



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 8 October 2009.

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DÁIL ÉIREANN

Déardaoin, 8 Deireadh Fómhair 2009.
Thursday, 8 October 2009.

Chuaigh an Leas-Cheann 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 number of requests to move the adjournment of the Dáil under Standing Order 32.

Deputy Paul Connaughton: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the failure of the Coca-Cola company to honour a Labour Court judgment concerning redundancy payments to its laid-off workers at Tuam, Dublin and Cork; the obvious sneaking disregard of Coca-Cola for its former employees who worked diligently over many years; the total disregard of the company for the Labour Court; and the fact that other former employees of Coca-Cola recently received much higher levels of redundancy payments than those being offered to the striking workers in Tuam and elsewhere.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the disturbing level of errors in the marking of the leaving certificate, as demonstrated by the awarding of upgrades in 20% of all appeals; and the fact that the results of those appeals have come too late for many people, unfortunately, as the college courses they are entitled to take are often full by the time appeal results are issued.

Deputy Bernard J. Durkan: Hear, hear.

Deputy James Bannon: At a time when students and schools are crying out for funding, it is disgraceful that there is a very substantial underspend in the Department of Education and Science.

Deputy Fergus O'Dowd: Hear, hear.

Deputy James Bannon: This matter needs to be debated as a matter of urgency.

Deputy Pádraic McCormack: Where is the Minister for Education and Science?

An Leas-Cheann Comhairle: Deputy Kathleen Lynch, without interruption.

Deputy Kathleen Lynch: I seek the adjournment of the Dáil under Standing Order 32 to discuss an urgent matter of public interest, namely, the industrial dispute at Coca-Cola, which is in danger of spreading to other companies; the fact that Coca-Cola workers have been on strike for the past seven weeks as a result of the company's attempts to outsource distribution,

[Deputy Kathleen Lynch.]

which would lead to the loss of 130 jobs, 30 of which would be lost in Cork; the intransigence of Coca-Cola in ignoring all attempts by the workforce to seek a resolution through the Labour Court, which is leading to the escalation of the dispute to other distribution companies; and the need for an urgent debate on this serious matter.

An Leas-Cheann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32, unfortunately.

Order of Business.

The Tánaiste: It is proposed to take No. *a14*, motion re proposed approval by Dáil Éireann of the terms of the Treaty of Lisbon; No. *b14*, motion re sittings and business of the Dáil; No. 3, Communications (Retention of Data) Bill 2009 — Order for Second Stage and Second Stage; and No. 4, Communications Regulation (Premium Rate Services) Bill 2009 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Nos. *a14* and *b14* shall be decided without debate.

An Leas-Cheann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with Nos. *a14* and *b14* without debate agreed?

Deputy Enda Kenny: There has been enough debate about the Lisbon treaty. Send it away with all our endorsement.

Deputy Joe Costello: While I agree with Deputy Kenny in one sense, it seems strange that it is proposed to deal with a motion on this major issue, which has been debated across the length and breadth of the country over the past month, without debate. Not only will it have major implications for Ireland, Europe and the world, but it will also have substantial implications for the manner in which this House conducts its business, as it gives the Oireachtas a new statutory role. While I accept that the matter will not be debated on this occasion, perhaps the Tánaiste can tell us when Deputies will have an opportunity to discuss the implications of the Lisbon treaty for how the Oireachtas conducts its business with the European Union.

An Leas-Cheann Comhairle: I remind the House that this is a procedural motion, setting out how these matters will be taken.

Deputy Martin Ferris: While Sinn Féin has strong views on the Treaty of Lisbon, which is the subject of No. *a14*, it accepts the democratic decision taken by the Irish people and will not oppose the proposal before the House.

Deputy Jim O’Keeffe: That is a first.

The Tánaiste: As the Leas-Cheann Comhairle has rightly indicated, this is a procedural motion. It will be followed by legislation, which is to be considered by the Cabinet next week. These issues can be raised when that Bill is debated in the House.

An Leas-Cheann Comhairle: Is the proposal to take Nos. *a14* and *b14* without debate agreed? Agreed. I call Deputy Kenny on the Order of Business.

