



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 24 September 2009.

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DÁIL ÉIREANN

Déardaoin, 24 Meán Fómhair 2009.
Thursday, 24 September 2009.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

An Leas-Cheann Comhairle: Before coming to the Order of Business I propose to deal with a notice under Standing Order 32. I call Deputy James Bannon.

(Interruptions).

Deputy James Bannon: Have I order?

An Leas-Cheann Comhairle: The normal procedure is that the Deputy reads his notice first.

A Deputy: The Deputy is only interrupting himself.

Deputy Bernard J. Durkan: That is a common problem on the other side of the House.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the blatant misleading of the public by the HSE in respect of hospital appointments, with patients' lives being put at risk by the continual issuing and cancelling of appointments to attend a certain consultant although no such post exists in the medical area in the hospital concerned; and the only response to the sham being a comment from the hospital spokesperson that these appointments were made in good faith.

An Leas-Cheann Comhairle: Having considered the matter, I do not consider it to be in order under Standing Order 32.

Deputy Finian McGrath: On a point of order, did the Leas-Cheann Comhairle receive a notice from me under Standing Order 32 with regard to the Coca Cola workers' dispute?

An Leas-Cheann Comhairle: The only notice that arrived in my office was the one I have already considered.

Deputy Finian McGrath: So the Leas-Cheann Comhairle did not receive it?

An Leas-Cheann Comhairle: I will check whether it arrived subsequently.

Order of Business.

The Tánaiste: It is proposed to take No. 3, Courts and Court Officers Bill 2009 — Order for Second Stage and Second Stage; and No. 4, the Statute Law Revision Bill 2009 — Order for

[The Tánaiste.]

Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 6 October 2009.

An Leas-Cheann Comhairle: There is one proposal to put to the House, namely, that the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 6 October 2009. Is it agreed to?

Deputy Enda Kenny: Normally there are objections to the Dáil rising but, in this case, we are concerned with something that is really fundamental to our country. Therefore, I do not object to the proposal. Fine Gael is trying to encourage all its members to avail of the adjournment to connect directly with the people with regard to the importance of approving of the Lisbon treaty with a resounding “Yes”.

Deputy Eamon Gilmore: It is normal for the House not to sit on the week of a referendum. On this occasion, that is particularly appropriate. Many people, even still, make the point to us that there are some uncertainties and a lack of clarity with regard to the Lisbon treaty. Therefore, there should be an opportunity for Members to provide the leadership at local level on the treaty. The Labour Party will certainly seek a “Yes” vote and encourage all its party members and councillors to participate actively in that campaign.

Before we agree to the proposal, I ask the Tánaiste to clear up a matter. When we return after the Lisbon referendum, the two main items on the political agenda will obviously be the NAMA legislation, the debate on which will continue and about which we can talk later, and also the budget. I seek clarity on——

An Leas-Cheann Comhairle: I will call the Deputy when we agree, or otherwise, to the proposal before the House.

Deputy Eamon Gilmore: I appreciate that and I do not want to overstrain the Leas-Cheann Comhairle’s position on order. I ask him to allow me a little latitude.

An Leas-Cheann Comhairle: I will indeed. I call Deputy Ó Caoláin on the proposal.

Deputy Caoimhghín Ó Caoláin: While I do not object in principle to the proposition that the Dáil be suspended next week, I ask that the Tánaiste, as Minister for Enterprise, Trade and Employment, make a commitment that, on its resumption, irrespective of the outcome of the Lisbon treaty referendum, the Government will commit to hosting a debate on the unemployment crisis we face in this economy. It is critical.

An Leas-Cheann Comhairle: I ask the Deputy to deal with the proposal.

Deputy Caoimhghín Ó Caoláin: We are rising today a week in advance of the Lisbon treaty referendum following yesterday’s announcement of the EU Commission’s approval of a €54.5 million subsidy by the Polish Government——

An Leas-Cheann Comhairle: I gave some latitude to the Deputy to raise general issues——

Deputy Caoimhghín Ó Caoláin: It is very important and the answer I will receive will determine whether I object to the adoption of the proposition. Yesterday, the EU Commission approved a €54.5 million subsidy for the relocation of 1,900 jobs from the Limerick area to Poland. This is absurd when many of the posters outside the House and throughout the country——

An Leas-Cheann Comhairle: The Deputy cannot make a speech, as he knows full well.

Deputy Caoimhghín Ó Caoláin: —are urging voters to vote “Yes” for jobs.

Deputy Dick Roche: The Deputy has no more interest in jobs than in supporting a “Yes” vote.

Deputy Caoimhghín Ó Caoláin: Let us make no mistake that there is something fundamentally wrong when the EU Commission can approve the relocation of 1,900 Irish jobs to another country in the European Union. Expenditure of €54.5 million has been approved while our Government and those of other member states are supposedly unable to make such interventions.

An Leas-Cheann Comhairle: The Deputy knows he cannot make a speech about that now. I call the Tánaiste.

The Tánaiste: It was decided by the Government and the leaders that this was the most appropriate form of action. I agree that there is still considerable work to be done and it is on that basis that everyone is anxious that we have the opportunity, over this weekend and next week, to stress the importance of a “Yes” vote in the Lisbon treaty referendum. The other issue is a matter for the Whips.

An Leas-Cheann Comhairle: I am now putting the question.

Deputy Caoimhghín Ó Caoláin: Will the Tánaiste indicate whether she will seek to schedule a debate in this House on the unemployment crisis?

An Leas-Cheann Comhairle: I am afraid the Deputy cannot come back again.

Deputy Caoimhghín Ó Caoláin: Will the Tánaiste personally seek a debate in this House on the unemployment crisis?

An Leas-Cheann Comhairle: The Deputy will resume his seat, please.

Deputy Caoimhghín Ó Caoláin: She can answer that.

An Leas-Cheann Comhairle: The Deputy had an innings and the Tánaiste responded.

Question, “That the proposal to adjourn the Dáil on its rising today until 2.30 p.m. on Tuesday, 6 October 2009 be agreed to,” put and declared carried.

Deputy Enda Kenny: I have consulted with Deputy Mitchell and she tells me that tangerine has a calming effect on blood pressure. I saw a picture of the Tánaiste having her blood pressure checked yesterday and I assume there is a good reason for that, when it seems it is now three to one against McCarthy from inside the Cabinet. The Tánaiste, the Minister for Community, Rural and Gaeltacht Affairs and the Minister for Arts, Sport and Tourism make it three to one against. I do not know whether she wishes to say anything about that or whether that is the position as we move towards the Lisbon referendum and subsequent to it.

A Deputy: Do not forget Dermo and the guards.

Deputy Enda Kenny: The Tánaiste might be able to confirm whether a date for the budget has yet been set. Deputy Enright informs me that No. 19 on the legislative list, the Social Welfare Bill, provides for the implementation of budget 2010 increases and to make amend-

[Deputy Enda Kenny.]

ments to the social welfare code in accordance with the legislation to be published. Do I take it that, contrary to some rumours or allegations, the Tánaiste is referring to social welfare increases in accordance with what is printed? She might wish to comment on that.

I thank the Tánaiste for her comments on Tuesday in respect of having the Joint Oireachtas Committee on European Scrutiny empowered to examine a small number of directives in the context of the way in which we have transposed those directives into law in Ireland. Do I take it that, following her agreement to this, the committee could proceed in its own time to consider a number of directives with a view to examining the flexibility and the way in which we have transposed them into law, as distinct from losing the impact of what was intended by the directive?

The Tánaiste: I am delighted the Deputy is concerned about my blood pressure and I can advise it is absolutely perfect. I had a huge opportunity in UCC to take the opportunity of convincing some young people that it is appropriate for them and their future that they vote “Yes”. I even spoke to the Deputy’s own people, Deputy Gilmore’s people and I tried to convince Sinn Féin but that did not work. Perhaps it might in due course.

On the issue raised I reiterate exactly what is happening with regard to the preparation for the budget. The McCarthy report is providing options. If there are alternatives to those options they will be considered. All of this will be considered by the Government but the bottom line is €4 billion of reductions in expenditure will have to be found.

Deputy Emmet Stagg: That does not make sense.

Deputy Leo Varadkar: Is it €3 billion or €4 billion?

The Tánaiste: That is it and people will have to wait until such time as the deliberative process has been completed before any final decisions are made.

Deputy Leo Varadkar: Deputy Lenihan said €3 billion.

The Tánaiste: Contrary to what the Deputy indicated in his press release the Government is not in disarray and contrary to his other opinion that McCarthy is shelved, it is not.

Deputy Emmet Stagg: Would the Tánaiste agree that a lot of it does not make sense?

The Tánaiste: On the issue of the Social Welfare Bill, that is for the next session. On the scrutiny of directives, unless there is some legislative reason it should not happen of course it can start immediately.

Deputy Bernard J. Durkan: Disarray is mercurial.

Deputy Eamon Gilmore: I thank the Tánaiste for clarifying the Government’s objective on public expenditure cuts. She has confirmed both in an interview and on the record of the House that the Government objective is to achieve €4 billion in cuts in public expenditure, obviously something of significance. We now know what will be in the budget in so far as cuts and spending are concerned. What we do not know is when the budget will be brought before the House. Yesterday, when I asked the Tánaiste about this she informed me the Cabinet had not met this week to decide the matter and we subsequently discovered the Cabinet had met this week in fact, but that it had not decided when the budget was going to be introduced. Can the Tánaiste give us any indication of when the Budget Statement will be made?

Will the Tánaiste clarify the Government's position in respect of the children's referendum? In 2007, the Government published a wording on the proposed constitutional change in respect of the rights and protection of children. It was agreed at the time by all parties that the proposed wording was inadequate and a committee of the House has been engaged in trying to come up with a suitable wording since then. All parties and all members of that committee, including the chairperson from the Government side of the House, were of the view that the wording originally proposed was inadequate. I understand that yesterday the Minister with responsibility for children told the committee that the Government now considers the wording is adequate. Can the Tánaiste clarify the Government's position in respect of the proposed referendum on children? Will the Government proceed with the referendum on the basis of the wording that it originally proposed? Has the committee been wasting its time for the past two years?

The Tánaiste: The answer to the first question is "No". On the second question on the referendum, the Government has always stated that it will await the outcome of the deliberations of the committee before coming to any decision. Those deliberations are expected from the committee on 16 October, at which stage the Government will take the report and make its decision.

Deputy Eamon Gilmore: I do not ask often what "No" means but on this occasion I must ask what the Tánaiste's answer to my first question means.

The Tánaiste: The question was "Have we a date for the budget?" and the answer is "No".

Deputy Eamon Gilmore: The Tánaiste does not have a date for the budget.

The Tánaiste: It is the same answer as yesterday and it will be the same answer until the Government makes its decision on when the budget will be introduced.

Deputy Eamon Gilmore: What is the problem? We all plan our diaries, even personally. I presume the Government has some idea of its diary between now and Christmas. I imagine the many public relations and press people attached to Government at every level must be advising Government on the most convenient date to introduce the budget. Some consideration must have been given as to what time will be given to the House to debate the budgetary issues. There must be some target date for Departments. It is incredible——

An Leas-Cheann Comhairle: I think the question is answered.

Deputy Eamon Gilmore: ——that the Government would be in a situation that it does not know the date of the budget.

An Leas-Cheann Comhairle: It is not appropriate to make a speech on the matter.

Deputy Emmet Stagg: During the debate in the Dáil yesterday on Dáil reform, the Minister of State at the Department of the Taoiseach, Deputy Pat Carey, indicated the decision made earlier concerning the abolition of Dáil committees and to reduce the number to 15 had been effectively abolished. I am unsure if that is exactly what he stated and perhaps the Tánaiste could clarify whether the decision to reduce Dáil committees to 15 from 22 will be carried out. What is the position on the matter?

On the matter of secondary legislation also arising from that Dáil debate yesterday, the Leas-Cheann Comhairle will recall that the Dáil passed legislation on foot of a recommendation of

[Deputy Emmet Stagg.]

the Houses of the Oireachtas Commission empowering the Minister for Finance to make regulations to introduce a single, verifiable parliamentary allowance rather than the whole clatter of allowances currently paid to Members. The law has been passed by the House. In the matter of that secondary legislation will the Tánaiste indicate when we can expect to see the Minister making the Order in this case?

The Tánaiste: On the first question there is no promised legislation. On the second question I realise Deputy Shortall raised this issue yesterday and she has been advised that the Minister for Finance has introduced enabling legislation which will allow the proposals of the commission to be implemented. He is of the view there is a need for further consideration and discussions on the proposed composite allowance and in the meantime he has taken steps in the revision of expenses, most particularly the Oireachtas expense allowance reductions by 10% and, in the case of mileage, by 25%.

Deputy Emmet Stagg: The matter relating to committees is not contained in promised legislation but it is Government policy and we are entitled to ask about that as well. The Government has made a decision in this regard and no legislation is required, as far as I understand.

An Leas-Cheann Comhairle: The Tánaiste has answered the question.

Deputy Emmet Stagg: She has not answered the question, which is the problem. That is what we discussed yesterday.

An Leas-Cheann Comhairle: The Chair cannot do any more than allow the question to be put.

Deputy Emmet Stagg: On the other matter, if we forget about the waffle surrounding it, is the Tánaiste really saying to the House that there is no intention to implement the law passed here on recommendation from the commission?

An Leas-Cheann Comhairle: A question was put on secondary legislation and answered.

Deputy Caoimhghín Ó Caoláin: There are major changes under way in the administration of the medical card system. Under the McCarthy report recommendations, many more thousands of people will lose their medical cards. I hope this is one of the elements of the report which the Tánaiste would regard as making no sense at all and it will not be presented.

Given the promised legislation list published by the Government last week, the Department of Health and Children has given no commitment to present in the current year the eligibility for health and personal social services Bill. I received a letter from the Taoiseach before the summer recess advising that the Bill would present this year. It has again been stated that the Department is not in a position to state when it will be published.

An Leas-Cheann Comhairle: When will the Bill be taken?

Deputy Caoimhghín Ó Caoláin: When will we see that Bill and the opportunity to address the health and personal social services which are needed?

The Tánaiste: It is expected the proposals will go to the Government by the end of this year.

Deputy Caoimhghín Ó Caoláin: They may go to the Government but what about the publication of the Bill?

The Tánaiste: It will be after we have made our deliberations on the matter.

Deputy Leo Varadkar: I will raise three matters relating to the legislative programme. The purpose of the Social Welfare Bill is to provide for the implementation of budget 2010 increases and to make amendments to the social welfare code. Will the Tánaiste confirm that the legislative programme published by the Chief Whip is correct and the Social Welfare Bill will contain increases? A simple “Yes” or “No” will suffice.

With regard to the local government (Dublin mayor) Bill, is it still the intention of the Government to hold an election for the office of mayor of Dublin in 2010, as stated by the Minister for the Environment, Heritage and Local Government, Deputy Gormley, or will it be postponed indefinitely like the Donegal South-West by-election?

With regard to the forthcoming referendum, does the Tánaiste have any intention to introduce amendments to the Industrial Relations Acts to provide for collective bargaining, as outlined in the Charter of Fundamental Rights?

The Tánaiste: The Social Welfare Bill will be taken in this session. The Bill dealing with the election of a Dublin mayor will be taken next year and it is the Government’s intention to proceed with the election in 2010. There are no proposals for an amendment to industrial relations legislation.

Deputy James Reilly: What about the increases in social welfare?

Deputy Brian O’Shea: Maidir leis an reachtaíocht atá geallta, an Bille um Údarás na Gaeltachta, a athróidh teorainneacha na Gaeltachta agus a leagfaidh amach sainmhíniú nua ar cad is Gaeltacht ann, cathain atá an straitéis 20 bhliain don Ghaeilge le foilsiú?

The Tánaiste: An bhfuil an Teachta ag iarraidh mar gheall ar an straitéis nó an Bhille?

Deputy Brian O’Shea: Tá an reachtaíocht ag brath ar an straitéis.

The Tánaiste: Caithfidh mé a rá nach bhfuil siad socraithe go fóill. Beidh mé ag caint leis an Aire mar gheall orthu.

Deputy Joan Burton: The Government has apparently decided to hold Committee Stage of the NAMA Bill in the committee rooms, downstairs in the dungeons. Will it give serious consideration to holding Committee Stage, which will deal with over 100 sections, in plenary session on the floor of the Dáil? This is very important legislation and Committee Stage is vital. To bury it two floors underground in Leinster House would be to do a grave disservice to all the people around the country who are worried about the implications of the €54 billion outlay.

Once the Lisbon treaty referendum is over, the timescale for the budget — if it is to be in early December — will be quite short. What does the Government propose to do with regard to the publication of the Estimates? The publication of the Estimates has been abandoned in recent years and it is very difficult for the Opposition in particular to have a sense of how the Government is framing its budget, particularly in the context of the McCarthy report, without the publication of estimated outlines of expenditure.

The Tánaiste: The NAMA Bill will be referred to committee in the normal way and as every Member is aware, every Deputy can participate in any part of the debate. It is a slight on the committees to think this legislation would not be important enough to have some public airing.

Deputy Joan Burton: That should take place in this Chamber.

The Tánaiste: With regard to the publication of Estimates and the budgetary process, the Government will make its decisions in the context of a timeframe set down by the Government. I am not prepared to give a timeframe for it until we decide what to do.

Deputy Seymour Crawford: I would like advice from the Tánaiste as to if and when the Government intends to act on the sale of alcohol as it is today, with so many young people——

An Leas-Cheann Comhairle: Does this relate to promised legislation?

Deputy Seymour Crawford: I refer to the sale of alcohol Bill. On a number of occasions, the attachment of fines has been discussed in this House. A Bill was prepared on this side of the House and we were told that because it was not perfect, the Government would introduce immediate legislation in that respect. It is not even on the list.

The Tánaiste: The sale of alcohol Bill will be published next year and with regard to the fines Bill, the Minister has advised that he has almost completed his deliberations on the matter and will bring forward proposals to Government.

Deputy Jan O'Sullivan: The human tissue Bill is promised for some time in 2010. Will there be a consultation process in advance of the Bill as there are a number of issues, such as presumed consent for organ donation, which would benefit from a public consultation process?

An Leas-Cheann Comhairle: That is a question for the relevant Minister.

Deputy Jan O'Sullivan: Will the Tánaiste tell me when in 2010 it will be published?

The Tánaiste: There will be consultation on this legislation and the heads are being prepared by the Minister before being brought to Government.

Deputy Fergus O'Dowd: After the Navan bus crash there was an independent report by PricewaterhouseCoopers into the roadworthiness of commercial vehicles and buses. The report has been on the Minister's desk since April 2007. Why has no action been taken to ensure our HGVs and buses are safe on our roads? Legislation was promised to create an Irish accident investigation unit, which was to amalgamate road, rail and marine safety bodies.

An Leas-Cheann Comhairle: I understand the matter has been submitted for the Adjournment debate.

Deputy Fergus O'Dowd: The recent Dublin Bus crashes have been a cause for great concern, notwithstanding that company's good record internationally in the carrying of passengers.

The Tánaiste: No legislation is promised.

Deputy Fergus O'Dowd: There is.

An Leas-Cheann Comhairle: The Chair can only take the word of the Tánaiste.

Deputy Fergus O'Dowd: The Tánaiste does not know. According to a parliamentary question——

An Leas-Cheann Comhairle: If the Deputy resumes his seat, I will explain procedure.

Deputy Fergus O'Dowd: I raise the point again——

An Leas-Cheann Comhairle: Will the Deputy resume his seat?

Deputy Timmy Dooley: Sit down.

An Leas-Cheann Comhairle: The Deputy may ask a question on legislation and the Tánaiste will respond. The Tánaiste has said there is no legislation promised.

Deputy Fergus O'Dowd: There is.

An Leas-Cheann Comhairle: It is not a debate; it is a simple question.

Deputy Fergus O'Dowd: I have a reply to a parliamentary question.

An Leas-Cheann Comhairle: That can be raised with the line Minister.

Deputy Fergus O'Dowd: On a point of order——

An Leas-Cheann Comhairle: I will allow a point of order.

Deputy Fergus O'Dowd: I am allowed to ask questions on the Order of Business relating to promised legislation. This is promised legislation. The Minister for Transport, Deputy Dempsey, is sitting beside the Tánaiste and if she cannot indicate the position, then perhaps he can do so. Will the Minister confirm that the legislation is promised?

The Tánaiste rose.

An Leas-Cheann Comhairle: The Deputy should resume his seat.

Deputy Fergus O'Dowd: I will do so, but I want an answer.

An Leas-Cheann Comhairle: No, the Deputy will resume his seat now.

Deputy Fergus O'Dowd: While the Chair stands, I will sit.

Deputy Leo Varadkar: The Tánaiste is standing.

Deputy Fergus O'Dowd: The Minister, Deputy Dempsey, will inform the Tánaiste of the position.

An Leas-Cheann Comhairle: Is there legislation promised?

The Tánaiste: The Minister advises that on the issue of the amalgamation of the authorities, there may not be any necessity for the legislation.

Deputy Fergus O'Dowd: On a point of order——

An Leas-Cheann Comhairle: The Deputy should allow the Tánaiste to conclude her reply.

The Tánaiste: However, no final decision has been made with regard to whether legislation is required. In the main, the Minister is of the view that most of the work relating to the amalgamation can be carried out within the Department.

An Leas-Cheann Comhairle: That sounds like——

Deputy Fergus O'Dowd: On a point of order——

An Leas-Cheann Comhairle: The Deputy should allow the Chair to speak.

Deputy Fergus O'Dowd: I have been sitting down for five minutes.

An Leas-Cheann Comhairle: No, the Deputy has been standing for five minutes.

(Interruptions).

An Leas-Cheann Comhairle: The Deputy should resume his seat.

Deputy Fergus O'Dowd: I wish to raise a point of order.

An Leas-Cheann Comhairle: The Deputy may do so in a moment. However, he may not raise a point of order when the Chair is on its feet.

Deputy Charles Flanagan: He is in the hot seat.

An Leas-Cheann Comhairle: I am happy to allow Deputies to raise any matters they wish. However, I will not be bullied by any Deputy.

(Interruptions).

Deputy Fergus O'Dowd: I hope my asking the Tánaiste questions does not intimidate the Leas-Cheann Comhairle.

(Interruptions).

An Leas-Cheann Comhairle: The Deputy will resume his seat.

Deputy Fergus O'Dowd: What about my point of order?

An Leas-Cheann Comhairle: The Deputy will resume his seat when the Chair is on its feet.

Deputy Fergus O'Dowd: I still want to put my point of order.

An Leas-Cheann Comhairle: The Deputy will either resume his seat or leave the House.

Deputy Fergus O'Dowd: Is the Leas-Cheann Comhairle trying to bully me?

An Leas-Cheann Comhairle: No. The Chair will not put up with this behaviour.

Deputy Fergus O'Dowd: I will not be bullied by the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Will the Deputy resume his seat?

Deputy Fergus O'Dowd: I was elected to ask questions and I want an answer to that which I have posed.

An Leas-Cheann Comhairle: Will Deputy O'Dowd resume his seat and show some respect for the Chair? The Tánaiste has answered the Deputy's question.

Deputy Fergus O'Dowd: She has not done so.

The Tánaiste: I have.

An Leas-Cheann Comhairle: We are not going to enter into a——

Deputy Fergus O'Dowd: The Department informed me yesterday that legislation is in the course of preparation.

An Leas-Cheann Comhairle: ——debate on the matter. I call Deputy Creed.

(Interruptions).

Deputy Fergus O'Dowd: On a point of order——

An Leas-Cheann Comhairle: I apologise, I meant to call Deputy Kathleen Lynch.

Deputy Fergus O'Dowd: May I raise a point of order?

An Leas-Cheann Comhairle: Yes. I will call Deputy Kathleen Lynch in a moment.

Deputy Fergus O'Dowd: In view of the fact that the Minister's Department informed me yesterday that the legislation is being prepared and will be ready next year, I am seeking confirmation as to whether this is in fact that case.

Deputy Timmy Dooley: If the Deputy knew that was the position, why did he ask the question?

Deputy Fergus O'Dowd: I want the Tánaiste to indicate that it is the position.

An Leas-Cheann Comhairle: The Tánaiste has answered the question. The Deputy can pursue the matter further with the line Minister.

Deputy Kathleen Lynch: When will the provisions of the Education for Persons with Special Educational Needs (EPSEN) Act, which was suspended in the most recent budget, be reactivated? When will the mental capacity Bill — the title of which, I hope, will be changed to the legal capacity Bill — be introduced? When will the review that is taking place in respect of personal alarms for the elderly be completed, when will it be published and when will the Government act on it? The one item of security the elderly had at their disposal were these personal alarms and the Government has taken them away. When will the review be completed?

An Leas-Cheann Comhairle: The Deputy's first two questions are in order. Her third should be tabled to the relevant Minister in the form of a parliamentary question.

The Tánaiste: A decision has not been taken in respect of reactivating the education legislation to which the Deputy refers. It is hoped the mental capacity legislation will be introduced by the end of this year or the beginning of next year. The review on personal alarms will be completed next month.

Deputy Michael Creed: The Minister for Agriculture, Fisheries and Food made a dawn raid on the National Ploughing Championships yesterday and I understand the Taoiseach is due to attend today. On foot of their visits, I have no doubt that they will both be acutely aware of the crisis in agriculture. The Teagasc farm income survey shows that incomes were down 15% in 2008——

An Leas-Cheann Comhairle: The Deputy should ask a question on legislation.

Deputy Michael Creed: —and that they are due to fall by 20% in 2009. For that reason, will the Government Chief Whip facilitate a request for a day-long debate on the crisis in agriculture to be held prior to the Government finalising its deliberations on the budget for 2010?

An Leas-Cheann Comhairle: Has a debate on agriculture been promised?

The Tánaiste: Nothing has been promised but the matter can be considered.

Deputy Joe McHugh: No. 67 on the Order Paper relates to Duchenne muscular dystrophy. Duchenne Ireland met the Minister for Health and Children, Deputy Harney, on 6 June. In reply to a parliamentary question tabled earlier this week, the Minister stated that the issues raised by Duchenne Ireland in respect of the 150 boys in this country who suffer with the conditions are under active deliberation and are receiving detailed consideration.

An Leas-Cheann Comhairle: Is legislation promised?

Deputy Joe McHugh: That is the question I wish to put to the Tánaiste.

An Leas-Cheann Comhairle: Either legislation is promised or it is not.

Deputy Joe McHugh: Will the Tánaiste indicate what is meant by the terms “active deliberation” and “detailed consideration”? The families involved understand them to mean that the matter has been placed on the long finger.

An Leas-Cheann Comhairle: Is legislation promised?

The Tánaiste: We had a debate on this matter. Like the Deputy, I am working on it. However, there is no legislation promised.

Deputy James Reilly: Will the Tánaiste answer the question put to her by Deputy Varadkar *vis-à-vis* the accuracy of the social welfare provision? Is there to be an increase?

An Leas-Cheann Comhairle: Unfortunately, the Deputy is not permitted to ask about the content of legislation.

Deputy James Reilly: In that event, is the description of the legislation accurate?

The Tánaiste will be aware that there has been a 70% increase in delayed discharges in our hospitals. This primarily relates to the fact that the fair deal is yet to emerge. When will the relevant legislation, which has been passed by the House, be implemented? People are hanging on by their fingernails and our hospitals are blocked up with patients who want to be discharged. In addition, there are others who need to be admitted in order to receive treatment.

An Leas-Cheann Comhairle: The Tánaiste on the commencement of the fair deal legislation.

The Tánaiste: That question was asked on Tuesday and the Minister will revert to the Deputy directly. The Social Welfare Bill will be taken this session.

Deputy David Stanton: Deputy Kathleen Lynch inquired about the EPSEN Act and the mental capacity Bill. I wish to ask about the position regarding the sections of the Disability Act that have been shelved. When will the promised legislation on a public advocacy service be introduced? I am informed that applied behaviour analysis, ABA, schools are under threat of closure by the Government. The disability strategy is in tatters because the various measures

relating to it have either been shelved or placed on the long finger. When will the sections of the Disability Act to which I refer be reactivated?

The Tánaiste: I will revert to the Deputy on those matters.

Deputy Michael D. Higgins: Earlier this week I inquired with regard to ratification of the United Nations Convention against Corruption. I am grateful to the Minister for Justice, Equality and Law Reform for his reply to the effect that on the passing of the Prevention of Corruption (Amendment) Bill, the convention will be signed. I also inquired as to whether Ireland proposed to sign the optional protocol to the UN Covenant on Economic, Social and Cultural Rights but I did not receive a reply. Does Ireland, as is reported, propose not to sign the optional protocol? Will the Government's reasoning behind this decision be placed in the Oireachtas Library in order that Members might inform themselves with regard to Ireland's reluctance to sign the protocol, which has been signed by other progressive countries?

An Leas-Cheann Comhairle: I do not know whether the Tánaiste can be helpful on that matter.

The Tánaiste: The Minister for Foreign Affairs has been asked to revert directly to the Deputy on that matter. The Minister is abroad and will revert to the Deputy upon his return.

Deputy Pat Rabbitte: There is a requirement for an order to be made under the Defamation Act to give recognition to the Press Council. Is such an order likely to be brought before the House in the near future?

The Tánaiste: I will revert to the Deputy on that matter.

Deputy James Bannon: Legislation to consolidate and reform the position regarding landlords and tenants has been promised for some time. When will such legislation be introduced?

The Tánaiste: Next year.

Courts and Court Officers Bill 2009: Order for Second Stage.

Bill entitled an Act to provide for the placement in temporary custody of certain detained persons in order to facilitate their appearance before a court; to provide for the establishment of combined court offices; to amend the Courts Service Act 1998, the Criminal Procedure Act 1967 and the Petty Sessions (Ireland) Act 1851, and to provide for related matters.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I move: "That Second Stage be taken now."

Question put and agreed to.

Courts and Court Officers Bill 2009: Second Stage.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I move: "That the Bill be now read a Second Time." I thank the House for agreeing to consider this legislation. Since the Courts Service was established in 1999, it has energetically and systematically pursued a programme of transforming the physical infrastructure of the courts. Not so long ago, many courthouses provided their users with a pretty dismal experience. In a relatively short space of time, with unprecedented support from the Government, the service has undone much of the legacy of decades of neglect of the courts infrastructure throughout the country. Forty-one courthouses have been refurbished and ten newly-built courthouses have been completed.

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The development and construction of the Criminal Courts of Justice complex, however, is of a far different magnitude and it marks the advent of a new era for the courts in Dublin. It is the largest court building project since Gandon's Four Courts was completed in the late 18th century and is one of the most significant developments in the history of the courts in Ireland. Building commenced in May 2007 with a construction programme of 34 months and a target date for completion of March 2010. However, the building is being completed three months ahead of schedule and is on target to be delivered by the end of November next.

The complex will provide vastly improved conditions for the public, jurors, victims and their families. This is only right. People who come into contact with the criminal justice system, whether as jurors, victims or witnesses in a case, are nervous and intimidated even without enduring the poor facilities and extremely close contact with the accused that unfortunately had become the norm in the Four Courts, which was not designed for the volume or demands of the modern criminal justice system. The new building provides secure segregated accommodation and routes for the public, jurors, persons in custody and staff. The reception area for jurors can accommodate up to 400 people and there also are jury dining facilities and retiring rooms within a segregated area for jurors. Rooms for victims, witnesses and vulnerable witnesses also are provided within a secure and segregated area. I understand that representatives of victims and jurors are delighted with the facilities planned for them.

The new building will concentrate all central Dublin criminal business in one serviced location. This means transferring courts and administrative offices from three jurisdictions, namely, the District, Circuit and High Courts, as well as the Special Criminal Court, to a single new centralised facility. The facility will have a major impact on the criminal justice system, resulting in more efficient logistical management of criminal trials. It also will allow the Four Courts to be freed up exclusively for civil business, which has been a major demand in recent years. Although the Courts Service has met this challenge by making full use of refurbished courthouses nationwide for non-jury High Court lists, on foot of the opening of the new complex the Four Courts once again will be the main High Court venue in the country.

As I noted, the Courts Service has since its establishment set about changing the physical infrastructure of our courts. Change, however, is not only about buildings; it also is about how the courts do business. In this regard, the courts have transformed the way they do their business by embracing new technologies and work practices. One example is the introduction of digital audio recording, which has been installed in 41 courts nationwide over the last year. These courts include all Central Criminal, High Court family law and Circuit Criminal courts. This technology replaces stenography and transcripts can be produced overnight where necessary, thus speeding up the court process considerably. It also provides great assistance in dealing with appeals. The service has also created a unified staff structure that brought together three distinct staffing streams from the Circuit and District Courts, the High and Supreme Courts and the Department of Justice, Equality and Law Reform. Prior to the establishment of the service, the three streams had separate career structures, promotional opportunities and methods of promotion. The unification provided for a transparent merit-based promotion system, allowing for greater flexibility and expertise for the Courts Service in the management of resources and supporting the courts.

The Bill before the House has enabling provisions to underpin streamlined management procedures in the new complex, which are especially necessary given its scale and which can in future apply to other court venues as appropriate. Part 2 of the Bill has a number of provisions to allow the Irish Prison Service, IPS, to manage the central holding facility for people in custody and have control over all persons held, including those who have not been committed

by the courts to prison. The main objective here is to avoid duplication of effort by the Irish Prison Service and the Garda Síochána, as well as to free up gardaí for operational duties.

The Bill allows for the temporary transfer of custody to a holding area officer only for the purposes of facilitating a court appearance by that person or the holding of a court hearing involving him or her. It is necessary to make legislative provision for this change in order that the IPS may be responsible for the custody of persons in holding cells in the courts who have up until now remained in Garda custody. The Bill will not affect the current arrangements for persons detained in the Central Mental Hospital who are required to attend court.

Part 3 makes provision to further improve staff management and flexibility by designating a single administrative office rather than an office for each court jurisdiction. This builds on other changes introduced by the Courts Service over the past few years. It will integrate fully the courts' staffing structures and allows for efficient procedures for the deployment of staff. Part 4 will allow a District Court clerk to take bail recognisance in certain instances without the need for the applicant to return to court and will allow an expansion of the range of persons who can take a recognisance in the case of an appeal from the District Court. Again, given the size of the building, considerable efficiency will be gained from this small change.

I now wish to outline the provisions to the House. Sections 1 to 4 form Part 1 of the Bill and are standard drafting provisions. Moving on to Part 2, section 5 contains a number of definitions. At present, a person may be in custody for a number of reasons, namely, he or she may be charged with a criminal offence by the Garda or may be held by the Irish Prison Service on foot of a court order either on remand or on conviction. Up to now both agencies have shared access to cell areas. However, in the new complex the Irish Prison Service will manage the custody area, thus freeing gardaí for other duties. The main feature of this Part of the Bill is to provide a legislative basis for a person who is in custody to be placed in temporary custody of either the Garda Síochána or the Irish Prison Service. For the main part, this will facilitate the management by the Irish Prison Service of the new custody area. The reverse provision, whereby prisoners of the Irish Prison Service may be held in the temporary custody of gardaí, will be less frequently required but is included to ensure that every possibility is covered.

Section 6 explains that a prisoner or person may be placed in the temporary custody of the Garda Síochána or a prison governor in a place in or adjacent to a court building for a purpose referred to in section 7 of the Bill. Section 7 provides that people can be held either to facilitate a court appearance by that person or for the holding of a court hearing involving him or her. An example of the type of situation this second provision is intended to cover is when persons who are already in custody may be required as witnesses in another case.

Section 8 indicates at what point temporary custody under section 6 commences and ceases. Section 8(1) provides that the temporary custody commences when the prisoner is placed in the custody of the holding area officer and ceases either when the prisoner is returned to the person in whose custody they were prior to the temporary custody or is released by order of the court. Under section 8(2), a person lawfully in the custody of the Garda Síochána may be placed in temporary custody of a governor for the purposes of a court appearance. This temporary custody commences from the moment the person is placed in the custody of the holding area officer and ceases either when the person is returned to the previous person of custody or released by order of the court.

Section 9 provides that a person placed in temporary custody shall be regarded as remaining in the custody of the person in whose custody he or she was before being so placed. The next section requires the prison authorities or the Garda Síochána to hand over to the holding area officer any medication, prescriptions for medication, health information etc. when placing a

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person in temporary custody. The reverse applies when the holding area officer is returning the person to custody.

Section 11 sets out the duties, functions and powers of a holding area officer in respect of a person who has been placed in his or her temporary custody. Section 11(1) imposes certain obligations on the holding area officer. He or she must prevent a person in temporary custody from escape, prevent the commission of an offence, ensure orderly and disciplined behaviour, bring him or her to a court or court office, ensure his or her appearance before court, and comply with any court order relating to his or her custody, treatment or transfer. Section 11(2) confers on a holding area officer a power of search in accordance with the prison rules in respect of the person in temporary custody if of the opinion that it is necessary to the performance of the officer's functions to do so. This is to ensure that standards of safety are consistent regardless of the origin of the person in custody. Section 11(3) outlines that the holding area officer may use all reasonable force, where necessary, in the performance of his or her functions. Section 11(4) applies the same obligations and duties on a member of the Garda Síochána for the purposes of temporary custody. Section 11(5) is included to avoid any misapprehension. It retains all existing powers of search under the prison rules exercisable by a holding area officer who is a prison officer. Section 12 empowers the Minister to make a number of regulations, for example, governing standards, record-keeping etc.

Moving on to Part 3, section 13 is a standard provision containing definitions. Section 14 sets out the steps for the establishment of combined court offices. Sections 14(1) and 14(2) enable the Courts Service, having undertaken the necessary consultations, to establish a combined court office. As part of this process it will designate two or more court offices to comprise the combined office and set out the business to be transacted in the office. Section 14(3) requires the Courts Service to publish notice of establishment in *Iris Oifigiúil*. In another standard provision, it notes that if, for some reason, publication is not achieved, this will not affect the validity of the office's establishment.

Section 15 allows the Courts Service, subject to consultation, to change or remove functions of any constituent office of a combined court office, other than any business relating to the Special Criminal Court. Section 16 provides that the Courts Service must consult with the Chief Justice or president of the relevant court before establishing a combined court office. Section 17 provides a power for the Government to make an order applying these sections to the business of the Special Criminal Court, obviously excluding the judicial business of that court. Section 18 provides for certain legal consequences to follow where business of a court office is transacted in a combined court office.

Sections 19 to 22 provide for the staffing arrangements that may apply in a combined office. For example, section 20 confers on a combined court office manager the management and control, in regard to all matters of general administration, of the combined court office, subject to the general directions of the Courts Service. In the case of the new complex this manager has already been appointed and has been overseeing preparations for some time.

Section 22(2) enables any member of Courts Service staff to act as registrar to the Central Criminal Court, the Court of Criminal Appeal, the Courts-Martial Appeal Court, or the Circuit Court, where those courts form part of a combined court office. This provision will allow for flexibility and maximise use of available staff and accommodation.

Section 23 makes provision to ensure that the continuity of the administration of justice or of the business of a court office affected is not interrupted by the establishment, variation of the functions or disestablishment of a combined court office. Section 24 amends the Courts

Service Act 1998 to incorporate in the powers conferred on the Courts Service under the 1998 Act the powers given to it under the Bill to establish, vary the functions of or disestablish a combined court office.

Section 25 is the first section in the fourth part of the Act which covers a number of provisions relating to bail. It amends section 22 of the Criminal Procedure Act 1967 and will have the effect of conferring on a District Court clerk power to take bail recognisances, where the District Court has admitted a person to bail with immediate effect when remanding that person or sending him forward for trial or sentence. This brings the provision into line with existing procedure where a person is availing of bail with delayed effect.

Section 26 amends section 24 of Petty Sessions (Ireland) Act 1851. The effect of this section is to extend the categories of persons who may take bail recognisance, where bail has been fixed by the District Court pending an appeal. The section adds a District Court clerk to the existing categories of persons who may do so, that is, a prison governor and a prison officer.

I am conscious that these provisions are technical and thank Deputies for their patience. The Courts Acts generally are procedural. They comprise over 100 statutes, many dating from before independence. However, in co-operation with my Department, the Law Reform Commission is working on a valuable item of legislation to codify the provisions. This will be of great assistance both to practitioners and anyone wishing to access the courts.

The provisions set out in the Bill will, once enacted, make their own small but important contribution to greater efficiency. I hope Deputies can support the measures proposed. The Bill was initiated because of the establishment of the new criminal court complex near Heuston Station, which hopefully will open before the end of the year.

