Labs
Tipperary	72370P	Borrisokane Community College, Borrisokane, Co Tipperary		Electrical
Tipperary	72400V	Vocational School, Carrick-On-Suir, Co Tipperary		Roofs
Tipperary	72420E	Central Technical Institute, Clonmel, Co Tipperary		Mechanical
Tipperary	72430H	Scoil Ruain, Killenaule, Thurles		Windows
Tipperary	72440K	Nenagh VS		Complete Fencing of Large Site
Tipperary	72470T	St. Sheelan's College, Templemore, Co Tipperary		Roofs
Tipperary	72480W	St. Alibe's School, Rosanna Road, Tipperary Town		Toilets
Tipperary	72490C	Vocational School, Castlemeadows, Thurles		Electrical
Tipperary	76063D	Col Dún Iascaigh		Security fencing
Tipperary	76069P	Colaiste Phobáil Rós Cré, Corville Rd, Roscrea		Electrical
Tipperary	11605V	Rosegreen		Tarmacing
Tipperary	13847J	Hollyford NS		Structural improvements to fabric of building
Tipperary	18582B	Ballylooby National School		Convert Space to cater for Computer Room/
Tipperary	19294B	Lisvernane National School		Tarmacing
Tipperary	19356U	Killenaule National School		Fencing
Tipperary	65350S	Patrician Presentation, Fethard		Refurbishment of 3 Science Labs
2006				
Tipperary	65240L	Presentation Secondary School, Ballingarry, Thurles		Windows
Tipperary	65300D	Rockwell College, Cashel, Co Tipperary		Electrical
Tipperary	65320J	Ard Scoil na mBraithre, Clonmel		External Environment
Tipperary	65450W	C.B.S. Thurles, O'Donovan Rossa St, Thurles		Electrical
Tipperary	65460C	Presentation Secondary School, Thurles, Co Tipperary		Science Lab

[Deputy Batt O’Keeffe.]

County	School No.	School		Works
Tipperary	65490L	The Abbey School, Station Road, Tipperary Town		Windows
Tipperary	72400V	Comeragh College, Greenside, Carrick-On-Suir		Windows
Tipperary	72420E	Central Technical Institute, Clonmel, Co Tipperary		Roofs
Tipperary	72430H	Scoil Ruain, Killenaule, Thurles		Windows
Tipperary	72440K	Nenagh Vocational School		Electrical
Tipperary	72450N	St Joseph’s College, Newport, Co Tipperary		Roofs
Tipperary	72480W	St. Alibe’s School, Rosanna Road, Tipperary Town		Home Economics Room
Tipperary	72480W	St. Alibe’s School, Rosanna Road, Tipperary Town		Toilets
Tipperary	72490C	Vocational School, Castlemeadows, Thurles		Access For All
Tipperary	76063D	Colaiste Dun Iascaigh, Cashel Road, Cahir		Toilets
Tipperary	76069P	Colaiste Phobáil Ros Cré, Corville Rd, Roscrea		Mechanical
Tipperary	01594N	St Johns, Roscrea, Co Tipperary		Toilets
Tipperary	09432E	Convent Of Mercy, Tipperary, Co Tipperary		Windows
Tipperary	12180U	Presentation Primary School, Clonmel, Co Tipperary		Car Parking
Tipperary	13847J	Hollyford N S, Hollyford, Co Tipperary		Windows
Tipperary	16059W	Emly N S, Emly, Co Tipperary		Electrical
Tipperary	16112A	St Marys Convent, Nenagh, Co Tipperary		Mechanical
Tipperary	17276M	Scoil na mBraithre, Tipperary		External Environment
Tipperary	17681V	S N Na Maighne, Thurles, Co Tipperary		Windows
Tipperary	18085K	Ballyneale N S, Carrick On Suir, Co Tipperary		Mechanical
Tipperary	18135W	Scoil Angela, Ursuline Convent, Thurles		Mechanical
Tipperary	18135W	Scoil Angela, Ursuline Convent, Thurles		Mechanical
Tipperary	18345K	S N Iosef Naofa, Cor An Bhile, Roscrea		Roofs
Tipperary	18538V	Scoil Mhuire, Caislean Nua, Clonmel		Roofs & disabled access
Tipperary	18559G	S N Cill Na Naomh, Killeen, Nenagh		Access For All
Tipperary	18582B	Ballylooby N S, Cahir, Co Tipperary		Toilets
Tipperary	18775M	S N Micheal Naofa, Holycross, Thurles		Windows
Tipperary	19874T	Scoil Na Toirbhirte, Presentation Convent Ns, Thurles		Toilets
2007				
Tipperary	65241N	St Josephs College	Borrisoleigh	Technology Room
Tipperary	65300D	Rockwell College	Cashel	Science Lab
Tipperary	65330M	Loreto Secondary School	Coleville Rd.	Other Structural
Tipperary	65350S	Patrician Presentation	Rocklow Rd.	Upgrade Mechanical