Deputy Enda Kenny: I would like to ask two questions on the Order of Business. According to a report in today’s *Irish Independent*, the outgoing chairman of FÁS, Mr. Peter McLoone, has contradicted the Tánaiste’s version of the events leading up to the decision of the board of FÁS to allow the former director general of that organisation to keep his car. According to the newspaper report, Mr. McLoone insists that “the board of the state training agency only

allowed Mr. Molloy to keep his Audi A6 company car because it was negotiated in his severance agreement". The report also states that officials in the Department of Enterprise, Trade and Employment "were informed in advance that the issue of the car was to be dealt with by the FÁS board". On a number of occasions, the Tánaiste——

An Leas-Cheann Comhairle: This is not in order.

Deputy Enda Kenny: This matter directly concerns the Tánaiste and Minister for Enterprise, Trade and Employment.

An Leas-Cheann Comhairle: This is neither Question Time nor Leaders' Questions, unfortunately.

Deputy Enda Kenny: The Tánaiste has repeatedly refused to say whether she was aware in advance of the awarding of a golden handshake of €1 million and an Audi A6 car. I would like a straight answer. Was the Tánaiste informed in advance of the decision of the board of FÁS to allow Mr. Molloy to keep his Audi A6 car as part of his severance package?

An Leas-Cheann Comhairle: Deputy Kenny knows full well that——

Deputy Enda Kenny: That is that, a Leas-Cheann Comhairle. I expect the Tánaiste to answer the question I have asked about a matter of public importance. In reply to a question on the National Assets Management Agency Bill 2009, the Taoiseach stated yesterday that the matter would be addressed in the normal way on Committee Stage. The Government invited Opposition parties to put down amendments. Can the Tánaiste confirm that time will be allowed for a debate on each and every amendment without guillotine?

An Leas-Cheann Comhairle: The first matter is not in order but if Deputy Kenny wishes to raise it on the Adjournment, I will facilitate him.

Deputy Enda Kenny: Hold on.

An Leas-Cheann Comhairle: I will allow the Tánaiste to reply if she wishes to do so.

Deputy James Bannon: It is taxpayers' money.

Deputy Pádraic McCormack: It is very much in order.

The Tánaiste: In regard to the legislation, it will be a matter for the Chairman of the select committee to determine how much time will be allocated to discuss relevant amendments.

I was aware that the former director general wished to retain the car. It was not within my remit to sanction that. It was a matter for the board. It went to the board, which made its decision. It was not part of the package sanctioned by the Department of Enterprise, Trade and Employment and the Department of Finance.

Deputy Enda Kenny: The Tánaiste knew in advance, therefore.

The Tánaiste: I was aware of the situation.

Deputy Enda Kenny: She knew in advance.

The Tánaiste: It was a matter for the board.

An Leas-Cheann Comhairle: I call Deputy Burton.

Deputy Leo Varadkar: Did she express a view to the board?

Deputy Paul Kehoe: Did she give him a full tank of petrol as well?

Deputy Joan Burton: I want to——

Deputy Dick Roche: It was a diesel car.

Deputy Pádraic McCormack: Green diesel.

An Leas-Cheann Comhairle: Allow Deputy Burton to speak without interruption.

Deputy Joan Burton: Has the Government agreed a date for the budget? This question is coming close to the third mystery of Fatima. By tradition it is announced on the first Wednesday in December but the Government is refusing to confirm that, which leads me to the suspicion that it intends to announce it at the height of the Christmas party season so that the public will pay little or no attention to it.

(Interruptions).

An Leas-Cheann Comhairle: Allow Deputy Burton to put her question.

Deputy Joan Burton: Can the Tánaiste give us the date of the budget and can she confirm it will be on the first Wednesday in December?

Deputy James Reilly: The Christmas bonus has been cancelled.

Deputy Joan Burton: Yesterday we were told by the Taoiseach that it will definitely be announced before Christmas. The custom for many people in this country is to start celebrating Christmas between the 18th and the 20th of December. If the budget is moved back, there will be no time to debate it.

An Leas-Cheann Comhairle: The Deputy has made her point.

Deputy Joan Burton: That was my first question.

Deputy Paul Kehoe: Paddy Power should open a book on it.

Deputy Billy Kelleher: We could move Christmas Day instead.

Deputy Joan Burton: The Taoiseach said it would be announced prior to Christmas.

Deputy Dick Roche: Which Christmas?

Deputy Joan Burton: He has also confirmed it will be in December

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

Deputy Joan Burton: We want the date. We have to do our own planning.

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

Deputy Joan Burton: My second question is whether information will be published on the Estimates. It has been the tradition of this House that information is published in the middle of November so that the Opposition can understand the Government's intentions. This morning we received information that €396 million of the capital Estimate for the Department of Edu-

cation and Science, or almost half of the amount provided in the emergency budget, remains unspent with three months left in the financial year. This is a serious question. If we are to conduct our business properly, we need to know the Estimates.