Deputy Charles Flanagan: On behalf of Fine Gael, I welcome the Courts and Court Officers Bill to the House. It will have the support of my party and I wish it speedy passage. I thank the Minister for introducing the Bill. The general theme of modernisation and increased efficiency can be seen as two threads that permeate the Bill and from this point of view it is very welcome. The Bill represents real progress in the approach of this House to the courts system and the Courts Service. An enormous amount of work remains to be done in this context but this legislation is welcome.

In the number of years since the inauguration of the Courts Service, efficiency and modernisation has been the hallmark and I welcome this. The Bill is divided into a number of components, to which I will now refer. The use of Garda time is one such important component. The Minister referred to calls from this House, including Deputies of all sides, and from Chief Inspector of the Garda Síochána Inspectorate, Ms Kathleen O'Toole, for changes to ensure that gardaí spent their time where their expertise could be best seen. This has been heeded in many respects in Part 2, which aims to resolve jurisdictional issues in respect of the role of the Garda Síochána and the role of the Irish Prison Service in escorting prisoners.

I represent the Laois-Offaly constituency, which houses more prisoners than any other. The prison is based in a busy provincial town while the Central Criminal Court and the Court of Criminal Appeal are based in the capital city. Therefore, prison escort is a major issue. It is essential that the Minister resolves questions about who engages in these escorts and under whose jurisdiction the escorts lie. Is it the Garda Síochána or the Irish Prison Service? The Irish Prison Service should be supplied with sufficient resources to ensure that escort duties can be carried out with the efficiency that is essential. It was suggested some years ago that the Court of Criminal Appeal might sit in Portlaoise and that a specifically designed court building would be constructed near Portlaoise Prison. This would increase the efficient and

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smooth running of the administration of criminal law. It would also obviate the need for emergency escorts and convoys on the main Cork to Dublin road on a daily basis. There are cost implications for these escorts in terms of time and ensuring that the courts operate so that the public is best served. Attempts to gradually move functions that were formerly under the jurisdiction of the Garda Síochána to the Irish Prison Service have been hampered by a lack of resources. I ask the Minister to address this issue in the context of the legislation where reference is made to it.

The Bill refers to civilianisation. I am reminded of a recent report by the Comptroller and Auditor General, which drew attention to the fact that only 144 gardaí have been released from administrative duties since 2005 under the civilianisation programme, although almost 1,000 civilians have been employed in the force since that date. The report noted that the ratio of civilians to gardaí in the Garda Síochána is one in seven, which is particularly low in comparison to other jurisdictions. In the UK the ratio is one in three, in Sweden and Australia it is one in four. The slow rate of progress in this area is remarkable and must be addressed. On the other hand, one can see results where small communities across Ireland are bereft of a Garda service. There is a real need to ensure that where gardaí are available and stationed, the use of their time, experience and expertise is in the best interest of communities. I would like the Minister to clarify the reasons for the slow progress in civilianisation, the blockages and the programme to ensure that the civilianisation programme can be progressed.

The matter of gardaí in court is also of some concern. The Garda budget this year has been slashed to an amount in excess of €30 million. Will the Minister confirm that in excess of €10 million of the Garda overtime budget—

Deputy Dermot Ahern: Deputy Flanagan stated the overall figure was slashed to €30 million.

Deputy Charles Flanagan: Yes, I believe the Minister is on record as stating it is approximately €30 million.

Deputy Dermot Ahern: No, it is €80 million.

Deputy Charles Flanagan: The Minister can come back to me with the figures.

Deputy Dermot Ahern: It is €80 million

Deputy Charles Flanagan: For the full year?

Deputy Dermot Ahern: Yes.

Deputy Charles Flanagan: However, of that overtime, an amount in excess of €10 million has been expended on gardaí going to Criminal Courts and District Courts during their time off. It has been suggested that up to 1,400 gardaí per day spend their time in District Courts and Circuit Courts throughout the country. It is important that the law can be reformed to allow for a court sergeant in charge to engage in the type of duties that will allow for cases to be heard in a way that is satisfactory to the courts and the communities while at the same time obviating the need to have hundreds of gardaí waiting in queues to have cases heard. I look forward to progress in this regard.

The Bill refers to bail and bail recognisance and I compliment the Minister on the changes to be made. It is a sensible move to allow a District Court clerk and other public officials to take bail recognisance in certain cases without the need for the applicant to return to court on

each occasion. The expansion of the range of persons who can take a recognisance in the case of an appeal from the District Court is a move towards the smoother administration of justice.

Earlier this week, I was interested to hear the Minister speak on proposals for bail reform and I invite him to expand on and develop his thoughts. The statistics in respect of offences committed by those out on bail are truly frightening. We must remind ourselves that suspects for eight murders carried out last year and 13 committed in 2007 were out on bail. It is estimated that 24 sex offences, all of which were serious, were committed by persons on bail during 2008. Last year, 34 suspects out on bail threatened to kill people, up from 30 the previous year.

The Minister has spoken in the House and outside it on his intention to electronically tag sex offenders. I am surprised the Minister has not made a similar commitment in respect of those out on bail while awaiting court hearings. To introduce electronic tagging for sex offenders and not have a broadly based programme to include many of those out on bail makes little sense given the fact that on the one hand seven out of eight applicants receive bail, and on the other those out on bail commit thousands of offences every year.

The main reason we are enacting this legislation in the autumn of 2009 is to facilitate the new criminal court complex as outlined by the Minister. I compliment him, his officials and his predecessors on this initiative. Everyone in the House will agree that a professional and streamlined criminal court system is essential for the effective and efficient administration of justice. If we get the surge in criminal prosecutions the Minister has promised under the Criminal Justice (Amendment) Act 2009 we can expect this new complex to be very busy, especially the Special Criminal Court. We look forward to monitoring progress in this regard.

The concentration of the criminal courts in a single complex is to be commended. While engaging in a specific custom-built court complex for criminal law we should not lose sight of the other arm of the law that is in need of its own custom-built block, namely family law. In 2007, Fine Gael proposed a constitutional amendment to allow for the establishment of an entirely distinct and separate system of family courts. Family law cases are currently dealt with in the District, Circuit and High Courts. A dedicated family court system which would operate separately to the current civil and criminal court systems would offer those involved in family disputes a lower cost, less complex avenue to resolve their difficulties and problems. It would also help them to engage more with bodies which do very good work in the area of family law, namely, family support agencies and family mediation services, and with the concept of alternative dispute resolution and mediation in particular.

Our current system of family courts is fragmented, having developed piecemeal over many years in an unplanned, haphazard way. Many experts contend, and I agree with them, that a lack of specialist judicial training and a lack of transparency in findings in the family law area often results in inconsistent decisions being delivered. It is two years since the distinguished legal affairs correspondent, Carol Coulter, published an important report on this area and 13 years since the Law Reform Commission published a detailed report calling for reform in this area. The inaction on the part of Government on this matter is less than acceptable. Drawing from my experience of family law matters as a practitioner in provincial Ireland, there is a real need for an initiative in the family law courts, perhaps similar to the one we are now approving for the criminal courts.

In his speech on Bill, the Minister spoke of a greater level of co-ordination and administrative efficiencies and he is correct. I welcome the move towards administrative efficiencies in respect of court offices by the creation of a consolidated court office and this brings me conveniently to the McCarthy report. We have heard a procession of Ministers distance themselves from the McCarthy report as though they had nothing to do with its commission and that it came as a

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bolt from the blue. I have not heard anything from the Minister for Justice, Equality and Law Reform to date. That is not to state he has not been speaking about it but—

Deputy Dermot Ahern: I complimented the McCarthy report in that it encouraged me to continue with Thornton Hall.

Deputy Charles Flanagan: —I have not come across his utterances.

Deputy Pat Rabbitte: There is no outwitting the Minister.

Deputy Dermot Ahern: It did not suggest any cuts in Garda numbers or prison numbers. I thought it was a great report.

Deputy Charles Flanagan: I remind the Minister that according to the McCarthy report the Government has the capacity to save €23.2 million in the area of “management of the courts and supporting the Judiciary”. Leaving aside the Garda stations, to which we can return, with regard to managing the courts and their administration, the McCarthy report proposes reducing the numbers of county registrars from 26 to 15, saving €2 million and we have not heard the Minister on this. It proposes rationalising the District and Circuit Court network and introducing new measures to deliver greater efficiencies, saving €2 million; abolishing the grade of tipstaff in the courts, saving €2.5 million; reducing surplus security personnel at the Four Courts, saving €2 million; reviewing the charging system for civil and commercial courts, saving €5 million; reducing the non-pay baseline of Civil Service officers under the courts programme, saving €1.3 million; and introducing a limited means testing system for criminal legal aid, saving €8.4 million.

It is more than two months since these proposals were placed in the public domain. I invite the Minister to comment on them in specific ways, although perhaps not in the manner in which his ministerial colleagues have rushed to distance themselves from the McCarthy report. He should go on record on these court efficiencies.

Deputy Dermot Ahern: I already have.

Deputy Charles Flanagan: The debate on this Bill would provide an ideal opportunity for him to so do.

Many of the McCarthy proposals resonate well with the spirit of this legislation and that is why the Minister’s intentions might be clarified. In particular, efficiencies can be made in criminal legal aid. Time and again, we read in local and national newspapers about gangsters being brought before the courts, being granted legal aid and speeding away in blacked out SUVs from the complex of the court. This sight truly sickens law-abiding members of communities. The situation which currently obtains is vastly different from that in 1962 when the Criminal Justice (Legal Aid) Act was introduced to provide legal aid to “poor persons” accused of crime.

It seems reasonable to assume that those in receipt of social welfare should be automatically entitled to criminal legal aid but we are all aware there are massive abuses in the welfare system. Indeed, when the Exchequer started to run dry and the Government belatedly introduced fraud and control measures in social welfare, a massive €228 million was saved in the first six months of this year. That gives one an indication of the hands-off approach of the Government to the spending of money.

A rigorous means test for civil legal aid is already in place and it is surprising, in many ways, that there is not a uniform system across the board for criminal cases and civil cases. A completely different set of criteria seem to be employed for both arms of the law.

I am aware the Criminal Assets Bureau does important work in recovering ill-gotten gains from criminals and it is notable that the CAB recovered €2.5 million in regard to social welfare payments during its first ten years of operation. However, CAB is a relatively small operation and, obviously, it must concentrate its attention where it identifies the greatest need to be. I am concerned that it appears criminals are exploiting the system and getting away with it. The €228 million clawed back in the first six months of this year compared to the €2.5 million recovered by CAB in a ten-year period suggests that exploitation of the social welfare system still exists on a massive scale. It is obvious that major criminals are slipping through the net.

The rationalisation of the courts network is an issue to which McCarthy refers in some detail. Rationalisation has, in many respects, been happening throughout the country. I agree with much of it because the modern system of communication is such that people have access to courts now perhaps not in the manner in which they required 100 or even 50 years ago.

The courts which survive McCarthy or Government cuts must be in a position to offer a very modern and efficient service to the public. For example, holding cells in provincial court houses are not available in many areas. We can safely say we do not have any place for Dickensian-type court facilities in modern society.

However, I recognise tremendous improvement in that regard, in particular since the introduction of the property arm of the courts service and a greater level of co-operation between local authorities, the Office of Public Works and the courts service in ensuring the availability of modern and efficient justice system in every large provincial town.

I welcome the Bill. We are recording progress in the area of efficiencies and modernisation. Obviously, there is no room or no time for complacency. The entire justice system, in particular in the civil administration, is in need of updating, modernisation and increased efficiencies. I highlighted some of these areas, including family courts, bail, the civilianisation of the Garda and criminal legal aid. As I have said on numerous occasions, the Minister can reply on the support of the Fine Gael Party in his endeavours in the area of law reform and modernisation and we wish him well.

Deputy Pat Rabbitte: This is sensible and pragmatic legislation. On behalf of the Labour Party, I am happy to support it and give it a quick dispatch through the House. Those of us on this side of the House and people outside it have been properly critical about how well the fruits of the boom have been used. Many things might have been done better and there are identifiable areas in which there has been considerable waste or misspending of public money. However, credit where it is due.

According to what we know about this new courts complex, it is an exceptional development and a major improvement involving modernisation, efficiencies and savings for the taxpayer. Also, according to what we have been told informally by the courts service, it is a particularly splendid building which the public deserves, will make the lives of many people easier and, as the Minister said, will mark a new era in court buildings.

It appears that since the establishment of the courts service, there has been considerable modernisation and greater efficiencies put in place. I do not know if all the users see it that way but the changes have been dramatic. The operation of the courts from the point of view of the interested citizen has sometimes seemed archaic, out of date, inefficient and haphazard

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and rules were applied which would not apply anywhere else in society. Those days seem to have been put behind us and the Courts Service seems to have done a good job.

This latest step is obviously a major one which we can only welcome. I do not know if the Minister sees this as the beginning of specialisation or a parting of the ways between the criminal and civil justice. The fact the criminal courts will essentially be located in one new location will almost inevitably mean that the practitioners will have to opt for one or the other. It has been suggested to me that the Minister might start a barge service along the river, which will have regard to the tides. Given the different levels of the courts which will be located in the new complex, I do not know whether he might need a different quality of barge, depending on the court being ferried. However, this will probably lead to practitioners beginning to opt for one or the other. The Minister's script does not provide any figures for the costs savings envisaged over time by the creation of a single administrative office in one location instead of an office for each of the courts concerned. Are any available? Has the Minister done a cost-benefit analysis of this exercise?

I presume a major area of cost is the use of Garda time and the escort service. Deputy Charles Flanagan believes there may be a case for the construction of a court facility at Portlaoise given the number of prisoners being transported from the prison there. To the layman, it would appear there is considerable waste in this area. "Considerable inefficiency" would probably be a more appropriate term. Still, it is to be welcomed that the Bill will facilitate the coming into operation of a new complex at Kingsbridge which will tackle this. Will the Minister give figures for the costs involved in this?

Deputy Charles Flanagan referred to the Comptroller and Auditor General's report on the progress of the civilianisation programme in the Garda. The Minister must admit it has been very disappointing. The Government simply increased the number of civilians employed which was not the programme's intention. It was intended to free up gardaí from routine administrative duties to concentrate on their first task, namely policing, but little progress has been made in this. Several years ago I read a report from one of the white-collar unions which conveyed an even more baleful picture than the figures compiled by the Comptroller and Auditor General.

In a way the approach to the programme was symptomatic of the times — we simply employed more civilians. Gardaí who were tied up in routine administrative functions were not displaced or put on the beat performing the first tasks of policemen and policewomen. No matter what the Minister says and how he fights his corner at Cabinet, we will have difficulties in stretching police resources in the immediate years ahead. Such circumstances make an additional argument for an added impetus to be given to the civilianisation programme. It would not do any harm either for Garda-citizen relations if the civilianisation programme was stepped up with young citizens trained to perform some of the routine duties, including contact with the public, which are sometimes not done well by some gardaí.

No matter how the figures are analysed, they are very disappointing. I presume the Minister and his predecessors have met resistance to the programme. The Garda is highly unionised. People who have been doing certain duties for a long time may not want to be displaced at this stage of their lives and probably have little appetite to go back to routine policing. The programme, however, should be focused on at a time when Garda numbers are likely to be under attack.

The Minister is under the impression that an *bord snip nua* has been kind to him and his Department, and in turn, he will be kind to it. As Deputy Charles Flanagan put on the record, that impression is not necessarily true when it comes to the operation of the courts system.

Several recommendations suggesting specific savings in the administration of the courts were made in the McCarthy report. The Minister claims he has commented on them but I have not heard him. I do not know if these recommendations have been considered in the Department of Justice, Equality and Law Reform or whether we will have to wait until budget day to see if any of them have found merit with the Minister. It would be helpful if the Minister were to indicate his thinking in this regard.

On the Courts Acts, the Minister stated: "They comprise over 100 statutes, many dating from before Independence. However, in co-operation with my Department, the Law Reform Commission is working on a valuable piece of legislation to codify the provisions." While everyone would welcome such a development, I am concerned about the Law Reform Commission's workload. When it examines a particular subject, often far more complex areas of law than this one, it ends up attaching a draft Bill to the end of its report. The McCarthy report made specific recommendations on the future of the Law Reform Commission. Considering the Minister introduced the subject into this debate, it would be appropriate for him to comment on the commission's future. It provides invaluable and quality work for the Minister and the Legislature. It would be reassured if the Minister took the opportunity to comment on how he views its future role.

12 o'clock Deputy Charles Flanagan also raised Dr. Carol Coulter's report on the operation of the family courts. More often now Members are interacting with the workload of the family courts in their constituency clinics. Various matters are drawn to our attention on which it is difficult to have an informed view. We have no overview of the performance and experience of the family courts because they operate *in camera* but constituents present their views on their operation in our clinics. Apart from Deputy Charles Flanagan's point about whether there should be a special identifiable family court, what does the Minister think of the report prepared by Dr. Carol Coulter? Is it the subject of work in the Department and does the Minister intend to allow debate on it in the House reasonably soon? The throughput of the family courts is very high and I would like to have an opportunity here to test the concerns that have been raised.

This is not a contentious Bill. I am glad to see it brought before the House and am delighted to know that the new courts will operate from the beginning of November. Somewhere in the Minister's script there is a reference to the holding area in the complex. There is, however, a separate holding facility in Phoenix Park from which people might be brought to the court. Are there two holding areas? If the Garda time involved in the traditional escort and supervision system for persons held temporarily or awaiting recognisance on bail is to diminish will there be fewer gardaí involved but more officers of the prison service? Has the Minister examined the figures for a net saving? Is there a saving to the taxpayer or will the responsibility be transferred from one limb of the State, the Garda Síochána, to another, the Irish Prison Service? The Minister indicated that the structure, architecture and layout of the building is such that there are manifest savings but will we simply compensate for fewer gardaí with more staff from the Irish Prison Service to perform these duties?

The Labour Party is happy to support the speedy enactment of this Bill and welcomes what appears to be a splendid new piece of infrastructure for the administration of justice. I promise to support the Bill as it progresses through the House.

Deputy Thomas Byrne: Tá mé chun mo chuid ama a roinnt leis an Teachta Brendan Kenneally.

Acting Chairman (Deputy Charlie O'Connor): Is that agreed? Agreed.

Deputy Thomas Byrne: I am glad to speak on this short Bill which comprises 26 sections. There has been a great deal of talk recently about Dáil reform and one aspect of this to consider is the time allocated to short legislation. I know the Opposition hates guillotines and I suppose it has good reasons for doing so. The time given to this Bill will inevitably be short because there will probably be few speakers but when there are so many serious issues regarding the economy and unemployment to be discussed Bills such as this should be given a short time. Any major issues arising from particular sections can be discussed on Committee Stage. That there seems to be no opposition to this Bill should also be considered.

I am glad the Bill is being enacted for the creation of the so-called criminal courts of justice complex. I do not know if any name has been designated for it but I hope a more Irish or fitting one will be found.

Deputy Charles Flanagan: Áras McDowell.

Deputy Dermot Ahern: What about me?

Deputy Thomas Byrne: The current name does not sound appropriate. It sounds like an ominous complex with 450 “rooms” and “ancillary facilities” but we know that the 22 court-rooms to deal with all Dublin criminal business will take up much of the complex. I am glad to see from Deputy O’Connor’s point of view that there will continue to be a District Court in Tallaght. Unfortunately I cannot say the same for my constituency because the District Court in Dunshaughlin has been closed and its business moved to Navan. That must be examined. Drogheda, Kells and Navan courts cover part of Meath East. Some of my constituents have even been before the court in Blanchardstown.

The courts system does not attract much public attention. There was very little public interest in Drogheda District Court’s being located for many years in a bingo hall. I practised there. When a local newspaper set up a petition about it there was little response. The situation has improved, however, and there are more frequent sittings in line with the increase in population. The Circuit Court for Meath is in Trim and that for Louth is in Dundalk, making two locations in the north east. In the west and south, however, there is a plethora of Circuit Court locations, regardless, in some cases, of geography or population. There is scope to rationalise the court system throughout the country. If the business can be done in two locations in the north east, where the county registrars are very efficient, that example should be followed around the country, particularly when money has to be saved. The public would support that because thankfully most of the public do not appear in court.

It is important to have good facilities but I urge the Minister to consider the court service in Dunshaughlin because if a place can be found for that courthouse it will be provided. The current location is unsafe but no suitable alternative has been found. That is important not just for the Garda, witnesses and alleged criminals but also for the local economy because of the influx of gardaí, lawyers, witnesses and so on that it brings.

I welcome this Bill and the new complex. I advise anyone studying the theory of criminal law to spend some time in this complex when it is operating because all the criminal business will be dealt with there. It would be interesting to watch how cases progress from the District Court all the way up to the Court of Criminal Appeal. The legislation includes some sensible provisions which can be used elsewhere.

Deputy Brendan Kenneally: I welcome the opportunity to speak on the Courts and Court Officers Bill. I realise the legislation largely concerns the operation of the new Criminal Court complex at the Phoenix Park. I remember driving by it some 12 months ago, not realising at

the time what it was. It is a magnificent structure and it is very sensible to locate the five different courts in the one complex because this streamlines the operation of criminal trials in Dublin. I was delighted to hear the Minister state the complex is coming in ahead of both budget and time, and will be ready in November. Now that it is out of the way perhaps the Minister might turn his attention to providing the much needed expansion of the courthouse in Waterford which is totally inadequate for a city of that size and the south-east region.

I note that administrative structures are changing and concern the entire operation of criminal proceedings in Dublin. We welcome that because we would all like to see any measure that will cut costs and perhaps lead to a quicker throughput of trials. One item surprised me a little. I did not realise until I looked at the Bill that there are two offices for the High Court, namely, the High Court office and the office of the President of the High Court. There are not two Supreme Court offices, to include one for the President of the Supreme Court. I wonder why there should be two offices for the High Court. Perhaps they could be combined.

Part 2 of the Bill deals with temporary custody and I wish to comment on that. I support the efforts that are being made to try to streamline the entire procedure and transfer as much as possible of this part of the criminal justice procedure to the Prison Service to operate. I hope that as a result gardaí will be freed up from the escort duties they have been doing to do more important business and that the prison officers can get on with what they do. I have one concern which is not referred to in the Bill. It concerns people waiting to go into custody. I refer to a criminal case, perhaps a routine low profile criminal case, which is heard somewhere in the country, for example in a rural part of counties Waterford, Kerry or Cork. My understanding is that if such a case is ongoing — for whatever reason some of these cases can go on for several weeks — for the duration there must be a number of prison officers on stand-by with a prison van to take the person in the case into custody if found guilty. If a number of people have to be located like that for a period of time obviously they must be put up in a local hotel, fed and given a daily allowance. It seems to be a very costly exercise. Yet in any of the courts around the country where criminal proceedings are taking place there will be a number of gardaí in the vicinity. It would make more sense, when the case is completed and the defendant is found guilty, for the gardaí to take that person into custody and bring him or her to the nearest barracks or holding cell available, call the Prison Service to collect the convicted person and bring him or her to the place of detention in question. That would be more logical and would save a certain amount of money. It cannot and will not operate in all cases. If there is a particularly contentious case with high profile criminals, for example, the one thing that must be done with those people as soon as they are found guilty is to get them to hell out of the place as quickly as possible. However, there are many low profile criminal cases happening all over the country where such circumstances do not pertain. Perhaps the way in which our resources are being used could be looked at in that regard.

The Bill seeks to combine various offices and I assume we can look forward to the combination of Circuit Court and District Court offices in the many towns and cities around the country. I have no problem with that because I am sure there is a great deal of work duplication going on at present while they operate separately. This, again, should speed up the criminal process. I have some concerns, however, regarding section 15 of the Bill which seems to give powers to the Courts Service to downgrade some of these offices. Does this mean, for example, that when an office is downgraded it would no longer be a combined District Court-Circuit Court office but might carry out only District Court business while the Circuit Court element would be centralised into one region? I do not know if that is what is envisaged but perhaps there is to be a move towards regional offices. The Minister might clarify this for us.

[Deputy Brendan Kenneally.]

Section 15(2) gives me even more cause for concern. It states that the Courts Service can dissolve offices. In other words, it can shut down any offices around the country. I have a problem with this type of legislation, not only as it appears in this Bill but in general. Increasingly, we are moving matters away from Ministers and Departments, and from the Houses of the Oireachtas. We will be told afterwards if we ask any questions about this that the Minister has no responsibility in the area. That is a concern I have had for a number of years. We are continuing to push this kind of matter further and further away from those who are here to represent the people of the country. We are being downgraded, increasingly. I do not like this move away from the Minister and the Oireachtas, nor do I like it that, in effect, some bureaucrats can decide to dissolve offices while we have no say in the matter. Perhaps there is more behind this than I have knowledge of and the Minister might clarify this when he is summing up.

Section 19 surprised me somewhat too in what it states about the appointment of the manager of the new combined office. I thought that the county registrar, as the senior person in the Circuit Court office which is, in turn, the more senior of the two offices, would be appointed as the manager but according to the legislation this need not necessarily be the case. I would imagine it would lead to a certain amount of friction if a county registrar was not made manager and another person was put in over him or her. Perhaps there is good reason for this measure in some areas but I do not know it and again I ask the Minister to clarify the issue.

The county registrar also currently operates as sheriff, though not as the revenue sheriff, who is usually an appointed local solicitor. The repossession of goods or houses or whatever is within the remit of the county registrar, as sheriff, at present. What are the intentions in this regard? Will the function remain in the combined office with the county registrar as it currently is, or are there plans to change how it operates?

With these several comments and provisos I broadly welcome this legislation.

Deputy M. J. Nolan: I wish to share my time with Deputy Chris Andrews.

Acting Chairman: Agreed.

Deputy M. J. Nolan: I welcome this legislation and am pleased to note it will not be too controversial because there has been agreement on all sides with regard to its passing. I will add for the record what previous speakers acknowledged, namely, the contribution of the Courts Service to the physical transformation of our courthouses throughout the length and breadth of the country. The Courts Service was fortunate in so far as funding was available for refurbishment and for the construction of new courthouses as some courthouses had become very dilapidated and run down. They were eyesores and a source of annoyance in many of our county towns and cities. They have been modernised and this is very welcome. Many courthouses were situated in a place of prominence in a town. It was unfortunate that they fell into disrepair. The county councils had a function in the upkeep of courthouses and at a time when their funding and their revenue stream was limited, they were not in a position to invest the type of moneys required to bring the courthouses up to a 20th century standard. This has now been achieved and I commend the various Ministers who succeeded in securing funding for the Courts Service for this refurbishment work. The Courts Service is to be commended for the sensitive manner in which it went about refurbishing the courthouses.

The Courts Service has also streamlined the management of the courts. While much has been done there is still some way to go to have an even more efficient and effective service. I refer to the introduction of the digital recording of proceedings which was a significant advance

in terms of administration of the courts. This is to be commended. The building of a new courthouse for central Dublin commenced in May 2007 and it is pleasing to note that it will be completed ahead of schedule for hand over in November 2009.

An issue which has been referred to by the Minister in his Second Stage contribution is the question of maximising the use of Garda time. We all have anecdotal evidence of gardaí attending a court sitting at 10 a.m. who must remain there all day and it often happens that the case is adjourned on appeal but a garda will have spent his time standing around. My constituency office is located close to the courthouse in Carlow and on a weekly basis I see the number of gardaí who are obliged to attend and who must wait for cases to be dealt with. This practice is soul-destroying for them as they are obliged to wait around and often a case does not proceed. This practice is referred to in the Bill but I would like more comprehensive legislation introduced which would deal with the use of Garda time in court cases.

The other issue I ask the Minister to investigate is the abuse of the free legal aid system. We are all aware of high profile cases in which legal aid is granted to defendants. One does not have to know everything about certain individuals to know that they have the wherewithal to pay their own legal costs through the many scams in which they are involved, yet the taxpayer is obliged to pay their legal bills. There should be tighter scrutiny by the courts before granting this facility to certain individuals. I accept there are genuine cases where legal aid is required by defendants or by individuals before the courts and I preface my remarks by saying that genuine cases are entitled to free legal aid and the State should provide it but more and more there is evidence of high profile cases where the evidence in previous cases would suggest that these are people of means yet they apply for legal aid. To the outsider looking at it, these people seem to be granted this facility by the courts without a proper examination of the circumstances.

The system of on-the-spot fines for traffic and parking offences has freed up the time of the courts significantly. It has been singularly successful in keeping cases such as speeding, parking or littering offences out of the courts. Under legislation introduced in this House an on-the-spot fine may be imposed and paid. I ask for an extension of this system where possible to free up the expensive time of gardaí and to allow them spend more time doing what they want to do. They are well trained in Templemore to police. The role of the Garda Síochána is to be out with the public and interfacing with the community rather than in the courts. I ask for some changes in future legislation.

Will the Minister provide some clarification on the role of county registrars? There may be changes in that area to do with court messengers who work for county registrars and of whom there are approximately 27 throughout the country. There are indications that the role of the court messenger may be changed and the job may be privatised. I ask the Minister to examine any proposed changes to ascertain the cost efficiencies involved before a final decision is taken.

The Bill has enabling provisions to allow the Courts Service to manage the central holding facility for people in custody and to have control over all persons held, including those who have not been committed to prison by the courts. This is a positive proposal as there has been duplication in that area. The vested interests support the changes outlined by the Minister.

I commend this Bill and I am pleased it will have an easy passage through both Houses. I wish the new facility every success. It is a long time since the Four Courts building was constructed and this is the first significant investment in a courthouse in central Dublin since that fine building was constructed.

Deputy Chris Andrews: I am delighted to have the opportunity to speak on this legislation. I had not planned on referring to the free legal aid system but I agree with the comments of

[Deputy Chris Andrews.]

Deputy Nolan. I know the Minister is as committed as anybody to dealing with abuses of the judicial system but in difficult economic times the focus is on getting value for money. There is a sense that free legal aid is being abused and if that if funding is available it should go to those genuine cases to which Deputy Nolan referred.

The purpose of this Bill is to allow for the efficient operation of procedures at the new criminal courts of justice when they open in 2010. That will be four months ahead of schedule, which is a positive delivery of services.

Since the Courts Service was established in 1999, it has energetically and systematically pursued a programme of transforming the physical infrastructure of the courts. This is extremely welcome. It shows that despite the difficult times in which we live, projects are being undertaken and people are adhering to plans and delivering on them. Not everything will be transformed overnight. In Donnybrook and Pearse Street Garda Stations gardaí are housed in antiquated buildings making it difficult for them to be as efficient as they could be in a brand new building. However, that development will happen. In Irishtown in Dublin 4, for example, there is a new Garda Station which is a tribute to the Department and the Minister who delivered this fine project. It makes it possible for everyone to be more efficient.

The new complex to which we refer in this debate has 450 rooms, including 22 court rooms, and ancillary facilities based over ten floors and will provide vastly improved facilities for the public. A very positive aspect of the new complex is that victims of crimes will have an easier experience than at present. Those who come into contact with the judicial or criminal system find it stressful and upsetting at a vulnerable point in their lives. If we can alleviate those difficulties and make a small difference to the interaction between the criminal system and victims we should do so. This building will make it easier for people to navigate the courts system without coming into contact with people with whom they are in conflict.

The formation of the Courts Service was recommended by a working group on a courts commission which was established by the Oireachtas in 1996. The group found that the Irish court system had remained largely unchanged since its establishment in 1924. This had resulted in unacceptable delays in the determination of court cases. In addition, staff throughout the courts system were poorly organised, given the antiquated structures within which they worked. That is being addressed on an ongoing basis. To combat those difficulties, the Courts Service of Ireland was established in 1999.

It is nice to hear Deputy Rabbitte warmly welcoming this new building. The effective operation of a court system is critical for the well-being of any society. The built infrastructure and the human infrastructure must both be right. The new complex goes a long distance towards that. The new Criminal Court complex will be the first step in the modernisation of the service. Given the scale of the building, it was necessary for the Courts Service, in consultation with the Garda and the Irish Prison Service, IPS, to give detailed consideration to how various work processes will operate when the building is up and running. An efficient and modern service is a priority for all the parties involved.

The Bill will provide for a modern and streamlined service which will best serve those who come in contact with it. Part 2 will allow the IPS to manage the central holding facility for people in custody and have control of all persons, including those who have not been committed by the courts to prison. That will make things more efficient and must be welcomed. The Bill also allows for the temporary transfer of custody to a holding area for the purpose of facilitating a court appearance or the holding of a court hearing involving an accused person. It is necessary to make legislative provision for this change so that the IPS may be responsible for the custody

of persons in the holding cells in the courts. Until now those people have been in the custody of the Garda. The Bill will not affect the current arrangements for persons detained in the Central Mental Hospital who are required to attend court. They will remain within the mental health service.

Part 3 makes provisions to allow for improved staff management and flexibility by designating a single administrative office rather than an office for each court and each jurisdiction. Many of the Bill's measures are practical and welcome. Part 3 will modernise the court structures and allow for the integration of staff and efficient procedures.

Part 4 will allow a District Court clerk to take bail recognisance in certain instances. At present, when a District Court grants bail and the applicant is in a position to take up bail immediately subject to entering a recognisance, an applicant must be taken to the court office, complete the necessary documentation and then return to the court to enter recognisance before the judge. This is time consuming and not altogether necessary. This straightforward technical amendment will minimise the movement of prisoners around the court complex and free up judges' time for hearings.

All of these measures are inherently sensible and will result in increased efficiencies in the prison service. I look forward to the opening of the new building and I commend the Bill to the House.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I thank all the speakers for their good wishes for the Bill. Courts infrastructure has come a long way in recent years. When I qualified in 1976, I naively took the position of secretary to the County Louth Bar Association. One of the first tasks I was given was to lobby the local authority to improve the Dickensian facilities of Dundalk District Court. One of the first proposals was that the council would fund the closing in with glass of the front of the building because practitioners and the public were frozen to death in the precincts of the court house. We succeeded in having that proposal implemented but the next claim was that people continued to be frozen by the cold stone floors, despite the fact that the wind was not howling around them. We then lobbied the council for a new carpet. Today, there is a spanking newly refurbished court house in Dundalk which holds the District Court, the Circuit Court and the High Court on Circuit. At a cost of €6.5 million the court house was very tastefully refurbished and now holds the offices of the County Registrar and others. It is one of 41 court buildings.

Deputy Pat Rabbitte: The year 1976 was the last time the Minister did anything naïve.

Deputy Dermot Ahern: I thank the Deputy. It is amazing how far we have come, as a nation. I thank Deputy Rabbitte for the compliments he paid. At least, we did something right. In the new year, constituents from my home town who have business to transact in the Criminal Courts of Justice complex can travel by train or on what I call the "we squandered the boom" motorway from Dundalk to Dublin. They can enter the "we squandered the boom" port tunnel, park their cars and take the "we squandered the boom Luas" to the Criminal Court complex. We did something right in recent years. To be fair to every Deputy, we all agree that any modern society should have those items of infrastructure.

The courts complex is magnificent. I visited it with the Chief Justice a number of months ago when it was still a building site. It is a compliment to everyone who designed it and had an input because it has been painstakingly designed in such a way as to ensure that those who should be kept separate are. The facilities are second to none. I am reluctant to use the word "iconic", but it is an iconic building that will stand the test of time, mirroring what was done a number of centuries ago in the form of the magnificent Four Courts building.

[Deputy Dermot Ahern.]

When the new complex is up and running, the District Court operation of the Courts Service will move there from the Bridewell court in the second week of December, with the operations for the Circuit, Criminal and other courts to follow from the beginning of the new legal term in January.

A number of Deputies raised the issue of civilianisation. There is no doubt that the effort to civilianise much of the work of the Garda has been progressing. Previously, there was only one civilian per ten gardaí, but that figure is now one per seven or six, which is as it should be. I agree with the Deputies who exhort us to continue pressuring the release of further gardaí for other duties. From an operational point of view, however, the Garda must determine what type of person is necessary, be it a garda or civilian, to do particular office work. It is the intention that as much of the work that can be done by civilians should be done by them, but there are circumstances in which gardaí must do paperwork. It is not always appreciated that gardaí on the beat have a telephone system whereby they can telephone a call centre in Castlebar on a dedicated line to communicate issues. They do not need to return to a Garda station and type up the issues that were subject to complaint. Many streamlining changes have been made.

Some Deputies referred to the changes in the fixed penalty charges, etc. In line with previous efforts, we are changing this legislation to free up gardaí, leading to a saving in Garda time if not prison officer time. We are seeking a more efficient use of different personnel and to free gardaí from certain duties as much as possible.

Deputies have mentioned the matter of family law, in respect of which a Bill is being prepared. Regarding physical accommodation, the Dolphin House courtrooms will be freed up to concentrate entirely on family law cases. In effect, it will become Dublin's family law complex.

The ink on the McCarthy report was hardly dry when every Deputy, particularly those on the Government side, got representations from rural transport schemes, community development projects and family support agencies and centres, all of which the Government established, as people must appreciate. Despite the fact that we have been accused of squandering the boom, when I became Minister for Social Welfare in 1997, one of our promises was to increase community development projects from 25 to 100, which we succeeded in doing in a short time. Today, there are more than 180 community development projects——

Deputy Pat Rabbitte: Thanks to the economy that the Government inherited.

Deputy Dermot Ahern: ——thanks to Fianna Fáil-led Governments.

Deputy Pat Rabbitte: Whoever will inherit it now will need to close them all down.

Deputy Dermot Ahern: Equally so, there are many family support centres.

Deputy John Deasy: Is the Minister disagreeing with the McCarthy report as well?

Deputy Dermot Ahern: We receive significant lobbying and pressure from groups as diverse as the rural transport schemes to the Law Reform Commission. While they accept——

Deputy Charles Flanagan: The Minister sounds like he owns the groups.

Deputy Dermot Ahern: ——that we are in a crisis and must cut our cloth to meet our measure, they do not want to be touched. The LRC does excellent work and, as stated, uses practitioners' expertise that is not necessarily within my Department or available to us else-

where. I compliment the LRC on its work over the years and I look forward to it continuing to do so.

Regarding Garda stations, the McCarthy report's proposed saving was €1 million in return for the closure of 350 stations, half of the stations in the country. It is not beyond the wit of me as Minister to save €1 million within a budget of €2.5 billion, even though 70% of it is difficult to touch because it constitutes wages for gardaí, prison officers and departmental staff. Nevertheless, it is not beyond my wit to find €1 million in the Department.

Deputy Pat Rabbitte: If the Minister stopped the security contract on Thornton Hall, he would be halfway there.

Deputy Dermot Ahern: A new Bill will be tabled in respect of legal aid. It is with the Office of the Parliamentary Counsel for drafting. While there is some logic in dovetailing civil and criminal legal aid, it must be borne in mind that the latter is a constitutional requirement whereas the former is only statutory. Despite comments to the effect that some defendants should not get free legal criminal aid, the reality is that most people who appear before courts for having committed crimes are not wealthy. There is anecdotal evidence concerning people with resources, but we must ensure that our changes will not hammer those who are patently unable to pay for solicitors and barristers while providing our limited resources to those who deserve it.

The court presenters are Garda sergeants who act as prosecutors in court and have operated on a small scale in the Bridewell since 1989. Their number has expanded rapidly in recent years and they now operate throughout all of the Dublin courts. There will be scope for further expansion when the Criminal Court complex is up and running.

The proposal to allow the Irish Prison Service to undertake all escort duties in respect of prisoners on remand would require the employment of at least an additional 70 staff. This would not be possible in our financial circumstances, but the matter is being re-examined by the Garda and the IPS with a view to using our resources as well as possible.

Deputy Pat Rabbitte: Will there be a net saving?

Deputy Dermot Ahern: Yes, for the Garda. There would not be an extra financial burden on the IPS. We want to use our people as efficiently and effectively as possible. It does not make sense for gardaí to trip over prison officers in the same courts complex, particularly when the complex is so streamlined and, I hope, efficiently run. Its structure will obviate the need for more personnel.

Deputy Rabbitte referred to the indication of the number of gardaí involved. I will get the information before Committee Stage.

While one may rightly criticise the lack of space in prisons, one should note there has been a dramatic increase in the number of criminal prosecutions in the past year. Between 2007 and 2008, there was a 48% increase in convictions. That is dramatic and it is one of the reasons for the increase associated with legal aid in criminal cases.