County	School No.	School		Works
Tipperary	65370B	St. Joseph's C.B.S	Summerhill	Science Lab
Tipperary	65450W	C.B.S. Thurles	O'Donovan Rossa St	Upgrade Mechanical
Tipperary	65460C	Presentation Secondary School	Thurles	Upgrade Electrical
Tipperary	65470F	Ursuline Secondary School	Thurles	Partial Replacement of Roof
Tipperary	65490L	The Abbey School	Station Road	General Upgrade to Toilets
Tipperary	65500L	St. Anne's Secondary School	Convent Of Mercy	Woodwork/Metalwork Room
Tipperary	72370P	Borrisokane Community College	Borrisokane	Partial Replacement of Roof
Tipperary	72400V	Comeragh College	Greenside	Science Lab
Tipperary	72420E	Central Technical Institute	Clonmel	General Upgrade to Toilets
Tipperary	72430H	Scoil Ruain	Killenaule	General Upgrade to Toilets
Tipperary	72440K	Nenagh Vocational School	Dromin Road	Ramps
Tipperary	72450N	St Joseph's College	Newport	Toilet Facilities
Tipperary	72470T	St. Sheelan's College	Templemore	Upgrade Electrical
Tipperary	72480W	St. Alibe's School	Rosanna Road	Partial Replacement of Roof
Tipperary	72490C	Vocational School	Castlemeadows	Science Lab
Tipperary	76063D	Colaiste Dun Iascaigh	Cashel Road	Builders Work
Tipperary	76069P	Colaiste Phobáil Ros Cré	Corville Rd	Partial Replacement of Roof
Tipperary	04067F	Convent Of Mercy	Newport	Complete Replacement of Windows
Tipperary	04075E	Moyglass N S	Moyglass	Ceiling Repairs
Tipperary	04075E	Moyglass N S	Moyglass	Erecting Partitions
Tipperary	04075E	Moyglass N S	Moyglass	Upgrade of Windows
Tipperary	04075E	Moyglass N S	Moyglass	Toilet Facilities
Tipperary	13991Q	Birdhill N S	Killaloe	Toilet Facilities
Tipperary	16059W	Emly N S	Emly	Complete Replacement of Roof
Tipperary	16112A	St Marys Convent	Nenagh	Toilet Facilities
Tipperary	16344V	St Marys Jnr B N S	Nenagh	Upgrade Electrical
Tipperary	16725K	S N Mhuire Na Mbraithe	Carrick On Suir	Upgrade Electrical
Tipperary	16979S	St Colmcilles Primary School	Templemore	Upgrade Mechanical
Tipperary	17237C	S N Cill Barfhionn	Coolbawn	Upgrade Electrical
Tipperary	17237C	S N Cill Barfhionn	Coolbawn	Upgrade Mechanical
Tipperary	17511T	S N Baile An Iubhair	Thurles	Repairs of Roof
Tipperary	17511T	S N Baile An Iubhair	Thurles	Sewerage
Tipperary	17634M	Scoil Ailbhe	Thurles	Upgrade Electrical
Tipperary	17703F	S N Ard Croine	Nenagh	Ramps
Tipperary	17712G	S N Chiarda Naofa	Kilkeary	Upgrade Electrical
Tipperary	17731K	S N Iosef Naofa	Templemore	Windows
Tipperary	17799V	S N Na Haille	An Mhoin Ard	Repairs of Roof
Tipperary	18085K	Ballyneale N S	Carrick On Suir	Boiler Replacement
Tipperary	18085K	Ballyneale N S	Carrick On Suir	Builders Work
Tipperary	18085K	Ballyneale N S	Carrick On Suir	Upgrade Electrical
Tipperary	18135W	Scoil Angela	Ursuline Convent	Upgrade Electrical
Tipperary	18343G	S N Chaoimhghin	Baile Dhaith	Partial Replacement of Roof
Tipperary	18343G	S N Chaoimhghin	Baile Dhaith	Partial Replacement of Windows
Tipperary	18343G	S N Chaoimhghin	Baile Dhaith	General Upgrade to Toilets
Tipperary	18350D	S N Na Hinse	Thurles	Partial Replacement of Windows
Tipperary	18396E	S N Rath Eilte	Thurles	Toilet Facilities
Tipperary	18465U	S N Lios An Halla	Nenagh	Upgrade Electrical
Tipperary	18501V	Grangemockler N S	Carrick On Suir	Upgrade Mechanical