I wish to raise another matter which is not related to the budget.

An Leas-Cheann Comhairle: I will return to the Deputy.

The Tánaiste: On the budget date and the preparation of the Estimates, these matters will be determined at the Cabinet meeting planned for this afternoon.

An Leas-Cheann Comhairle: What is the position on the Estimates?

The Tánaiste: It is the same.

An Leas-Cheann Comhairle: I will call Deputy Burton again but I now call Deputy Deasy.

Deputy John Deasy: Last Tuesday I raised the issue of PRSI being levied on redundancy payments to former employees of Waterford Crystal. I was subsequently contacted by several Deputies, including Deputies Aylward, Kenneally and O'Shea, and have held discussions with the Tánaiste, who gave an undertaking on Tuesday's Order of Business that she would personally examine the matter. Everyone will appreciate that she has followed through on her commitment. It is worth remembering that we are dealing with people who have lost the entire value of their pensions as well as their jobs. Last night I received a response to my parliamentary question to the Department of Finance, which clearly considers the payment as income rather than a redundancy payment.

An Leas-Cheann Comhairle: This matter is not in order on the Order of Business.

Deputy John Deasy: I ask for the Leas-Cheann Comhairle's indulgence. I will be brief. The matter was passed back to the Department of Social and Family Affairs. I understand the Tánaiste has indicated that she will personally appeal this to both Departments.

An Leas-Cheann Comhairle: This would be an appropriate matter for the Adjournment debate.

Deputy John Deasy: I will conclude on this point. I put down questions to the Department of Social and Family Affairs. It is important that the matter is clarified promptly. I seek an indication from the Tánaiste that it will be addressed within the coming three or four days.

An Leas-Cheann Comhairle: This is not in order on the Order of Business.

Deputy Bobby Aylward: On the same issue——

An Leas-Cheann Comhairle: It is still not in order.

Deputy Bobby Aylward: I want to balance the House by adding my voice to the concerns expressed by Deputy Deasy.

Deputy Noel J. Coonan: There is a big difference in the weight.

Deputy Bobby Aylward: I ask the Tánaiste to use her good office on this issue which has arisen for the former workers of Waterford Crystal who lost their jobs when the company went into receivership. They have been given a small amount of money by the receiver.

An Leas-Cheann Comhairle: This is not in order.

Deputy Bobby Aylward: Some of the workers have given 39 years of service.

An Leas-Cheann Comhairle: I ask the Tánaiste to give a brief reply on an exceptional matter without precedent.

The Tánaiste: I am aware of the situation and have been in contact with the receiver. Issues arise in regard to payments from my Department and the implications for decisions that have been made regarding the workers. I had an opportunity to speak on a personal basis with the Minister for Social and Family Affairs and we will follow up on our conversation today. I will keep all the Deputies from Waterford informed about the matter.

Deputy Dick Roche: And Kilkenny.

The Tánaiste: And Kilkenny.

An Leas-Cheann Comhairle: I call Deputy Crawford, who I expect will remain in order.

Deputy Seymour Crawford: I will remain in order.

Deputy Paul Kehoe: Always.

Deputy Seymour Crawford: I cannot help but ask about the status of the legal costs Bill. These people are receiving enormous sums of money at a time when others cannot put bread on the table. We have been promised this Bill for years but it remains on the back burner.

In regard to the Department of Social and Family Affairs, a situation has arisen whereby many self-employed people, including farmers, do not have the money to put bread on the table yet their social welfare payments are calculated on last year's incomes.

An Leas-Cheann Comhairle: That is not in order.

Deputy Seymour Crawford: There is a refusal to deal with the issue.

An Leas-Cheann Comhairle: The Deputy knows that is not in order on the Order of Business.

Deputy Seymour Crawford: It is very much in order.

An Leas-Cheann Comhairle: I am afraid that whoever is the occupant of the Chair at any given time makes that determination.

Deputy Noel J. Coonan: The present occupant is getting very fond of the Chair.

Deputy Seymour Crawford: When is the reform Bill for social welfare recipients, lone parents and other low income families coming before the House?

An Leas-Cheann Comhairle: The Tánaiste on two items of legislation.

The Tánaiste: The legal costs Bill will be introduced next year. No date has been set for the social welfare Bill to which the Deputy referred.