Deputy Charles Flanagan: It is consistent with the increase in crime.

Deputy Dermot Ahern: No, it is consistent with the successful prosecutions by the Garda and the courts. This must be appreciated in light of the difficulties we acknowledge arise in prisons. That is why I suggest our plans deserve more support from the Opposition. One must accept there has been a dramatic investment. Those who suggest we squandered the boom in

[Deputy Dermot Ahern.]

respect of prisons should note there are 1,400 extra prison spaces and 450 to be made available between now and the end of the year. These are real prison spaces. The extension at Wheatfield is magnificent. We are not resting on our laurels because we want to move on the provision of another substantial block in the Midlands Prison, if the Exchequer position allows it, as an interim measure pending the implementing of the Thornton Hall proposals. We are still moving on Thornton Hall, as I stated during Question Time. We will proceed with the project at Thornton Hall on a phased basis. I hope phase 1 will start before the end of the year or early in the new year. We must be given some credit in that respect.

Deputy Thomas Byrne raised the closure of Dunshaughlin courthouse. There is a brand new courthouse, opened last year, not too far down the road in Blanchardstown. There is a courthouse in Trim and in my home town.

The Courts Service has been reviewing the issue of courts around the country. The matter is somewhat similar to that associated with Garda stations. One point Mr. McCarthy made in his report was that the designation or closure of a Garda station should not be the responsibility of the Minister and should be exclusively that of the Garda Commissioner and Garda management. I agree, because it is not up to me. We are all under political pressure not to close Garda stations in this or that village but ultimately the people on the ground who understand the normal policing requirements must make the decision.

The proposal speaks for itself.

Deputy Charles Flanagan: That does not look good. The Minister is asking the Commissioner to do his work for him.

Deputy Dermot Ahern: It was a very eminent suggestion and, in fairness, the Deputy would have to accept it also. It involves the saving of €1 million so, as they say in court, I rest my case.

With regard to the designation of the locations and the rationalisation of courts around the country, we gave powers to the Courts Service, under the 1998 Act. While I have been lobbied by Deputies on all sides of the House regarding the closure of courthouses and the amalgamation of District Court areas, we tend to forget the very people who lobby me gave the Courts Service its power exclusively under the 1998 Act, whether we like it or not.

Deputy Kenneally raised the issue of the court building in Waterford. A capacity issue arises in Waterford and the Courts Service is considering it. The Deputy also raised the issue of having a separate office for the President of the High Court. The president, whose job, in addition to exercising judicial duties, is to designate cases among High Court judges, has a small administrative office to support his statutory functions.

Most courthouses built recently have cell capacity to deal with people held in custody in prisons. This is the case in 41 of the refurbished courthouses around the country.

Deputy Nolan referred to county registrars. They have a quasi-judicial function which should be enhanced because they have taken on considerable duties recently, particularly with regard to case progression in the family law area. Given that they comprise a resource, they should be used to the greatest extent, particularly given their qualifications. There is no plan to alter the sheriff functions but there are other duties that could be given to county registrars.

I thank Deputies for what I hope will be the swift passage of this legislation. I am not sure they will have the opportunity to see the courts complex before it opens, although they will be present for the official opening. It is a magnificent building and a great testament to all those

who have been involved in its planning and construction. It will stand the test of time. In the decades, if not centuries, ahead, people will say we invested wisely on this occasion.

Question put and agreed to.

Courts and Court Officers Bill 2009: Referral to Select Committee.

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

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

Question put and agreed to.

Statute Law Revision Bill 2009: Order for Second Stage.

Bill entitled an Act to promote the revision of statute law by repealing certain statutes of a specified series that were enacted on or before 31 December 1750 and certain other statutes of another specified series that were enacted on or before 31 December 1850 and which have ceased to have effect or have become unnecessary, by identifying those statutes that were so enacted but are not being repealed by this Act, by assigning short titles to certain statutes in order to facilitate their citation and by amending certain statutes in so far as they relate to short titles, and to provide for related matters.

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): I move: "That Second Stage be taken now."

Question put and agreed to.

Statute Law Revision Bill 2009: Second Stage.

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): I move: "That the Bill be now read a Second Time." This Bill is being introduced within the context of broader work on better regulation in Ireland as articulated in the 2004 White Paper, *Regulating Better*. This work encompasses measures to address both the "flow" and the "stock" of legislation, with the ultimate aim of reducing regulatory burdens both on business and the citizen.

The introduction of regulatory impact analysis in 2005 has provided a means for the flow of legislation to be managed more carefully. It requires Departments to engage in consultation and to assess all the relevant costs and benefits of various options in advance of bringing forward legislative proposals. In parallel, significant progress has also been made in recent years on the stock of existing legislation. For example, the Government has committed to reducing existing administrative burdens on business by 25% by 2012 and the Department of Enterprise, Trade and Employment is overseeing the programme aimed at achieving this target.

Considerable work has also been done on the consolidation of legislation in high-profile areas such as land law and company law. A specific statute law revision programme has been pursued by the Taoiseach and the Attorney General to remove obsolete legislation from the statute book and to modernise Irish law.

Statute law revision refers to the process of removing legislation from the Statute Book that has lost its purpose and relevance. The term "Statute Book" is a loose and non-technical term referring to all primary legislation — statutes or Acts, as they may be called — and secondary legislation — orders, regulations, rules, schemes and by-laws — that have not been repealed

[Deputy Pat Carey.]

or revoked. Much material remains on the Statute Book simply because of inertia and this material is obsolete or has long since served its purpose. However, until it is actually removed, it will clutter up the Statute Book.

The continued presence of redundant legislation is misleading for the user who may believe by virtue of it simply remaining on the Statute Book that it still has some modern effect or relevance. The user of the Statute Book may have to undertake the time-consuming task of carefully analysing a statute only to come to the conclusion that it is obsolete or spent. Accordingly, the removal of legislation which has lost any practical utility or is obsolete helps to modernise the Statute Book, leaving it clearer, shorter and more accessible.

On another level, the reform of our Statute Book is an expression of this country's independent, democratic outlook. It is not appropriate that laws from the pre-independence era remain in force here indefinitely. This Bill is a further step in a process that will ultimately see pre-independence legislation removed from the Statute Book, even though some of it will be reproduced in a modern form and in language that more appropriately reflects the conditions of a sovereign, independent Ireland in the 21st century.

The Statute Law Revision Act 2007 was one of the most innovative Acts of recent years. This House will recall that it expressly repealed more than 3,000 statutes and was the largest such Act either before or after independence. Upon its enactment, it repealed more Acts than the total number of public general Acts passed since independence. It has brought clarity for the first time to the public general Acts enacted prior to independence by listing in Schedule 1 all public general acts not repealed. This central feature of a scheduled "white list" of Acts not repealed has again been adopted in the present Bill.

The Statute Law Revision Bill 2009 is the third measure in the current phase of statute law revision and deals with private Acts up to and including 1750 and local and personal Acts up to and including 1850. While the 2007 Act dealt with public and general Acts, a significant number of local and personal Acts and private Acts remain on our Statute Book. This is part of the general body of statute law which continued in force by virtue of Article 73 of the Constitution of Saorstát Éireann and Article 50 of the Constitution of Ireland.

Private Acts and local and personal Acts together with public general Acts encompass the three categories of primary legislation. The 2009 Bill will do for private Acts enacted before 1751 and for local and personal Acts enacted before 1851 what the 2007 Act did for the public general Acts enacted before independence.

Private Acts are those concerned with the affairs of a single individual or body. They are enacted under a different procedure entirely from that used for public and general Acts. The private Acts listed in the Bill include many naturalisations, referred to as "denizations" in some of the earlier Acts, which amounted to approvals of marriage settlements and divorces. The Bill contains a number of private Acts enacted by the Irish Parliament between 1534 and 1750. At the time when these private Acts were enacted most would have been in manuscript form and not printed. By 1922 the original papers of the old Irish Parliament were kept in the Public Records Office situated in the Four Courts complex. Unfortunately, the original texts for the private Acts did not survive the destruction of the Public Records Office in 1922. Extensive efforts have been made to track down copies of the texts of these Acts but despite this it has become apparent that for several of them no text remains in existence in any form. Records of the subject matter of many of those private Irish Acts indicate that they are now spent or obsolete. However, because of section 27 of the Interpretation Act 2005, any rights, privileges or obligations that may exist under those Acts would be saved when those Acts are repealed.

Consequently, it is proposed to repeal those private Acts up to 1750 for which no surviving copy can be traced.

Local and personal Acts are concerned with matters affecting a very limited section of the community such as a single local authority, local area or company. Local and personal Acts were published in a separate series between 1797 and 1922. Prior to the enactment of company registration law in 1844 and the introduction of limited liability for companies in 1855, most commercial companies were incorporated by an Act of Parliament. While local and personal Acts and private Acts are not of general application in the way public general Acts are, they still require careful analysis to identify those with ongoing relevance.

The statute law revision project under the ambit of the Office of the Attorney General has carried out extensive analysis, research and consultation prior to the publication of this Bill. Some 3,182 pre-1750 private Acts, including 175 private Irish Acts, and 7,543 pre-1850 local and personal Acts make a total of 10,725 Acts potentially coming within the scope of the Bill. Of these, some 8,965 Acts were assessed as not applicable to Ireland. Of the applicable Acts, 138 have been identified as not suitable for repeal because they contain provisions which may have ongoing relevance. The remaining 1,351 Acts have been assessed as suitable for repeal on the basis that they are spent or obsolete. As with the pre-1922 public and general Acts dealt with by the Statute Law Revision Act 2007, it is intended that the private Acts and local and personal Acts that did not apply to Ireland will be implicitly repealed by their not being saved and referred to in Schedule 1 to the Bill.

Each of the 10,725 Acts within the scope of this Bill, were individually assessed. Except for the Irish Acts this was carried out in respect of their applicability to Ireland. The assessment was also to determine whether they had already been repealed and those deemed applicable to Ireland and not repealed were analysed to determine their suitability for repeal.

An Act was deemed to apply if it had a tangible connection to Ireland. As a result of this cautious approach, some Acts appear in the Bill that on a reading of the short title or subject matter alone, do not appear relevant to Ireland. These Acts were deemed to be applicable as they contain provisions relating to Ireland. For example, some Acts applied to Irish ships, or to all ports in the United Kingdom or contain a provision which allows the Act to be enforced in the Irish courts of the time. Other Acts related to the status of persons born outside of the United Kingdom and provided that they were to be deemed natural born citizens. As Ireland was part of the United Kingdom at the time of the passing of the Acts in question, these Acts automatically apply to Ireland.

A cautious approach was also taken in the decision whether an Act was suitable for repeal. Acts are only listed for repeal where they are obsolete or spent. If it became apparent that any of the provisions of an Act may have some ongoing relevance or effect, the Act is being retained. As already indicated Irish private Acts for which no copy can be traced are proposed for repeal but this will not affect the saving provisions for right, privileges and obligations, etc. contained in section 27 of the Interpretation Act 2005.

The decision to repeal or retain an Act was taken in conjunction with a process of consultation. For all Acts listed in the Bill, the statute law revision project engaged in widespread consultation with all Departments and local authorities. Relevant semi-State bodies and other parties were also consulted on individual Acts. Public notices were placed on the Office of the Attorney General's website and in several newspapers. The complete list of the subject matter and short titles, if any, of all pre-independence private Acts and local and personal Acts is also available on that website. Including the 10,725 Acts considered in the context of this Bill, there are 33,333 pre-independence private Acts and local and personal Acts listed on that website. The consultation process formally ran from September 2007 to 13 February 2009.

[Deputy Pat Carey.]

Before I outline the main provisions of the Bill I recognise that what I have read through is riveting to most people but there may be some interesting snippets. I commend the people who worked on the Bill. I realise Deputy Deasy and others have a background in history and given the day that is in it — this may be of interest to the Acting Chairman, Deputy Charlie O'Connor — it is interesting to note that one of the many Acts coming within the scope of assessment for the Bill dates from 1814 and is related to the commons situated at St. Stephen's Green, Dublin. Thereafter access to the green was restricted to the public. However, in 1877 Sir Arthur Edward Guinness was responsible for the re-opening of the green to the public owing to his financial contribution. That Arthur Guinness was the great-grandson of the Arthur Guinness being celebrated internationally today. The Bill covers much of the period during which Arthur Guinness was alive between 1725 and 1803. Many of the Acts would have impacted on him and his business. I recognise the Acting Chairman was born in the shadow of the great edifice associated with the company. I refer to a local and personal Act of 1901 not covered by this Bill, namely, the Dublin St. James's Gate Brewery Tramways Act 1901, which authorises Arthur Guinness and Son & Company to construct tramways in connection with the St. James's Gate brewery. The Act required the company to remove snow from the track and prohibited the company from carrying anything but its own traffic.

Another interesting Act is that of 1726 enacted under George I and it related to the naturalisation of George Friedrich Handel and others. This Act provided for the naturalisation of George Friedrich Handel and others and it extended to them all of the duties, rights and privileges of natural subjects of the kingdom of Great Britain as if they were born in said kingdom. I refer to another Act of 1826 enacted under George IV. The American and Colonial Steam Navigation Company Act amends an earlier act for facilitating steam navigation between the United Kingdom and the continent and islands of America and the West Indies. The earlier Act created the American and Colonial Steam Navigation Company. The purpose of the Act was to facilitate the beneficial removal of the surplus population of Ireland to a healthy and thinly-populated country.

The Prince of Wales and Trinity issue is probably in the public domain. The 1714 Act enabled the Prince of Wales to qualify himself in Great Britain for the legal enjoyment of the office of Chancellor of the University of Dublin. In Schedule 1 there are many Acts relating to old railway lines and routes, some of which have been opened again. If Deputies have time for it, it makes absolutely fascinating reading.

I will go through the main provisions of the Bill. Section 1 provides definitions of local and personal Act, private Act and relevant statute. The definitions of the series of statutes are necessary to distinguish them from statutes of a public general nature which are not affected by the Bill. It can be noted that definitions relate only to statutes and therefore do not include charters of a local and personal or private nature; thus, such charters are not revoked by the Bill.

Section 2 is a central feature of this Bill and will provide for fundamental clarification and simplification of the Statute Book by explicitly repealing all local and personal Acts up to and including 1850 and all private Acts up to and including 1750, with only two exceptions. These exceptions are the Acts listed in Schedule 1, that is the local, personal and private Acts still relevant and the pre-1922 Acts which have already been saved by Schedule of the Statute Law Revision Act 2007 and which are still in force.

It is necessary to include reference to the public general Acts in order to ensure that the scope of this Bill dovetails with that of the Statute Law Revision Act 2007. Some of the Acts in the 2007 Act were published or listed both as public and private Acts.

For reference purposes, section 3 provides for the list in Schedule 2 or statutes revealed by section 2 which are wholly or to some extent applicable to Ireland. Section 4 will assign Short Titles to any Act saved by section 2 which does not already have a Short Title. Section 5 makes provision for the amendment of any unconventional or inappropriate Short Titles in respect of Acts saved by section 2 in order to facilitate the citation of these Acts in future.

Section 6 provides for standard saving clauses for clarity, as with the Statute Law Revision Act of 2007. Reference has also been inserted to the application of statutes in order to ensure the saver clause is wide enough to preserve statutes which have been applied to Ireland by statutes repealed by this Bill. Subsection (2) of section 6 is designed to preserve the status of bodies which may have been established by a charter made consequent on a statute which is being repealed by this Act. Section 7 provides for a Short Title and collective citations, and these are standard form provisions.

Schedule 1 provides a list of pre-Independence statutes for each period concerned which are not being repealed. Those periods are before 1 January 1751 for private Acts and 1 January 1851 for local and personal Acts. Schedule 2 lists the Acts specifically repealed by the Bill. These are the Acts which, while applicable to Ireland, have been identified in the course of the review as appropriate for repeal because they are spent, have become obsolete or are otherwise unnecessary.

Other local and personal Acts and private Acts for the periods concerned that do not relate to Ireland or have only a tenuous and indirect connection with Ireland will not be included in Schedule 2 but will be repealed by virtue of the general repeal provision in section 2. Accordingly, this approach — also adopted in the Statute Law Revision Act 2007 — will clarify as to the repeals relevant to Ireland and greater transparency with respect to relevant repeals.

This Bill, in tandem with the Statute Law Revision Act 2007, constitutes one of the most extensive statute law revision programmes ever undertaken anywhere in the world. This Bill when enacted will, for the first time provide a complete list of all private Acts up to 1750 and local and personal Acts up to 1850 that have not been repealed. I am quite satisfied, from the work undertaken by the statute law revision project, that the Acts specified in Schedule 2 to this Bill are no longer necessary, their purpose having ceased. The time has come to remove them from our Statute Book and with it to take a step closer to our ultimate aim of a clear, concise, coherent and accessible Statute Book which reflects the needs of a sovereign, independent and democratic state in the 21st century. I commend the Bill to the House.

Acting Chairman: The Deputy will have pleased many by mentioning Arthur Guinness.

Deputy John Deasy: I am delighted the Minister of State found his connection to Arthur Guinness as he was looking for it feverishly all morning. It is fair to assume we do not have any difficulty with this Bill, as initiated, to repeal 1,351 spent and obsolete Acts. It has been characterised as one of the most extensive clean-outs of legislation and considering we were colonised for so long, one would expect to be left with thousands of spent and obsolete Acts as a remnant of British rule, dating back in this case to the early 16th century.

Was it absolutely necessary to have this process? The underlying reason for it was that it would increase the certainty and clarity of the Statute Book, both for business and the citizen, and it would help to identify remaining legislation which can then be consolidated or rewritten in a modern format. Is it the case that these private Acts and public and general Acts were in some way confusing the administration of other statutes? I am not sure. When the Minister of State wraps up the debate, I would like him to go through the cost of this process, which takes in this and previous Bills.

[Deputy John Deasy.]

This is not just a piece of technical legislation for me as it is also a slice of Irish history spanning 400 years. It represents 400 years of European history. People may call me a nerd — I have a history degree — but I find some of this fascinating and all of these statutes have their own stories. The Minister of State has already outlined some of these.

It begins in the reign of Henry VIII, with Acts regarding the liberty of the county of Wexford and Acts creating weirs upon the Boyne or building walls and making defensible the town of Navan. Most people would still find it incredible that statutes made by King Henry VIII are still part of the law of the land in this country. People would not expect this, although it is the case.

There is an Act from 1542 which concerns Lady Parr's children, making them illegitimate. I wonder if that is Catherine Parr, who married King Henry VIII in 1543 and who, more important, avoided getting her head chopped off. In Elizabethan times, there was an Act in 1575 naturalising 12 citizens of Antwerp. I do not know who those people were but they were extremely lucky because in the following year, Antwerp was plundered by Spaniards and 6,000 citizens of the town were massacred. This is an interesting piece of European history.

The legislation takes in the reigns of James I and Charles I and we get a sense from these Acts of the kind of turmoil which existed in Ireland during the 17th century in particular. In the reign of Charles II, one can see Acts such as that restoring honours, manners, lands and tenements in Ireland to people like the Earl of Inchiquin. This Act caught my eye as he was a flexible character, a Protestant and one of the several commanders who played a semi-independent role in the confusion which followed the Irish rising in 1641. He took up arms against the Catholic confederation and inflicted several defeats upon it in Munster. He was passed over by Charles I for the presidency of Munster, something which he expected. He joined the parliamentary side — that is, Cromwell's side — in 1644 and won an important victory over the confederation troops near Mallow in 1647. The following year, he rejoined the royalists but was driven into exile when Cromwell landed in Ireland. Charles II conferred an earldom upon him in 1654, he converted to Catholicism and fought for the French. During the restoration, and as the statute explains, his Irish lands were returned to him. He was, by all accounts, an expedient and very flexible fellow, and was probably very representative of the times in which he lived.

One also obtains from the Bill an impression of how divided Irish society was in the past. It contains numerous references to Protestant issue — namely, Protestant children. We must remember that in 1641 Catholics owned approximately 60% of the land of Ireland. By 1776, Catholic land ownership stood at 5%. This is evidence that a land grab of extraordinary proportions had occurred.

I only obtained my copy of the Bill at 10 p.m. last evening. However, it contains details of a number of interesting statutes, such as that relating to the granting to two individuals of sole use of an invention for the benefit of shipping. The invention in question was a lead sheathing for ships' hulls which would prevent the growth of barnacles. There is also an Act from 1700 which facilitates the separation of James Earl of Anglesea from his wife Countess Katharine by reason of his cruelty. It is interesting that some 309 years ago, the Parliament legislated for a specific instance of domestic violence.

I also discovered an Act to enable John Viscount Molesworth and Richard Molesworth to make leases in respect of lands near Stephen's Green and Dawson St. in County Dublin which were in their possession. The Houses of the Oireachtas stand, therefore, in what used to be

Molesworth field and the Act in question relates to land which, almost 300 years later, is the most expensive piece of real estate in the country.

As the Minister of State outlined, the Bill also details Acts that were introduced for the purpose of naturalising certain individuals such as Mainhardt, Duke of Leinster, whose father was second in command at the Battle of the Boyne. Mainhardt was the first Duke of Leinster and this Parliament occupies what was his family's house. From the reign of William and Mary, there is an Act for the naturalisation of Henry de Nassau, a general who lived in London, in Overkirk House, which is now known as No. 10 Downing St. Another Act relates to the naturalisation of Prince George of Denmark, which had to occur as a result of the fact that he was married to Queen Anne and had to be made a British subject.

I find the legislation fascinating from a historical point of view. I like to take meaning from something of this nature, namely, a Bill that represents 400 years of Irish and European history. I have a degree in history and another in law but I do not believe one needs either to take some meaning from the legislation, particularly at a time when we were about to decide the direction this nation will take with regard to Europe. It would be no harm to remind ourselves of our history when we are about to decide whether our alliance with Europe will be as strong as it has been for the past 36 years. It is also worth reminding ourselves that there was a period — not that long ago — when Irish people were subjects and took orders. At that time, Ireland had no appreciable and definitive alliances with other European countries and was, as a result, completely powerless to determine its own fate.

My point is that small nations such as Ireland gain strength through their relationships with other states. In Ireland's case, such relationships might be that with the United States, which developed on foot of the intense historical links brought about through emigration, or those with other European countries, which came about through our economic ties within the framework of the EU.

As people consider how they intend to vote on the Lisbon treaty, this matter becomes particularly important. History has shown us that our growth and our strength as a small island nation lies in giving ourselves options. Our future does not lie in some kind of forced isolation or in a departure from those ties we have developed during the past three to four decades. The alternative is a scenario which promises only vulnerability and the shutting off of our options as a nation of Europe. People should consider this country's history and our society's origins before they get sucked in by bogus arguments regarding the benefits of isolationism.

Deputy Joanna Tuffy: I commend the Attorney General and his office on the methodical work they have done on this project, which is evident from the information provided on this website. I dealt with phase 1 of the project during my time in the Seanad not so long ago. As I recall, I contributed to the debate on what became the Statute Law Revision Act 2007. The process employed by the Office of the Attorney General appears to be extremely good and methodical, involving public consultation, openness and accountability. In my view, that is very much the way to go about drawing up legislation of this nature.

As the Minister of State and Deputy Deasy stated, this work also has a historical value. I must confess that I also possess a degree in history.

Deputy John Deasy: God help us all.

Deputy Joanna Tuffy: In such circumstances, I found the legislation extremely interesting. It brought out the nerd in me. I spent much of this morning trying to find as many references as possible to Lucan in the Bill.

[Deputy Joanna Tuffy.]

Will the Minister of State indicate whether the historical documents listed in the Bill are available to view on-line? If all of the documents are available, they should be placed on-line in the same way previous census results have been. The documents to which I refer detail Ireland's history when it was part of the United Kingdom.

As already stated, I searched the Bill for references to Lucan and I discovered a number of English private Acts which refer to Agmondisham Vesey, who is a key figure in the history of Lucan. For example, there is an Act from 1702 which relates to the estate of Agmondisham Vesey and his daughters, Ann and Henrietta, in Kildare and the sale thereof for payment of debts and empowering him to make leases. In addition there is an Act from 1711 which relates to the confirmation to Agmondisham Vesey and his children of the benefit intended by the Act of 1702 passed for their relief. There was obviously a difficulty with the 1702 Act.

I consulted a document relating to the history of Lucan which indicates that Vesey married Charlotte Sarsfield, the inheritor of the line of the Earls of Lucan. She married Agmondisham Vesey, the second son of the most reverend John Vesey, archbishop of Tuam, who went on to become a Member of Parliament for Tuam and perhaps also for Kildare. This relates to the aforementioned two Acts because Agmondisham Vesey married William Sarsfield's daughter, Charlotte. However, she died not long after the marriage, leaving him two little daughters from one of whom the present earls of Lucan descend.

The history of Lucan relates that "Agmondisham Vesey had long and troublesome negotiations with the Crown regarding his title to the Lucan property, which required for its settlement more than one Act of Parliament". Obviously, the aforementioned two Acts of Parliament reflect the trouble he had in settling his estate in favour of his two daughters, Ann and Henrietta, which is highly interesting. Moreover, his son, who shared the same first name, went on to design Lucan House, which is now the site of the Italian Embassy and is of course an example of great architecture in Lucan. It is very interesting to read such information and I hope this material is available for further examination. I was unable to find it on checking the Attorney General's website this morning and would be interested to learn the up-to-date position regarding this aspect of the documents.

In addition to its historical value, this legislation also is valuable because as the Minister of State, Deputy Pat Carey, has noted, it cleans up Irish legislation in terms of what Acts one must consult when trying to ascertain which law applies. Although Deputy Deasy questioned the value of the legislation, it is valuable because it reduces the amount of time that must be taken by everyone, including solicitors, barristers, legislators and judges, to establish what is the law. It is evident that tidying up the Statute Book helps in this regard and saves both time and money.

This leads me to comment briefly on the role of Members as legislators. People continually cite the need for Deputies and Senators to act as legislators, which of course is a highly valuable part of their work. Members should be doing more in this regard and should spend more of their time in the House as legislators. As both a Deputy and previously as a Senator, I have always considered that the most valuable contributions I have made in this House have been when dealing with legislation. That is the time when the Government sometimes takes on board amendments I have tabled or points I have raised. I bring to my role as legislator my experience as a local public elected representative. Being a legislator is not about acting as though one were in an ivory tower, it is about being a representative. As an elected representative, one empathises with one's constituents, talks to people on the ground, meets people in one's clinics and one then brings one's experience as a public representative to bear when considering

legislation. One has a better idea as to how legislation will affect people in practice and what will be its consequences. This is what being a legislator is about and it is intrinsically tied to one's work as a local representative. I note that one of the two professors of politics in Trinity College published an article on this subject in *The Sunday Times* recently. While his first name is Michael, I cannot remember his surname.

Deputy Pat Carey: Is it Michael Marsh?

Deputy Joanna Tuffy: It was either Michael Marsh or Michael O'Farrell. His point was that rather than taking away from Members their local role as public representatives, that role should be enhanced because it informs their role as legislators and is valuable. This is the reason they are elected. The people elect politicians to represent them and Members should bring their knowledge of and empathy with their constituents to their work as legislators.

Although I qualified as a solicitor, I do not work as one at present and did not do so for very long. Consequently, the viewpoint I bring to legislation is that of a public representative for the people rather than that of a lawyer. This is the reason Members require the legislative expertise of the those in the Office of the Parliamentary Counsel and the barristers in the Office of the Attorney General.

Members also need the expertise of the Law Reform Commission. This issue was discussed during the debate on the last Bill and I formed the opinion that the Minister might have suggested that he did not intend to abolish it. I hope this is the case because the Law Reform Commission produces valuable work. I presume it had an input into this legislation and was consulted in this regard by the Office of the Attorney General. I have dealt with highly complex Bills drafted by the Law Reform Commission that I never could have drafted as a Deputy, including the Land and Conveyancing Law Reform Act that was passed just before the summer recess. In addition, the Law Reform Commission drafted the Bill that has been introduced into the Seanad on multi-unit dwellings and how to legislate for management companies of apartments and so on. This is a highly complex area of the law and the Law Reform Commission has done valuable work in drafting a Bill which can be brought to the Houses to enable Members to consider the practicalities as to how it will affect their constituents and those in their constituencies who live in apartments.

In this regard, statements have been made by a number of prominent people about the value of the work of the Law Reform Commission. For example, the High Court judge Ms Justice Mary Laffoy, spoke recently on the value of the commission's work in the context of the importance of law reform, especially when it involved the human person. She stated:

It can't be done on an *ad hoc* basis. Any diminution in or interference with the structure of the Law Reform Commission would be very short-sighted and will be regretted in 10 years' time.

She noted that as a judge and barrister, she had occasion to draw on the reports of the Law Reform Commission, which had created a huge reservoir of information on where the law stands. Another person who has spoken on the value of the Law Reform Commission's work is the Director of Public Prosecutions, Mr. James Hamilton. He observed that in the past, the State had paid through the nose for not keeping its laws up to date and stated that a great deal has been done by the Law Reform Commission. Moreover, it has been reported that Mrs. Justice Catherine McGuinness has complained and has stated that it was highly unfortunate that the McCarthy group had not spoken to the commission. She told *The Irish Times* that the commission already worked to a Government-mandated reform agenda and that each of its

[Deputy Joanna Tuffy.]

programmes of law reform was agreed with the Government. Moreover, I understand that the Law Reform Commission has stated that 70% of its reports end up in legislation. Consequently, its abolition would be very short-sighted. It demonstrates how such a one-dimensional approach was taken when the McCarthy report was drawn up. It simply considered how to save money and did not consider the other costs to society, were certain bodies to be abolished or were certain jobs or services within the public sector to be cut.

As for how legislation in this House is approached, the Bill is important in the context of streamlining legislation and eliminating unnecessary Acts from the Statute Book. However, there is a need to take a more strategic approach to legislation in this House in future. The manner in which legislation has been dealt with in recent years has been poor. While there have been periods during which no legislation passed through the House, they have been followed by periods at the end of a session when it is rushed through without an opportunity for Deputies and Senators to have a proper input into it. There should be a programme of legislation for the year and not simply a list of Bills issued by the Chief Whip, which sometimes ends up being essentially an aspirational document that bears no resemblance to reality in respect of the introduction of legislation. Members should know when they are going to deal with blocs of legislation in this House. Deputies should have plenty of time to prepare for debating on such legislation. The point made about the National Asset Management Agency Bill to the effect that its Committee Stage should be debated in this Chamber should apply to legislation in general because the media pay no attention to the legislative work carried out by the Dáil in the committee rooms. It would be better if it was done here because legislation would be seen to be done in public and could be reported on by the media.

I commend the work of the library and research team, which has started preparing summaries on the background to legislation. This is very valuable work by the library and research section, which I used when preparing to speak on this Bill. The document it produced was very informative about the background to this Bill.

I refer to regulation because this measure is part of the White Paper, *Regulating Better*. That White Paper incorporates a view of regulation and Deputies across the board have bought into the idea about regulation in recent years, but it has led to our economic crisis. We view regulation as a bad thing when we have too much regulation, or as a necessary evil to moderate excesses. That is a value-laden view of regulation linked to the view of light touch regulation where one should not interfere with business, which is part of the free market idea that has led to the collapse of our economy and all the land speculation and financial gambling that underpinned it. There was also the idea of individualism, acting for the benefit of the few rather than all of us as stakeholders in society.

We need a more positive view. The White Paper sets out six principles for better regulation but does not mention values. Laws are there to instil values in how we organise our society and our economy. When we implement laws and regulate it reflects the values of our society. We update laws to reflect modern values. Values are political and there are good and bad values. We have had too many bad values in much of the regulation of business over the past decade. Our legislation must incorporate good values concerning the common good, decency and how we look after and respect our fellow human beings. A core value we should insert in our legislation is equality, something that is in our Constitution and in the declaration of independence and the democratic programme. Core values from when we founded the State should inform our laws and regulation. We have had too many other values that failed us. One of these values was lauded by the former Minister for Justice, Equality and Law Reform,

Michael McDowell, who spoke about inequality as being necessary and a good thing. So many of our policies in recent years have been about promoting inequality. Tax cuts and tax shelters favoured the most well-off to the greatest extent. We have had growing inequality. We have had many good things over the past 12 years but many laws and Government policies have underpinned inequality. In dealing with problems we must ensure that our laws and regulations underpin equality in our society and in our economy.

When we regulate for business, we should do so to ensure that business is done for the benefit of all of us as stakeholders in society. When business makes profit it does so at our expense, using our resources and our public services. The banks use our money, taxpayers' money. Will that be used for our benefit as stakeholders or for the shareholders of the bank? We must ensure that laws from now on benefit all of us as stakeholders and the common good. This legislation is valuable in tidying up the statute book but much work must be done in introducing new legislation in areas such as better regulation. We should have a new set of values for Irish society so that we do not get into this mess again.

Deputy Caoimhghín Ó Caoláin: I welcome the Bill, recognising that it is a necessary item of legislative housekeeping. I do not intend to keep the House long. The Bill is chiefly of interest to legal historians and family historians, given the nature of some of the Acts dealing with the naturalisation of individuals and the disposal of private estates. It is an interesting perusal but I would not call it a read. One's attention is grabbed by a number of entries on the long lists, which go back to 1534. A large number of them deal with land ownership and inheritance. There is also much to do with seizure, reminding us of the long history of upheaval, plantation and confiscation, particularly in my province of Ulster. No. 9 of George II refers to places I know very well, Emyvale and Glasslough in County Monaghan and the sale of lands by Robert Leslie. The Leslie family still has an estate in Glaslough and the family members are valued members of our community. Less fondly remembered is Sir Charles Coote, the English general who was responsible for fearful massacres of the Irish in the 1640s. The Cootes gave their name to Cootehill, County Cavan and one of the Acts to be repealed, No. 11 of George II, relates to a descendant of Charles Coote, also called Charles Coote.

I have a specific question about five of the Acts to be repealed, namely the Ulster Canal acts of 1825, 1828, 1829, 1831 and 1836. The call for the full restoration of the Ulster Canal has long been an important issue and one with great potential for the economy of south Ulster and the island as a whole in terms of indigenous inland waterway traffic and the attraction the connection between Loch Neagh and the Shannon system represents for boating enthusiasts throughout Europe. I repeatedly raise this matter and I have no hesitation in doing so again. I am happy to record that this is a flagship project arising from the goodwill, hope and expectation generated by the negotiation of the Good Friday Agreement. I recently attended a meeting organised by the Blackwater partnership in Caledon, County Tyrone, attended and addressed by a cross spectrum of politicians north of the Border. Representatives from all parties in this House elected in the neighbouring constituencies south of the Border attended. There is unanimity on the importance of moving ahead with this project. We must fully realise the potential of tourism and the unique features of Ireland that attract visitors to our shores.

The Schedule to the Minister for Arts, Heritage, Gaeltacht and the Islands (Powers and Functions) Act of 1998 defines the Minister's responsibilities with regard to canals and refers to the Ulster Canal Act 1825.

I cite from the schedule of the 1998 Act, which states:

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So much of the canal called “The Ulster Canal” referred to in section 2 of the Act (6 Geo. IV. c. cxcii) passed in the year 1825 and entitled “an Act for making and maintaining a navigable Canal from Lough Erne in the County of Fermanagh, to the River Blackwater, near the Village of Charlemont in the County of Armagh”, as is within the State and in existence at any time before the commencement of this Act.

To cut to the chase, what is the effect of the repeal of the 1825 Act and the Acts of 1828, 1829, 1831 and 1836 which I already mentioned? Perhaps there is none. If that is the case I would very much appreciate an assurance in that regard. The definition of the Ulster Canal remains as the 1998 Act is still in force, but my sole concern is whether the repeal of the 1825 Act has any implications for the status of the existing trough of the Ulster Canal as we have known it or the restoration of the canal. Have all the legal aspects of that been checked to ensure we are on safe ground?

The Acts to which I refer are included in Schedule 2 of the Statute Law Revision Bill 2009. The explanatory memorandum circulated with the Bill states, “The remaining 1,351 Acts have been assessed as suitable for repeal on the basis that they are spent or obsolete”. Will the Minister of State assure me that the five Acts relevant to the early days of the Ulster Canal are, as the memorandum describes, spent or obsolete?

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): I thank all the Deputies who contributed to the debate. As many speakers stated, the Bill suits those who are interested from a legal and an historical point of view. If I had realised that Deputy Cyprian Brady would be in the Chair I would have mentioned the Anna Livia Bridge that was approved for construction and the approval of lighting on what is now Parnell Square. Much of this type of interesting information is contained in the legislation referred to.

Today’s debate is a timely reminder of the better regulation agenda which is being overseen by the Taoiseach. Deputy Deasy correctly asked why this is being embarked upon. There is a commitment to reduce the cost to business by 25% by 2012. It is a significant job to modernise and reform the Statute Book and make it accessible and user friendly. The costs are borne by the Office of the Attorney General and I thank the team in that office who worked with people in the Department of the Taoiseach. They have lived with this project for some time. Members of the team are coming to the end of the project and are moving on and I thank them for their work. Deputy Tuffy spoke about values and how legislation is worked up and this will inform much of our discussion, and that of our successors, in years to come.

The Bill, when combined with previous Statute Law Revision Acts will represent one of the largest statute law revision programmes undertaken anywhere in the world. It is an important step in our efforts to increase the transparency of our statute book and complements the ongoing work to consolidate and modernise post-1922 legislation. This addresses Deputy Deasy’s question on whether the exercise is necessary.

I am anxious to ensure that as much information as possible on the Bill is available to Deputies, particularly on Committee Stage. If Deputies have specific queries on any of the Acts listed for retention or repeal, I and departmental staff will be more than happy to provide the relevant summary information on those Acts prior to Committee Stage. Given that more than 10,000 Acts come within the scope of the Bill, it is not proposed to prepare summary notes on all of them.

Deputy Deasy raised a number of questions, which I have addressed. Deputy Tuffy asked valid questions on the availability of the documents concerned with Private Acts. Those relating directly to Ireland in the form of Irish Private Acts were lost in the destruction of the Four Courts in 1922. Private Acts passed in London are held in the United Kingdom Parliamentary Archives. Local and Personal Acts which date from 1747 are kept by the National Library, Trinity College library and the library of the Honourable Society of King's Inns. I understand the Oireachtas library also has access to many of these Acts. The Law Reform Commission was not involved in the project but the project has assisted them on an ongoing basis with their work.

Deputy Ó Caoláin raised the issue of the Ulster Canal. This canal is now disused but there are plans to redevelop the Monaghan stretch of it. The extant assets of the canal are vested in Waterways Ireland by virtue of modern legislation, the Canals Act 1986, and all the powers that Waterways Ireland may need to restore the Ulster Canal are set out in modern legislation and therefore this Act is deemed suitable for repeal.

I believe I have addressed the issues that have been raised but if not I will ensure they are addressed on Committee Stage. I acknowledge the work of the team of officials in the Office of the Attorney General who have engaged in detailed and very considerable research in preparing the Bill. It has been a complex task to identify those Acts that still apply to Ireland and then ascertain whether they are suitable for repeal. In addition, I acknowledge the kind assistance of all those who facilitated the Office of the Attorney General, in particular the UK Parliamentary Archives and the Honourable Society of King's Inns. I thank the Deputies and the Acting Chair for giving this Bill the attention it deserves and for their helpful and insightful comments. I look forward to Committee Stage being addressed at a very early date.

Deputy John Perry: I compliment the Minister of State on this visionary legislation which modernises and tidies up the Statute Book. I would like to be associated with his comments on the senior officials who have worked on this. The research must have been a painstakingly difficult job and they have done it well. The Minister of State also made reference to reducing by 25% by 2012 the costs of business administration. Streamlining the Statute Book and removing those Acts which are irrelevant is welcome. It is a step in the right direction towards the modernisation that is needed in Leinster House. It augurs well for Dáil reform.

Question put and agreed to.

Statute Law Revision Bill 2009: Referral to Select Committee.

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

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

Question put and agreed to.

Sitting suspended at 2 p.m. and resumed at 3.30 p.m.

Ceisteanna — Questions.

Priority Questions.

Film Industry Development.

1. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism his views on whether the retention of the Irish Film Board as a singular entity is important for the future development of the film industry; and if he will make a statement on the matter. [32886/09]

2. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism his views on the recommendation of the special group on public service numbers and expenditure programmes that the Irish Film Board should be merged with Enterprise Ireland and the capital funding stopped; his further views on the Government's Building Ireland's Smart Economy document; and if he will make a statement on the matter. [32890/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 1 and 2 together.