[Deputy Batt O’Keeffe.]

County	School No.	School		Works
Tipperary	18512D	Scoil Phroinsias Naofa	Garryshane	Complete Replacement of Windows
Tipperary	18512D	Scoil Phroinsias Naofa	Garryshane	Partial Replacement of Roof
Tipperary	18557C	S N Teampall Doire	Nenagh	Partial Replacement of Roof
Tipperary	18716T	Cahir B N S	Cahir	General Upgrade to Toilets
Tipperary	19356U	Killenaule N S	Killenaule	Boiler Replacement
Tipperary	19421F	Kilross Ns	Kilross	Gutters/Facia
Tipperary	19690J	Clonoulty Central N S	Goolds Cross	General Upgrade to Toilets
Tipperary	19874T	Scoil Na Toirbhirte	Presentation Convent Ns	Upgrade Mechanical
Tipperary	19937R	Gaelscoil Aonach	Bothar Naomh Chonlain	Resource Room
<i>2009</i>				
Tipperary	01285/ 01862M	Tipperary Jnr Bn S & GNS	St.Michael’s St	Upgrade Electrical
Tipperary	02428B	Lackamore N S	Newport	Partial Replacement of Roof
Tipperary	02428B	Lackamore N S	Newport	Car Parking
Tipperary	07245S	Cullen N S	Cullen	Partial Replacement of Windows
Tipperary	09432E	St Josephs Primary School	Tipperary Town	Upgrade Play Area
Tipperary	10533R	Ballydrehid N S	Cahir	Upgrade Electrical
Tipperary	12124K	Rear N S	Newport	Complete Replacement of Windows
Tipperary	12349L	S N Muire Na Naingéal Clochar Na Carthanachta	Sraid Mortuin	Upgrade Play Area
Tipperary	13210I	St Josephs National School	Ballingarry	Ramps
Tipperary	13867P	St Cronans Ns	Roscrea	Upgrade Play Area & Fencing
Tipperary	13991Q	Birdhill N S	Killaloe	Replace Carpets
Tipperary	14426N	Knockavilla N S	Dundrum	Ramps
Tipperary	14426N	Knockavilla N S	Dundrum	Upgrade Play Area
Tipperary	15008A	Shronell N S	Lattin	Car Parking
Tipperary	15157R	Mount Bruis N S	Mount Bruis	Boiler Replacement
Tipperary	15299O	Gaile N S	Holycross	Repairs of Roof
Tipperary	15299O	Gaile N S	Holycross	Complete Replacement of Windows
Tipperary	15778D	St Marys N S	Nenagh	Boiler Replacement
Tipperary	16211C	Two Mile Borris N S	Thurles	Complete Replacement of Windows
Tipperary	16979S	St Colmcilles Primary School	Templemore	Partial Replacement of Roof
Tipperary	17140K	S N Baile Sluagh	Thurles	Repairs of Roof
Tipperary	17276M	Scoil Na Mbraithre	Tipperary	General Upgrade to Toilets
Tipperary	17486A	S N Cleireachain	Clonmel	Upgrade Play Area
Tipperary	17512V	S N Flannain Naofa	Rath Chobain	General Upgrade to Toilets
Tipperary	17620B	S N Rois Mhoir	Clonoulty	Repairs of Roof
Tipperary	17634M	Scoil Ailbhe	Thurles	General Upgrade to Toilets
Tipperary	17703F	S N Ard Croine	Nenagh	Upgrade Mechanical
Tipperary	17731K	S N Iosef Naofa	Templemore	Repairs of Roof
Tipperary	17783G	S N Chuiirt Doighte	Cahir	Complete Replacement of Roof
Tipperary	17940T	S N Na Mbuachailli	Tulach Seasta	Complete Replacement of Windows
Tipperary	18135W	Scoil Angela	Ursuline Convent	General Upgrade to Toilets
Tipperary	18285S	S N Cill Chuimin	Thurles	Complete Replacement of Roof
Tipperary	18345K	Soil Iosef Naofa NS	Cor an Bhile	Mechanical Works