Deputy Seymour Crawford: They will have to wait.

Deputy Shane McEntee: Is the Government aware that the people who have been hardest hit are those with mortgages and no jobs? Last Monday, the EBS sent letters to all their customers.

An Leas-Cheann Comhairle: That is not in order.

Deputy Shane McEntee: It is a very important issue and I ask to be allowed to finish.

An Leas-Cheann Comhairle: Can the Deputy relate it to legislation?

Deputy Shane McEntee: From 1 November people will have to be out of work for 90 days before they can avail of mortgage protection. The payment has also been increased by 20%.

An Leas-Cheann Comhairle: The Deputy knows that is out of order. We cannot allow the Order of Business to become a free-for-all.

Deputy Shane McEntee: Thousands of people will be out on the streets.

An Leas-Cheann Comhairle: It is a very important matter and may be suitable for a parliamentary question or an Adjournment debate but it is not appropriate to the Order of Business.

Deputy Shane McEntee: I want Members to realise that the EBS has moved the posts since NAMA was proposed.

An Leas-Cheann Comhairle: The Deputy has made his point.

Deputy Michael D. Higgins: I wish to ask about the promised legislation on committals to prison. I ask about this because it was announced in the recent “Prime Time” programme that the Minister for Justice, Equality and Law Reform had legislation ready to reduce the number of people — one in four — who are being committed to appalling conditions in prison simply for the non-payment of fines, in other words, for non-criminal offences.

Two separate pieces of legislation have been promised over time, one of which related to a properly accountable transparent system for the prisons administration. On the second, more important one, the director of the Office of the Inspector of Prisons has described the conditions in Mountjoy Prison as inhuman and degrading and it has been promised on more than one occasion that amending legislation would be introduced to provide judges with options other than committal to prison in sentencing for such matters as the non-payment of fines. Where stands that legislation?

The Tánaiste: The Fines Bill has passed Second Stage and is coming to Committee Stage. I am aware of the views being expressed but I would have to ascertain from the Minister for Justice, Equality and Law Reform whether those issues will form part of that Bill. On the other issue raised, I will ask the Minister to contact the Deputy directly.

Deputy Michael D. Higgins: I was a member of the group that produced the McBride report on the prisons, which was followed by the Whitaker report. All I can say is it is a matter of the deepest disappointment how few Deputies in this House are free to speak about prison reform and to respond to what was an appalling report. I pay tribute to the director of the Office of the Inspector of Prisons as much as I say that the officials in the Department of Justice, Equality and Law Reform preside over something that is in breach of human rights. It is a scandal.

An Leas-Cheann Comhairle: The Deputy has made his point. I promised I would call Deputy Burton again.

Deputy Joan Burton: I am sure the Tánaiste recalls that in June the entire House agreed to a resolution on the Ryan commission report into child abuse. The Taoiseach moved that resolu-

[Deputy Joan Burton.]

ution to get the congregations to make further substantial contributions by way of reparation. A trust was to be established and arrangements on a compensation package to be introduced.

An Leas-Cheann Comhairle: Is there an appropriate issue for the Order of Business?

Deputy Joan Burton: The Labour Party used its Private Members' time before the recess to bring forward a Bill to address some of these issues but the Government, in rejecting the Labour Party's proposal, stated that it was moving apace with the material promised in the resolution. We have heard nothing. Does the Government intend to present a progress report on the Ryan commission to the House, and if so, when?

An Leas-Cheann Comhairle: Is legislation or a debate promised in this area?

The Tánaiste: There is no debate or legislation promised.

Deputy Joan Burton: A Leas-Cheann Comhairle, a solemn promise was given by everybody in the House to address this issue and we understood the Government was going to address it.

An Leas-Cheann Comhairle: The Deputy has made her point. I call Deputy Durkan.

Deputy Bernard J. Durkan: On promised legislation, when is it intended to introduce to the House a long-promised Bill to provide for the amendment of the Criminal Justice (Legal Aid) Act 1962? It is obvious that there is an urgent need for reform in this area. The Government legislation programme states that publication is expected in early 2010. In view of the need to proceed with all possible speed, has any decision has been taken?

An Leas-Cheann Comhairle: Where stands the legislation to reform the legal aid Act?

Deputy Bernard J. Durkan: Has any decision been taken at Cabinet level to bring this Bill forward?

The Tánaiste: Early next year.