The Irish film industry is one of our most important industries, providing substantial levels of employment and significant inward investment. In 2007, the value of the audio-visual production sector in Ireland was more than €500 million. It provides direct employment of 6,000 people according to the Irish audio-visual content production sector review prepared for the Irish Film Board and published last December. Direct employment in the industry grew from just 1,000 in 1992. This palpably demonstrates an industry that has grown very significantly and with the potential to grow even further with the correct nurturing and support.

The Irish film industry is dependent on the combined supports provided by the Irish Film Board, the tax relief afforded by the section 481 scheme, the continued presence of a studio infrastructure — currently Ardmore Studios — and a stock of world-class talent. The sector is further subject to external competitive influences and incentives that require our systems to be continuously updated and upgraded. It is an internationally traded sector.

The Irish Film Board has primary responsibility for the support and promotion of film making in Ireland. This responsibility extends to both the indigenous film industry and inward productions such as “The Tudors”. The Irish Film Board is the national development agency for the Irish film industry, investing in talent, creativity and enterprise.

In 2009 the Irish Film Board will receive funding of €21.8 million to develop and support film production in Ireland. The €3 million it receives in current funding facilitates the marketing of Ireland as a film location and, in particular, raises the profile of the Irish audio-visual industry abroad. The Irish Film Board has been extremely successful in its role of marketing Ireland over the years, so much so that it now has a key role at the heart of the new creative knowledge economy.

The capital funding of almost €18 million provided to the board in 2009 has ensured that it can facilitate the growth of the film industry by funding the areas of project and talent development, training and indigenous film and television production. It enables the board to fulfil its aim of sustained growth of the industry, increasing the number and quality of films produced in Ireland each year. The IBEC audio-visual review estimated that for every €1 invested by the Irish Film Board, close to €10 is generated.

In tandem with supports from the IFB, my Department's primary operational role in supporting the film sector relates to the administration of elements of the section 481 tax relief scheme.

This scheme is kept under regular review in conjunction with the Irish Film Board and any enhancements necessary to retain or regain competitiveness are addressed and brought to the attention of the Minister for Finance as appropriate. The recently published report of the Commission on Taxation has urged the retention of section 481.

The benefits to Ireland of having a vibrant film industry and audio-visual sector are obvious and the Government recognises this. Last July it approved the finalisation of a ten-year strategy for the sector and that is proceeding apace. I remind the Deputy that the proposals in the report of the special group on public service numbers and expenditure programmes have not been adopted by the Government as policy but rather are proposals for consideration by the Government in the context of addressing the current budgetary challenges.

The international success of Irish film speaks for itself. On the employment front this year two projects alone, "Leap Year" and series four of "The Tudors", will employ more than 3,600 people between crew, cast and extras. These are high-level jobs which are highly prized at this time of rising unemployment.

The significant issue now is to continue to provide as supportive an environment as is possible. There are many great projects coming down the line such as Neil Jordan's "Ondine", starring Colin Farrell, Ian Fitzgibbon's "Perrier's Bounty", starring Cillian Murphy and Conor McPherson's new film, "The Eclipse". Our films are continuing to reach international audiences and they continue to showcase Ireland abroad.

Deputy Olivia Mitchell: What motivated this question, both for myself and I am sure for my colleague, is the recommendation in the McCarthy report and the concern it would cause to those in the industry and to me. All of us are conscious that not everything which was funded in the past will be funded in future. Nevertheless, it is important to begin establishing priorities to save so we can have something to build on when the good times return, as I hope they will.

We must be careful not to throw out the baby with the bath water. We should not stop the marketing of Ireland by the likes of Culture Ireland or the marketing budget of Tourism Ireland. We must be careful not to take our foot off the pedal in that regard. Putting the role of the Irish Film Board into a Department is not appropriate. I understand there may be a loss of some of the funding in the short term but it is important to keep the board as an entity.

The Minister was very vocal at the weekend at Farmleigh in support of culture as a whole. Is he making a commitment to retain the Irish Film Board? I have more questions but perhaps I will come back to them.

An Leas-Cheann Comhairle: I will call the Deputy again.

Deputy Martin Cullen: I agree with the Deputy's comments. The economic facts speak for themselves but there has been a very focused effort in recent years to raise the ability of Irish film to a new level, and that has been very successful. We have gone from approximately 1,000 employees in the early 1990s to approximately 6,000 today. These people are recognised worldwide as being very creative and talented, both behind the camera and in front of it. Everybody would probably recognise those in front of the camera much more easily but there is a wealth of talent recognised as being at the top end of excellence in productions.

At a time when we are under strain, it is important for us to keep the emphasis on productive activity within the economy and to sustain jobs. As the Deputy has rightly said, we must use all the levers available to us through the best brand we have, the broad generic brand of culture in which our film industry fits.

We have had a golden period in terms of the awards our films and television productions have won in the past decades. Quality film actors, both male and female, have won awards,

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and Irish productions have also won Oscars, Golden Globes, prizes at the Cannes film festival and even over the weekend there were Emmy triumphs. All of this helps to foster Ireland's image and history worldwide.

I am very committed to maintaining the Irish Film Board. It has worked and the efforts we have made with the Department of Finance with the section 481 scheme is winning business for us. Neil Jordan told me the other day that it is currently very difficult in Hollywood — it has been a bad year for the film industry worldwide — but we have grown our indigenous business and business coming into the country this year. That is the reasoning behind our approach.

Deputy Mary Upton: I agree with the Minister's comments on the film industry, which has been very positive for Ireland in many ways. As well as being a benefit to our local economy, it has also brought tourists to the country. My question is key. Will the Minister oppose the inclusion of the Irish Film Board into Enterprise Ireland? If that happens the board will be gobbled up and become a non-entity. It will have no defined or separate role, which is very important for the film industry.

Deputy Martin Cullen: I will address two specific concepts. It is important to see this in context. The report prepared by Mr. Colm McCarthy is excellent and he has looked across all Departments before presenting a menu. Nobody would anticipate that every single line written by him would be taken verbatim and implemented but he has provided important food for thought. I do not want to put this in a space of I, as Minister, being for or against it. A rationale must be applied.

I agree with both Deputies that there is a strong rationale for the retention of the Irish Film Board because it is delivering jobs and is a positive international marketing message for this country. It is winning indigenous jobs and creating inward jobs and investment. Akin to the IDA in some respects, it is our international arm for winning that sort of business, which is highly mobile in its movement from different markets and countries.

That success guides me in stating that the board should be retained as it is and with current functions. It is achieving the goals we set out for it.

Deputy Olivia Mitchell: The McCarthy report stated that an objective case had not been made on this issue but, strictly speaking, that is not true. As the Minister indicated, there are direct benefits and these were highlighted in the PricewaterhouseCoopers report. However, there are also the intangible benefits and these are immense.

If, as I believe, we are all making the case to retain the Irish Film Board as a single entity independent of any Department, we must ensure it is extremely efficient and is not, for example, supporting uncompetitive practices. Has the Minister discussed with the Irish Film Board the possibility of its showing leadership? We appear to be extremely uncompetitive with regard to trade pay rates and it costs more to make films here than it does in any other country. In a sense, therefore, the investment fund is being used to support uncompetitive practices. The Minister should raise this matter with the board and inquire with regard to whether it needs two offices, one in Galway and the other in Dublin. Is there a way to ensure the board will become super-efficient in order that the entire industry might be more competitive when the good times return?

Deputy Mary Upton: The Irish Film Board earns a substantial amount of money for the Exchequer. Even allowing for the tax breaks on offer, the net profit for last year was €303 million. In Building Ireland's Smart Economy — A Framework for Sustainable Economic

Renewal 2009 to 2014 it is stated, “We will support the creative industries and film/media which have a key role in driving and enabling technological convergence across platforms”. We are, therefore, concerned with more than just the film industry. Perhaps the Minister will comment on this matter from the point of view of the smart economy.

Deputy Martin Cullen: Deputy Upton is right. That is why, when Building Ireland’s Smart Economy — A Framework for Sustainable Economic Renewal 2009 to 2014 was being compiled, I was very strong in my view that the creative sector has a legitimate role to play. This matter is not just the preserve of Intel and similar companies. Many of those who work in the creative industry move among the sectors therein. We have a massive wealth of talent in this country and the Deputy is correct to state that the people who work in the creative industry are huge potential earners. In fact, they are already proving this to be the case. In that context, it is vital not just to sustain employment but also to encourage the industry to expand. By doing this we can enhance Ireland’s reputation abroad and attract business from an even wider range of interested parties.

I take a deep interest in the matter to which Deputy Mitchell referred. I met the chairman of the Irish Film Board who is extremely impressive, possesses a great knowledge of the industry and is highly respected, both nationally and internationally. The Deputy is correct with regard to competitiveness. A natural driving down of costs is occurring at present. It is important that the hard costs of production should be priced competitively in order that we might seek to win business internationally. Until a couple of years ago we were losing our competitive edge in many areas. Now, however, there is a greater understanding and acceptance that in order to continue to sustain ourselves internationally, we must be competitive in all areas. As a result, the costs in the industry must be analysed and we must seek to obtain greater productivity. In addition, we must also maximise the benefits available through section 481, etc.

Tourism Industry.

3. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the initiatives he has introduced to tackle the downward trend in tourism figures; his views on whether he considers the structures in place sufficient to give strategic leadership to those struggling in the tourism industry; and if he will make a statement on the matter. [32887/09]

Deputy Martin Cullen: The number of overseas visitors to Ireland fell by 10.4% in the first seven months of 2009 compared with 2008. This reduction must be seen in context. The current year has been very difficult for tourism globally as a result of economic conditions. Ireland is actually holding its own or is performing better than some competitor destinations.

To assist the tourism sector, an extensive range of marketing, product development, training and business supports are being rolled out by the tourism agencies. Tourism Ireland frontloaded its marketing campaigns across all markets in order to secure as much business as possible for the peak and shoulder seasons and has intensified marketing activity for the second half of the year. On the domestic front, Fáilte Ireland committed to its largest ever campaign to promote home holidays in 2009 and recently launched a massive autumn campaign. Fáilte Ireland is also supporting enterprises and helping them to achieve cost savings and efficiencies. Many of those in the industry have responded positively in respect of this matter. I will provide further details of the supports to which I refer in my replies to a number of later questions.

With regard to structures, the Department of Arts, Sport and Tourism provides strategic direction through tourism policies implemented at an operational level by its agencies, while also maintaining a strong partnership with the industry. Tourism Ireland’s role is to promote the island of Ireland as a tourism destination in overseas markets. Fáilte Ireland’s primary

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functions involve product development, domestic tourism marketing, tourism standards, enterprise support and human resource development.

I established the tourism renewal group at the end of 2008 to review and renew tourism strategy to ensure it is focused for the short term and that the tourism industry will benefit from the upturn when it comes. I understand the group has completed its consultations and deliberations and is finalising its report, which I expect to receive shortly.

The active responses of the agencies and the industry to current challenges demonstrate that the structures are working. With the ongoing support being provided, Irish tourism has the capacity to manage these challenges and return to sustainable growth in the medium term.

Deputy Olivia Mitchell: The Tánaiste — although it may have been the Taoiseach — stated in recent days that 35% of jobs in the tourism industry are vulnerable. She indicated that she was involved in discussions with the Minister with regard to initiatives to be taken. Regardless of how one tries to play down this matter and state that other countries are also doing badly, the reality is that there is a huge crisis in the tourism industry in Ireland. I do not know how much of that industry will be left by the time Christmas arrives. Every week I hear about hotels, attractions and those who operate on the fringes of the tourism industry going out of business.

We have put forward ideas such as slashing VAT and abolishing the travel tax, which seems an obvious step to take. Suggestions were also made with regard to making free travel here available to British pensioners and rationalising the relevant structures. What initiatives does the Minister propose to put in place? I had understood that the tourism renewal group was to report during the summer but I have not yet heard whether it has done so.

The McCarthy report recommends that there should be a change in the structures because there is no leadership in the sector. All of those in the tourism industry who contacted me during the summer indicated that there is no strategic leadership. No one is taking charge and there is not any one body trying to organise the industry and make it coherent. There are many individuals in the industry who are of the view that they are struggling on their own. Is it the Minister's view that the structures in place are adequate in the context of obtaining the best possible bang for our buck?

Deputy Martin Cullen: I thank the chairman of the tourism renewal group for the huge efforts he has made. He met the Deputies opposite and almost anybody who has anything to do with the industry. I will publish the group's report once I have presented it to the Government. Everybody will be then aware of its contents.

I do not agree with some of the Deputy's assessments. I have worked closely with the different elements involved in industry during the past 12 months and I have received positive feedback in respect of the efforts that have been made. For example, in an international context, we have had major success in respect of the joint marketing campaigns in which we engaged in the US with Tourism Ireland and airlines such as Delta, American, Continental and Aer Lingus. There is no doubt but that these campaigns helped turn around the season. In recent months there has been a tremendous resurgence in the tourism figures, which appeared to be going in a particular direction in the first quarter of the year. There are challenges with regard to the UK market, particularly in the context of the currency differential, etc. This is a matter of concern to me but we are placing a major emphasis on the UK market.

I do not accept that there is a lack of leadership. I have spoken to many of those in the industry who are working closely with us. We must be careful in our choice of language. There

is no question that the position is extremely difficult. However, I would not refer to the industry as being completely in crisis. Such an assessment neither helpful nor true.

We must face up to the competition internationally and we can judge ourselves only on best practice. Based on the figures, it is clear we are outperforming the UK market quite substantially at present. However, that is not in any way to take away from the major challenge we face. We must continue our efforts to meet that challenge.

To conclude, I put together all the cultural groups because more than 3 million people are visiting on the cultural side. This has spun into other activities that have happened in recent days and demonstrates how important is cultural tourism.

An Leas-Cheann Comhairle: Deputy Mitchell, with a brief supplementary question.

Deputy Olivia Mitchell: The Minister has not clarified whether the tourism renewal group has reported yet. Will its report recommend emergency or long-term measures? Something that will try to salvage what remains of this year is needed, as otherwise the businesses concerned simply will not be there next year. That is the truth, no matter what the Minister might say. From the perspective of salvaging what remains, does the Minister have an initiative in mind? Last week, the Taoiseach announced an initiative as though he was funding it. However, it turns out that the poor old industry is putting in a further €37 million to pay for the €50 voucher that everyone is to receive. Does it make sense for the industry to be putting up €37 million while the Minister for Finance simultaneously is taking in €45 million from the travel tax? Does it not make sense to abolish the travel tax and try to induce more people to visit? On the one hand, money is being spent to get people in but, on the other hand, they are being taxed when they do so, which seems to be counter-productive.

Deputy Martin Cullen: When I met many of the international tour operators, this was not an issue for them at all. The issue for them was to sustain marketing and to sustain the campaigns, which has been done.

Deputy Olivia Mitchell: The issue is with the airlines. Although we are an island nation, we are losing the airlines.

Deputy Martin Cullen: I was referring to the airlines. The Deputy is correct about the announcement the other day. I was delighted when the Taoiseach became directly involved because it demonstrates how important the Government and the industry perceive tourism to be. This is the reason I launched jointly with Fáilte Ireland the largest-ever autumn campaign for the market here. This did not fall from the sky but work was conducted for a number of months to come up with the ideas with which we are working with the industry. The industry, the tourism bodies and the Department worked together to take a direct and focused initiative that can be delivered to every home in the country.

Deputy Olivia Mitchell: The Minister did not give an answer regarding the tourism renewal group's report.

Deputy Martin Cullen: I apologise. As I noted in my initial reply, I should have the report shortly and I believe it has been completed.

Arts Policy.

4. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism his views on whether policy initiatives aimed at fostering new talent and sustaining those established in the

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artistic community have been adequate to date in 2009; and if he will make a statement on the matter. [32888/09]

Deputy Martin Cullen: Responsibility for the promotion of the arts at all levels is primarily devolved to the Arts Council. The Arts Council is the principal agency through which State funding is channelled to the arts. Responsibility for the promotion internationally of our artists is a matter for Culture Ireland.

Obviously, I am not involved in the council's operations. I am, however, of the opinion that taken together, the variety and depth of the programmes and schemes put in place by the Arts Council, Culture Ireland and my Department have the object of both developing new talent and sustaining those already engaged in the arts. For instance, I understand that to date in 2009, approximately €3 million has been allocated by the council to recipients of bursaries and various new once-off and new project works that have the aim of developing individuals and organisations to make progress in their respective fields.

The range and wealth of talent being nurtured through the council's funding is truly impressive. The council is to be congratulated on its sterling work in prioritising and managing its resources in a strategic manner to ensure the delivery of a high-quality service to the public.

In addressing the issue of future arts investment, it is important to highlight the transformed arts foundation and infrastructure that has been provided by way of consistent Exchequer funding. For instance, since 2002 funding for the Arts Council has increased by more than 50%, from €47.67 million in 2002 to €73.35 million in 2009. This is a total of more than €530 million over the period, which Members will agree is a substantial amount. Over the period, these investments have helped to transform the profile and appreciation of the arts, to bring them centre-stage and enliven them for everyone to enjoy. This expenditure has allowed the Arts Council to fulfil significant elements of its functions, namely, of stimulating public interest in the arts, promoting knowledge, appreciation and practice of the arts and assisting in improving standards in the arts. The council delivers a focused, comprehensive, efficient and strategic service to its clients, audiences and partners nationwide.

Since 2004 amounts to the value of more than €109 million have been paid in respect of arts infrastructure nationwide.

Additional information not given on the floor of the House.

As I mentioned earlier, I am especially proud of the initiatives undertaken within the film sector as part of the wider artistic family. As the national development agency for the Irish film industry, the Irish Film Board, by investing in talent, creativity and enterprise continues to support and promote film-making in Ireland, as well as direct intervention in the training, through Screen Training Ireland, the mission of which is to provide excellence in continuing training of professionals in film, television, animation and digital media.

Deputy Olivia Mitchell: I wish to raise two aspects that arise from the various reports produced by the McCarthy group and the Commission on Taxation. The first pertains to the issue of the tax exemption on which I seek the Minister's views. Although the McCarthy report suggested its abolition would save money, the case has been put forward that so doing would instead reduce tax revenue. The truth is in there somewhere but bearing in mind the erratic nature of artists' income, I am anxious that some arrangement should be in place, howsoever the tax exemption is refocused or rejigged, which attempts to take an average of income over a number of years. On the whole, artists are a pretty poor bunch and I understand that nearly 91% of them derive less than 25% of their income from creative work. Moreover, as the

Minister is aware, even highly successful artists, of whom there are not terribly many, have erratic incomes. It may be from an exhibition every three or five years and God knows how often one writes a book. Therefore their income is erratic and the idea of taking an average of their income must be taken into account.

A more serious issue arises in respect of the funding of the Arts Council and consequently of the arts. I am conscious that we are more than an economy and that there is an intrinsic value to the arts, as well as the economic value of which the Minister has spoken. However, it appears that the Arts Council has committed and spent some of next year's funding this year. If true, this appears to be catastrophic. I do not know whether it is true.

Deputy Martin Cullen: No. I believe I know what is going on and I will explain in a moment.

Deputy Olivia Mitchell: There appears to be a suggestion that even in conjunction with the cutbacks recommended in the McCarthy report, there will be a cutback based on over-expenditure this year. If that is true, it would amount to approximately 17% and the Minister should clarify this issue.

Deputy Martin Cullen: On that point, we are going into the Estimates process more deeply at present and I understand the Arts Council has given an indication to various organisations regarding the level of funding they could expect for the first quarter of next year. This will be from next year's budget and will not come from this year's budget. The council has tried to give an indication for the future, including a degree of reduction, to assist the planning that many such organisations are obliged to do into the first quarter of next year. There was no question of taking resources from this year and using them next year. I understand that to be the position.

Deputy Olivia Mitchell: Was there not a suggestion of reserves being spent this year?

Deputy Martin Cullen: I do not know. I have no knowledge of anything coming from next year's allocation to fund this year.

Deputy Olivia Mitchell: Was there a suggestion of money being spent this year that would not be available next year because reserves were being spent?

Deputy Martin Cullen: Not that I am aware of. That is my understanding of what it did and this may be the area of confusion in this regard. That is the specific answer on that question.

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

Deputy Olivia Mitchell: I seek the Minister's opinion on the artist tax exemption. While I acknowledge the Minister is not entirely his own master in this regard, does he have a view on it?

Deputy Martin Cullen: I do. When one deals with such matters, one must deal with facts rather than anecdotal evidence and unfortunately the report used figures for tax forgone that were based on 2006. While I am not even certain they are accurate, let us accept they are. This was before the cap on income was introduced. As Members are aware, the cap came into effect on 1 January 2007, which I believe would paint an entirely different picture. The Deputy is correct to highlight the highly uneven earnings of artists. Between 70% and 80% of those who are defined to be artists earn less than €20,000 a year anyway. One must be able to cater for spikes in income at certain times. While an income in a single year might appear high, the

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Deputy is again correct in this respect because it might take three or four years to write a novel, during which time no income might accrue.

Consequently, I have directed that an assessment be carried out because I wish to establish a basis for the argument regarding tax forgone by ascertaining the true picture. I hope to have it within the next few weeks in order to be able to argue forcefully on the actual position, as opposed to what it may have been before the tax exemption was capped at an income level of €250,000.

An Leas-Cheann Comhairle: Before calling Question No. 5, I will allow Deputy O'Mahony to make a brief observation.

Deputy John O'Mahony: I thank the Leas-Cheann Comhairle. All Members were in shock last week on learning of the sudden and tragic death of Darren Sutherland. While many tributes have been paid, it is appropriate to put on the record of this House Members' deepest sympathy with his family, his parents Tony and Linda and his sisters. There is a great sense of loss among all those involved in sport and within the boxing fraternity in particular. One can only imagine the trauma and grief through which the Sutherland family is going at this time.

Darren was someone who brought great honour to this country and to the sport of boxing. I was privileged to meet him and his family a number of weeks ago. He articulated to a group of athletes the determination and the efforts made in his life to achieve what he did at the Olympic Games and his ambition to be a world champion. He brought great honour to this country and to everybody he touched. He has been a hero and will continue to be so. May he rest in peace.

Deputy Mary Upton: On behalf of the Labour Party and on behalf of myself, I wish to express sympathy to his family. He was an outstanding sportsman. One of the characteristics we remember is that in photographs he was always smiling and happy. It is a great tragedy for his family but also for the boxing fraternity, his friends and colleagues. It was moving to see young boxers lined out on the day of his funeral. They were young and committed and admired him as a role model. He will be sadly missed most of all by his immediate family but also by young people who see him as an outstanding athlete who represented the country with great honour.

Deputy Martin Cullen: I was going to mention this at the end of Question Time and I am happy to do so now. I feel devastated for the Sutherland family, for his parents and two sisters and the entire boxing community. I was privileged to get to know Darren, however briefly, during the Olympic Games. I saw every one of his fights. I remembered the exuberance and excitement he brought and the lift he gave to the entire Irish Olympic team. We can contrast this time with the same time last year, with the high, the success and the emotion of the whole country following his success along with his colleagues who won silver and bronze. Some 12 months later we see a major personal tragedy befall his family. The response of the boxing community speaks volumes. I was at the funeral and it was so sad to see that the life of someone with a glittering career in front of him had come to an end. That must be dealt with in the first instance by his family but the outpouring from the wider public is there and I hope the family finds some comfort in it. He was greatly appreciated.

The one image that is fixed in my mind and that exemplifies Darren is when the plane came home from the Olympic Games. He came off the plane wearing the Chinese hat, with a smile

on his face. He was a figure who demonstrated how proud he was. Hopefully, since he won the medal he felt how proud Ireland was of him. It is so sad. Ar dheis Dé go raibh a anam dílis.

An Leas-Cheann Comhairle: On my behalf, on behalf of the Ceann Comhairle and all Members of the House, I associate myself with the words of sympathy to the Sutherland family.

Sports Capital Programme.

5. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the amount of the sports capital funding allocated for 2009 that has been drawn down to date in 2009; the amount it is estimated that will be drawn down by year end of 2009; and if he will make a statement on the matter. [32807/09]

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

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

Some €56 million has been provided in my Department's Vote in 2009 out of which grants are paid for the provision of sports and recreation facilities. Almost 1,200 payments with a total value of €43 million were approved by my Department from this subhead by close of business on 17 September last. All of the €56 million provision will be distributed to grantees in the current year.

Deputy John O'Mahony: I am trying to understand the amount by which sport funding will be cut in the coming Estimates. The Minister refers to €43 million of the €56 million provision, leaving €13 million. Does the Minister envisage this will be drawn down before the end of the year? Clubs and organisations that were granted funding in the past number of years find it difficult to supply funding to finish projects. If that does not happen before year end, will this money be available to them next year? Will it continue to be available until they get funding? If this does not happen, can the money be reallocated to the current side of sport? There are no capital grants for the coming year, the swimming pool programme has been closed to new applicants and Lansdowne Road is complete. It has been said there is a 33% reduction in current spending. This has major implications for jobs and governing bodies rolling out programmes that are dependent on funding from the Irish Sports Council. What are the plans of the Minister to continue to fund the current side of sport?

Deputy Martin Cullen: I am absolutely certain all €56 million will be drawn down this year. There is no question about that. The projects that will use the balance exist and this money will be paid out. I will not have a surplus, much as I would like to have one. This amounts to 1,200 projects being approved this year. Clearly there will have to be capital funding for next year because there is a large number of projects in the system, an overhang of approved projects

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worth over €100 million. Many of these will be ready for next year. Clearly, there are difficulties for clubs in providing matching funding they had committed to. Also, some elements of projects have changed from what was approved and this presents a number of difficulties. My officials are trying to work with clubs to facilitate them as best we can.

The figure for next year is a matter for the budgetary process and I cannot say what that will be. It is not as if we are not spending any money, we are still spending major amounts of money but I have not opened up another programme this year. It is important to try to clear the backlog of projects outstanding this year and next year.

Deputy John O'Mahony: I am concerned about the disproportionate number of cuts proposed in the McCarthy report for the current side of sport. On the arts side, I was glad to hear the Minister robustly defend spending in the arts and the €11.8 billion sum the Minister estimates the sector is worth. All spending on the current side of sport has major economic benefits to the country as well. The sporting fraternity would like to hear the Minister robustly coming out on that side. The sporting fraternity has not yet come out protesting and defending itself but it is important that the views of the Minister on the available funding are heard. The Minister referred to how uplifting sports can be. What are his views on the spending cuts proposed?

Deputy Martin Cullen: Sometimes issues are picked up because of timing but not long ago I articulated a similar and strong view on sport. When we discuss sport we must understand the huge impact that can be made at a very young level by the money invested by sporting bodies throughout the country in training and facilities and the access children are given to sport. The Deputy is fully aware that the quality of managers and coaches for young people in recent years is far beyond what we had in my day, and that is right.

The programmes that we sustain in disadvantaged areas where children would never have had access to sport are very important because they have a huge impact on the children's self-worth. I will articulate a strongly held view on the budget for sport next year and in years to come. We have a big distortion in the budget because last year more than €100 million went to the Lansdowne Road stadium. All of that money has been drawn down and as it is not a repetitive funding programme it leaves a huge gap. I will fight for the coherence that has been established between sport, tourism and the arts to maintain as best we can in difficult times the funding for sport.

Other Questions.

Tourism Industry.

6. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the policies he has initiated to protect the hotel industry here which is under economic strain; if he has had negotiations with the Department of the Environment, Heritage and Local Government towards providing rate subsidies to allow local councils to reduce their rates particularly in areas such as the hotel industry; and if he will make a statement on the matter. [32323/09]

16. **Deputy Emmet Stagg** asked the Minister for Arts, Sport and Tourism the percentage decrease in tourism for 2009; the measures he has taken to tackle this issue from a policy level; and if he will make a statement on the matter. [32335/09]

23. **Deputy Tom Hayes** asked the Minister for Arts, Sport and Tourism his plans to respond to the submission from the Irish Hotels Federation outlining the measures required to deal with the current crisis in the industry; and if he will make a statement on the matter. [32275/09]

25. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he has reviewed the tourism sector to date in 2009, with particular reference to the negative impact of the economic downturn; the degree to which specific issues have been identified which might have the effect of improving the trading conditions in this sector for the remainder of 2009 and 2010; and if he will make a statement on the matter. [32224/09]

34. **Deputy Kathleen Lynch** asked the Minister for Arts, Sport and Tourism the policies he has brought forward in the area of tourism in view of the decline in international tourism to Ireland; and if he will make a statement on the matter. [32341/09]

Deputy Martin Cullen: I propose to take Questions Nos. 6, 16, 23, 25 and 34 together.

In response to Parliamentary Question No. 3, I outlined the tourism performance so far this year. There is no doubt that the period to date in 2009 has been very difficult for tourism globally which has been reflected in overseas visitor numbers to Ireland. There have been significant declines in GDP, personal spending and consumer confidence across all our major source markets which, combined with unfavourable exchange rate movements, have had a negative impact on the numbers of overseas tourists.

In this context, through regular contact with the key industry representative groups, I am fully aware of the many issues affecting the hotel and catering industry, including the issues of costs and competitiveness. Managing costs will be key for tourism businesses to survive the current downturn and Fáilte Ireland has implemented a range of measures to help the tourism industry to address costs and competitiveness.

In particular, they have refocused their programmes to meet the enterprise support needs of businesses in the tourism sector in the current difficult climate. In 2009 Fáilte Ireland will be investing almost €6 million in the form of direct supports and advice for tourism enterprises. The industry is responding well to the initiatives and the take-up on the programmes is very positive.

I regularly discuss costs and competitiveness issues affecting tourism with my colleagues both at Cabinet and bilaterally. In this regard, my colleague, the Minister for the Environment, Heritage and Local Government, specifically asked local authorities to again exercise restraint in setting any increases in commercial rates and local charges for 2009, in order to support competitiveness in the economy, nationally and locally.

Local authorities responded positively to this request and there was only a marginal average increase in rates across the country of 1.15% in 2009, significantly lower than previous years. A number of local authorities decreased rate levels and some others did not increase them. While I would like to see rates on business drop across the country, I recognise the genuine funding needs of local authorities. In the medium term, the broadening of the revenue base, particularly at local level, presents opportunities to relieve the burden on tourism and other businesses.

I am also glad to see that the changes I called for in Sunday pay rates in the hotel and catering sectors are now taking place. As a result, the cost in those sectors of labour on Sundays nationally will now be at time and a third as agreed through the JLC process. Given the high labour input in the tourism industry these important changes should have a positive impact.

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Proposals have been received from the Irish Hotels Federation to alleviate the difficulties being faced by this sector of the tourism industry. The proposals cannot be considered in isolation and will be assessed in the context of policy responses for the industry as a whole as well as the general economy and the forthcoming budget.

In that regard, I am aware that Fáilte Ireland is working very closely with the Irish Hotels Federation on a study on hotel room capacity. This report will clearly have a role to play in presenting new policy options for this important part of the tourism industry.

With regard to working capital, I met representatives of all the banks to impress on them the need for appropriate lines of credit to be available to the tourism and hospitality sector, in particular as we face into the autumn and winter period, which is a very challenging time when working capital is required by many in the tourism sector. To assist the tourism sector through this current difficult period, an extensive range of marketing, product development, festival and sporting events, training and business supports are being rolled out by the tourism State agencies under the tourism services budget of the Department. For example, Tourism Ireland is keeping its marketing programmes for 2009 flexible and responsive. It front-loaded its campaigns across all markets to secure as much business as possible for the peak and shoulder season and has now intensified its tactical and co-operative marketing activity for the second half of the year with an €18 million autumn campaign.

On the domestic front, Fáilte Ireland committed to its largest ever campaign to promote home holidays in 2009, with in excess of €3 million being invested in a year-round marketing programme promoting awareness of, and interest in, taking a home break. As we already discussed, last week the Taoiseach and I launched the autumn initiative which is co-ordinated and implemented by Fáilte Ireland with funding from members of the tourism industry, and is intended to boost business between now and the end of the year.

In response to Priority Question No. 3 I outlined the current state of play on the work of the tourism renewal group whose report I expect shortly. The industry deserves great credit for its commitment to quality and value for money in responding to the current challenging economic conditions through more flexible pricing and offering special value offers and packages. I am confident that, with the support of the agencies, the tourism sector has the capacity to manage the current cyclical slowdown and that, looking further ahead, the renewal group's review will help the sector to return to sustainable growth in the medium term.

Deputy Mary Upton: I thank the Minister for his very extensive reply. Part of my question specifically related to rates and the Minister addressed it to some extent. I understand there is a balance between the local authority needing the rates and the cost to the hotel sector. At present, the hotel sector is considered to be in debt to the order of approximately €6.7 billion; a phenomenal amount of money, almost at Irish Nationwide levels, and reckoned to be at approximately €110,000 per bed.

The Irish Hotels Federation makes the point that rates are set based on the size of premises and have nothing to do with turnover or employment. This gives a very skewed rate for those trying their best to keep people in employment. I recognise what the Minister stated about local authorities needing to receive the rates but we have to consider what is happening to the hotel industry. Can any realistic approaches be made to the Department of the Environment, Heritage and Local Government to address this? South Dublin County Council was one of the local authorities that reduced its rates. The Minister stated that rates were increased by 1.3% overall. The Irish Hotels Federation believes it should be reduced by approximately 30% for

the sector to be viable. Perhaps 30% is an optimistic level of reduction but increasing the rates is making it impossible for many hotels to be viable.

Deputy Martin Cullen: I agree with the Deputy on this point. I introduced a Valuation Bill a number of years ago and I have always believed that rates should be based on current market conditions and real value and income levels and not a notional level based on the size of the property. One could have a very large property with no activity taking place in it. It is open to local authorities to make themselves aware of the real issues for the properties they are dealing with and to work closely with the sector to ensure the rate is fair and reflects current economic value and not a notional square footage value. I am glad to hear some local authorities are doing this and I encourage all of them do so as we come to the end of this year and go into next year. Deputy Upton referred to a reduction of 30% and I do not know how realistic that is. The industry is under pressure and we need flexibility in the public sector to be able to match the timing of real-time changes to current activities.

The Deputy was correct to state that there is overcapacity in the market and some businesses in the tourism sector are more speculative rather than having a tradition of being involved in the sector. Unfortunately, some of these may go by the wayside but that being said we will try to sustain as many as possible of the businesses that exist in the wider tourism and hospitality sector.

Deputy Olivia Mitchell: On that issue, I spoke to a hotelier in Cork who pays €10,000 a week in rates. It adds up to €500,000 a year, which nobody can sustain. That is not even in Dublin; it is in Cork. The hoteliers are reducing their prices but their inputs must come down. That means local authority inputs must come down.

My question is related and the Minister was about to touch on it. Many of the hotels established in recent years are developer hotels and not hotelier hotels and many have gone into examinership. They are trading in a little cocoon and are protected from all normal commitments they might have. They have a holiday from payments, which are obligations for hotels that are not in examinership. A problem of unfair competition arises between hotels in examinership and those struggling but not yet in trouble. Those hotels are reducing their prices but hotels in examinership are slashing their prices just to bring in some cash. The examiner will want to bring in some cash to minimise the losses and to make some contribution to overheads. In the short term, that is very good for the consumer but in the long-term, it is not much good if it drives all the original hoteliers out of business.

The issue of examinership will have to be addressed. It is very obvious in the hotel industry but it will happen in many other businesses. Has the Minister had the opportunity to talk to the Minister for Finance or the Tánaiste? Who would deal with an issue such as this? Obviously, the use of examinership has increased hugely and it is causing problems for legitimate businesses which are struggling and just about keeping their heads above water.

Deputy Martin Cullen: I am aware of the problem. I have had some interaction with the Irish Hotels Federation on this issue and it has made that point clear to me. I do not believe it is widespread but the Deputy was right that there are instances where hotels are literally sustaining themselves. They are turning money but are not profitable and are not even covering their costs because of certain protections that exist. That is a concern in regard to the legitimate end of the industry, so to speak, which is struggling to survive, albeit at heavily discounted rates. Such hotels are certainly not making much profit but are hoping to make enough to keep the doors open.

[Deputy Martin Cullen.]

It raises a wider issue of which I am aware in the context of the National Asset Management Agency. A situation cannot arise which would allow unfair competitive practices simply to sustain one block to the destruction of the other. That is an issue I have already voiced and to which I am very alert. We must be very careful in that regard.

Deputy Mary Upton: Given that set of circumstances and what one might call NAMA hotels, or hotels at risk of being put into the NAMA system, has the Minister considered asking the Minister for Finance if he will appoint somebody with a knowledge of the tourism or hotel industry to NAMA? The debt is €6.7 billion, which is a substantial amount of money. Somebody with a specific knowledge of, and interest in, the tourism industry or hotel industry should be appointed to NAMA.

Deputy Martin Cullen: It needs somebody with a very particular level of skills given the complexity of this area. I am anxious that the quality of that board is unassailable in terms of the depth and breadth of its knowledge, as is the Minister for Finance. I believe the Minister for Finance has said to the Deputies' party leaders that if they have particular people in mind, they should talk to him. I am in the same position and I will do so.

I do not want to simply put a hotelier on the board. The person must have a very high level of financial skills. If I could find somebody with that high level of financial skills who has some track record and understanding of the broad tourism sector, that would be a win-win situation.

Deputy Olivia Mitchell: It is important it is not somebody with a vested interest. That will be the problem with NAMA. There will be clear conflict of interest for the banks which will manage both loans. It will be a real issue.

Deputy Martin Cullen: The National Asset Management Agency has traction. There are issues to be resolved and the Minister for Finance is open to that on Committee Stage. Our discussion demonstrates the complexity and the pitfalls for various sectors. I am glad we are all alert to them and are working to try to ensure we do not create even more problems for ourselves. There will be good people on the National Asset Management Agency who will be able to sustain us in terms of their skills.

Film Industry Development.

7. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism the economic benefit of the film industry to Ireland in each year since 2000; his views on recommendations to close or merge the Irish Film Board; and if he will make a statement on the matter. [32326/09]

Deputy Martin Cullen: I refer the Deputy to my reply to Priority Question No. 1 of today.

Departmental Funding.

8. **Deputy Seán Barrett** asked the Minister for Arts, Sport and Tourism if he has received confirmation from the Department of Finance regarding the availability of national development plan funding for projects falling under the remit of his Department; and if he will make a statement on the matter. [32229/09]

Deputy Martin Cullen: Within the remit of the Department, the National Development Plan 2007-13 makes provision for allocations to the culture sub-programme, the sports sub-programme and the tourism programme.

The Department's role in the culture sub-programme relates to the development of Ireland's cultural infrastructure. The aim is to protect and showcase our cultural heritage, to support the Government's policy on universal access to arts and cultural facilities and to assist the tourism industry in product development in this area. In the three years of operation of the current national development plan, the Government has allocated almost €170 million for these purposes.

Similarly, the sports sub-programme seeks to develop our sports infrastructure by providing grants for a range of sports bodies at the local and regional level, including swimming pool facilities, and by providing supports and facilities that will allow Irish athletes to compete on an equal footing with their international competitors.

The sub-programme also seeks to develop national-level sports facilities, such as the new stadium at Lansdowne Road as well as the continued development of the horse and greyhound industries. We saw also Thomond Park open this year. Up to 2009, more than €420 million has been allocated for these purposes, which represents by any standard an impressive contribution to the sports and recreational infrastructure of this country.

The tourism programme seeks to invest in international marketing, in the development of tourism product and infrastructure, and in training and human resources. To date, the tourism programme has benefited under the NDP to the tune of almost €239 million.

As part of its ongoing work to take measures to stabilise the public finances, the Government has been examining all current and capital expenditure, including that planned in future years as part of the national development plan.

As is the case every year, NDP funds are provided through the annual Estimates process for the Department. The Estimates process in respect of 2010 is currently in train and the outcome will be announced in the forthcoming budget.

Deputy Olivia Mitchell: The question was a little broader than I intended. I was trying to focus on the tourism capital investment programme and I am sorry that was not in the question. Perhaps the Minister will clarify that.

The €50 million, which was supposed to be in the national development plan for tourism investment—

Deputy Martin Cullen: Is the Deputy referring to the product development fund?