County	School No.	School		Works
Tipperary	18350D	S N Na Hinse	Thurles	Partial Replacement of Roof
Tipperary	18396E	S N Rath Eilte	Thurles	Partial Replacement of Roof
Tipperary	18465U	S N Lios An Halla	Nenagh	Sewerage
Tipperary	18465U	S N Lios An Halla	Nenagh	Partial Replacement of Windows
Tipperary	18538V	Scoil Mhuire	Caislean Nua	Complete Replacement of Windows
Tipperary	18557C	S N Teampall Doire	Nenagh	Replace Carpets
Tipperary	18559G	S N Cill Na Naomh	Killeen	General Upgrade to Toilets
Tipperary	18559G	S N Cill Na Naomh	Killeen	Complete Replacement of Windows
Tipperary	19356U	Killenaule N S	Killenaule	Provision of a Play Area
Tipperary	19540N	Clogheen Central N S	Clogheen	Upgrade Electrical
Tipperary	19640R	Scoil Mhuire NS	Lismackin	Windows & Door replacement
Tipperary	19692N	St John The Baptist	Old Road	Replace Carpets
Tipperary	19696V	Cashel Deanery	Cashel	Replace Carpets
Tipperary	19874T	Presentation Convent NS	Thurles	Tarmacing
Tipperary	20155R	St John The Baptist Boys School	Cashel	Replace Carpets
Tipperary	65300D	Rockwell College	Cashel	Curricular Requirements
Tipperary	65350S	Patrician Presentation	Rocklow Rd.	CCTV
Tipperary	65370B	St. Joseph's C.B.S	Summerhill	General Upgrade to Toilets
Tipperary	65410K	Cistercian College	Roscrea	Classroom
Tipperary	65460C	Presentation Secondary School	Thurles	Upgrade Mechanical
Tipperary	65470F	Ursuline Secondary School	Thurles	CCTV
Tipperary	65500L	St. Anne's Secondary School	Convent Of Mercy	Science Lab
Tipperary	72430H	Scoil Ruain	Killenaule	Outdoor to Indoor
Tipperary	72450N	St Joseph's College	Newport	Complete Replacement of Windows
Tipperary	72490C	Coláiste Mhuire Co-Ed	Castlemeadows	Complete Replacement of Windows
Tipperary	76069P	Colaiste Phobáil Ros Cré	Corville Rd	General Upgrade to Toilets
Tipperary	76069P	Colaiste Phobáil Ros Cré	Corville Rd	Gutters/Facia
Tipperary	91497A	Cashel Community School	Dualla Road	Repairs of Roof
Tipperary	91497A	Cashel Community School	Dualla Road	Fencing

Questions Nos. 532 to 543, inclusive, answered with Question No. 511.