Deputy Olivia Mitchell: Yes. It was €50 million support planned for the upgrading of and presentation to the best international standard of approximately 20 of our most strategically important existing visitor attractions, heritage and so on. I know a large number of people are not investing currently but some are. Will this scheme go ahead? These people believe they are limbo? They had prepared applications for funding and now find they do not know whether it will go ahead.

I realise there will be less money for everything and that the national development plan is a bit of a myth at this stage. If there is not be the kind of money we thought there would be for investment, perhaps it is a reason to try to refocus efforts on and repackage what we have.

Earlier I spoke about Fáilte Ireland and Tourism Ireland. I am not undermining their marketing. The Minister said they put great effort into marketing and I do not deny that but perhaps they need to change what they have been doing. I refer to products such as the gardens of Ireland which are not marketed. It is a huge growth industry but there is no way to market them. The garden owners are gardeners and are not able to put together clusters of gardens and sell them as a tour. They do not have that kind of expertise. That is where Fáilte Ireland

[Deputy Olivia Mitchell.]

should step in and use what money we have, although I accept we will not have the capital money we had in the past, to try to promote and help individuals.

The Minister mentioned surfing, for which Ireland is famous. However, there is nothing in terms of marketing. When people go to tour operators in Frankfurt or elsewhere, they are sold Irish hotels. It is not based on what one does when one gets to the hotel, that is, a package of activities which is what people want, but on where we have good hotels. There are good hotels everywhere in the world. We must have something unique.

Deputy Martin Cullen: I saw a fantastic television programme on TG4 recently, more by accident than design, on surfing in the west. It is extraordinary that some of the big names in world surfing have only now discovered the west.

Deputy Olivia Mitchell: They have to change on the beach, however, because there are no changing facilities for them.

Deputy Martin Cullen: That did not seem to bother them. These were high-end surfers and they were blown away by the quality of waves.

Recently, I opened Woodstock Gardens and Arboretum in Inistioge, County Kilkenny. They reminded me of the Mount Congreve Gardens, Kilmeaden, County Waterford, which are world famous, but there is no coherence in marketing their tourism potential. Many bodies working in similar areas attend the Department but each of their marketing budgets are too small to have any impact. We need to have coherence between them all in marketing. If we pool the sum of all the parts we might get a much bigger bang for our buck in the international market. I have said to many of the bodies that the Department will work with them to put a coherent approach in place and ensure their marketing moneys are best used. The Department is examining how some tourism products are delivered. For example, a hotel promoting in conjunction with a garden on a regional basis would bring some coherence and a more effective marketing cost.

Deputy Mary Upton: The national development plan set out ambitious targets for the tourism sector. Expenditure for tourism was to reach €800 million and for sports was to reach €991 million. I accept delivery of these targets will not happen due to the current economic circumstances. Will the plan ever be implemented? How significant will the cuts be? Were these ambitious targets just a promise from a time when collecting votes was more important? The cuts in sport have been significant for rural and urban communities which were looking forward to small capital investment in local sporting facilities. How optimistic can we be that the national development plan targets will be reached in the future?

Deputy Martin Cullen: A substantial amount of funding has already been spent under the national development plan. Clearly, the economic circumstances that have not just hit Ireland but the rest of the world have been beyond anyone's expectations. The national development plan will still be in place. However, the economic downturn and the lack of resources will change the timeframe to deliver some of these projects. There was a strong commitment made when the framework for tourism and sport was drawn up. We need to work through its key elements with existing resources until we get back to economic growth in the next several years and deliver the balance but in a longer timeframe.

Deputy Olivia Mitchell: During the summer I visited Birr Castle Gardens which were renovated over the past ten years. They informed me, however, that their visitor numbers are down

to what they were in the mid 1990s. Another summer with such figures and the gardens will have to close. It is a fragmented industry that needs to be given some coherence.

Deputy Martin Cullen: I have had several discussions with the family at Birr Castle. I am aware of what they have achieved. The Office of Public Works has been effective in assisting in some of their efforts. The Deputy is correct that we cannot allow that investment to die away. For the next year, we will try to find the resources to sustain, even at a minimal level, many of these facilities and not allow them fall by the wayside.

National History Museum.

9. **Deputy Joe Carey** asked the Minister for Arts, Sport and Tourism when the Natural History Museum will re-open; and if he will make a statement on the matter. [32239/09]

42. **Deputy Jan O'Sullivan** asked the Minister for Arts, Sport and Tourism when the Natural History Museum will re-open; the cost of reinstatement works in the building; if the refurbishment works will be adequate to ensure the museum does not need further refurbishment works in several years; and if he will make a statement on the matter. [32334/09]

Deputy Martin Cullen: I propose to take Questions Nos. 9 and 42 together.

A programme of works for the Natural History Museum, agreed between the National Museum of Ireland, the Office of Public Works and my Department, is under way. It is designed to facilitate the reopening of the museum in as short a timeframe as possible, having regard to the need to meet key health and safety concerns.

The programme includes work to facilitate appropriate fire evacuation procedures, the reinstatement of the stone staircase, the installation of safety netting under the glass ceiling, the introduction of a ramp to the front door to facilitate disabled access and works of a minor nature relating to decoration and presentation. The total cost is estimated at approximately €265,000.

As this programme of works and the tasks the museum will have to undertake in preparation for re-opening will take longer to complete than originally anticipated, the re-opening date has been deferred to early 2010.

In the meantime, an exhibition of artefacts from the Natural History Museum is showing in the riding school at the National Museum, Collins Barracks. This exhibition showcases key items from the Natural History Museum's collection, thereby allowing the public access to some of the collection in advance of the re-opening of the Natural History Museum in Merrion Street. This exhibition has proved very popular among visitors.

With regard to the need for further works at the Natural History Museum, the position, as I stated in my reply on 28 January 2009 to Parliamentary Questions Nos. 102 and 110, is that an extensive refurbishment-redevelopment plan has been drawn up for the museum but this major project is outside the scope and capacity of current budgets.

Deputy Olivia Mitchell: Given that originally very extensive work on the museum was planned, it now sounds as if a few nails and a ball of string are being put into operation. Stories about nets to catch falling glass from the dome and that the upper floors have had to be closed for health and safety reasons turn one's blood cold. Is the Minister sure this will work? Will the museum staff be given the assurances on health and safety they are seeking?

One of the objectives of these renovation works, apart from increasing the size of the exhibition areas, was to provide accessible toilets for disabled museum visitors. How much of the

[Deputy Olivia Mitchell.]

building will be accessible as it seems it will have less space when re-opened? What is the position on the additional storage sites that were to be located in Swords?

Deputy Martin Cullen: The type of refurbishment the staff and others wanted is going ahead and should be completed in another month. Ironically, the exhibition in Collins Barracks has been successful with many school tours booked in for this exhibition. As a result, the museum does not want to move before Christmas. It is believed the best time to move was February. Visitor numbers are up for the museum because of the exhibition's accessibility and imaginative content. I congratulate all involved, in particular the museum's director, Mr. Pat Wallace. The disability issues are being dealt with. There will be access and I presume also access to bathroom facilities.

Deputy Olivia Mitchell: What about the storage?

Deputy Martin Cullen: The storage was sourced in Swords. I believe that has been done. The access to that storage is important and I have no note to suggest that it will not go ahead. I can check up on that for the Deputy.

Deputy Mary Upton: There has been a substantial drop. A total of €15 million was set aside originally and I think the Minister mentioned a figure of €265,000. That is a huge cut compared with what might have been available.

He might have answered the second part of my question about the number of visitors. Did he say it has gone up relative to the number that used to visit, which I think was 150,000 a year?

Deputy Martin Cullen: Strange as it might as it might seem — or maybe it is not strange, maybe I am using the wrong language — the numbers are very healthy and stronger——

Deputy Mary Upton: My question is would some of those visitors have been visiting Collins Barracks anyhow? That would have been a separate cohort of visitors. I presume the Minister is including the total number of visitors. There would have been visitors to Collins Barracks and to the Natural History Museum.

Deputy Martin Cullen: I hope I am giving the figures based on the tours that are specifically booked in. There may well be some numbers based on the fact that Collins Barracks houses much more than the Natural History Museum. I understand, although I stand to be corrected, that the consistent booking of school tours etc. is very high and that they like the way the exhibition has become much more accessible in Collins Barracks.

Deputy Upton is right that there was a major capital programme which would have transformed the Natural History Museum after which it would have borne no resemblance to what it is now. All those involved in running the Natural History Museum, the Office of Public Works and the National Museum want to secure the existing museum in its present location, covering the points that Deputy Mitchell raised to make it safe. We probably all agree that we were very lucky in what happened because there could have been a very different outcome. The work is being done and will be completed soon. It will deliver a good quality project. The achievement of the Natural History Museum in the UK, which is a most beautiful building, apart from its contents, demonstrates that a large volume of tourists and cultural visitors from around the country have a great interest in natural history. I would like to see that project carried out in the fullness of time, if it is not achievable in the short term. I would like to see it come back into the frame ultimately.

Deputy Olivia Mitchell: If we ever reinstate the national development plan the National Museum and the Natural History Museum must be priorities for investment.

Deputy Martin Cullen: I agree with the Deputy. I see two essential projects, about which the Deputies might agree with me, the Natural History Museum, and the National Library, which is also adjacent to this House. It is a priority. I have recently been through the library, from its bowels to the work being done. To be kind, it is unsatisfactory.

Deputy Olivia Mitchell: It is frightening.

Deputy Martin Cullen: The value of the artefacts and historical items stored is immeasurable.

Deputy Olivia Mitchell: I have been telling the Minister that for years.

Deputy Martin Cullen: When I was in the Office of Public Works I was involved in some of the earlier work undertaken there. We need that project and the storage facilities for some of the artefacts.

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 Lucinda Creighton — the office of a directly elected Mayor of Dublin; (2) Deputy Chris Andrews — the ongoing dispute at Marine Terminals Limited; (3) Deputy James Reilly — the need for remedial safety works to be undertaken at Ward Cross, County Dublin; (4) Deputy Róisín Shortall — the need to ensure an adequate number of assessment and detention places for young offenders and in particular the future of the Finglas Child and Adolescent Centre, Dublin; and (5) Deputy Finian McGrath — the ongoing dispute at Coca-Cola HBC Ireland.

The matters raised by Deputies Chris Andrews, Finian McGrath, Róisín Shortall and Lucinda Creighton have been selected for discussion.

Adjournment Debate.

Industrial Disputes.

Deputy Chris Andrews: I am concerned by the length of the dispute between Marine Terminals Limited, MTL, and the men and women working for the company in Dublin Port. This dispute has resulted in pickets being placed on port installations by the workers who are opposed to the unilateral imposition of mass redundancies and cuts in pay and conditions by management. This dispute is in its 13th week and MTL has exacerbated the situation by seeking several injunctions in the High Court against the people working there, trade union leaders and members of the local community.

The company's refusal to engage in full industrial relations procedures has severely aggravated the situation and is damaging the image of the port. I welcome the presence of the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Calleary, who as a former member of the Oireachtas Joint Committee on Enterprise, Trade and Employment is showing a great interest in his brief. I call on him to ensure that all the dispute resolution machinery available, the industrial relations infrastructure, is deployed to resolve this

[Deputy Chris Andrews.]

dispute and ensure that MTL engages in a meaningful way, which it has not so far done in this dispute. It must comply fully with the employment law of this State.

MTL has shown a complete disregard for the workers and for employment law. The men and women involved are not firebrands or radicals. They are ordinary people whom I know, living in Ringsend. They just want to get on with their daily lives, doing an honest day's work. John Whittaker, who owns Peel Ports, is worth £1.3 billion yet he shows contempt for Irish legislation and work practices, and the local community around the port. He wants to ride roughshod over these people and make more money to add to his estimated £1.3 billion. It is sickening. It is probably that sort of arrogance that has led us into the difficulty we face now. People like him have ruined the banking system and the property market.

On 27 August two men, Eddie Byrne from Ringsend, and Gerry Brannock, were on boats on the Liffey when small boat-owners staged a protest in support of the MTL workers. Both were named in proceedings by the Dublin Port Company when it sought an injunction against the protestors in the High Court. These two men have committed their lives to working for the community and are still involved in local community events. They are old age pensioners. Mr. Eddie Byrne is diabetic, suffers from various blood pressure issues and has an underlying heart condition. He has to take up to 14 different types of medication every day. Mr. Gerry Breathnach also suffers from blood circulation problems, has high blood pressure and had a stroke several years ago.

Compassion must be shown in the attempt to pursue these men for costs because they are pensioners and are not able to deal with it. Commonsense must prevail and the action of chasing these men for costs must be dropped. The workers understand there may have to be redundancies but there has been no attempt to discuss such redundancies and this is not the way business should be done.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I thank Deputy Andrews for raising the matter and acknowledge his constant contact on this matter over recent weeks.

The industrial dispute involving workers from Marine Terminals Limited has resulted from workers' concerns over the company's initial cost-cutting proposals involving 13 compulsory redundancies and the introduction of new contracts of employment for the remaining workforce. I understand that a number of workers have voluntarily availed of the redundancy offer. The company offered a severance package of two weeks pay per year of service, in addition to statutory entitlements. The new contracts proposed by the company would involve a reduction in pay and allowances averaging, according to company figures, €15,000 per worker. Up to 50 workers, who are represented by SIPTU's MPGWU Branch, have been involved in the dispute.

On 20 May 2009, following two months of local talks, the parties attended at the Labour Relations Commission for conciliation talks. However, I understand there was disagreement about the presence at talks of security personnel accompanying the employer representative and, accordingly, the talks did not proceed.

Subsequently, the union referred a complaint to the Minister for Enterprise, Trade and Employment under the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act, 2007 which was referred to the redundancy panel. The panel advised the Minister to seek the opinion of the Labour Court. The Labour Court's opinion was that the 13 compulsory redundancies were legitimate redundancies. Shortly afterwards, these workers were made redundant by the company. However, the court felt that if workers were made redundant for not accepting new contracts of employment, as had been threatened by the company, an exceptional collective redundancy situation could arise.

I understand that the company subsequently introduced short-time working and replaced workers who reported sick with workers from elsewhere in the group. I understand that the company may have provided living and sleeping facilities at the MTL terminal for some or all of these workers, who come from Belfast and Scotland.

On 3 July 2009, pickets were mounted at Marine Terminal and have been ongoing since. Protest marches have also been organised. According to the union, the company issued P45s to more of the workers. Talks in mid-August failed to progress the issues in dispute and the company rejected a proposal to refer the issues to the Labour Court.

Two injunctions were obtained by MTL against the union and named individuals. The first was obtained in early July and limited the picket at the company's cargo terminal to communicating information, or peacefully persuading people to abstain from work. The second, obtained at the end of August, resulted from allegations of intimidation and harassment of workers. Following a protest which involved boats attempting to blockade the port on 27 August, Dublin Port Company obtained an injunction against a number of people. I assume these are the people to whom Deputy Andrews referred.

Talks were held at the Labour Relations Commission in late August and early September. Unfortunately, no agreement was possible and the union referred the issues to the Labour Court, pursuant to section 20(1) of the Industrial Relations Act 1969. Under this provision the union would be bound by the court's subsequent recommendation.

I understand that the court has scheduled a hearing for the afternoon of Monday 28 September and has invited the company to attend. The experience and expertise of the court, in my view, now offers the best avenue for resolving the issues in dispute. I urge the company to agree to attend the Labour Court hearing and for both parties to engage fully in the process. I urge the parties to put their difficulties and differences behind them and approach the court hearing in good faith and with a view to accepting the outcome of the process, namely, the Labour Court's recommendation.

Ireland's system of industrial relations is, essentially, voluntary in nature and responsibility for the resolution of industrial disputes is a matter for the parties involved. The system of industrial relations in Ireland is designed to help and support parties in their efforts to resolve their differences, rather than imposing a solution on the parties to an industrial dispute. Responsibility for the settlement of this dispute rests, ultimately, is with the parties themselves. The obligation lies with the parties to seek to resolve their differences and to carry their efforts through to completion.

Deputy Finian McGrath: I thank the Chairman for giving me the opportunity to raise this important matter in the Adjournment debate. Today I support the Coca Cola workers who are in dispute. I speak as a former Coca Cola worker who worked on the company's lorries as a helper for many years. I urge the Minister of State to support the SIPTU members concerned and I urge the company to listen to the genuine grievances of the staff. This is the fifth week of the dispute and the company will not listen to the Labour Court recommendations.

At a meeting in Liberty Hall in August it was decided by the SIPTU strike committee that pickets would remain in place at Coca Cola Hellenic Bottling Company, HBC, Ireland depots in Dublin, Cork, Tuam, and Tipperary, because of the company's refusal to address the issues at the centre of the dispute, including its decision to outsource the jobs of 130 distribution and warehouse staff.

Coca Cola HBC revealed profits of €201 million in the six months to the end of June and has begun a process of restructuring in Ireland, Austria and Italy, cutting almost 5,000 jobs

[Deputy Finian McGrath.]

since 2008. Coca Cola Hellenic Bottling Company Limited is a Greek-based company in which the US Coca Cola company has a 23% stake.

The strike committee has always said that any discussions to resolve the dispute must be without preconditions and that the company must follow agreed industrial relations procedures and allow all parties to air their views. This dispute will continue for as long as these workers are denied the right to be employed by Coca Cola HBC. I am appalled at the manner in which a multibillion euro global company is treating 130 Irish workers. This is before we have the vote on the Lisbon treaty and the rights of workers. It is happening in Ireland today, pre-Lisbon.

Coca Cola HBC has threatened and intimidated these workers into accepting a redundancy package which they do not want. The company has threatened workers with injunctions and, to date, two workers on the picket lines have been injured, one requiring hospitalisation, as a result of having been hit by a vehicle that crossed the peaceful picket lines.

It is ironic that in 50 years of relationships with SIPTU and the former ITGWU there was never the need for any form of industrial action. The new management's attitude to industrial relations in the company and towards the institutions of the State is a breach of all previous agreements which have served both parties very well for more than 50 years.

I pay tribute to, and to support the staff of the Tuam plant. I commend Eugene Carty and the SIPTU members for their dedication, efforts, dignity and patience over the past five weeks. I stand by them in the Dáil today. They have a genuine grievance and all our industrial relations machinery has proved them correct.

It is not good enough for the company to act in an arrogant manner, especially in the current economic climate. I call on the management team to meet soon and resolve this matter. It is a blatant injustice to leave these workers out in the cold for five weeks. I urge the Minister of State to use any clout he has to force the company to move. Stagnation is not an option. All that the SIPTU members want is fair play and justice.

I urge all Members of the Dáil and Seanad to support the SIPTU Coca Cola HBC strikers and do their best to end this dispute.

Deputy Dara Calleary: I thank the Deputy for raising this important matter and I also acknowledge recent representations I have received from Deputy Michael Kitt.

The background to this dispute is that last June, Coca Cola HBC announced its decision to outsource those remaining elements of its distribution and warehousing operations which had previously been done in-house, affecting 130 of its employees spread across six sites in Dublin, Cork, Killarney, Tipperary town, Tuam and Waterford. The company allowed a period for consultation to examine any viable alternatives to outsourcing. This period of consultation did not result in an agreement, with the sides being too far apart on the wages that would apply if an in-house operation was maintained. The company has said that the workers could choose between taking redundancy or transferring to the three new outsourced contractors on the same terms and conditions. The three employers to whom the workers had been due to transfer are now the permanent providers to Coca Cola of the services that had been provided by the 130 workers. SIPTU has questioned whether the same conditions would be provided by the three new employers. The union argued that outsourcing could still be avoided through an internal rationalisation.

The issues were then referred to the Labour Relations Commission. However, efforts by the LRC to bring the parties together for discussions were unsuccessful as the different agendas on both sides did not leave room for mutual agreement. The company was willing to talk about

a transfer of engagements to outsourcing companies and an accompanying redundancy package. SIPTU was not amenable, however, to pursuit of the outsourcing option.

The union served notice of strike action, which began on 27 August. This was followed on 8 September by the company's implementation of its decision to outsource the warehousing operations to three new third-party providers. A revised severance offer was subsequently made by the company. The company held off on issuing redundancy notices for a week after 8 September, to allow workers to ballot on the new offer. The union did not recommend acceptance of the offer, however, and it was rejected by the workers. Redundancy notices were subsequently issued by the company.

A Labour Court hearing was conducted on 18 September under section 20(1) of the Industrial Relations Act 1969, which makes the court's recommendation binding on the party that brought the case, in this case SIPTU. I understand the union informed the court it was seeking the implementation of change along the lines of the SIPS, single island production system deal that had been negotiated between the company and the union in recent years. It also requested a feasibility study on the Ballycoolin plant to see how many jobs could be maintained there on existing terms and conditions. The company informed the court that the Ballycoolin operation had already been outsourced. It claimed also that the final severance offer had been rejected by the union, even before a ballot of the workers took place. It maintained that management had acted in accordance with all relevant legislation and best industrial relations practice. The court issued its recommendation on Monday, 21 September. While the Labour Court's recommendation is still strictly confidential to the parties, I understood from media reports that the Labour Court has recommended that the company should offer a redundancy package along the lines envisaged in the SIPS programme. The company's operations in the Republic and Northern Ireland had previously been restructured in the context of the change programmes negotiated with management through programmes such as SIPS. I understand also that the court recommended that the company and the union involved, SIPTU, should have further discussions on the union's proposal to have a feasibility study conducted in relation to the Ballycoolin site in Dublin. About half of the 130 workers are based there, with the remainder in five other sites around Ireland.

The Labour Court recommendation in this case is binding on the union and the 130 workers involved, but not on the company. In this context, I understand that the company is still considering the recommendation. In my view, the experience and expertise of the Labour Court undoubtedly offers the best avenue for resolving the issues in this difficult dispute. In this context, I urge the company to give positive consideration to the court's recommendation on the dispute. In view of the good industrial relations climate within which significant steps have been taken hitherto on an agreed basis and as referred to by Deputy McGrath, I urge both sides to bring the same spirit to bear on the current situation in the interest of achieving an agreed outcome.

Juvenile Offenders.

Deputy Róisín Shortall: I appreciate the presence of the Minister for the Environment, Heritage and Local Government but I am a little concerned that the Minister for Justice, Equality and Law Reform, is not taking this matter and I would like to hear his views. I hope Deputy Gormley will engage with some of the questions I am posing and respond to them and not just read a prepared script.

We are all aware of the growing problem of juvenile crime and of the many communities which are plagued by anti-social activities some of which can be very serious and is often engaged in by people under the age of 18 as well as over the age of 18. Yesterday in this House

[Deputy Róisín Shortall.]

my party leader, Deputy Gilmore, raised the issue of the closure of the Shanganagh facility and called for it to be reopened, given the demand that exists for places. It is very frustrating for public representatives, gardaí and communities that there is an insufficient number of detention places for young offenders. Many of us are familiar with the situation in which one is aware of particular individuals in our communities who are wreaking havoc on their neighbours and against whom there may be dozens of charges yet they are left to strut around their communities because the justice system cannot accommodate them.

Against this background it is of particular concern that there are plans to close the excellent facility of the Finglas Child and Adolescent Centre. Over the past 37 years this centre has provided excellent service to the courts, the youth justice service and previously to the Department of Education and Science in the area of child care and assessments. One has to ask what is being put in its place.

The centre has at times looked after very disturbed children who could not be cared for by any other statutory agency. Its record is outstanding and has been complimented many times by the Judiciary. It was inspected by the social service inspectorate of HIQA and received glowing reports as one of the best run detention schools in the country, having managed to achieve the correct balance of detention and child care.

The report of the working group appointed by the Irish Youth Justice Service recommends that further work be carried out over the next three years until the new development at Oberstown is complete to identify and develop the appropriate range of assessment services for detained children in the new facility at Oberstown and for all other young people, offending or non-offending, in the community. It also recommends that the Finglas centre will need to continue in operation until such time as the remand, assessment and committal services currently provided there can be provided at Oberstown.

What plans are in place for the orderly transfer of the services of the Finglas Child and Adolescent Centre to the Oberstown campus, which now appears to be imminent? Under the present management of the director, Colette Walsh, the staff of the Finglas centre are recognised as some of the best qualified to care and assess children. The report of the working group states:

The Working Group recognises that the staff in FCAC have a wealth of experience and expertise in child care, managing behavioural problems, delivering offending behaviour programmes and in particular, in carrying out assessments. They represent a significant number of well trained and well qualified people in whom the State have invested heavily and who have invested their time and commitment in working with challenging and difficult young people. It is vital that the youth justice and child care services do not lose this expertise.

How then does the Minister hope to keep this staff in the service, as recommended by the working group? There are currently 21 staff with fixed term contracts. Are these contracts to be renewed on 30 September 2009? Will all the current full-time staff be accommodated on the Oberstown campus? Are there arrangements to allow current full-time staff to avail of early retirement so the people on short-term contracts can take up those posts and the expertise will not be lost? In the area of child care, are the children on assessment to be accommodated separately on the Oberstown campus, as required by law and best practice and as recommended by the working group? Will the Minister say how many child care places for young offenders will be available in the State? The indications are that there are currently only about 50 places while the recommended number is 167. These are critical issues for tackling crime which both the Minister and I experience in our constituencies. Unless we have the accommodation to

provide adequate assessment and remand places for young offenders we will lose the battle against crime.

I would welcome the Minister's replies to those questions.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I thank Deputy Shortall for raising this issue. I am not the Minister with responsibility for this area so I will read a prepared script. I hope it goes some way to answering some of the questions she has raised.

The future of the children detention school located in Finglas cannot be divorced from the future development of children detention schools services generally. The Irish Youth Justice Service, IYJS, which is an executive office of the Department of Justice, Equality and Law Reform and part of the office of the Minister of State with responsibility for children and youth affairs, operates the four children detention schools. Three of the schools, Trinity House, Oberstown Boys and Oberstown Girls, are sited on a 65 acre site in Lusk, County Dublin, and the fourth detention school, the Finglas Child and Adolescent Centre, is located on a separate site in Finglas, Dublin 11. The four detention schools have a capacity for 77 children and currently have 38 places occupied. There are also approximately 60 boys aged between 16 and 18 years of age currently detained in St. Patrick's Institution, a centre for young offenders aged 16 to 21, within the Mountjoy Prison complex.

In March 2008, the Government considered the report of a cross-Departmental expert group on the future development of children detention services. The Government approved the recommendation of this group to develop new national integrated children detention facilities on the campus at Oberstown, Lusk, in order to facilitate the expansion of the detention school model to 16/17 year old boys, who are currently held in St Patrick's Institution. The Government also approved the establishment of a working group to consider the future of the site and the future role for the Finglas Child and Adolescent Centre, FCAC. This group was established with representatives from Departments and agencies with responsibility for the provision of services for offending children and vulnerable children in the welfare and justice systems.

The working group completed its work and presented its report to the Minister of State with responsibility for children and youth affairs. The Minister of State has decided to accept the group's recommendations, including the following:

- The planned new children detention school development at Oberstown will provide remand, assessment and detention services for all young offenders, boys and girls, under 18 years of age. It will provide all of the services currently provided by the FCAC.
- The working group is of the view that the experience and skills of the FCAC staff will form a necessary part of the integrated detention school in Oberstown and recommends that the staff and services in FCAC transfer to the new development.
- The development of FCAC as a hybrid facility for both care and offending young people would not be permissible under law and would not address any gap in services.
- The working group does not see a continuing stand-alone role for residential assessments at the FCAC.
- The buildings on the FCAC site are not suitable for long-term use as children's detention facilities. They would require significant mechanical, electrical and structural work simply to be maintained, even in the short-term, for any purpose. The estimated costs for replacement of the buildings, which would be required for any long-term facilities, are prohibitively high. The working group does not see a long-term use in the area of

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children's detention services for the site and recommends that the site be returned to the OPW to determine its appropriate future use.

The boards of management, director and staff were informed of the decision. Discussions are ongoing with staff and their representatives to implement the decision and to facilitate a smooth transition. The Minister of State is mindful of the need to finalise future plans as this will have implications for the staff currently employed there. The matter has been referred by the staff unions to the Labour Relations Commission and discussions took place there today.

The IYJS is responsible for providing safe and secure accommodation for children detained by the courts. The Minister of State with responsibility for children and youth affairs is satisfied that IYJS will be in a position to provide sufficient places within the existing detention school facilities to meet the needs of the courts for the detention of young offenders and, where appropriate, assessment.

Dublin Mayors.

Deputy Lucinda Creighton: I appreciate the Ceann Comhairle allowing me to raise this very important issue and I am pleased that the Minister has taken the time from his busy schedule to be here to respond to the matter.

A directly elected Mayor of Dublin is at the core of Fine Gael's policies for reform of local government. The proposal is a positive step and I welcomed the Minister's announcement in this regard. So far, the Minister is heavy of rhetoric and light on detail. Coincidentally, my colleague, Deputy Leo Varadkar, raised this matter this morning on the Order of Business. The Tánaiste did not seem to be well briefed as to the Minister's plans or his timetable.

The concept of a directly elected mayor for Dublin has huge potential. This person would, potentially, be responsible for and accountable to almost a third of the population of the country. It would be a hugely esteemed and important position of accountability. As we heard throughout the debate on Private Members' Time last night, there is an appetite for accountability in public life, particularly at this time.

We have not yet seen any meaningful progress on this matter. The Local Government (Dublin Mayor) Bill, which is on the Government legislative programme, is only contained in section C, Bills in respect of which heads have yet to be approved by Government. When does the Minister expect the heads of the Bill to be at a point where they could be approved by Cabinet? The plans appear to be in disarray. The heads of Bill have not been agreed but the Minister seems to be confident that elections will be held next summer. It seems to be that the Minister is hoping for the best and that things are not really moving along. The position has potential and should not be allowed to fail due to lack of planning or detail at an early stage.

The proposal can only work if it is introduced in tandem with real and meaningful local government reform, something the Minister has long espoused as being at the core of what he and his party are about. I would like to see some action on this matter. We need clarity. For example, what responsibilities will the mayor have? Can the Minister give a concrete example of the executive powers proposed for the mayor? Will the office be a smokescreen or fig leaf or will it have real and meaningful powers?

What relationship will the mayor have with the four Dublin local authorities? Most people assumed the directly elected mayor would take the place of the Lord Mayor of Dublin. It seems that will not be the case. How will we deal with three country mayors and a city mayor? Where will the mayor live? What about the Mansion House? What role will the mayor have in relation

to county managers? Will the county managers be directly accountable to the mayor of Dublin? We need clarity on all these issues.

All local authorities are starved of funding. Budgets have been slashed. What budget will the mayor have? Will he or she have a budget to implement his or her own policies? Will the mayor be able to appoint people to posts of responsibility in health, environmental and waste services? Will the mayor be in a position to appoint a sort of cabinet which would be directly responsible to the mayor? We have no clarity on these issues.

Councils need to plan. A new city council and three new county councils were elected in Dublin in June of this year. How can they plan for the duration of their terms of office? Will the newly appointed mayor be in position for four years or does the Minister intend the mayoral election to take place in tandem with council elections? We need clarity in this regard.

Dublin needs a directly elected mayor. It needs a local government capable of responding to its citizens' needs. I hope that the Minister's proposals for a directly elected mayor will respond to those needs.

Deputy John Gormley: I thank Deputy Creighton for raising this important issue for the people of Dublin. On 12 May, I announced that the Government had decided to introduce a directly elected mayor for the Dublin region in 2010. This decision arises from a commitment in the programme for Government and from the considerations in the Green Paper on local government that I published in April 2008. A central theme of the Green Paper on local government is the need for a renewal of local democratic leadership. The Government's decision to introduce a directly elected mayor will deliver significantly strengthened leadership for the city and region, with enhanced accountability and a direct connection with the citizen.

My Department is drafting the necessary legislation and it is my intention that the mayor will be equipped with a suite of substantial powers across the functions of local government and will have the authority and power to deliver real leadership for the city and region. It is my intention that the mayor will primarily act as a strategic policy maker who will also work to integrate the activities of local government and the wider public service in and across Dublin.

The details of the mayor's responsibilities will be set out in legislation. I envisage that the mayor will have the following roles, namely, setting the framework for the future physical development of Dublin city and region by setting out regional planning guidelines by which local authorities must abide; delivering reliable, sustainable and integrated public transport by leading the Dublin Transport Authority; ensuring the delivery of an environmentally sustainable approach to waste management by proposing and overseeing the implementation of the Dublin region waste management plan; maximising the conservation and efficient use of water resources and the safe treatment of waste water through proposing and overseeing the implementation of the Dublin regional water services plan; promoting a dynamic, enterprising city region renowned for its rich culture and heritage by bringing all key public and private sectors together in a new regional development board; promoting quality housing and sustainable communities; and promoting the protection and enhancement of Dublin's environment. The mayor will primarily be responsible for strategic leadership and oversight of operational implementation. Operational matters including budgets will largely continue to be a responsibility of the Dublin local authorities, subject to close co-operation with the mayor and his or her office.

The Government's decision on the Dublin mayor marks the first phase of the transformation of local government in accordance with the programme for Government. The White Paper that I propose to publish will address a broad suite of local government development and financing matters and will be published following, *inter alia*, Government consideration of local govern-

[Deputy John Gormley.]

ment financing in light of the report of the Commission on Taxation. It will include the more detailed approach in respect of the mayor, which will be underpinned by the legislation currently in preparation. Given my intention to hold mayoral elections next year, it will be necessary to have the relevant legislation in place well in advance. To these ends, I will bring my legislative proposals to the Government in the coming weeks.

To answer one of the Deputy's questions, where the mayor lives does not matter. I lived in the Mansion House while I was Lord Mayor and Ken Livingstone lived at home. The point is to have a mayor who is not just symbolic, but who has real power.

Future elections will take place in tandem with local elections. For this reason, I would like the first term of the new mayor, whoever he or she may be, to be for four years and thereafter for five years. This is the best way to do it and is the reason I needed to introduce the legislation. The mayor's role will evolve as it did in London, where it has proven to be a significant success.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 6 October 2009.

Written Answers.

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

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

Art Exhibitions.

10. **Deputy John Perry** asked the Minister for Arts, Sport and Tourism the position regarding planning for the Dublin International Art Exhibition 2010; and if he will make a statement on the matter. [32303/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Dublin International Art Exhibition was the original working title assigned to a proposal to host an internationally recognised and acclaimed contemporary and modern art event in Dublin, which would showcase excellence in Irish and international art. The appeal of such events elsewhere is evidenced by the success of the Venice and Sydney Biennales, Documenta XII in Germany and Prospect 1 in New Orleans.

This event had originally been considered for 2010 but it is now proposed for the summer of 2011 and is to be known as Dublin Contemporary 2011. The proposal can be broadly described as a major exhibition of leading and emerging Irish and international contemporary art spread across a number of landmark sites in Dublin city centre over a period of up to 12 weeks. It would be the first event of its scale in Ireland and would provide a highlight for cultural tourism in Ireland on a global scale. The project aims to achieve a vibrant recognised international art event and would provide an accessible and tourist friendly route through historical and contemporary Dublin encouraging tourists and residents alike to engage with galleries, museums and cultural spaces. This event is also about monetising our cultural tourism opportunities, especially in the visual arts sphere.

A draft business plan / feasibility study which will include detailed costings is currently being prepared and further consideration will be given to the proposal on completion of this work. Clearly, Government financial support is contingent, inter alia, on the projected state of the Exchequer finances in 2010 and 2011.

Arts Funding.

11. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism the discussions

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he has had with officials of other Departments regarding cuts in arts funding; and if he will make a statement on the matter. [32328/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): As the Deputy is aware, under the Arts Act, 2003, primary responsibility for the support of the arts is devolved to the Arts Council. The Arts Council is a statutorily independent body and autonomous in its day-to-day operations, including its funding decisions.

Decisions regarding funding for the arts whether within my Department's Vote or on the part of other relevant Departments will be taken in the context of the ongoing Estimates and budget preparation process. In that context there are regular discussions between officials of my Department and the Department of Finance.

My policy on the arts reflects Government Policy in this area as set out in the Programme for Government and further elaborated in my Department's Statement of Strategy. This policy is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

It is my aim to continue to implement this policy directly through my own Department and to support the Arts Council in its role, working within the financial and other resources available to me, into the future.

Facilities funded to date include integrated arts centres, theatres, galleries, studios and creative and performance spaces. In this manner the Department provides the bulk of capital funding for building and refurbishing arts facilities around the country, mainly in the not for profit sector, while the Arts Council provides the ongoing revenue support for many of the facilities.

Taken together, the expenditure and facilities outlined stand as testament to the Government's commitment to this vital sector for society.

The cultural and creative sectors are a major sector of the economy, in terms of both output and of employment. Taking into account economic multipliers, the Value Added dependent on the cultural and creative sectors in 2008 was €11.8 billion or 7.6% of total GNP. Employment dependent on the cultural and creative sectors combined in 2008 was 170,000 or 8.7% of total employment in the economy.

Cultural tourism is a key element of Ireland's tourism industry. The list of top visitor attractions is dominated by natural and built heritage, and in addition, festivals, musical and other events attract major numbers of attendees. Some 3.53 million overseas visitors engaged in cultural/historical visits while in Ireland in 2008, 43% of total visitors. These visitors spent €2.3 billion in Ireland, 56% of total overseas visitor spend in Ireland. Thus tourists who engage in cultural pursuits while in Ireland are higher than average spenders. A total of €3.03 billion, or 2% of GNP is at least partly dependent on overseas cultural tourism. Domestic cultural tourism would add significantly to this. A total of 73,000 jobs are dependent on cultural tourism, 3.4% of the total workforce. There is a very significant showcase impact from Irish culture, which raises the profile of the country and has a substantial economic benefit, most directly on tourism.

All of these factors must be taken into account in the context of the future funding of the arts, culture and creative sectors.

Decentralisation Programme.

12. **Deputy P. J. Sheehan** asked the Minister for Arts, Sport and Tourism his plans in respect of the decentralisation process; and if he will make a statement on the matter. [32309/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Department of Arts, Sport and Tourism was designated for relocation to Killarney, County Kerry, under the Government's Decentralisation Programme, which was announced in the 2004 budget. The Department, excluding the National Archives, was designated an "early mover" by the Decentralisation Implementation Group (DIG).

To date, 79 members of staff (including two service officers who were recruited locally) have relocated to the new purpose built offices which opened last December in Killarney. However, the Government moratorium on recruitment and promotion has impacted on the ability of the Department to proceed with further transfers at present. The Department is currently working towards the completion of the decentralisation process while simultaneously providing an efficient and effective service to the Department's stakeholders.

Under the Government's Decentralisation Programme the Arts Council, Irish Sports Council and Fáilte Ireland were due to decentralise to Kilkenny, Killarney and Mallow respectively. The decentralisation of these agencies has been deferred pending a review in 2011. No accommodation has been purchased to facilitate the decentralisation of the three State agencies.

Horse and Greyhound Racing Industries.

13. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism the expected funding level of the horse and greyhound racing fund; the projected direct Exchequer contribution in this area; and if he will make a statement on the matter. [32332/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Since 2001, Government support for the horse and greyhound racing industries has been provided under the Horse and Greyhound Racing Fund, which was established under the Horse and Greyhound Racing Act, 2001.

In 2004, the Government put in place regulations to increase the limit of the Horse and Greyhound Racing Fund from €254 million to €550 million to continue the fund for a further four years to 2008. By the end of 2008 a total of €545.8 million was paid out of the fund. The remaining balance in the fund at the start of 2009 was €4.2 million. €68.1 million has been allocated to the fund for 2009 and a regulation which increased the level of the fund by €63.907 million has been made.

Funding of both Horse Racing Ireland and Bord na gCon supports two very important productive industries and helps to sustain the important role of horse and greyhound breeding and training enterprises in the development of the rural economy. These industries, together, account for an estimated 27,500 direct jobs, generate very substantial economic activity and make a vital contribution to the rural economy including farm incomes.

The funding given to the greyhound racing sector helps in sustaining a tradition that has existed for hundreds of years and in underpinning the economic activity in what are in many instances less affluent regions of the country. The funding has also contributed significantly to the almost €90 million that has been invested in the improved facilities now available at greyhound tracks around Ireland.

The funding has allowed Horse Racing Ireland to undertake a capital investment programme that has underpinned growth in the sector. The funding has allowed Ireland to develop into a world centre of excellence for horse racing. A review of the fund has been completed and is currently being considered in the context of deciding on the future funding options for these industries. The level of funding to the horse and greyhound racing industries in 2010 will be

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dependent on overall budgetary conditions taking into account the significant contributions that these industries make to the economy in general and the rural economy in particular.