Vocational Education Committees.

544. **Deputy Enda Kenny** asked the Minister for Education and Science the costs associated with the calling of statutory meetings of each vocational education committee authority for each of the past three years; and if he will make a statement on the matter. [28740/09]

Minister for Education and Science (Deputy Batt O'Keeffe): Each VEC is required to hold at least 10 statutory meetings of its full committee per annum. In addition, it is a statutory requirement, under Section 32 of the Vocational Education (Amendment) Act 2001, that a finance sub-committee is formed to report to the main committee on at least four occasions per year. VECs may also establish other statutory sub-committees, as provided for by Section 31 of the 2001 Act. Indeed, it is a requirement of the VEC Code of Governance that each VEC form an audit committee in accordance with this section of that Act.

[Deputy Batt O’Keeffe.]

VECs are given a high level of autonomy in the management and appropriation of their budgets and each VEC is allowed to distribute its allocations in line with its priorities and perceptions of need. Costs associated with the calling of statutory meetings are met from these financial allocations, and in that regard the Deputy will appreciate that the information requested is not held in my Department and that it would require an inordinate amount of administrative time to compile.

545. **Deputy Enda Kenny** asked the Minister for Education and Science the position regarding the replacement of two retiring adult education officers in Mayo Vocational Education Committee; if his attention has been drawn to the High Court judgment to the effect that adult education organisers are deemed to be and categorised as being educationalists and are therefore not subject to and outside of a moratorium ban on general recruitment; and if he will arrange for replacements to be appointed to fulfil programmes of adult education in this VEC area. [28741/09]

546. **Deputy Enda Kenny** asked the Minister for Education and Science if he will confirm if replacements for adult education organisers are exempt from a moratorium on public recruitment on the basis that their positions are categorised as educationalist; and if he will make a statement on the matter. [28742/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I propose to take Questions Nos. 545 and 546 together.

The posts referred to by the Deputy are subject to the moratorium on recruitment and promotion applicable to the civil and public service and my Department does not have any authority to approve the filling of the posts.

On 30 March 2009, the Department issued Circular 23/2009 — Implementation of Moratorium on Recruitment and Promotions in the Public Service — to VECs outlining the impact of the moratorium. The moratorium is specific in relation to frontline services in schools. Teachers and SNAs will be governed by a ceiling to be determined in the Autumn, rather than an embargo on filling vacancies as they arise, which is the case across most of the public sector. This arrangement applies to teachers or teacher equivalents that are directly providing tuition to pupils in schools, in special programmes or in adult and further education settings.

The implications of the moratorium on all areas of education are currently under examination in my Department.

Psychological Service.

547. **Deputy Noel Ahern** asked the Minister for Education and Science if he will clarify the situation regarding the assessment of children process; the way children are selected for assessment; if a teacher could submit the names of children that they are concerned about for assessment; if there is a particular assessment after fifth class; if it is correct that only two children per school per year are selected for assessment; the cost of each assessment; whether his Department, the school or the parent pays for the assessment; if any child will be assessed at a subsidised rate at the parent’s expense; the steps that he will take for a child where the assessment shows same is below average; and if he will make a statement on the matter. [28748/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can inform the Deputy that all primary and post primary schools have access to psychological assessments either directly through my Department’s National Educational Psychological Service (NEPS) or through the

Scheme for Commissioning Psychological Assessments (SCPA) which is administered by NEPS.

NEPS encourages a staged assessment process whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually.

The introduction of the General Allocation model for primary schools in 2005/06 means that children with high incidence special needs no longer have to wait for an individual assessment before they can get access to extra support.