National Library.

14. **Deputy Dan Neville** asked the Minister for Arts, Sport and Tourism if he has given approval for the recruitment process in respect of a replacement national literary director to commence; and if he will make a statement on the matter. [32298/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I take it that the Deputy refers to the future vacancy that will occur when the current Director of the National Library of Ireland retires from that post in 2010, and will answer accordingly.

Firstly, I would like to pay tribute to the Director of the National Library of Ireland, Mr. Aongus Ó hAonghusa who has indicated he will leave the Library and return to his former employment at the end of this year. Mr. Ó hAonghusa has led the Library in its transition from an organisation that was essentially part of my Department to an independent agency under an autonomous board. He has managed very well in this challenging process of change and I thank him for his contribution and leadership.

The National Cultural Institutions Act 1997 places a statutory responsibility on the Board of the National Library of Ireland, subject to my agreement and the agreement of the Minister for Finance, to appoint the Director to manage that important national institution.

The current position in relation to this matter is that I have advised the National Library to commence with the arrangements for holding an open competition for the filling of the post.

Tax Code.

15. **Deputy Pat Rabbitte** asked the Minister for Arts, Sport and Tourism his views on the artists tax exemption scheme; the recommendations he has given to the Department of Finance regarding this programme; if he will support an income averaging of taxation or a reduced tax exemption figure; and if he will make a statement on the matter. [32329/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): As I outlined in my reply of 16 June 2009, the operation of the Artists Exemption scheme is a matter for the Revenue Commissioners under the terms of the Taxes Consolidation Act 1997.

The original intention of the legislation was, *inter alia*, to create an environment in which the Arts could flourish and to encourage Irish artists to remain here rather than going abroad to earn their living. I fully support this scheme, which is in operation now for 40 years.

The Report of the Commission of Taxation has recommended the substitution of this scheme by a system of income averaging of taxation for artists. Such matters will be addressed in the context of how to improve the efficiency of the scheme and streamline its operation so as to maintain the legislation's original intentions for the benefit of artists and their work and to maintain equity in the system. This consideration will also be dealt with as part of the review by Government of the Commission's overall taxation proposals.

When the then Minister for Finance introduced the Finance Act 1969, he stated that the proposal for artists exemption from income tax was nothing less noble than to enrich our daily lives. A more immediate and pragmatic objective of the legislation was also to strengthen and expand the existing cultural milieu by attracting major established international artists to Ireland, thereby facilitating a synergy with the local arts culture. This was the defining aim of

the legislation and not, as some critics of the scheme would have it, to solely support struggling artists. In any review of this imaginative decision it is worth recalling that these artists would not have come to live in Ireland if the tax relief was not introduced, nor indeed would many of our own artists have remained. Therefore, artists availing of the scheme by taking up residence here did not cost the Exchequer anything but they became additional taxable consumers.

It is generally recognised that the Irish have a unique aptitude for words, written or spoken, but the relatively stagnant economy of the sixties meant that our artists, with just a very few exceptions, had low international profiles and low levels of income. Given the economic climate, most artists were struggling to make a living and few could earn enough to be liable for tax. There was little incentive for potential writers to risk undertaking full time writing.

Section 2 of the Finance Act 1969 and its successor, section 195 of the Taxes Consolidation Act 1997, transformed the artistic environment. The inflow of established artists illustrated what could be achieved. In effect, it created a climate for encouraging and sustaining other artists to enter, in increasing numbers, into full time practice of their art. Thus the legislation's objectives were steadily realised.

As regards the current proposal to review the scheme it is my belief that the 1997 Finance Act and the 2005 review were a comprehensive re-evaluation of the whole scheme and brought in several very worthwhile amendments, without interfering with the basic thrust of the legislation and they addressed the equity issue.

Question No. 16 answered with Question No. 6.

National Cultural Institutions.

17. **Deputy Tom Sheahan** asked the Minister for Arts, Sport and Tourism the response to his call to arts centres here to become more commercial; and if he will make a statement on the matter. [32308/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The suggestion by my Department that the national cultural institutions look to develop and exploit more commercial opportunities for their own financial benefit was well received. It is a matter for the statutorily independent boards to decide on the precise way that such development and exploitation will take place.

There is no doubt in my mind that the performance of all of the national institutions and agencies funded by the Department and their contribution to our national economic, social and cultural well-being and to the cultural tourism strategy merits continued support. However, in the current financial climate stark choices are faced by Government and, difficult choices will have to be made by the Department in relation to the budgets which can be provided for agencies. Clearly the outcome of the annual budgetary process will pose significant challenges in the years ahead for those agencies.

Having reflected on the position of the cultural institutions, we feel that there may be some opportunity to mitigate the impacts of reductions in Exchequer funding by seeking out commercial opportunities for the organisations. In that respect I would acknowledge, of course, that many commercial opportunities and businesses are currently pursued by them.

What my Department asked was that the boards take a focused opportunity to examine afresh whether all commercialisation and commoditization opportunities were being exploited to the maximum by them. Was the most being made of their shops and restaurants? Were publication opportunities being explored? Could exhibitions' policies be more populist? Were

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there partnership opportunities with high street retailers, with the education community, with the sports community? In a difficult market, can more be made of sponsorship opportunities? I understand that the cultural institutions are currently considering their options in relation to this suggestion and I look forward to hearing from them in due course.

Departmental Expenditure.

18. **Deputy Róisín Shortall** asked the Minister for Arts, Sport and Tourism if funding is available for a conference (details supplied); and if he will make a statement on the matter. [32330/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Government has facilitated the use of the Dublin Castle Conference facilities for this conference. This represents a substantial public support to the organisation. I understand that this conference is also being funded by the Arts Council and by Fáilte Ireland.

Statement of Strategy.

19. **Deputy Michael D. Higgins** asked the Minister for Arts, Sport and Tourism if he will provide a list of the tasks currently being carried out by his Department; and if he will make a statement on the matter. [32339/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Department's *Statement of Strategy 2008-2010* sets the Department's high-level goals in the arts, culture and film; sport; tourism; and corporate services organisational sectors; as well as in respect of synergies between these sectors. The objectives, actions and performance indicators in respect of each of these goals are also outlined in the strategy.

The Department's *Business Plan 2009*, which is a subset of the overall work of the three-year strategy, sets out the detailed plan by which these goals and objectives are to be achieved. In addition, the Department's *Annual Output Statement* links its budget to performance targets each year. The *Business Plan 2009* which, in effect, constitutes a list of the tasks being carried out by the Department during 2009 — and the *Annual Output Statement* are being implemented apace.

The Department will report on progress in achieving its business goals for 2009 in its annual report for that year, as it has already done in respect of 2008 in its *Annual Report 2008*. All the aforementioned documents are available on the Department's website at www.dast.gov.ie.

Proposed Legislation.

20. **Deputy Joe McHugh** asked the Minister for Arts, Sport and Tourism if consultation has taken place or is planned on the draft legislation to amalgamate the cultural institutions; when draft legislation will be publicly available; and if he will make a statement on the matter. [32291/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I refer the Deputy to my reply to Question No. 597 [29577/09], on 9 July 2009. The work required to progress to the decisions to combine the National Gallery of Ireland, the Irish Museum of Modern Art and the Crawford Art Gallery, while reinforcing their separate brand identities, and to merge the National Archives, the Irish Manuscripts Commission and the National Library, could include amendment of the National Cultural Institutions Act 1997, the National Archives Act 1986 and the

National Gallery Acts 1854 to 1963 and the creation of new legislative or administrative provisions. The Department is working apace on these matters.

Arts Funding.

21. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent of the curtailment of funding for the arts in 2009; the way this is expected to directly affect the various groups, bodies or agencies involved; the action he will take to minimise the negative impact; and if he will make a statement on the matter. [32223/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

Responsibility for the promotion of the arts at all levels throughout the country is primarily devolved to the Arts Council. The Arts Council is the principal agency through which State funding is channelled to the arts. Under the Arts Act 2003, the general functions of the Council include the following: -

- to stimulate public interest in the arts;
- to promote knowledge, appreciation and practice of the arts;
- to assist in improving standards in the arts.

The Arts Council is a statutorily independent body, funded by my Department and independent in its day-to-day operations, including in relation to its funding decisions. Since 2002, funding for the Arts Council has increased by almost 54% from €47.67 million in 2002 to €73.35 million in 2009 — that is a total of over €530 million during the period.

I am confident that the Arts Council continues to manage the resources available to it in a strategic manner so as to minimise disruption to its client groups and to maintain a high level of service.

22. **Deputy Paul Connaughton** asked the Minister for Arts, Sport and Tourism his plans to alter the mechanism of funding for the Abbey Theatre; if he has had discussions with the Department of Finance regarding same; and if he will make a statement on the matter. [32243/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The present arrangements are that the Arts Council provides funding to the Abbey Theatre from the grant allocation provided to them by my Department. No discussions have taken place with the Department of Finance in connection with the funding mechanism.

Question No. 23 answered with Question No. 6.

24. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism if an economic impact assessment has been carried out on the value of arts funding to the Exchequer; if so, if he will provide this information; if he supports further cuts to the arts budget; and if he will make a statement on the matter. [32331/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): My Department commissioned an analysis from DKM Economic Consultants of the economic impact of the arts, culture and creative sectors. Some preliminary results of draft research, to which I alluded at

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the Global Irish Economic Forum show that the cultural and creative sector is one of the most dynamic areas of the Irish economy, with a total economic impact in 2008 of €11.8 billion.

At that forum in Farmleigh, there was unanimous acknowledgement that creative ideas are the lifeblood of innovation and economic success and it is my intention, in consultation with other Government colleagues, to harness these sectors for economic and social benefits. On the completion of this research project I will be arranging for its publication.

Question No. 25 answered with Question No. 6.

National Conference Centre.

26. **Deputy Jimmy Deenihan** asked the Minister for Arts, Sport and Tourism if his Department or any of the agencies within the remit of his Department will have a role in attracting conference business to the National Conference Centre; if efforts are being made to attract tourism related conferences; and if he will make a statement on the matter. [32259/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): In accordance with the provisions of section 8(1) of the National Tourism Development Authority Act 2003, it is a day-to-day matter for Fáilte Ireland to encourage, promote and support either inside or outside the State (a) the development of tourism traffic within and to the state and (b) the development and marketing of tourist facilities and services within the State. Accordingly, my Department has no direct role in attracting business to the new National Conference Centre, to be known as the Convention Centre, Dublin (CCD).

However, I understand that, Fáilte Ireland, Tourism Ireland and the Dublin Convention Bureau are working closely with the operators in marketing the Centre to secure bookings. The Convention Centre Dublin is well advanced and on schedule to open in September 2010. Already there are 24 confirmed events that are expected to have a significant impact on tourism business.

In the overall context of business tourism, the Business Tourism section of Fáilte Ireland, working with Tourism Ireland and industry partners through the Business Tourism Forum, is implementing co-ordinated marketing strategies to grow high yield conference and incentive business from key overseas source markets.

Fáilte Ireland also provides distinct supports for the business tourism sector, aimed at developing and growing the business tourism visitor market. In this regard, they target conferences of between 100 and 6,000 delegates. Fáilte Ireland also run the Association Conference Programme, a support programme for potential conference ambassadors who may avail of professional help in organising their conference. In 2008, Fáilte Ireland supported 89 conferences through conference support. These conferences brought estimated revenue of €32 million into the Irish economy.

Fáilte Ireland also supports the incentive and corporate meeting segment. The Irish trade, i.e. hotels and destination management companies, receive support to attend international trade shows. These events are forums for the trade to meet with key potential buyers from international markets.

Fáilte Ireland has created a dedicated business tourism brand and website, www.irelandinspires.com. This new brand underpins all Fáilte Ireland and Tourism Ireland's marketing communications, thus ensuring Ireland's competitive advantage is clearly and succinctly communicated to our international audiences.

Sport and Recreational Development.

27. **Deputy Fergus O'Dowd** asked the Minister for Arts, Sport and Tourism if the development of the National Sports Campus is still part of his plans in view of the recent granted planning permission to the National Sports Campus Development Authority; and if he will make a statement on the matter. [32315/09]

79. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the progress made on the National Sports Campus Development Project; the total cost of this development; if the project will be in place to take advantage of the build up to the London Olympics 2012; and if he will make a statement on the matter. [32891/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 27 and 79 together.

As I have previously stated in response to questions on the overall development of the national sports campus project, I have been engaged in discussions with the NSCDA as to how we might best advance matters in the medium term taking into consideration the current difficult economic constraints. Notwithstanding these constraints, I am pleased to advise that a planning application by the NSCDA for Phase One of the National Sports Campus, has recently been obtained. The planning permission includes provision for

- a multi-sport National Indoor Training Centre to provide world-class training facilities for more than 20 sports;
- Sports Science and Medical facilities; accommodation for sportsmen and women;
- all-weather synthetic pitches for community recreational access; and
- a National Field Sports Training Centre catering for Rugby, Soccer, Gaelic Games and Hockey.

The National Sports Campus facilities, when completed, will provide a much needed range of training and competitive facilities for our finest sports persons. Through the National Aquatic Centre an excellent sports facility in the development of swimming, diving, synchronised swimming and water polo has already been provided.

I intend to continue discussions with the Authority to examine options for the delivery of the project in the medium term and with a view to seeing what might be achievable in time to capitalise on the proximity of Ireland to the London Olympics in 2012. In the meantime, the National Aquatic Centre, has been actively promoting the Centre as a venue for pre-Olympic and Paralympic training camps for international teams. The response to date has been encouraging, particularly given the Centre's reputation as one of Europe's foremost 50 metre swimming pool facilities.

From 2004, when the Government decided to approve the phased delivery of a sporting campus at Abbotstown, to the end of 2008, the combined total of both capital and current expenditure on the National Sports Campus was €19.2 million. Of that amount, some €7.3 million capital was spent on the refurbishment of the former State Laboratory as the new headquarters for the FAI, which was completed in 2007.

Since then and up to the present juncture, an amount of €3.93 million capital has been incurred in developing the design for the Phase 1 facilities as provided for in the Development Control Plan prepared for the National Sports Campus and progressing these plans through

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the planning application stage. Refurbishment work costing €1.76 million capital on the former Central Meat Control Laboratory has recently been completed and will provide a headquarters for the Irish Institute of Sport.

The provision of further funding for the National Sports Campus project will be considered as part of the Estimates and budgetary process for 2010.

Decentralisation Programme.

28. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism the amount spent on the plans to decentralise bodies under the aegis of his Department; if any offices were purchased as part of the planned decentralisation of these bodies; and if he will make a statement on the matter. [32343/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Apart from some minor current expenditure related mainly to travel expenses in respect of visits to the proposed decentralised locations, no other expenditure has been incurred by my Department on plans to decentralise the bodies under its aegis. No sites or offices were acquired as part of the planned decentralisation of the bodies.

National Cultural Institutions.

29. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism his views on the recommendation within the Special Group on Public Services Numbers and Expenditure Report to introduce small entrance charges at national cultural institutions here; if he will support this idea; and if he will make a statement on the matter. [32333/09]

Minister for Arts, Sport and Tourism, (Martin Cullen): The proposals in the Report of Special Group on Public Sector Numbers and Expenditure Programmes (McCarthy Report) have not been adopted by the Government as policy but are rather a suite of options which will be considered in the context of the 2010 Estimates.

The generally held view among the cultural institutions here and abroad is that the introduction of admission charges will reduce visitor numbers, will deter repeat visits and will shift the institutions to a more elitist status by creating a barrier to attendance by lower income groups.

In the case of the National Museum of Ireland and the National Library of Ireland, the introduction of admission charges to these Institutions, other than to any special exhibition or event, would require the approval of both Houses of the Oireachtas under the provisions of Section 14. 8 of the National Cultural Institutions Act, 1997. In addition, the cost of introducing the required administrative arrangements to collect entrance fees would have to be considered and some bequests received by institutions are conditional on access to them being free of charge.

Full consideration will be given to any likely impact on the National Cultural Institutions which the introduction of such a charge is likely to have.

Sports Capital Programme.

30. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the allocation of sports capital funding not drawn down in each of the past five years; and if he will make a statement on the matter. [32740/09]

Minister for Arts, Sport and Tourism (Martin Cullen): The table below shows the allocations made in each of the last 5 years and the amounts of these allocation outstanding as at end August 2009.

For a variety of reasons it can take grantees several years to draw down allocations. Some of the more common reasons include: delays in finalising the legalities required to protect the State's investment; delays in the planning process; and difficulties in raising the required own funding.

It is the practice of the Department to allow grantees every opportunity to draw down their grants. Where delays are excessive, or the project has ceased, the Department seeks to withdraw allocations.

Year	Not Drawn Down	Total Allocation
	€	€
2008	32,812,835	50,250,000
2007	39,367,817	85,000,000
2006	24,134,861	91,835,997
2005	13,117,918	66,233,652
2004	11,382,174	101,783,014

Tourism Promotion.

31. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the progress on developing the cultural tourism sector; and if he will make a statement on the matter. [32342/09]

Minister for Arts, Sport and Tourism (Martin Cullen): In my address to the Fáilte Ireland National Conference in November 2008, I gave an undertaking to put in place an initiative to develop the exciting potential of cultural tourism.

The Cultural Tourism Initiative was subsequently launched on 11 February 2009, when I hosted a meeting with the heads of the State tourism agencies, cultural institutions and arts bodies. I set out the areas in which I wished to see progress, including enhancing the availability of information on cultural attractions and events and establishing a network for State agencies and institutions in the arts, culture and tourism spheres to improve interaction and further develop Ireland as a destination for cultural tourism.

A Steering Group, consisting of representatives of the Department of Arts, Sport and Tourism, State tourism agencies, cultural institutions and State arts organisations was established to identify and pursue specific actions in line with the goals of the Initiative. Actions taken to date have included: a commitment to invest in improved signage; more cohesive integration of marketing arrangements for cultural attractions; implementation of enhanced booking facilities for theatre and event tickets; development of downloadable audio guides; and a new online event guide.

In addition, a new performing arts event is being used to evaluate best practice for future developments in cultural tourism. The Cultural Tourism Initiative is also working with the Irish Film Board to encourage the use of locations of cultural value in Ireland as venues for film and television production and tomorrow's Culture Night 2009 has been expanded to 11 towns and cities.

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Separately, the Department of Arts, Sport and Tourism facilitated a recent meeting between the OPW and the Irish Tour Operators Association (ITOA) to assist in the development of the tourism potential of the heritage sites under the care of the OPW.

Finally, the new Discover Ireland Autumn holiday supplement, currently being distributed through the print media and tourist offices, highlights the many cultural attractions available for free or at discounted rates across the country to encourage domestic tourists to explore our rich cultural heritage.

Departmental Expenditure.

32. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism the current annual expenditure on flights, hotel stays and similar expenses incurred by him in comparison to his predecessor; and if he will make a statement on the matter. [32318/09]

Minister for Arts, Sport and Tourism (Martin Cullen): The expenditure on flights, hotel stays and similar expenses resulting from seven overseas engagements during my period of office from the 7 May 2008 to date is €45,095. A figure of €10,359 was incurred during the time of my predecessor, by the late Deputy Seamus Brennan as Minister for Arts, Sport & Tourism from 14 June 2007 to 7 May 2008 on one overseas engagement.

Swimming Pool Projects.

33. **Deputy Kathleen Lynch** asked the Minister for Arts, Sport and Tourism if he will make a statement on the reopening of the local authority swimming pool programme. [32340/09]

Minister for Arts, Sport and Tourism, (Mr. Martin Cullen) It is not intended to launch a new round of the Local Authority Swimming Pool Programme at this time. The matter will be reviewed again later this year in the context of the 2010 Estimate for the Public Services.

Question No. 34 answered with Question No. 6.

National Lottery Funding.

35. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism the total amount of National Lottery funding received by his Department over the past six years; the amount allocated for each year; to whom it was allocated; and if he will make a statement on the matter. [32322/09]

Minister for Arts, Sport and Tourism (Martin Cullen): The elements of the Department's Vote which are part-funded by the proceeds of the National Lottery are as follows: Subhead C.1: Grants for sporting bodies and for the provision of sports and recreational facilities under the Sports Capital Programme; Subhead C.3: Grant-in-Aid provided to the Irish Sports Council in respect of general assistance to sports organisations and expenditure in relation to sports activities; and Subhead D.7: Grant-in-Aid provided to the Arts Council in respect of arts activities.

In relation to the Grants-in-Aid to the Irish Sports Council and the Arts Council, allocation decisions are made by the agencies themselves and the Department has no function in this matter.

In relation to the Sports Capital Programme, which is funded under the C1 subhead details of the numerous allocations and recipients of grants in each of the years in question are available on the Department's website at www.dast.gov.ie.

Year	Sports Capital Programme (€'000)		Irish Sports Council (€'000)		Arts Council (€'000)		Total (€'000)	
	Provision	Outturn	Provision	Outturn	Provision	Outturn	Provision	Outturn
2008	58,000*	60,137*	57,631	57,182	82,102	81,620	197,733	198,939
2007	63,092*	63,724*	54,025	54,025	83,000**	83,000	200,117	200,749
2006	67,724*	60,053*	40,914	40,914	82,310**	82,310	190,948	183,277
2005	61,926	56,782	34,425	34,425	66,233**	66,233	162,584	157,440
2004	83,597**	80,704	30,753	30,753	54,500**	54,500	168,850	165,957
2003	61,000	61,098	28,265	28,265	44,101	44,101	133,366	133,464
Total	395,339	382,498	246,013	245,564	412,246	411,764	1,053,598	1,039,826

*Includes capital carryover from previous year.

**Includes Supplementary Estimate.

Departmental Expenditure.

36. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the controls that are in place to ensure that necessary expenses incurred by him when he is away on official business are kept to a minimum; if he is planning any reform of the procedures for procuring transport and accommodation for him and others away on official business; and if he will make a statement on the matter. [32327/09]

38. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism the measures that have been put in place to control and limit expenditure on flights, hotel stays and similar expenses incurred by him; and if he will make a statement on the matter. [32317/09]

Minister for Arts, Sport and Tourism (Martin Cullen) I propose to take Questions Nos. 36 and 38 together.

My Department has a travel policy in place which incorporates all the requirements as set out in the various Department of Finance regulations and guidelines on Travelling and Subsistence. This policy is reviewed and updated as required in line with changes issued by the Department of Finance and is implemented by officials of the Department.

Sports Funding.

37. **Deputy Thomas P. Broughan** asked the Minister for Arts, Sport and Tourism the position regarding the Gaelic players grant scheme; if the issue has been resolved to the satisfaction of all concerned; and if he will make a statement on the matter. [32337/09]

Minister for Arts, Sport and Tourism (Martin Cullen): 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 the grants for Gaelic players.

I met representatives of the GPA on 29 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. They fully understood and accepted those difficulties. I explained my view that the scheme as originally constituted was no longer viable. However, I outlined that I was anxious to address the main concern

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of the players, which is recognition of the contribution that they make to the culture and traditions of this country. In that context I wanted to put in place a scheme that is sustainable and provides that recognition.

The proposal that I put to the GPA would have provided for funding of over €1 million, which would benefit 600 Gaelic players. The proposal mirrors the high performance funding in 16 other sports whereby athletes must meet strict performance criteria in order to qualify for funding. The Irish Sports Council has provided just over €2m in 2009 for our top athletes in 16 other sports under its Carding Scheme.

This new funding proposal was rejected by the GPA at the meeting.

Question No. 38 answered with Question No. 36.

Sports Capital Programme.

39. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism the amount of funding allocated under the sports capital programme each year for the past six years; if he will provide a breakdown of the amount allocated to each county; and if he will make a statement on the matter. [32321/09]

Minister for Arts, Sport and Tourism (Martin Cullen): The Sports Capital Programme, which is part-funded from the proceeds of the National Lottery and administered by my Department, is the primary vehicle for Government support for the provision of sports facilities and equipment in this country.

This information sought by the Deputy is available on my Department's website www.dast.gov.ie as are details of the individual grantees in each county.

County	2003	2004	2005	2006	2007	2008
	€	€	€	€	€	€
Carlow	440,000	632,000	446,000	777,500	763,750	366,500
Cavan	580,000	1,075,000	785,000	1,315,000	1,628,500	576,000
Clare	1,125,000	1,727,000	1,356,000	1,940,000	2,160,000	1,562,000
Cork	5,545,400	6,524,000	8,374,000	9,719,500	9,972,300	4,485,000
Donegal	1,177,500	1,802,000	1,572,000	2,977,500	3,216,100	1,926,000
Dublin	14,605,500	14,691,000	15,897,652	23,699,037	19,500,750	13,840,865
Galway	2,558,000	3,435,014	6,260,000	4,108,500	4,470,000	1,722,500
Kerry	3,748,000	4,476,000	3,603,000	4,087,500	3,541,400	1,223,000
Kildare	3,166,000	3,357,000	1,750,000	1,821,500	1,948,500	1,336,500
Kilkenny	942,500	850,000	1,384,000	1,891,000	2,185,500	780,000
Laois	450,000	786,000	771,000	1,283,000	1,561,200	799,000
Leitrim	454,800	479,000	660,000	953,000	691,000	260,000
Limerick	2,485,500	1,925,000	3,392,000	5,429,000	6,501,000	4,683,000
Longford	576,000	745,000	703,000	726,000	1,061,000	397,000
Louth	1,342,100	1,644,000	1,377,000	2,844,000	2,043,500	1,433,000
Mayo	1,574,600	1,594,000	1,422,000	2,390,000	2,525,500	1,380,500
Meath	2,560,000	2,260,000	1,576,000	2,670,000	2,218,500	1,938,000
Monaghan	485,000	996,000	944,000	2,544,500	1,010,500	933,635
Offaly	1,004,000	1,157,000	1,260,000	2,954,000	2,048,000	1,265,000
Roscommon	777,600	1,027,000	880,000	1,148,000	1,395,000	409,000
Sligo	963,000	1,453,000	2,020,000	1,306,000	1,479,000	555,000

County	2003	2004	2005	2006	2007	2008
	€	€	€	€	€	€
Tipperary	1,657,000	2,398,000	2,177,000	3,631,000	4,119,000	3,281,000
Waterford	2,210,000	2,080,000	1,925,000	1,787,000	2,830,500	1,544,000
Westmeath	707,000	1,083,000	1,905,000	1,447,000	1,894,000	1,317,000
Wexford	1,221,000	1,887,000	2,267,000	2,412,500	2,607,500	1,133,500
Wicklow	1,003,000	1,700,000	1,527,000	2,323,960	1,628,000	1,103,000
Total	53,358,500	61,783,014	66,233,652	88,185,997	85,000,000	50,250,000

Ministerial Travel.

40. **Deputy Joe Costello** asked the Minister for Arts, Sport and Tourism the average number of times he travelled to his Department offices in County Kerry each month since he assumed office; and if he will make a statement on the matter. [32338/09]

Minister for Arts, Sport and Tourism (Martin Cullen, T.D.): I have been to the Department's decentralised headquarters on a total of 3 occasions. Video conference facilities are used on a regular basis for discussion with my officials there for both Departmental business and when meeting with industry delegations and delegations led by Oireachtas members. It has not been possible to travel to Killarney during Dáil sitting days.

Sports Capital Programme.

41. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism the progress on the review of the sports capital programme; when the review will be completed; if he is accepting submissions for the review; and if he will make a statement on the matter. [32336/09]

Minister for Arts, Sport and Tourism (Martin Cullen): Since 1998, through the Sports Capital Programme, the Government has invested over €725 million in over 7,400 separate sporting projects. This investment has transformed the Irish sporting landscape with improved facilities in virtually every village, town and city. The facilities funded range from basic sports facilities and new equipment for the smallest clubs, to regional integrated multi-sport centres and national centres of sporting excellence.

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

Work on the National Sports Facilities Strategy, which will provide an improved policy platform for any future rounds of the Programme, is at an advanced stage of preparation in my Department. It is my intention to publish the strategy once it has been completed and considered by the Government.

Following a request by the Department of Arts Sport & Tourism for input into the National Sports Facilities Strategy from interested parties, 55 written submissions were received. These submissions varied a great deal in their length, level of representation and perspective.

The largest number of submissions (29) were from public sector groups such as VEC's, Local Sports Partnerships and City and County Councils who put forward their view points regarding

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the strategy. The second largest number (12) came from National Governing Bodies of Sport. A number came from individuals (9) who either had a stake in the outcome of the strategy or had an interest in a particular aspect of sport in Ireland and sports clubs (5) also made submissions which related to the sport participated by the club.

Question No. 42 answered with Question No. 9.

Work Permits.

43. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of a work permit application in respect of a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [32854/09]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Dara Calleary): The Employment Permits Section informs me that a work permit has now issued in this case.

Tax Code.

44. **Deputy Richard Bruton** asked the Minister for Finance the basic principles that will be used in deciding the tax base for the proposed 80% tax on windfall gain from rezoning; and if he will make a statement on the matter. [32773/09]

Minister for Finance (Mr Lenihan): The proposed 80% windfall tax to which the Deputy refers is being considered as part of the NAMA legislation and it will be discussed at Committee Stage of the Bill. The analysis of the Commission on Taxation will help inform my consideration of the measure.

However, it is not customary for the Minister of Finance to comment on the possible details of tax changes prior to publication of the legislation.

Departmental Expenditure.

45. **Deputy Ruairí Quinn** asked the Minister for Finance the sources of the principal appropriations in aid that recur on an annual basis and which are used to offset current expenditure in each Government department; his estimated amount of same in respect of 2009; and if he will make a statement on the matter. [32781/09]

Minister for Finance (Mr Lenihan): Appropriations-in-aid are Departmental receipts which may be retained by a Department or Office to offset expenses instead of being paid into the Exchequer Account of the Central Fund. For the purposes of presentation of the overall public finances, expenditure by the Social Insurance Fund and the National Training Fund are treated in a similar fashion to appropriations-in-aid in that they are deducted from overall gross expenditure.

The type and nature of appropriations-in-aid vary across Departments, and include the health levy, the pension-related deduction on remuneration, pension contributions by public sector employees and receipts from the EU (e.g. from the European Social Fund, the European Agricultural Fund for Rural Development etc).

Further details are set out in the 2009 *Revised Estimates Volume*, published in April 2009. The estimated amount of appropriations-in-aid, and fund expenditure, for 2009 were also published in the *Revised Estimates Volume*. Total appropriations-in-aid and fund expenditure, i.e.

the difference between gross total and net total Voted expenditure, is estimated to be €16,503 million for 2009.

The table below shows a percentage breakdown of total appropriations-in-aid for 2009.

	2009
	%
SIF related expenditure	61.5
NTF related expenditure	2.3
Health Levy	11.5
Pension-Related Deduction*	5.2
EU Receipts (received as appropriations-in-aid)	2.4
Other Appropriations-in-Aid	17.2
Total	100.0

*/€80 million of the Pension-related deduction impacts on Gross Expenditure through the Local Government Fund.

Tax Yield.

46. **Deputy Ruairí Quinn** asked the Minister for Finance his estimate and forecast on a no policy change basis of the total amount of health levies that will be collected for each year in the period 2008 to 2013; and if he will make a statement on the matter. [32783/09]

Minister for Finance (Deputy Brian Lenihan): Health Levy estimated yield on a no-policy-change basis is set out in the following table:

Year	€m
2008	1,327
2009	1,892
2010	2,489
2011	2,506
2012	2,602
2013	2,737

The 2009 and 2010 estimates reflect the doubling of the Health Levy rates in the 2009 Supplementary Budget and these and subsequent years' estimates are based on projected economic activity at that time.

Tax Code.

47. **Deputy Paul Gogarty** asked the Minister for Finance his views on removing the high level of VAT from motorcycle safety equipment and other safety equipment, in view of the fact that this encourages the purchase of cheaper, lower quality equipment from abroad, or discourages the usage of non-obligatory safety equipment; and if he will make a statement on the matter. [32791/09]

Minister for Finance (Deputy Brian Lenihan): The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. Under the VAT Directive, Member States may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. As safety equipment, including motorcycle safety equipment, was not subject to the zero rate on

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1 January 1991 it is not possible to apply the zero rate to the supply of such products. In addition, Member States may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. As Annex III does not include the supply of safety products in general, the only rate that can apply to such products is the standard VAT rate which in Ireland is 21.5%.

As the Deputy may be aware, Annex III specifically provides that the reduced VAT rate can apply to the supply of children's car seats and in that context, the VAT rate applicable to child car seats was changed from the standard VAT rate to the reduced VAT rate of 13.5% from 1 May 2007.

Flood Relief.

48. **Deputy Michael Ring** asked the Minister for Finance the funding which will be made available to a local authority following an incident (details supplied) in County Donegal in view of the impact on the arterial drainage. [32802/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Office of Public Works staff met with Donegal County Council officials in early summer to discuss how OPW might assist in relation to mitigating future flood risk in Gweedore. It was agreed that the Council would prepare and submit a detailed report of their requirements in this regard. The OPW has not received the report from the Council to date.

The OPW recently wrote to all Local Authorities inviting applications for funding for minor mitigation works and studies to address localised flood problems, subject to specific economic and environmental criteria. It would be open to Donegal County Council to submit an application in relation to the problem in Gweedore. If an application is submitted, it will be considered, having regard to total applications received from Local Authorities and the overall resources available.

Funding of repairs to infrastructure damaged by flooding in Gweedore would be a matter for the Department of Transport or the Department of the Environment, Heritage and Local Government.

Departmental Expenditure.

49. **Deputy Richard Bruton** asked the Minister for Finance the estimated cost of the Irish stand at the EXPO 2010 in Shanghai, China, including a full breakdown of costs; the expected return; and if he will make a statement on the matter. [32805/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): EXPO 2010 will take place in Shanghai, China, from 1 May to 31 October, 2010. Under the direction of the nominated Commissioner General for the Irish exhibition, the Office of Public Works was requested to design and manage the construction of the Ireland pavilion. OPW is also overseeing the procurement and installation of the exhibit within the pavilion based on an outline provided by the Commissioner General.

The contract for the construction of the pavilion has been placed recently with a local Chinese firm. The estimated construction cost, including related fees and charges is €4.2m. As the contract arrangements for other elements of Ireland's participation and supplied services relating thereto have not yet been settled, it would be prejudicial to indicate anticipated costs at this time. Assessment of the benefits accruing from participation at EXPO 2010 does not come within the remit of the Office of Public Works, but it has been the policy of successive Governments that Ireland should be represented at such events, and not be conspicuous among

developed countries by its absence, accepting that a presence there serves to boost trade interests and has a diplomatic and cultural function as well. The Government's Asia Strategy is an important element in our plans for export-led recovery.

Tax Reliefs.

50. **Deputy Thomas P. Broughan** asked the Minister for Finance the cost to the Exchequer from commercial property tax exemptions in 2006, 2007 and 2008; and if he will make a statement on the matter. [32811/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the relevant information available relates to the cost to the Exchequer of tax relief in respect of a range of property-based incentives derived from personal income tax returns filed by non-PAYE taxpayers and corporation tax returns filed by companies for 2006 and 2007. The information on estimated costs is set out on an itemised basis in the following table:

Scheme	Tax Cost 2006	Tax Cost 2007
	€m	€m
Urban Renewal	140.5	109.3
Town Renewal	38.7	34.6
Seaside Resorts	6.4	8.0
Rural Renewal	38.0	48.5
Multi-storey car parks	16.6	9.6
Living over the shop	2.7	3.0
Enterprise Areas	3.0	2.8
Park and Ride	2.8	1.4
Holiday Cottages	9.5	12.4
Hotels	106.6	118.0
Nursing Homes	14.7	18.3
Housing for the Elderly/Infirm	1.4	2.6
Hostels	0.82	0.72
Guest houses	0.08	0.02
Convalescent Homes	1.7	0.5
Qualifying (Private) Hospitals	10.6	12.0
Qualifying sports injury clinics	0.0	1.8
Buildings used for Childcare Purposes	6.0	9.8
Psychiatric Hospitals*		0.1
Student Accommodation	64.3	42.0
Total	464.4	435.4

*New addition for 2007.

I am advised by the Revenue Commissioners that they are not in a position to provide data for 2008 as the tax returns for that year are not yet due. The estimated relief claimed has assumed tax foregone at the 42% rate for 2006 and 41% for 2007 in the case of individuals and 12.5% in the case of companies for both years. The figures shown correspond to the maximum Exchequer cost in terms of income tax and corporation tax.

It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11.

Internet Betting.

51. **Deputy Pat Rabbitte** asked the Minister for Finance if his attention has been drawn to the fact that of the ten largest Internet bookmakers marketing into Ireland only two employ Internet staff here and the other eight are located in low tax regimes; the steps he will take to safeguard the 860 smart economy jobs in this sector as well as the corporation tax, VAT and employees taxes that derive from these Internet operations; and if he will make a statement on the matter. [32834/09]

Minister for Finance (Deputy Brian Lenihan): I am aware of the portability of internet betting operations. It is the prerogative of a company to locate its businesses where it sees fit. In that regard, it should be noted that Ireland's tax regime, for example corporation tax, compares favourably to other countries. In addition, Ireland has a highly skilled and flexible workforce.

The Deputy may wish to note, that my Department is working closely with the Department of Justice, Equality and Law Reform which has initiated a review in order to provide the Government with options for a new and comprehensive legal and organisational framework governing gambling architecture in the State. The review, amongst other things, will consider:

- the recommendations contained in the Report Regulating Gaming in Ireland,
- the existing law regulating gaming lotteries and other forms of gambling in the jurisdiction,
- international developments, in particular the experience of the UK's Gambling Commission,
- developments in relation to remote gambling (e.g. via the internet and mobile phones).

As the Deputy may be aware, due to pressure on the betting sector, I decided to defer the introduction of the increase in the betting duty provided for in Finance (No. 2) Act 2008 pending a review. Accordingly, the Finance Act 2009 contains a provision for continuing the existing betting duty rate of 1% unless and until an order is made bringing the 2% rate into effect, or alternative betting taxation arrangements are enacted. This decision is based on the premise that the betting sector will engage in constructive discussions about putting in place a fair and workable tax base for the sector. Such discussions will, inter alia, touch on issues such as online/phone betting, which is largely untaxed, and look at proposals that could potentially bring this area into the tax net, if possible, while also protecting Irish employment in the sector.

Insurance Industry.

52. **Deputy Ciarán Lynch** asked the Minister for Finance the regulations which govern the home insurance industry; the regulations which govern increases in annual premiums; the agencies that control the setting of charges; and if he will make a statement on the matter. [32835/09]

Minister for Finance (Deputy Brian Lenihan): The insurance industry as a whole is governed by the Insurance Acts 1909 to 2000 and regulations relating to insurance and reinsurance made under section 3 of the European Communities Act 1972. This body of legislation deals with a range of issues including authorisation provisions, prudential supervision and governance matters. The day to day responsibility for ensuring that the insurance industry complies with this legislation is a matter for the Financial Regulator which is statutorily independent in the exercise of its regulatory functions.

Consumer issues are covered by the Financial Regulator's Consumer Protection Code which amongst other things sets out a series of general principles about how financial services firms (including all insurance companies) should interact with their customers. The Code, however, does not prohibit or restrict an insurance company which conducts home insurance business from increasing its annual premium rates, as this is a commercial decision for the company in question and is generally determined by such issues as higher claims volumes and payments.

The best advice which the Financial Regulator offers to consumers on insurance premiums and other related financial services matters is to shop around in order to get the best price. In this regard, its website provides a very helpful cost comparison table which compares the costs and benefits of home insurance products from the main providers in the Irish market.

Departmental Expenditure.

53. **Deputy Niall Collins** asked the Minister for Finance the final outturn cost of holding the first Lisbon referendum; and if he will make a statement on the matter. [32860/09]

Minister for Finance (Deputy Brian Lenihan): The total direct cost on the Central Fund for holding the first Lisbon Referendum was €17.193m. In addition, I am informed by the Minister for Foreign Affairs that the Referendum Commission costs were €5.0m and that his Department also spent €0.738m. on an information campaign for the referendum.

Departmental Staff.

54. **Deputy Frank Feighan** asked the Minister for Finance if the Public Service Appointments Commission would give special concession to a former employee who resigned their permanent post nine years ago and now find themselves in difficult circumstances (details supplied); if the PSAC would re-employ this person, even on a temporary basis, based on hardship grounds; and if there is any assistance available from the Civil Service Commission for former employees in such circumstances. [32862/09]

Minister for Finance (Deputy Brian Lenihan): Recruitment to the Civil Service is governed by the Public Service Management (Recruitment and Appointments) Act, 2004. The Act provides for the establishment of the Commission for Public Service Appointments (CPSA) and of the Public Appointments Service (PAS). The CPSA establishes the standards of probity, merit, equity and fairness and other principles as they consider appropriate, to be followed, in the selection and recruitment of persons for positions in the Civil Service and other public bodies. The PAS provides a centralised recruitment, assessment and selection body for the Civil Service. The Act also provides for the issuing of recruitment licences to the Secretary General of a Department of State and to other designated officers in the Public Service, enabling a Department or Office to hold a recruitment competition.

Open recruitment competitions are, from time to time, advertised on the Public Appointments Service website at www.publicjobs.ie or as deemed appropriate in the national press. Application forms, together with all relevant details, are available when competitions are announced. Potential candidates can register their interest in a position on the Publicjobs.ie website and will then be automatically notified by e-mail when a competition is announced.

There is no provision in the legislation to allow the reinstatement to the Civil Service of a former civil servant other than by way of competition. Such persons wishing to rejoin the Civil Service must compete in the normal recruitment process i.e. they must compete successfully at an open recruitment competition run by the Public Appointments Service or such other competitions that may be run, under licence, by individual Civil Service Departments or Offices.

Flood Relief.

55. **Deputy Olwyn Enright** asked the Minister for Finance his plans to address the hardship caused by the flooding of the Shannon area; his further plans to carry out work on the Shannon River to alleviate this flooding in the future; and if he will make a statement on the matter. [32923/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works has no responsibility in relation to the maintenance of the River Shannon. It would be open to the Commissioners, under the provisions of the Arterial Drainage Act, 1945 and the Arterial Drainage (Amendment) Act, 1995 to prepare a scheme to prevent or substantially reduce flooding in the Shannon area. However, the possibility of undertaking an Arterial Drainage Scheme for the Shannon system has been considered on a number of occasions in the past, and has been ruled out on both economic and environmental grounds. Notwithstanding this, I personally have paid two visits to the Shannon Callows area in the company of the President of the IFA, local representatives, farmers and residents to view and discuss the problems in September 2008 and July 2009.

On foot of these visits, the OPW has undertaken minor works to address flood problems in specific locations in the Shannon area. Vegetation removal was carried out in the Callows area to reduce Summer flooding, and the OPW is currently engaged with the National Parks and Wildlife Service regarding the feasibility, from an environmental perspective, of undertaking further works there. The OPW is also, at present, carrying out vegetation and silt removal to reduce the risk of flooding at Clonlara.

The OPW has recently written to Local Authorities inviting applications for funding for minor works or studies aimed at reducing localised flood risk at locations in their administrative areas, subject to specific economic and environmental criteria. It would be open to Local Authorities in the Shannon area to apply for funding for works that meet these criteria.

In 2010, the OPW will commence a Flood Risk Assessment and Management study of the Shannon, in partnership with the Local Authorities involved, in line with the requirements of the EU Floods Directive. This study will produce a framework for dealing with flood risk in the area in a proactive and comprehensive way. It will identify and prioritise mitigating measures, including works, where appropriate, for locations where flood risk is considered significant.

Departmental Properties.

56. **Deputy Fergus O'Dowd** asked the Minister for Finance the facts in relation to the leasing of premises (details supplied) in County Louth; the lease details; the length of time this building has been unoccupied; the expenditure on caretaking, repairs, insurances and so on since that date; the reason the lease has not been surrendered to date in 2009; if discussions were held with the owners; the date of same; the owner of the property; the works which must be carried out by the State before the property is returned to the owners; and if he will make a statement on the matter. [32927/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Commissioners of Public Works have leased this property since 1975 on a 35 year lease. The Commissioners are responsible for internal maintenance, and the Landlord responsible for external maintenance. The last Revenue staff left in 2004, moving to new Government offices in Alphonsus Road and Coes Road. In 2005/2006, the building was used to accommodate the Central Statistics Office for the 2006 Census.

The Commissioners have attempted several times (at least 6) over the past number of years to terminate the lease with the Landlord's agents (Savills), but the Landlords were not prepared to engage with them, as they were in the process of selling the building. Danske Bank is the current Landlord; the former Landlord was National Irish Bank.

The building has been used continually since then, and continues to be used as a storage facility for Government Departments, primarily the Revenue Commissioners and is currently substantially full. The building will be surrendered in April 2010 on expiry of the Lease. On surrender of the Lease, issues relating to the condition of the building will be assessed.

Health Services.

57. **Deputy Róisín Shortall** asked the Minister for Health and Children the checks which are in place to ensure that the children of parents claiming back to school clothing and footwear allowance are all of school going age and are attending school. [32903/09]

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.

58. **Deputy James Bannon** asked the Minister for Health and Children the reason the winter allowance in respect of a person (details supplied) in County Westmeath has been withdrawn; and if she will make a statement on the matter. [32775/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue it has been referred to the HSE for direct reply.

59. **Deputy James Bannon** asked the Minister for Health and Children the reason a person (details supplied) in County Longford who has been grant aided for the past four years in respect of their third level studies and is now studying for a masters degree has been denied funding by the Health Service Executive; and if she will make a statement on the matter. [32776/09]

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.

Health Service Staff.

60. **Deputy Olwyn Enright** asked the Minister for Health and Children if the position of chairperson of the regional planning committees on domestic violence are being advertised; if so, the reason these positions are being advertised in view of the current employment embargo within the Health Service Executive; the anticipated costs involved in same; and if she will make a statement on the matter. [32796/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to a service matter it has been referred to the HSE for direct reply.

Health Service Allowances.

61. **Deputy David Stanton** asked the Minister for Health and Children her views on the comments on pages 81, 82 and 83 of the Ombudsman Annual Report 2008 which state that there was a lack of consistency in deciding on domiciliary care allowance claims particularly in relation to granting the allowance to children with attention deficit hyperactivity disorder; the number of domiciliary care allowance applications received in respect of children with ADHD

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in 2006, 2007 and 2008; the number of persons who were approved at initial application stage and the number refused; the number for which the decision was overturned at appeal stage; and if she will make a statement on the matter. [32808/09]

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.

Hospital Staff.

62. **Deputy Fergus O'Dowd** asked the Minister for Health and Children further to Parliamentary Question No. 212 of 28 April 2009, when this Deputy will receive a reply from the Health Service Executive; and if she will make a statement on the matter. [32829/09]

63. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will respond to Parliamentary Question No. 248 of 30 June 2009. [32830/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 62 and 63 together.

I understand from the Health Service Executive that a reply to PQ number 212, of the 28th of April, issued to the Deputy on the 30th of April, and a reply to PQ number 248, of the 30th of June, issued to the Deputy on the 6th of August. I am also informed that a further letter of clarification issued to the Deputy on the 4th of September.

Vaccination Programme.

64. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the options which are available to persons who wish to give their children separate vaccinations for measles, mumps and rubella rather than the 3 in 1; if the single mumps vaccine can be acquired here; and if she will make a statement on the matter. [32838/09]

Minister for Health and Children (Deputy Mary Harney): The immunisation programme in Ireland is based on the advice of the National Immunisation Advisory Committee (NIAC), which was established by the Royal College of Physicians. The advice of the Committee is informed by sound public health advice and international best practice. The National Immunisation Advisory Committee recommends that children living in Ireland receive two doses of MMR (measles, mumps and rubella) vaccine with the first dose at 12 months and the second dose at 4 to 5 years of age.

The MMR vaccine is the only vaccine available in Ireland for measles, mumps and rubella. There are no single antigen rubella, measles or mumps vaccines marketed for use in Ireland at this time. It may be possible to source them from other countries but they would be unlicensed for use here and hence the Irish Medicines Board cannot stand over their quality, safety or efficacy. The IMB's function is to licence medicinal products (including vaccines) where an application has been made. In these circumstances, it would be permissible for a doctor or an individual to import a vaccine even though it may not be licensed by the Irish Medicines Board. However I should stress that as an unlicensed medicine, the safety, quality or efficacy of the product in question will not have been established in accordance with established Irish and European norms. Under European Community law, any such unauthorised medicinal products may only be supplied "in response to a bona fide unsolicited order, formulated in accordance with the specifications of an authorised health — care professional and for use by an individual patient under his direct personal responsibility."

Health Services.

65. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application in respect of persons (details supplied) in County Cork. [32855/09]

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 Waiting Lists.

66. **Deputy Frank Feighan** asked the Minister for Health and Children if she will intervene in the case of a person (details supplied) in County Longford who was informed that they have to wait nine months for surgery. [32863/09]

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.

67. **Deputy Frank Feighan** asked the Minister for Health and Children if special concessions are available for persons with Crohn’s disease; if persons are entitled to a general medical service card in view of the fact that this disease needs constant monitoring and general practitioner assessment. [32867/09]

Minister for Health and Children (Deputy Mary Harney): At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act, 2004, determination of eligibility for medical cards is the responsibility of the Health Service Executive. The HSE has discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of general practitioner services. In 2005, the GP visit card was introduced as a graduated benefit so that people on lower incomes who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP. In June 2006, I agreed with the HSE to raise the assessment guidelines for GP visit cards and these are now 50% higher than those in respect of medical cards. For medical card and GP visit card applications, the HSE now considers an applicant’s income after tax and PRSI are deducted, rather than total income. Allowances are also made for expenses on childcare, rent and mortgage costs and the cost of travel to work. I have no plans to provide for the granting of medical cards to any particular group as a whole.

Hospital Waiting Lists.

68. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in Dublin 9 who has been waiting 16 months for an operation. [32916/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue it has been referred to the HSE for direct reply.

Child Care Services.

69. **Deputy Olwyn Enright** asked the Minister for Health and Children the way the required qualifications under the early childhood care and education scheme was arrived at; his plans

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to recognise any further qualifications as eligible under the scheme; and if she will make a statement on the matter. [32921/09]

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 (ECCE) scheme which provides a free Pre-School year to eligible children and which will be introduced in January 2010.

In setting out the terms and conditions for childcare practitioners to be included in the new Early Childhood Care and Education scheme, a number of factors were taken into account including the Child Care regulations, the Quality Framework for Early Childhood Education and the educational profile of the workforce.

The core obligations of the adult practitioner in a childcare setting are set out in Part II, Section 5 of the Child Care (Pre-School Services) (No 2) Regulations 2006 and state that,

“A person carrying on a pre-school service shall ensure that each child’s learning, development and well-being is facilitated within the daily life of the service through the provision of the appropriate opportunities, experiences, activities, interaction, materials and equipment, having regard to the age and stage of development of the child and the child’s cultural context”.

While these Regulations do not include a formal requirement for adults to be qualified, the guidelines clearly recognise the relationship between qualifications of staff and meeting the requirements of the Regulations:

“It is acknowledged that many childcare staff have a qualification or are working towards achieving one. In centre-based services, it is considered that the person in charge should aim to have at least fifty percent of childcare staff with a qualification appropriate to the care and development of children. The qualified staff should rotate between age groupings”.

The de facto standard that exists for childcare practitioners is set out in Síolta, the National Quality Framework for Early Childhood Education. Síolta is built upon a sound research basis and was developed following extensive consultation with the sector. Standard 11 governs professional practice and states that

‘Practising in a professional manner requires that individuals have skills, knowledge, values and attitudes appropriate to their role and responsibility within the setting. In addition, it requires regular reflection upon practice and engagement in supported, ongoing professional development’

Within this standard, the recommended minimum educational requirement for adults to be included for the purposes of calculating ratios of adults to children is Level 5 on the National Qualifications Framework (NFQ) in Early Childhood Care and Education, or equivalent. This standard was subjected to extensive consultation as part of a National Consultation Programme, and achieved full endorsement from a wide range of stakeholders in the ECCE sector, including parents, practitioners and providers.

Finally, as part of background research carried out to inform the development of a Workforce Development Plan for the ECCE sector, the educational profile of the existing ECCE workforce was mapped. This analysis draws on data from the National Skills database and from a survey of the workforce. It shows a major shift towards higher levels in tandem with the State’s investment in the sector through, first the Equal Opportunities Childcare Programme 2000-2006 and its successor programme the National Childcare Investment Programme 2006-

2010. In 1999, more than 40% of the workforce had less than secondary level education. By 2006, this had fallen to 23%, which is better than the national average. At the same time, there has been an increase in the number of people in the sector with third level qualifications which rose from 20% to 29% over the same period.

Given that 61% of staff in the ECCE sector had achieved a childcare related qualification at Level 5 or higher on the NFQ, the educational requirements for a pre-school leader to be included in the ECCE scheme was set at a minimum Level 5 or equivalent on the NFQ. This qualifies for the standard rate of capitation, with the higher rate of capitation set where pre-school leaders have acquired level 7 (Bachelors Degree) or above qualifications.

In introducing the ECCE scheme, I have taken a flexible approach for the initial period of implementation. During the first 2 full years of the scheme, the qualification requirement will be considered to be met where a person can demonstrate that he or she has achieved a certification for a recognised award in ECCE that includes significant content covering the core knowledge areas, i.e., child development, early learning, health and welfare and has at least 2 years experience of working in a position of responsibility with children in the 0-6 age range. I have taken this approach in recognition of the diversity of the workforce and the educational profile of the existing workforce.

70. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of child care providers who have signed up for the Early Childhood Care and Education scheme; the number who have been approved; the number who have preliminary approval; when full approval will be granted; the number of places to date in 2009 that are going to be available on the scheme; and if she will make a statement on the matter. [32922/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy will be aware, I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced in April by the Minister of Finance.

As part of the preparations for introducing the new scheme, my Office wrote to approximately 4,830 private and voluntary pre-school service providers in the State earlier this year, inviting them to participate in the initiative. To date, applications have been received from 4,182 services. I am informed that some 200 of the services written out to will not be applying to enter the scheme from January 2010 because they are already satisfactorily funded by other schemes funded by the Government, such as the Community Childcare Subvention Scheme (CCSS).

To date, over 4,150 ECCE applicants have received provisional approval, and these services are in the process of submitting supporting documents concerning tax compliance and staff qualifications that will enable them to go to contract. Contracts will issue shortly to these providers and it is expected the contracting process will be completed for most applicants before the end of October 2009. From the applications received, participating pre-school services anticipate making over 95,000 ECCE places available to qualified children from January 2010.

Public Transport.

71. **Deputy Thomas P. Broughan** asked the Minister for Transport his plans to fund the provision of 90 extra buses for Dublin Bus; and if he will make a statement on the matter. [32815/09]

Minister for Transport (Deputy Noel Dempsey): Transport 21 and the current National Development Plan include Exchequer funding for both new and replacement buses for the development of bus services in the Greater Dublin and provincial areas. No Exchequer funding has been provided in 2009 for additional or replacement buses. As I have indicated previously, arising from the Deloitte Report, my priority for the enhancement of bus services is to ensure the efficient and effective utilisation of the existing bus fleet. In this context, Dublin Bus is engaged in implementing an action plan arising from the Deloitte Report. In the light of progress made on the implementation of the Deloitte Report I will review the requirement for Exchequer funding for buses in the period to 2012.

The Deloitte report concluded that the Dublin Bus fleet is adequate to meet current demand, and that fleet expansion was not an immediate issue. Instead the Deloitte report concluded that the focus should be on optimising the existing network and extracting full value from the existing fleet.

Drug Seizures.

72. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the dates, quantities and location of drug seizures in Coolock, Dublin 5 and 17 between 1 January and 20 September 2009; and if he will make a statement on the matter. [32813/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda authorities that to search each individual case for seizure date, location and quantity is not possible without a disproportionate expenditure of Garda time and resources.

Therefore the following table reflects drugs cases received at the Forensic Science Laboratory from Coolock Garda Station between January 1 and September 20 2009. I am advised that the table does not include cases on hand or those where seized items have not yet been submitted to the laboratory and may not include drugs submitted by specialist units such as the Garda National Drugs Unit or National Bureau of Criminal Investigation.

Drug Seizures Coolock Garda Station 2009 (up to and including 20 September 2009)

Drug Type	Quantity	Estimated Street Value
		€
Cannabis**	7.992 grams	95.90
Cannabis Resin	1459.763 grams	8,758.60
Heroin	337.164 grams	50,574.60
Cocaine	336.125 grams	23,528.75
BZP	4 tablets	20.00
Total Value		82,977.85

Statistics provided for 2009 are operational, provisional and liable to change.

Road Traffic Offences.

73. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of persons arrested for driving while disqualified in the years 2007, 2008 and to date in 2009; the steps gardaí are taking to tackle this issue; and if he will make a statement on the matter. [32814/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that driving while disqualified from doing so is deemed to be the same as driving without a licence, and consequently both are an offence under section 38 of the Road Traffic Act, 1961 as amended by section 12 of the Road Traffic Act, 2006.

I am further informed that it is not possible to provide the information requested by the Deputy, without a disproportionate expenditure of Garda time and resources.

Enforcement in this area forms part of day to day policing activities. This may occur as part of specific road traffic law enforcement activity or of general policing activity. Details of drivers disqualified are available to all members of An Garda Síochána on the Garda Pulse system.

Citizenship Applications.

74. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [32846/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must be of full age, be of good character, have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years, intend in good faith to continue to reside in the State after naturalisation, have made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include, periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study, periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996. It is open to the person concerned to lodge an application for a certificate of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements.

Crime Prevention.

75. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied) in Dublin 5. [32858/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the area referred to is in the Raheny Garda Sub-District. Local Garda management has no record of any complaints received in respect of specific incidents at the location referred to by the Deputy. However, any such complaints received will be investigated and acted upon.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and crimes against property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of

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the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Garda Strength.

76. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform the number of gardaí in each garda division here on 1 September 2009; and the population covered by each garda division per Census 2006. [32892/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that, as of 31 August 2009, the personnel strength of each Garda Division was as listed in the following table. The population of each County as per the 2006 Census drawn from the website of the Central Statistics Office (www.cso.ie) is also shown in a separate table.

The Commissioner is in the process of re-aligning Garda Divisional boundaries to make them coterminous with local authority boundaries. As a consequence of this work, the geographical areas of Garda Divisions, districts and sub-district stations were also realigned while at the same time ensuring that service delivery to the community was maintained to the highest possible standard.

Any comparison between the 2006 Census population figures and the 2009 figures for the personnel strength of Garda Divisions would not be an accurate reflection of the current situation.

Division	Strength	Division	Strength	Division	Strength
DMR South Central	774	Tipperary	390	Sligo / Leitrim	313
DMR North Central	708	Cork City	685	Clare	336
DMR North	816	Cork North	304	Mayo	320
DMR East	474	Cork West	309	Galway	595
DMR South	636	Kerry	342	Roscommon /Longford	298
DMR West	772	Limerick	643	Westmeath	251
Kilkenny/Carlow	300	Donegal	476	Meath	310
Wicklow	351	Cavan / Monaghan	418	Kildare	321
Laois / Offaly	332	Louth	313	Waterford	299
Wexford	286				

County	Population as per 2006 Census	County	Population as per 2006 Census	County	Population as per 2006 Census
Dublin	1,187,176	Carlow	50,349	Galway	231,670
Kildare	186,335	Wexford	131,749	Leitrim	28,950
Kilkenny	87,558	Wicklow	126,194	Mayo	123,839
Laois	67,059	Clare	110,950	Roscommon	58,768
Longford	34,391	Cork	481,295	Sligo	60,894
Louth	111,267	Kerry	139,835	Cavan	64,003
Meath	162,831	Limerick	184,055	Donegal	147,264
Offaly	70,868	Tipperary	149,244	Monaghan	55,997
Westmeath	79,346	Waterford	107,961		

Asylum Applications.

77. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform his policy regarding persons who have been refused asylum but who have no State to which they can be deported; the options which are available for a person (details supplied) in County Clare who has been refused entry to the only country for which he has travel documents and who does not wish to be considered for leave to remain; and if he will make a statement on the matter. [32896/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State in September 2008 and applied for asylum. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner. The person concerned was advised of his entitlement to appeal this determination to the Refugee Appeals Tribunal but he chose not to do so.

In accordance with current policy and the law as it relates to persons refused asylum, the person concerned was notified, by letter dated 15 June 2009, that, under Section 3 of the Immigration Act 1999 (as amended), the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned has indicated a willingness to return to a country of origin with which he has had a past association and indeed holds a travel document issued by the authorities of that country and claims to have direct family members living in that country. Against this background, officials from my Department have endeavoured, through the International Organisation for Migration, to facilitate the return of the person concerned to that country but to date these efforts have been unsuccessful. Continued efforts are being made in this regard and it is hoped that a favourable conclusion can be achieved. Should these efforts fail, the position in the State of the person concerned will then fall to be considered by reference to the other options notified to him in my Department's letter dated 15 June, 2009.

Human Rights Issues.

78. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs the measures being taken at EU and UN level to assist the release of a person (details supplied); and if he will make a statement on the matter. [32816/09]

Minister for Foreign Affairs (Deputy Micheál Martin): As Deputies will be aware, and as stated previously in this House on many occasions, most recently on 23 September, the Government is deeply concerned about the situation in Burma and plays an active role in international efforts to bring about positive change there.

As I indicated in a statement on 11 August, the arrest, trial and conviction of Daw Aung San Suu Kyi on the most spurious of charges further compounds the already bleak situation in that country, where repression against members of the opposition, the ethnic groups and the population at large continues unabated and human rights and fundamental freedoms are systematically denied.

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The sentence provides clear evidence of the regime's intent to silence Aung San Suu Kyi in the lead-up to the elections they plan to hold next year. These elections will be held on the basis of a discredited new Constitution, which excludes her from running in them. The treatment meted out to Aung San Suu Kyi suggests that the Burmese regime is determined to continue its illegal rule without regard for the will of the Burmese people, in blatant disregard of the demands of the international community, including the UN Secretary-General, Ban Ki-moon, and in breach of international law and its own laws.

I very much welcome the efforts being made in this regard by the Secretary-General and his team, and by ASEAN leaders, to secure an early release for Aung San Suu Kyi. Despite the fact that the military junta released a small number of political prisoners on Friday last as part of an amnesty it has announced for over 7,000 prisoners, Aung San Suu Kyi was not among them. At present, more than 2,200 political prisoners are serving sentences in deplorable conditions, many on questionable charges. The elections which the Burmese authorities are planning to hold next year will have no credibility or legitimacy if they are not opened up fully to the opposition and to all ethnic groups.

Efforts by the international community — including those by the UN Secretary-General himself during his visit to Burma in July and by his Good Offices Mission — to secure the release of political prisoners (including Aung San Suu Kyi) and the launching of a process of national dialogue and reconciliation have, unfortunately, been rejected by the regime to date. In the circumstances, Ireland favours strong international action against the Burmese regime, including sanctions and an arms embargo. We have been among those who urged a strengthening of EU sanctions in response to the developments anticipated following the recent arrest and trial of Aung San Suu Kyi. After her conviction, I am happy to note, the EU took immediate action to extend its sanctions against the regime and the judges involved in her trial and sentencing. These additional restrictive measures came into force on 13 August.

Ireland will continue to work in the EU and UN frameworks, and with the countries of the region, to do all possible to advance our objectives in relation to Burma and to press for the release of Aung San Suu Kyi and all political prisoners there. The current session of the Human Rights Council in Geneva from 14 September to 2 October offers another such opportunity.

Question No. 79 answered with Question No. 27.

Arts Plan.

80. **Deputy Thomas P. Broughan** asked the Minister for Arts, Sport and Tourism the progress made on the new Abbey Theatre; and if he will make a statement on the matter. [32812/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The development of a new national theatre project is a complex undertaking. There are a myriad of technical, procedural and legal factors to address in making progress on it. The successful delivery of this project is a priority for the Department and Government in the Programme for Government and the National Development Plan.

Arising from the original Government decision, an interagency steering committee was set up to oversee the project. The committee is chaired by my Department and comprises representatives of the National Development Finance Agency, the Office of Public Works, the Abbey Theatre and Dublin Docklands Development Authority.

A project team, chaired by the Office of Public Works and comprising representatives of the same agencies as the steering group, has also been established and has met on over 21 occasions. Under its aegis the executive, technical and procedural arrangements for advancing the PPP process, are moving ahead. A considerable amount of technical, legal and financial due diligence is being undertaken to ensure that this project is progressed efficiently and so that the best solution possible is put in place.

A significant amount of detailed work has also been completed in relation to the accommodation brief for the Theatre itself and that has now been agreed.

Local Authority Staff.

81. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism his policy in ensuring that there is an arts officer in every local authority area; and if he will make a statement on the matter. [32919/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The development of the arts by local authorities are covered by the Local Government Act, 2001 and therefore come under the remit of the Minister for the Environment, Heritage and Local Government. Meanwhile, I am informed that there is an Arts Officer in each local authority area.

Departmental Expenditure.

82. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the funding which was provided by his Department following an incident in an area (details supplied) in County Donegal; if he has reviewed the costs of the estimates involved; and if he will make a statement on the matter. [32798/09]

83. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the discussions of a meeting (details supplied) that took place on 26 June 2009; and the outcome of that meeting. [32799/09]

84. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if funding or additional allocations have been made to an area (details supplied) in County Donegal; if so, the amount; when same was paid; if persons were helped; and if he will make a statement on the matter. [32800/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 82 to 84, inclusive, together.

Following the incident to which the Deputy refers, I visited the area in question and met with senior officials of Donegal County Council in order to discuss the extent of the damage that had been caused. The Council estimated that the total cost of repairs to local and regional roads would amount to approximately €640,000.

Arising from this, my Department undertook to consider the feasibility of providing grant-aid in respect of damaged roads that would meet the eligibility criteria of Scéim na mBóithre Áise sa Ghaeltacht (Gaeltacht Accommodation Roads Scheme). In excess of 100 applications were subsequently received by my Department.

The present position is that Donegal County Council has been asked to provide estimated costs in respect of a number of the applications received that fulfil the criteria applicable to

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the scheme. The provision of grant-aid in respect of those cases will be considered further on receipt of the estimated costs, having regard to my Department's overall budgetary position.

Community Development.

85. **Deputy Terence Flanagan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will deal with a matter (details supplied); and if he will make a statement on the matter. [32803/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I understand that funding of €121,000 has been allocated in 2009 to the organisation in question to refurbish, equip and operate a family respite support facility by the Mid Western Regional Drugs Task Force. This funding will be subject to the usual accountability and control processes of the public bodies concerned. Given the recent nature of the decision to fund, no reports are available at this time.

I understand that Partnership Trá Lí provided €2,000 in 2008 for prisoner training. Pobal, which manages the LDSIP on behalf of my Department, exercises a financial control and audit function on partnership companies as part of its role. No issues have been brought to my Department's attention by Pobal regarding this element of the funding.

86. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if full funding will be continued for both the wages of the staff and the overheads involved in projects (details supplied); and if he will make a statement on the matter. [32885/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The majority of CSP contracts are due to expire at the end of 2009. Renewal of these contracts will fall for consideration in the context of the annual Estimates process for my Department for 2010. Contracts will be renewed subject to the availability of sufficient funding and the satisfactory performance of projects in contract. In general, the Community Services Programme does not provide full funding to meet the costs of wages and overheads incurred by the supported projects. The onus is on individual projects to generate sufficient funds from non-public sources to pay the going pay rates to their employees, to cover overheads and to provide for future development needs.

The contribution from the Programme is pitched in such a way that projects will not become over-reliant on public funds for their long-term sustainability. It is considered good practice for projects to build solid non-public sources of income to supplement the financial support provided by my Department. My Department will be contacting projects in the coming months in this regard.

Social Insurance.

87. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs her estimate and forecast, on a no policy change basis, of the total amount of PRSI that will be collected for each year in the period 2008 to 2013; and if she will make a statement on the matter. [32782/09]

88. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs her estimate and forecast on a no policy change basis, of the likely surplus or deficit in the social insurance fund for each year in the period 2008 to 2013; and if she will make a statement on the matter. [32784/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 87 and 88 together.

The position in relation to 2008 and 2009 is set out in the following table:

	2008 Provisional Outturn	2009 Estimated Outturn
	€m	€m
Income from PRSI	7,983.5	7,400.0
Surplus (+) in the Social Insurance Fund	+3,377.0	+1,000.0

The data for 2008 is provisional, pending completion of the audit of the Social Insurance Fund by the Comptroller and Auditor General. The estimated outturn for 2009 is based on provisional PRSI income and expenditure data to end July 2009 and predictions of likely trends to the end of year.

Estimates as to the likely level of PRSI income in the period 2010 to 2013 and the likely impact on the Social Insurance Fund of both income and expenditure demands during this period is dependent on macro-economic data which will be updated by the Department of Finance in the run-up to the forthcoming Budget.

Social Welfare Appeals.

89. **Deputy David Stanton** asked the Minister for Social and Family Affairs if she will reassess a rent allowance application for a person (details supplied) in County Cork in view of the fact that they are living independently of the other person who is sharing the property; and if she will make a statement on the matter. [32797/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Supplementary Welfare Allowance scheme (SWA), which includes rent supplement, is administered on behalf of the department by the community welfare service of the Health Service Executive. Payment of the basic rate of SWA is designed to provide immediate and flexible assistance for those in need who do not qualify for payment under other State schemes and have no other income available to them.

The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from another source.

The Executive has advised that an application for a payment of SWA from the person concerned was refused as the total household income was deemed to be in excess of the relevant SWA rate for a couple. Under social welfare legislation, the means of a couple i.e. a husband and wife or a couple cohabiting as husband and wife, are aggregated and regarded as the means of the applicant. The applicant was deemed to be one of a couple for the purposes of her SWA claim. Her application for rent supplement was refused as her partner is in full time employment. Under the relevant legislative provisions, rent supplement is not payable where the claimant or their spouse/partner is engaged in full-time employment, defined as more than 29 hours a week.

Both decisions were appealed to a Health Service Executive Appeals Officer but the appeal was unsuccessful. The Executive has further advised that the person concerned has appealed to the Social Welfare Appeals Office. No decision has been made on this appeal to date.

Social Welfare Code.

90. **Deputy David Stanton** asked the Minister for Social and Family Affairs her views on the comments contained in pages 81, 82 and 83 of the Ombudsman Annual Report 2008 regarding the lack of consistency in relation to making decisions on the domiciliary care allowance scheme; if she has specific guidelines in relation to the granting of the domiciliary care allowance to children with attention deficit hyperactivity disorder; and if she will make a statement on the matter. [32809/09]

91. **Deputy David Stanton** asked the Minister for Social and Family Affairs if there are disabilities or medical conditions which automatically entitle children to domiciliary care allowance; and if she will make a statement on the matter. [32810/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 90 and 91 together.

The transfer of the Domiciliary Care Allowance scheme from the Health Service Executive to this Department arises from a Government decision on 28th February 2006 to reallocate certain functions between Departments and Agencies as part of the health service reform programme. The Department of Social and Family Affairs took over responsibility for new claims in April 2009, with existing recipients of the allowance transferring to the Department from the HSE in September 2009.

The Domiciliary Care Allowance scheme is now a statutory scheme with the primary legislation provided for in the Social Welfare and Pensions Act 2008. As there were no agreed national medical guidelines for the scheme while it was administered in the Health Service Executive, an Expert Medical Group was established in advance of the transfer of functions. This Group was chaired by the Department's Chief Medical Advisor and comprised of senior medical personnel from the HSE as well as eminent professionals in the areas of physical disabilities which affect children, and child psychiatry/psychology. This report was reviewed independently by external medical experts. The primary purpose of this Group was to agree a set of consistent and objective guidelines for use in determining eligibility of children for Domiciliary Care Allowance.

To qualify for Domiciliary Care Allowance a child must have a disability so severe that he or she requires care and attention and / or supervision substantially in excess of another child of the same age. The level of care and attention required to allow the child to deal with the activities of daily living must essentially require the fulltime attention of the applicant. The child must be likely to require this level of care and attention for at least 12 months.

The Group considered that the most appropriate way for the Department to conduct assessments for medical eligibility was by assessing evidence submitted by the claimant rather than by way of individual examination by the Department's Medical Assessors as they are not involved in advice or treatment of the child. The process in operation in the department involves the submission of a detailed statement by the parent or guardian of the child; a detailed statement by the child's General practitioner; and any other relevant evidence from qualified experts who have examined the child.

The evidence is assessed by designated departmental Medical Assessors who have received special training in Human Disability Evaluation. Eligibility for Domiciliary Care Allowance is not based primarily on the disability or medical condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted. As such it is not

possible to predict in any general sense whether children with attention deficit hyperactivity disorder or any other disability would qualify for a payment under the scheme.

In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed by a different Medical Assessor specially designated for this task. Where a person is not satisfied with the decision of a Deciding Officer they may appeal the decision to the Social Welfare Appeals Office. The cases mentioned in the Ombudsman report relate to a period when the scheme was administered by the HSE, and it would not therefore, be appropriate for me to comment. I am satisfied that the current arrangements in place for the processing of Domiciliary Care Allowance cases provide for a high level of consistency in the decision process.

Social Welfare Benefits.

92. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the position regarding a scheme for digital hearing aids for older people; when the scheme will be announced; the qualifying conditions; and if she will make a statement on the matter. [32844/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Medical Appliance Benefit Scheme offers assistance towards the cost of the purchase of a hearing aid, either analogue or digital. The Department pays up to half the cost of a hearing aid or repairs to a hearing aid, subject to a fixed maximum contribution of €760 per aid.

To qualify for Medical Appliance Benefit you must satisfy certain PRSI conditions. A person aged 66 or over must have a total of 260 paid PRSI contributions since first starting work and either (i) 39 paid or credited PRSI contributions in either of the two relevant tax years on which the claim is based or (ii) 26 paid PRSI contributions in both the relevant tax year and the tax year immediately before the relevant tax year.

However if you satisfy the PRSI conditions when you reach age 60, you will remain qualified for life. The supply of hearing aids under the medical card scheme is administered by the Department of Health and Children.

Social Welfare Appeals.

93. **Deputy Dan Neville** asked the Minister for Social and Family Affairs if she will make a statement on the case of a person (details supplied) in County Limerick. [32849/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that the person concerned furnished her grounds of appeal and in accordance with statutory requirements the relevant Departmental papers and comments of the Department were sought. These are now to hand and will be referred to an Appeals Officer for early consideration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

94. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if her attention has been drawn to the treatment of refugees under the new regulations for rent supplement as set out in correspondence and a case example (details supplied); if the handling of this case by the community welfare officer represents an accurate interpretation of the intention of circular 10/09 and the new regulations; if the outcome is the intended effect of the new regulations; if

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she will review the impact of the circular and regulations on refugees and people with permission to reside here. [32859/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from another source.

The 2009 Supplementary Budget introduced new arrangements for access to rent supplement. In order to qualify for a rent supplement, from the 27 July 2009, a person must have been residing in private rented accommodation or accommodation for homeless persons (or any combination of these) for a period of 183 days within the preceding 12 months of the date of claim for rent supplement. A person may also qualify for rent supplement where an assessment of housing need has been carried out within the 12 months preceding the date of claim and the person is deemed by the relevant local authority to be eligible for and in need of social housing support.

In all other cases, a person who wishes to apply for rent supplement is referred, in the first instance, for an assessment of eligibility for social housing support by the local housing authority in the area where claim to rent supplement is made (and the person intends to reside). Only when the person has been assessed as being eligible for and in need of social housing support, does the person become eligible for consideration for rent supplement.

The aim of this restriction on entitlement to rent supplement and the new working arrangements is to ensure that the housing authorities remain the principal agents both for assessing housing needs and for meeting the long-term housing needs of persons. Detailed guidelines on the operation of the restrictions on access to rent supplement were issued simultaneously by the Department of Social and Family Affairs and the Department of Environment, Heritage and Local Government to community welfare staff and local housing authority staff respectively. The Guidelines which issued to local housing authorities advised that they should deal with those presenting with an immediate housing need, by way of social housing accommodation or, where none is available, emergency accommodation until such time as a housing needs assessment is completed. Where emergency accommodation is deemed not appropriate by the relevant local authority, the authority can prioritise the housing needs assessment for this household so that rent support can be provided sooner, where applicable. These procedures, where operated by local housing authorities, should ensure that those with an urgent housing need, including those with refugee status, have their needs met in the most appropriate manner. The Department intends to meet shortly with the Department of Environment, Heritage and Local Government and the Reception and Integration Agency to discuss and verify operational and accommodation arrangements for those leaving the Direct Provision system where refugee status has been granted.

Inquiries are being made in relation to the specific query raised regarding a person granted refugee status and who was recently refused rent supplement on the basis that he had not been assessed by a housing authority as having a housing need. The Deputy will be advised of the outcome of these inquiries.

Social Welfare Appeals.

95. **Deputy Dan Neville** asked the Minister for Social and Family Affairs when an oral hearing will be given to a person (details supplied) in County Limerick for their jobseeker's allowance claim appeal; and if she will make a statement on the matter. [32881/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

96. **Deputy P. J. Sheehan** asked the Minister for Social and Family Affairs when a person (details supplied) in County Cork will receive a decision on their appeal; and if she will make a statement on the matter. [32897/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that, in accordance with statutory requirements, the relevant Departmental papers and comments of the Department have been sought in this case. On receipt of its response the case will be referred to an Appeals Officer for early consideration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

97. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs when a means test will be carried out in respect of a person (details supplied) in County Roscommon. [32900/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned submitted an application for Jobseekers Allowance on 24 August 2009. Payment of Jobseeker's Allowance is subject to a means test and in this regard the file has been referred to a Social Welfare Inspector. An appointment has been scheduled with the Inspector for 24 September 2009.

Social Welfare Appeals.

98. **Deputy Tom Hayes** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied) in County Tipperary who has appealed a decision on their claim for jobseeker's allowance. [32901/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

99. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if a one-parent family benefit will be approved for a person (details supplied) in County Kilkenny; if a decision will be expedited. [32909/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that an oral hearing of this case took place on 30 June 2009. The person concerned undertook to forward further documentation in support of her appeal and has since been in touch to say that she is having some difficulty in obtaining some of this documentation. When this documentation is received a decision will be made by the Appeals Officer and the Chief Appeals Officer will write to the Deputy regarding the outcome of the

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appeal. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Local Authority Housing.

100. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will deal with a matter (details supplied); and if he will make a statement on the matter. [32804/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Since 2003, my Department has recouped almost €7 million under Section 10 of the Housing Act 1988 to local authorities in respect of 90% of revenue expenditure incurred by the organisation concerned on homeless accommodation and related services. A further 10% has been provided by the local authorities concerned.

It is a matter for each local authority, in the first instance, to ensure that monitoring and evaluation arrangements are in place to ensure accountability for expenditure of funds on homeless services, both in terms of value for money and effectiveness of the services provided. In addition, the question of a detailed review of particular homeless services is a matter for individual local authorities and in this regard I understand that the evaluation of homeless services carried out in Dublin in 2008 encompassed services provided by the organisation concerned.

My Department's involvement with the voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. Under the Capital Assistance Scheme, my Department has approved capital funding of over €16.4 million for the provision of 102 units of accommodation by the organisation concerned. Funding of €27,550 was also provided towards the provision of associated communal facilities.

The administration of the schemes including the detailed appraisal of new applications, the management of planning and procurement stages of projects and the certification that projects comply with the terms and conditions of the funding schemes, are the responsibility of the relevant local authority.

Funding of €38,000 in the period 2003 to 2005 was also provided to the body towards their administrative and general expenses.

Local Authority Charges.

101. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if the new property tax applies to someone whose first home is in England and owns a derelict uninhabitable house here; and if he will make a statement on the matter. [32822/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government decided to broaden the revenue base of local authorities by introducing a charge on all non-principal private residences. The charge is set at €200 per dwelling and payment must be made by 30 September 2009.

The most important exemption under the Local Government (Charges) Act 2009 is for principal private residences. If a person owns a property other than one that they reside in as their principal private residence, then it may be liable for the charge.