Children who manifest very special or urgent needs in school and who have not been previously assessed by a psychologist and are brought to the attention of a NEPS psychologist by the Principal teacher will usually be assessed by the psychologist within that school term. Normally, principals of schools prioritise those children in need of psychologist assessment in consultation with the assigned psychologist.

In the case of schools that do not currently have dedicated NEPS psychologists assigned to them, as I already mentioned, such schools have access to psychological assessments through the SCPA. Under this Scheme, schools can commission assessments from a member of the panel of private practitioners approved by NEPS, and NEPS will pay the fees directly to the psychologist concerned.

Should school authorities have specific difficulties with regard any of the foregoing I would suggest that they should contact the relevant local NEPS Regional Director, for whom contact details are available on my Department's website.

All primary schools are allocated additional teaching resources under the General Allocation Model to enable them support pupils with educational needs. Schools can decide how best to use this allocation based on the needs of the pupils.

Child Abuse.

548. **Deputy Noel Ahern** asked the Minister for Education and Science the position regarding the recently published Ryan commission report, if the redress system will be reopened for new applications in view of the fact that many children detained in these institutions did not know of the system and are only now coming forward to apply; if he will respond to the case of a person (details supplied) in Dublin 1. [28751/09]

Minister for Education and Science (Deputy Batt O'Keeffe): I wish to advise the Deputy that the position in relation to recently published Ryan Report is that the Government has accepted all of its recommendations and is committed to their full implementation. To this end, Barry Andrews, TD, Minister for Children & Youth Affairs will bring an implementation plan to Government before the end of the month.

In relation to the specific case referred to, the Deputy may be aware that 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) — i.e. the 3 year period set by the legislation for the making of applications to the Board.

However the issue of extending the Redress Scheme to allow for persons to make late applications is amongst a range of issues raised by groups representing survivors of abuse, all of which will now require further consideration by the Government.

Schools Building Projects.

549. **Deputy Ulick Burke** asked the Minister for Education and Science the position regarding the provision of a new school as a replacement for a school (details supplied) in view of the fact that a site has been acquired for several years and planning for this development is in place; and if he will make a statement on the matter. [28769/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is at an advanced 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.

Special Educational Needs.

550. **Deputy Ulick Burke** asked the Minister for Education and Science if he will review his decision to withdraw special needs supports to the schools affected by his decision in view of the consequences it will have on the resulting loss in the potential of these students to reach their full educational achievement and the effect of same on their quality of life for the future. [28774/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to assure the Deputy that there will be no pupil with a special educational need who will be without access to a special needs teacher as a result of the decision to apply the normal rules which govern the appointment and retention of teachers of special classes for pupils with a mild general learning disability.

All primary schools were allocated additional teaching resources under the General Allocation Model to enable them support pupils with high incidence special educational needs including mild general learning disability (MGLD). Schools can decide how best to use this allocation based on the needs of the pupils. Most pupils with a MGLD are included in ordinary classes with their peers and are supported by their class teacher. The curriculum is flexible so that teachers can cater for the needs of children of different abilities.

The Deputy will be aware that teacher allocations to schools typically increase or decrease depending on pupil enrolment. In the case of classes for MGLD the normal pupil teacher ratio that applies is 11:1. My Department however permits schools to retain a teaching post where it has a minimum of 9 pupils in the class. This minimum was not fulfilled in a number of classes therefore schools no longer qualify to retain the classes.

My Department has considered a number of appeals from schools in relation to the loss of the classes. Some schools have advised that they had enrolled children with a low incidence disability in classes intended for pupils with a mild general learning disability. These children may qualify for individual resource teaching support through the National Council for Special Education (NCSE) and schools were advised that it is open to them to liaise with the local Special Educational Needs Organiser (SENO) in this regard.

I wish to reiterate that pupils with a mild general learning disability have, and will continue to have, access to additional teaching resources to support their education. However, there is a requirement to make appropriate use of the resources available and along with all other areas of expenditure, provision is dependent on the resources available to the Government.