The definition of a 'dwelling' in the legislation is relevant when considering whether a residential property that is not used or lived in is liable to the charge. My Department has issued

guidelines to local authorities which include suggested indicators as to what makes a house suitable for use as a dwelling for the purposes of determining any liability to the charge. These indicators include the structure of the house, whether or not it has a roof, whether or not it is so affected by dampness as to render it unsuitable for habitation, and whether or not it has sanitary facilities including a water closet and water supply. A property that is not suitable for use as a dwelling should not be regarded as a dwelling within the meaning of the Act.

Departmental Correspondence.

102. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government when Part 3 of the Building Control Act 2007 will be implemented; the provision which is being made to take account of the concerns raised by practising architects who are not members of the Royal Institute of Architects of Ireland in regard to the registration process; if consideration has been given to the grandfather rule, as implemented in other jurisdictions; and if he will make a statement on the matter. [32833/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Questions Nos. 968, 998, 1024 and 1057 of 16 September 2009. The position is unchanged.

Local Authority Charges.

103. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the total paid to date on the non-principal private residence charge on a county basis to date in 2009. [32836/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The amount collected by 23 September is set out in the following table.

	€
Dublin City Council	1,764,600
Cork County Council	716,200
Fingal County Council	645,400
Dun Laoghaire Rathdown County Council	568,600
Wexford County Council	552,000
Kerry County Council	436,000
South Dublin County Council	417,800
Donegal County Council	377,000
Galway City Council	327,200
Clare County Council	321,400
Kildare County Council	313,200
Mayo County Council	311,800
Galway County Council	301,600
Cork City Council	277,000
Wicklow County Council	244,200
Limerick County Council	199,000
Meath County Council	196,400
Louth County Council	167,600
Sligo County Council	157,000
Westmeath County Council	148,800
Limerick City Council	148,400

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	€
Waterford City Council	133,600
Kilkenny County Council	132,400
Waterford County Council	126,000
South Tipperary County Council	110,000
Carlow County Council	106,000
Cavan County Council	97,000
North Tipperary County Council	96,600
Roscommon County Council	93,000
Leitrim County Council	86,800
Laois County Council	84,800
Offaly County Council	79,000
Longford County Council	64,000
Monaghan County Council	50,000
Total	9,850,400

Social and Affordable Housing.

104. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the local authorities that have participated in the leasing initiative to date in 2009; the amount of the €20 million provision which has been allocated to each of the participating local authorities; the number of properties acquired by each local authority under the scheme to date in 2009; the average cost and duration of the lease; the way market value was established; if leasing costs of at least 20% below market value were secured; and if he will make a statement on the matter. [32847/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Proposals under the Social Housing leasing Initiative have been received from, Dublin and Waterford City Councils, Templemore Town Council, Sligo Borough Council, and Cork, Donegal, Fingal, Leitrim, Limerick, Laois, Meath, Monaghan, Offaly, Sligo, South Dublin, Wexford and Westmeath County Councils.

In addition to the above, a number of other authorities have been in contact with my Department and are preparing proposals.

The funding of the leasing initiative is in addition to the allocations notified to each housing authority under the Social Housing Investment Programme. The initiative is project driven and no specific amount has been set aside for particular authorities.

The leasing initiative encompasses a number of different strands. Dwellings are acquired by housing authorities on long term leases from private owners, approved housing bodies provide units to the State under long-term availability agreements and vacant and unsold affordable units are leased to approved housing bodies for periods of up to 10 years. Accommodation provided is made available to persons on local authority waiting lists, persons with long term housing needs in receipt of rent supplement (i.e. households eligible under the Rental Accommodation Scheme) or persons who are homeless.

Funding approval for 842 properties has been given by my Department. Details of the housing authority areas concerned are set out in the following table:

Housing authority area	No of approved units for leasing
Cork County Council	28
Dublin City Council	365
Fingal County Council	97
Laois County Council	56
Louth County Council	20
Meath County Council	74
Offaly County Council	21
South Dublin County Council	103
Templemore Town Council	20
Wexford County Council	18
Westmeath County Council	40
Total	842

Provisional approval has also issued for a further 367 units, where work on aspects of the proposals is still ongoing.

As part of the application for funding, housing authorities and where applicable, approved housing bodies must submit documentary evidence verifying rent levels for properties in the area and setting out the basis for the discount. The level of discount in a particular case may vary depending on the level of risk transferred and who assumes responsibility for issues such as service charges in apartment complexes. In standard leasing arrangements, in respect of the proposals examined by the Department, an average discount of 20% below market rent is being achieved.

Excluding the unsold affordable units, the duration of the lease/availability agreements in the proposals received has been between 10 and 20 years.

Animal Breeding Regulations.

105. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government the way hunt clubs affiliated to an association (details supplied) will be affected by new legislation on puppy farming; the impact such legislation will have on such clubs; and if he will make a statement on the matter. [32907/09]

106. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government if hunt clubs affiliated to an association (details supplied) will be exempt from legislation on puppy farming; if he gave the association such an exemption; if such an exemption was given in writing; and if he will make a statement on the matter. [32908/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 105 and 106 together.

Work is underway in drafting an amendment to the Control of Dogs Acts and I hope to publish my proposals in the near future. The draft Bill proposes to give statutory effect to the recommendations of the Working Group that had been established to review the management of dog breeding establishments. The Working Group recommended that a dog breeding establishment be defined as ‘a premises containing more than 5 female dogs, aged over 4 months, with breeding potential’.

The draft Bill proposes that dog breeding establishments be required to register with the relevant local authority, that they pay a registration fee and that they meet a minimum set of

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veterinary, welfare and other standards, together with some associated requirements. The Hunting Association of Ireland (HAI) made submissions to me in relation to their activities and the nature of these. As a consequence and in recognition of the “not for profit” basis of these, and as communicated to the HAI directly and in response to representations on their behalf, I decided to provide exemption in the legislation in respect of the payment of registration fees. The HAI has made clear that their premises operate comprehensive and appropriate standards. Accordingly, I do not consider that this aspect of the legislative regime should cause difficulty.

Local Authority Housing.

107. **Deputy John McGuinness** asked the Minister for the Environment, Heritage and Local Government the timeframe for completion of phase two of a project (details supplied) in County Kilkenny; if the contractor has been selected; the cost of the works; the number and type of housing units involved; when work will commence; and if he will make a statement on the matter. [32911/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department gave approval to Kilkenny Borough Council on 13 November, 2008 to seek tenders for the final phase of works on this project. The approval to go to tender was for 31 new build units, one community centre and remedial works to 16 dwellings. The works are to be carried out as a single contract. The tender report was received from Kilkenny Borough Council on 21 September, 2009 and is currently being considered by my Department.

Local Authority Charges.

108. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government the situation in relation to the €200 second home tax; if it applies when a couple have two homes and they are used by family with no rent paid such as the second home used by children attending college and an informal separation of parents, one living in each, both houses jointly owned, separation not legally processed. [32912/09]

109. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government the situation in relation to the recently introduced €200 second home tax; if it applies to a house owned by parents, who already have a main residence, but occupied by an adult son or daughter; if a house which is 50% owned by parents and adult son but occupied by son, if full or half home tax is due; if it applies when a property is jointly owned by parents and adult son or daughter as demanded by financial institutions as parents guaranteed mortgage. [32913/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 108 and 109 together.

The Government decided to broaden the revenue base of local authorities by introducing a charge on all non-principal private residences. The charge is set at €200 per dwelling and payment must be made by 30 September 2009. The most important exemption under the Local Government (Charges) Act 2009 is for principal private residences. If a person owns a property other than one that they reside in as their principal private residence, then it may be liable for the charge.

The question refers to cases where parents own a second property and their children occupy that second property as their sole or main residence. Firstly there is a specific exemption in the Act in the case of a property owned by an individual which is less than two kilometres from the principal private residence of that individual, and is occupied rent free by a relative. Secondly, if an individual has a formal exclusive right of residence (free of rent) in a dwelling, then the owner does not meet the definition of ‘owner’ in the Act, and the property is exempt until such time as the right of residence is extinguished, or the beneficiary of the right dies. If neither of these exemptions apply, the property would, in the example given, be liable to the charge.

Where a residential property is owned by two or more co-owners and any one or more of the co-owners resides in the property as their principal place of residence, then no liability arises in respect of the residential property concerned for any of its co-owners. The co-owner definition includes parents and children, unrelated co-owners and separated couples where a decree of divorce or a decree of judicial separation has been granted in respect of a marriage, as well as separated couples where no judicial recognition has been accorded to the separation agreement.

Urban Renewal Schemes.

110. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government when approval was last given to a company (details supplied) to accept a tender and commence construction; the approval given in 2009; the number of projects from the company or Dublin City Council relating to Ballymun currently awaiting approval from his Department; if same will be summarised and listed; and the tenders which will be approved before the end of 2009 for financing from the 2010 allocation. [32914/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Government has demonstrated strong commitment to the Ballymun Regeneration Project with almost €630 million in Exchequer funding devoted to the project to date. While an allocation of €45 million was provided in 2009, it has been possible, on foot of significant progress made on the project and the reallocation of funds between programmes, to recoup some €52.4 million in respect of Ballymun Regeneration Limited (BRL) projects to date this year. It is anticipated that further recoupment will be made over the remainder of the year. In addition, further specific funding of €20 million was identified in Dublin City Council’s main Social Housing allocation for 2009 to fund detenanting associated with its various regeneration projects including Ballymun.

The Ballymun Regeneration Project was the subject of a special examination by the Comptroller and Auditor General. The Report prepared on foot of this examination, which was published in March 2008, recommended *inter alia* that consideration should be given to achieving a workable consensus on how risks to the long-term sustainability of the regeneration can best be managed. BRL has completed a strategic review of the project and, in July 2009, submitted a revised Housing Strategy setting out a programme of prioritisation of developments considered essential to the completion of the Ballymun project from 2009 to 2014. The Strategy identifies 24 public housing projects comprising 1431 units completed to date, 5 projects comprising 312 units currently under construction and a further 10 projects comprising 347 units proposed for phased construction from 2009 to 2014. The latter 10 projects are located across the Balcurris, Coultry, Shangan and Sillogue areas of Ballymun. My Department is currently finalising its consideration of the Housing Strategy, and associated documentation, with a view to ensuring the successful delivery of the programme in terms of prioritisation, scheduling and maximising value for money from proposed public and private investments in its component parts.

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The documents now with my Department include proposals for advancing a number of individual BRL housing projects and these are the subject of further technical review by my Department in consultation with BRL. The current stage and future phasing of the individual priority projects are due to be reviewed as part of the upcoming October Housing Action Plan meetings between my Department, Dublin City Council and BRL 2010 funding allocations for BRL projects will be determined in light of *inter alia* the forthcoming meetings and the 2010 estimates process.

Legislative Programme.

111. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government when the commencement order will be signed in respect of the Housing (Miscellaneous Provisions) Bill 2008 passed by the House of the Oireachtas during 2009 in relation to local authorities having approval for a tenant purchase scheme for flats and duplex units and so on; and if he will make a statement on the matter. [32915/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): A commencement order will be made shortly under the Housing (Miscellaneous Provisions) Act 2009, the first in a series bringing the various provisions of the Act into operation. However, a considerable amount of preparatory work is required before the necessary commencement order can be made for Part 4, relating to tenant purchase of apartments. This work, which is being undertaken by my Department as a priority, includes consultations with housing authorities and drafting the necessary regulations and detailed guidance relating to, among other things, the three complex transfers of property ownership involved and the establishment of management companies.

Local Authority Staff.

112. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government if a derogation will be given to a local authority (details supplied) regarding the position of an arts officer which is on a contract basis and is subject for renewal at the end of 2009; if he will sanction such renewal; and if he will make a statement on the matter. [32920/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Department of Finance has recently approved a delegated sanction to my Department for implementation of the general moratorium on the filling of public sector posts in the Local Authority Sector, on the condition that the overall staffing levels in the local authority sector are to be reduced significantly by the end of 2010 in adherence with the Government's Policy on Staffing and Numbers in the Public Sector.

Under the new arrangements which issued to the local authority sector on 20 August 2009, Local Authorities are expected, where vacancies arise, to consider options for reorganisation and reallocation of work to meet requirements. Any exceptions to this principle, which will arise in very limited circumstances, require sanction from my Department.

My Department is considering the staffing request made by Offaly County Council and has requested further information from the Council before making a decision.

Telecommunications Services.

113. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the position regarding broadband in an area (details supplied) in County Leitrim. [32899/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department has entered into a contract with “3”, a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 is required to provide services to all residences and businesses that are within the NBS area and who seek a service.

The Company is progressing its network roll-out and services have gone live in a number of areas. The entire NBS area must be covered by September 2010.

The general area of Newtown Gore, County Leitrim will be covered by the NBS. The current service status of each NBS area is available at www.three.ie/nbs.

Electricity Generation.

114. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources when the Commission of Energy Regulation will make a decision on which prospective power plants will be allowed to proceed; the criteria that it is considering in relation to same; and if he will make a statement on the matter. [32924/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Commission for Energy Regulation is statutorily responsible for the licensing and authorisation of power generation plants under the Electricity Regulation Act 1999. I have no direct function in the matter.

EU Directives.

115. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the funding provided by the European Commission to Ireland to deal with the impact of special areas of conservation and special protection area designations and under the Habitats Directive; the way this funding has been allocated and drawn down to date in 2009; and if he will make a statement on the matter. [32879/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In the first instance, the designation and protection of Natura 2000 sites is the responsibility of the Minister for the Environment, Heritage and Local Government.

EU funding is provided under the rural development Regulations for the overall improvement of the environment and the countryside. This funding is channelled through the Rural Development Programmes of each Member State and may cover a number of environmental measures, including payments in respect of designated Natura 2000 sites. It must be co funded by national funds at the rate of 45%. In Ireland compensatory payments in respect of these sites are incorporated in the Rural Environment Protection Scheme. Out of a total allocation of €1.1bn for agri-environmental measures over the lifetime of the rural development programme from 2007 to 2013, an indicative amount of €220 has been designated for Natura payments.

Actual spending depends on take up of this measure by farmers and close to €8m was spent on Natura measures in 2008 while it is estimated that a further €10m will be paid in respect of 2009 applications. It is anticipated that over the lifetime of the programme all EU funds will be drawn down.

Grant Payments.

116. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Galway will receive their 2009 single farm payment in view of the fact that they were subjected to an aerial audit and the results of same have not

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been sent back to his Department; if he will expedite this process to ensure that they will receive payment on the same day as everybody else; and if he will make a statement on the matter. [32851/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Single Payment Scheme application for the person named was selected for eligibility inspection by Remote Sensing (satellite) in 2009. The inspection has been completed. Following the exclusion of ineligible area, an area over-claim has been found in respect of one of the land parcels declared by the applicant. A letter, along with a map of the land parcel in question, has issued to the person named. My Department will make arrangements for a ground inspection of this land parcel if so requested by the person named.

An advance payment of 70% of the Single Farm Payment will begin to issue on 16 October 2009. Arrangements are being made to include payment to the person concerned to be included in this advance payment.

117. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food when a family income support scheme payment will issue in respect of a person (details supplied). [32864/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I presume the Deputy is referring to an application for grant-aid by the person concerned under the Farm Improvement Scheme. Grant-aid was paid by my Department under that Scheme to the person concerned on 22 September 2009.

Agri-Food Sector.

118. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the number of companies involved in the agri-food sector; the number of companies in the agri-food sector for each of the past ten years; and if he will make a statement on the matter. [32872/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department of Agriculture, Fisheries and Food publishes detailed data on the agri-food sector based on CSO Census of Industrial Production (CIP) 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 details, in terms of the number of companies in the agri-food sector for the ten year period between 1997 and 2006, the most recent year for which data is available:

Sector/Year	1997	1998	1999	2000	2001
Manufacture of Food Products, Beverages and Tobacco	842	810	806	790	810

Sector/Year	2002	2003	2004	2005	2006
Manufacture of Food Products, Beverages and Tobacco	826	782	696	643	665*

Source: CSO, Census of Industrial Production.

*Includes Manufacture of Food Products and Beverages only.

119. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the number of companies involved in food processing; the breakdown between large companies and smaller micro enterprises involved in food processing; and if he will make a statement on the matter. [32873/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Central Statistics Office (CSO) publishes detailed data on the food-manufacturing sector in its Census of Industrial Production (CIP), which is an annual publication. The CIP is available under the Industry publications section of the CSO website at <http://www.cso.ie/> The table gives details, in terms of the breakdown between larger and smaller companies involved in food processing for 2006, the most recent year for which data is available:

Nos. Employed	Number of Local Units	Persons Engaged
Under 10	194	938
10-19	110	1,502
20-49	170	5,397
50-99	77	5,790
100-199	62	8,822
200-249	15	3,329
250+	37	16,188
Total	665	41,966

Source: CSO, Census of Industrial Production 2006 (Local Units).

120. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the number of agrifood businesses that have been created over the past five years; the average size of new agrifood businesses; and if he will make a statement on the matter. [32874/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department of Agriculture, Fisheries and Food publishes detailed data on the agrifood sector based on CSO Census of Industrial Production (CIP) 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 data in the CIP does not enumerate the number of businesses created in any given sector; rather it presents the level in terms of the number of businesses in the sector. The following table gives details, in terms of the number of companies in the agrifood sector for the 5-year period between 2002 and 2006, the most recent year for which data is available:

Sector/Year	2002	2003	2004	2005	2006
Manufacture of Food Products	757	722	645	608	622
Manufacture of Food Products, Beverages and Tobacco	826	782	696	643	665*

Source: CSO, Census of Industrial Production.

*Includes Manufacture of Food Products and Beverages only.

121. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the number of jobs created in the agrifood sector in the past five years; the number of job losses in the agrifood sector in the past five years; and if he will make a statement on the matter. [32875/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department of Agriculture, Fisheries and Food publishes detailed data on employment in the agrifood sector based on two sources, the CSO Quarterly National Household Survey (QNHS) and the CSO Census of Industrial Production (CIP). 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. Because of methodological differences these datasets will not be identical nor will either enumerate the number of jobs created or lost in any given sector, rather they presents the level in terms of the numbers employed or number of people engaged in the sector. The table below gives details, in terms of these variables for the most recent 5-year periods available under the given surveys:

Quarterly National Household Survey (QNHS): Employment Level

Sector/Year	2004	2005	2006	2007	2008
Employment in Food, Beverages and Tobacco	54,900	54,800	56,700	52,300	50,400

Source: CSO, Quarterly National Household Survey (QNHS).

Census of Industrial Production (CIP): Number of People Engaged

Sector/Year	2002	2003	2004	2005	2006
Manufacture of Food Products, Beverages and Tobacco	50,113	49,710	45,668	44,063	41,996*

Source: CSO, Census of Industrial Production.

*Includes Manufacture of Food Products and Beverages only.

122. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the number of food production companies that are involved in organic production; the number of companies that are involved in organic production in each of the past five years; the number of organic companies as a percentage of total companies involved in the agrifood sector; and if he will make a statement on the matter. [32876/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): At present, there are total of 213 companies involved in organic food production in this country. The number of companies involved in organic food production over the past 5 years is as follows:

Year	Number
2004	107
2005	112
2006	142
2007	200
2008	210

The figure of 213 companies involved in organic food production includes farm based food processing units and is therefore not comparable with Central Statistics Office data available in relation to companies involved in the agrifood sector.

123. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the number of agrifood companies as a percentage of total companies and businesses here; the

number of export orientated agrifood companies as a percentage of export orientated companies here; and if he will make a statement on the matter. [32877/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Central Statistics Office (CSO) publishes detailed data on the overall Industry sector, including the food-manufacturing sector in its Census of Industrial Production (CIP), which is an annual publication. The CIP is available under the Industry publications section of the CSO website at <http://www.cso.ie/> The CIP indicates that in 2006 (most recent data available) a little over 14% of local units in the manufacturing industry sector were engaged in food and beverage production. The CIP does not include a definition or measurement for export orientated companies. The CIP does show that in 2006, the sector accounted for approximately half of exports (circa €3.7bn) by indigenous manufacturing industries (total circa €7.3Bn).

Milk Quota.

124. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food when a decision will be made regarding a milk quota application in the case of a person (details supplied) in County Kilkenny; and if he will expedite a response. [32910/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named submitted an application for additional milk quota to the Milk Quota Appeals Tribunal under the Hardship category in respect of the 2009/2010 quota year. The application was acknowledged on 10 July last.

The Tribunal is currently working through all of the Hardship applications. When a recommendation has been made in this case, a letter will issue to the person named and his Co-Operative informing them of the result.

Higher Education Grants.

125. **Deputy James Bannon** asked the Minister for Education and Science if a person (details supplied) in County Longford will be entitled to a third level grant in view of the fact that they have been grant aided for the past four years in respect of their third level studies and is now studying for a masters degree, having been denied funding by the Health Service Executive, although this has been guaranteed due to their on-going medical history. [32777/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department funds three maintenance grant schemes for third level students which are administered by the Local Authorities and the Vocational Education Committees. These are the Higher Education Grants Scheme, the Vocational Education committees’ Scholarship Scheme, the Third Level Maintenance Grants Scheme for Trainees and the Maintenance Grants Scheme for Students attending Post Leaving Certificate Courses.

The Higher Education Grants Scheme is administered by the Local Authorities. The other three schemes are administered by the Vocational Education Committees. 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.

As the decision on eligibility for a higher education grant is a matter for the relevant local authority or VEC to determine it will be necessary for the candidate referred to by the Deputy to contact Longford VEC directly to have his eligibility assessed.

126. **Deputy James Bannon** asked the Minister for Education and Science the position regarding a third level grant in respect of a person (details supplied) in County Longford who is in the second year of their undergraduate course; and if he will make a statement on the matter. [32779/09]

Minister for Education and Science (Deputy Batt O’Keeffe): On 21 September 2009 a reply issued to the candidate referred to by the Deputy in respect of his appeal.

127. **Deputy Róisín Shortall** asked the Minister for Education and Science if his attention has been drawn to the lack of facilities for professional dance education here and the high tuition fees faced by Irish students wishing to pursue a qualification in dance abroad; the assistance, grants or bursaries available to Irish students in such circumstances who are forced to pursue their studies abroad; and if he will assist a person (details supplied) in Dublin 9. [32806/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Universities and Institutes of Technology are autonomous institutions and my Department does not have any function in their day to day operational affairs or in relation to decisions concerning course provision. However, I understand that the University of Limerick offers programmes in Dance at both undergraduate and postgraduate level. There are also a number of VECs which offer various PLC programmes in Performing Arts.

In relation to support available for students studying abroad, my Department’s student maintenance grant schemes provide maintenance grants to undergraduate students pursuing approved third level courses in other E.U. Member States.

An approved undergraduate course in this context is defined as a full-time undergraduate course of not less than two years duration pursued in a university or third level institution, which is maintained or assisted by recurrent grants from public funds in another EU Member State, with the exception of the following:

- (i) courses in Colleges of Further and Higher Education (other than courses which are at Higher National Diploma level or higher);
- (ii) courses provided in a college which are offered in private commercial third level colleges in the State and which are validated by that College;
- (iii) courses in colleges akin to private commercial colleges in Ireland.

Where a grant application is made in respect of a course being pursued in a third-level institution abroad, such as dance studies, it is a matter for the awarding body (Local Authority or VEC) to satisfy itself regarding the status of the institution and as to whether the course and institution meet the terms of the relevant scheme. In relation to tuition fees, there is provision for tax relief, at the standard rate in respect of approved courses at approved colleges of higher education including approved undergraduate and postgraduate courses in other E.U. Member States. Further details and conditions in relation to this relief are available from the Revenue Commissioners. I understand from my colleague, the Minister for Arts, Sport and Tourism, that grants and bursaries for persons studying dance are allocated through the Arts Council and that details of the funding schemes are available on the Council’s website: www.artscouncil.ie.

Schools Building Projects.

128. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a school

(details supplied) in County Dublin will receive a final decision from his Department to proceed with the proposed construction of a new school, that this school submitted its sketch design and answered all relevant queries in June 2009 but has yet to receive a response more than four months later; and if he will make a statement on the matter. [32819/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project for the school referred to by the Deputy has been approved to progress towards tender and construction and is currently at an early stage of architectural planning. My Department has received additional information which it requested from the design team relating to the stage 3 submission (developed sketch design) for this project. This information has been considered and my Department will shortly issue detailed comments to the school and it’s design team in relation to the stage submission.

Schools Recognition.

129. **Deputy Tom Hayes** asked the Minister for Education and Science the position of Educate Together’s application to become a second level education patron. [32820/09]

139. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if a decision has been reached with regard to Educate Together patronage of post primary schools; and if he will make a statement on the matter. [32843/09]

144. **Deputy Fergus O’Dowd** asked the Minister for Education and Science the position regarding Educate Together’s registration as a second level patron; and if he will make a statement on the matter. [32868/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 129, 139 and 144 together.

My Department is currently considering a number of broad policy issues relating to the recognition process for second level schools. The application from Educate Together to be recognised as a patron body at second level will be fully examined within the context of legal, financial and other factors that I must consider.

School Evaluations.

130. **Deputy Brian Hayes** asked the Minister for Education and Science the number of whole school evaluations and subject inspections carried out at primary and second level each year since the introduction of such inspections; and if he will make a statement on the matter. [32823/09]

Minister for Education and Science (Deputy Batt O’Keeffe): In the 2004–2008 period, whole-school evaluations were conducted in 933 primary schools as follows:

Year	
2004	53 WSE
2005	163 WSE
2006	228 WSE
2007	244 WSE
2008	245 WSE

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In the 2004–2008 period, whole-school evaluations were conducted in 241 post-primary schools as follows:

Year	
2004	12 WSE
2005	53 WSE
2006	57 WSE
2007	59 WSE
2008	60 WSE

In the 2004–2008 period, subject inspections (post-primary) were conducted as follows:

Year	
2004	431 subject inspections
2005	676 subject inspections
2006	730 subject inspections
2007	758 subject inspections
2008	668 subject inspections

With regard to the current year, 131 WSEs at primary level, and 32 WSEs and 296 subject inspections at post-primary level were conducted in the first half of 2009.

Departmental Expenditure.

131. **Deputy Brian Hayes** asked the Minister for Education and Science the level of expenditure which has been allocated by him to whole school evaluations and subject inspections at primary and second level each year since the introduction of such inspections; and if he will make a statement on the matter. [32824/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Whole-school evaluations (WSE) and subject inspections form just part of the Inspectorate’s business plan in any given year. It should be noted that subject inspections are conducted in post-primary schools only. Inspectors are involved in a wide range of other work such as programme evaluations, the preparation of composite and thematic evaluation reports on aspects of educational provision in schools, inspection of primary teachers on probation and participation in appeal boards established under Section 29 of the Education Act. Inspectors also provide advice on an on-going basis to various sections within the Department on policy issues including teacher education, special education, and qualifications, curriculum and assessment policy.

As the Inspectorate is part of the Department of Education and Science, all costs associated with its work are paid from the administrative budget of the Department. Costs exclusively associated with whole-school evaluations and subject inspections are not recorded separately from the cost of the wide range of other evaluative and policy advisory work done by the Inspectorate outlined above.

The costs associated with the complete work programme of the Inspectorate division of my Department, for each year since the introduction of whole-school evaluations in 2004, are provided below.

The gross travel and subsistence expenses for the Inspectorate, paid in accordance with Civil Service rates in the years 2004 to 2008, were as follows:

Year	€
2004	1,429,696.90
2005	1,378,130.38
2006	1,576,419.31
2007	1,693,653.27
2008	1,558,952.27

The gross salaries for the Inspectorate, paid in the years 2004 to 2008, were as follows:

Year	€
2004	10,033,069.35
2005	11,359,291.62
2006	14,448,758.64
2007	13,326,958.45
2008	14,342,506.65

Departmental Staff.

132. **Deputy Brian Hayes** asked the Minister for Education and Science the number of staff employed in the inspectorate section of his Department; the changes in the staffing allocation to that Department since the introduction of the whole school evaluation system; and if he will make a statement on the matter. [32825/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Whole-school evaluation (WSE) is a model of external evaluation for primary and post-primary schools that was formally introduced during the school year 2003/2004.

The number of inspectors employed within the Inspectorate of the Department of Education and Science on the 31 December for each of the past five years since the introduction of whole-school evaluation is shown below. The current staffing level as of 24 September 2009 is also included.

Year	Number
31/12/04	148
31/12/05	144
31/12/06	151
31/12/07	166
31/12/08	154
24/09/09	149

School Evaluations.

133. **Deputy Brian Hayes** asked the Minister for Education and Science if he has issued guidelines to schools with regard to self-evaluation and providing communities with increased

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levels of information regarding individual schools; and if he will make a statement on the matter. [32826/09]

Minister for Education and Science (Deputy Batt O’Keeffe): To facilitate self-evaluation as a central component of the continuous planning process the Inspectorate of my Department in 2003 published “Looking at Our School: An Aid to Self-Evaluation in Second-Level Schools” and “Looking at Our School: An Aid to Self-Evaluation in Primary Schools”. These publications provide schools with a clear framework to inform internal quality assurance initiatives by schools themselves in the broad areas of management, planning, learning and teaching, and supports for students. In addition, my Department publishes all inspection reports arising from whole-school evaluations, subject inspections, programme evaluations and thematic inspections in schools and centres for education. These reports provide valuable information on the work of schools and centres for education. The publication of these inspection reports takes place in accordance with the provisions in “Publication of School Inspection Reports: Guidelines” which were published by my Department in 2006.

Departmental Staff.

134. **Deputy Brian Hayes** asked the Minister for Education and Science the number of people who will be entitled to salary arrears from his Department as a result of the failure to implement the Protection of Employees (Part-Time) Work Act 2001; the estimated cost of paying such arrears; when he plans to pay this sum; and if he will make a statement on the matter. [32827/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Until 31st August this year, a grant system operated which allowed the managerial authorities of primary schools to claim from my Department the funding required to pay part-time teachers employed in their schools. The teachers were paid by the managerial authorities.

With effect from the 1st September this year, part-time resource, learning support and language support teachers are being paid on a payroll operated by my Department.

Under the terms of the Protection of Employees (Part-time Work) Act, 2001, qualified eligible part-time teachers are entitled to be paid salary appropriate to their qualifications and to receive incremental credit in respect of relevant teaching service.

Arrangements are now being made to pay any arrears owed to these teachers and they shall be paid by November this year. It is expected that approximately one thousand part-time teachers will be paid arrears on the payroll. It is not possible to estimate the amount of the arrears at present as each teacher has to be looked at individually with regard to their qualifications and service.

Schools Building Projects.

135. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the status of an application for capital works by a school (details supplied) in County Donegal. [32839/09]

Minister for Education and Science (Deputy Batt O’Keeffe): A major capital project at the school referred to by the Deputy is currently at an advanced stage of architectural planning. Information in respect of the current school building programme, including the project referred to by the Deputy, is now available on my Departments website at www.education.ie.

The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department's capital budget. This project will continue to be considered in the context of my Department's multi-annual School Building and Modernisation programme

136. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the status of an application for capital works by a school (details supplied) in County Donegal. [32840/09]

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. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned an appropriate band rating.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on my Departments website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department's website.

The Department is currently engaged in acquiring a suitable site for the schools Major Capital Project and as the Deputy will appreciate, due to commercial sensitivity attaching to site acquisition, I cannot comment any further on the matter at this time.

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.

137. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the status of an application for capital works by a school (details supplied) in County Donegal. [32841/09]

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. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned an appropriate band rating.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on my Departments website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department's website.

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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.

Physical Education Facilities.

138. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the position regarding the construction of a gymnasium at a school (details supplied) in County Donegal. [32842/09]

Minister for Education and Science (Deputy Batt O’Keeffe): A major capital project at the school referred to by the Deputy is currently at an advanced stage of architectural planning. Information in respect of the current school building programme, including the project referred to by the Deputy, is now available on my Departments website at www.education.ie.

Stage 2b documentation was very recently received by my Department and is currently under consideration. My Department will revert to the school on the next steps towards tender and construction when the stage 2(b) submission has been reviewed.

Question No. 139 answered with Question No. 129.

School Transport.

140. **Deputy John Perry** asked the Minister for Education and Science if he will intervene to change a bus schedule servicing a school (details supplied) in County Sligo in the interests of health and safety and the security of the students; and if he will make a statement on the matter. [32845/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Coola Post Primary School, Co. Sligo. School finishes at 3.45 p.m. Pupils have to wait at the school until 4.25 p.m for their bus service. This is causing much anxiety for parents especially as the Winter months approach. In the interests of health and safety and the security of the children involved this situation must be rectified as soon as possible.

Schools Building Projects.

141. **Deputy Darragh O’Brien** asked the Minister for Education and Science the progress to date regarding the building of a permanent school (details supplied) in County Dublin, which is due to open in September 2010; and if he will make a statement on the matter. [32848/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is being delivered under a “design and build” model and has been tendered. The award process has commenced. It is anticipated that the Letter of Acceptance (i.e. the award of the contract) will be issued in the coming days and that planning permission will be lodged in October.

Until the award process is finalised and subsequent statutory approvals are received it is not possible to confirm when this project will be completed. My Department is liaising closely with County Dublin VEC on the delivery of this project and the accommodation requirements for Donabate.

School Transport.

142. **Deputy Denis Naughten** asked the Minister for Education and Science if changes have been agreed with Bus Éireann relating to the tendering of school routes for the 2009-2010 school year; and if he will make a statement on the matter. [32853/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Bus Éireann operates the school transport scheme on behalf of my Department. This involves a range of activities in relation to school bus routes including planning of routes, tendering arrangements, and negotiation of contracts with private operators.

Each year, including this year, Bus Éireann placed general advertisements in the press inviting private operators who were interested in providing services under the school transport scheme to make application to their local Bus Éireann office. Following evaluation of the applications and an assessment of potential operators taking into account for example proximity to routes, size of bus, standard of vehicle documentation, a proportion of existing routes including taxi services and new work were opened to tender.

In view of the level of interest expressed by potential candidates and in the prevailing market conditions it was possible for Bus Éireann to renegotiate a significant number of contracts in addition to employing new operators in respect of the 2009/2010 school year.

Higher Education Grants.

143. **Deputy Frank Feighan** asked the Minister for Education and Science if a grant assistance is available to a student (details supplied) in County Roscommon who is undertaking a master's; and if funding is available for mature Irish students studying abroad through the international fund for Ireland or the European Social Fund in Education. [32866/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The statutory framework for the maintenance grants scheme, as set out in the Local Authorities (Higher Education Grants) Acts, 1968 to 1992, provides for means-tested higher education grants in order to assist students to attend full-time third level education. The position is that the Third Level Student Support Schemes operated under my Department do not extend to postgraduate study outside of Ireland.

The student support schemes were extended to provide maintenance grants to eligible students pursuing certain full-time undergraduate courses of at least two years duration in another EU Member State, with effect from the 1996/97 academic year. The extension of the schemes at that time did not include courses at postgraduate level.

There are no plans at present to extend the current arrangements to provide for students pursuing post-graduate courses outside Ireland. Any such extension could only be considered in the light of available resources and other competing demands within the education sector.

However, Section 21 of the Finance Act 2000 provides for the introduction of tax relief for postgraduate fees paid in publicly funded colleges here and in other EU Member States as well as in private colleges in this state. This relief, which applies at the standard rate of tax, is available to full time and part time postgraduate students and includes distance education courses offered by publicly funded colleges in other EU Member States. Further details on claiming this relief are available from local tax offices or on Revenue's internet site at <http://www.revenue.ie>.

[Deputy Batt O’Keeffe.]

I am not aware of any specific funding measures for mature Irish students studying abroad under the funds mentioned by the Deputy.

Question No. 144 answered with Question No. 129.

School Accommodation.

145. **Deputy Brian Hayes** asked the Minister for Education and Science the savings he will make in respect of the total amount spent on renting temporary school accommodation in 2009; and if he will make a statement on the matter. [32869/09]

146. **Deputy Brian Hayes** asked the Minister for Education and Science the number of meetings which took place in 2009 between his representatives and the suppliers of temporary accommodation to negotiate reductions in rental costs; the persons who attended these meetings; the dates for all such meetings; the reduction in rent that has come about since the negotiation took place; and if he will make a statement on the matter. [32870/09]

147. **Deputy Brian Hayes** asked the Minister for Education and Science the number of schools which have been targeted by his Department to replace older rental accommodation with new structures; if his new pilot scheme in this area has been successful since its introduction; and if he will make a statement on the matter. [32871/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 145 to 147, inclusive, together.

It is currently anticipated that there will be a saving of at least €14m in expenditure on rental temporary accommodation in 2009, compared to 2008. This clearly demonstrates the efforts being made by my Department to reduce spending in this area.

The saving arises from a combination of the reduction in the number of new rental contracts being entered into and negotiations with prefab suppliers to buy out existing rental contracts.

My Department has engaged a specialist firm to develop new procedures and systems for the provision of temporary accommodation with a view to achieving best value for money. Work is well underway and the firm of specialists is working closely with officials in the Planning and Building Unit of my Department. The review incorporates the development of standard specifications for temporary accommodation, the development of new contractual terms to incorporate buy-out and relocation options to cater for individual local circumstances and appropriately protect the interests of the Department and school authorities. The work also involves negotiations with prefab suppliers to buy out existing rental contracts or reductions in annual rent, as appropriate. Progress has been made in all areas of the review.

I am sure the Deputy will appreciate that I am precluded from providing detailed information in relation to negotiations that are currently underway with providers due to commercial sensitivities involved. I would however like to assure the Deputy that it is intended to further reduce the rental costs associated with temporary school accommodation and the arrangements to achieve these reductions are well underway.

An initial group of 46 schools with rented prefabricated accommodation has been identified for priority negotiations with suppliers to buy out existing rental contracts. A considerable number of meetings have taken place between the firm of specialists engaged by my Department for this task and the prefabricated accommodation suppliers. It is expected that nego-

tiations will be concluded shortly on a number of these. My officials in the Planning & Building Unit meet with the firm of specialists on a regular basis to review progress with five such meetings having been held this year to date.

A pilot programme to replace prefabricated accommodation with permanent modular units is also under development. To date 10 schools have been visited to determine suitability and, from those, a short list of 4 schools is being drawn up. When the short-list of suitable schools has been finalised, the schools will be contacted with the offer of a permanent modular unit replacement of their prefabs. Once the schools have indicated their agreement to the proposal, detailed plans and timeframes will be developed for the delivery of the projects. This replacement programme will be extended to further schools as resources permit.

Departmental Programmes.

148. **Deputy Jimmy Deenihan** asked the Minister for Education and Science the progress that has been made with the development of a new primary pupils database, a further education management system and the continuing development of the existing post-primary pupils database and student databases in higher education institutions, all using the PPS number; the status of same; the main logistic and financial considerations with respect to the databases; and if he will make a statement on the matter. [32895/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The development of a database for learners at all levels of education remains an important goal for my Department. It has not been possible to progress the development of the Learner Databases for students at Primary or Further Education levels at this time due to funding and staffing constraints. However, in recent years there have been a number of improvements to the Post-Primary Pupil Database (PPPDB). In 2008/09 all post-primary schools were enabled to submit information on student enrolments known as the October Returns, using the secure electronic network, esinet, which links schools with the Department. The esinet facility supports the On Line Claim System (OLCS) and allows each Primary, Voluntary Secondary, Community and Comprehensive school to record absences and submit claims online to the Department for the payment of substitute teachers and Special Needs Assistants. It also enables schools, including VEC schools, to submit their October Returns in an electronic format online.

The Higher Education Authority holds a Student Record System which applies to all students in aided colleges of higher education. The data held on this database enables analysis of detailed trends and population characteristics of the third level student population.

My Department is committed to the full application of the PPSN as a universal and unique pupil/student identifier subject to appropriate data protection procedures. Currently, the PPSN is used for almost all post-primary pupils. In the case of the Higher Education Authority’s Student Record System, over 90% of new entrants to most publicly-funded third level institutions present with a PPSN at the point of registration.

Computerisation Programme.

149. **Deputy Brian Hayes** asked the Minister for Education and Science when information technology funds will become available for primary schools who built mainstream classrooms under the devolved grant during 2008 and have not received funds to date in 2009; the amount of money involved; and if he will make a statement on the matter. [32905/09]

Minister for Education and Science (Deputy Batt O’Keeffe): It is my intention that funding for the purchase of information technology will be provided to schools in respect of permanent mainstream classrooms completed under devolved schemes in 2008 and to-date in 2009. I anticipate that the funding in respect of eligible projects will issue to schools next month.