Deputy Bernard J. Durkan: The question was, has any decision——

An Leas-Cheann Comhairle: On the Order of Business, we deal with the timing of legislation.

Deputy Bernard J. Durkan: On promised legislation, we are quite entitled to ask this question. The question is whether any decision has been made at Cabinet level to expedite the process and introduce this Bill into the House.

An Leas-Cheann Comhairle: The Tánaiste indicated that it will be introduced early next year.

Deputy Bernard J. Durkan: No, that is on the Government legislative programme already. I am asking the Tánaiste a specific question.

An Leas-Cheann Comhairle: Very good, Deputy. You have answered the question.

Deputy Bernard J. Durkan: Can I have the answer?

The Tánaiste: The heads have been brought to Cabinet and the matter is being dealt with as expeditiously as possible.

Deputy Bernard J. Durkan: I thank the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: The Deputy is welcome.

Deputy David Stanton: Am I in order to ask about secondary legislation?

An Leas-Cheann Comhairle: Indeed the Deputy is.

Deputy David Stanton: I just want to find out when the Minister for Agriculture, Fisheries and Food, who is here this morning, will make regulations to extend the time for spreading slurry.

An Leas-Cheann Comhairle: Under what Act is that regulation?

Deputy David Stanton: The European nitrates directive.

An Leas-Cheann Comhairle: Is there secondary legislation in this area?

The Tánaiste: There is no secondary legislation from the Department of Agriculture, Fisheries and Food. It is a matter for the Department of the Environment, Heritage and Local Government and I believe the Minister has been in touch.

Deputy Pádraic McCormack: There has been much slurry here all week.

The Tánaiste: It is not a matter for the Minister for Agriculture, Fisheries and Food. It is a matter for the Minister for the Environment, Heritage and Local Government. The Minister for Agriculture, Fisheries and Food has contacted the Minister for the Environment, Heritage and Local Government—

Deputy Noel J. Coonan: The Minister for the Environment, Heritage and Local Government is missing. We have not seen him for a long time.

The Tánaiste: —on those matters.

Deputy David Stanton: Will I get a response soon as to the change of dates?

An Leas-Cheann Comhairle: An order is secondary legislation and the Tánaiste stated there is no secondary legislation. Perhaps a parliamentary question to the Minister for the Environment, Heritage and Local Government might be appropriate.

Deputy Noel J. Coonan: The Minister for the Environment, Heritage and Local Government must have gone in the car.

Deputy Kathleen Lynch: I have two questions. First, when will the mental capacity Bill be published? It is long overdue.

My other question is on promised legislation from the Minister for the Environment, Heritage and Local Government, Deputy Gormley, but I cannot see it anywhere. I see that on the list he has the control of dogs (amendment) Bill, which might be handy for Saturday, the environment (miscellaneous provisions) Bill which is about the levy on plastic bags, and the noise nuisance Bill, which, I take it, is also related to Saturday. Then he has the climate change Bill, the local government (Dublin mayor) Bill and the monuments Bill. The Minister for the Environment, Heritage and Local Government is dealing with all of the major issues of the day except the one he has been promising for the past two and a half years,—

An Leas-Cheann Comhairle: There are a number of pieces of legislation raised.

Deputy Kathleen Lynch: —namely the planning Bill that he has promised more than any other Minister. “I will do”, is this Minister’s mantra. When will we see it?

An Leas-Cheann Comhairle: On those pieces of legislation that are in order, the Tánaiste.

Deputy Kathleen Lynch: Where is the “I will do” Minister?

Deputy Joan Burton: Saturday is the big powwow.

The Tánaiste: The Planning and Development (Amendment) Bill is in the Seanad. When it has been completed in the Seanad, it will come to this House.

Deputy Kathleen Lynch: What of the mental capacity Bill?

The Tánaiste: The mental capacity Bill is due early next year.

Deputy Róisín Shortall: Before the summer recess the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices) Act 2009 was passed. That is to provide for reform of the expenses regime for TDs and Ministers. Since then the Minister for Finance has been sitting on that legislation. What is required is that the Minister sign regulations to give effect to that legislation. Why has the Minister for Finance failed to act in this area and when can we expect to see these long overdue regulations to restore some kind of credibility to the House?

An Leas-Cheann Comhairle: On the secondary legislation.

The Tánaiste: Although the legislation has been enacted by this House, the Minister has indicated publicly that he proposes to introduce further reform.

Deputy Kathleen Lynch: Apart from the soundbites yesterday, can the Tánaiste be a little more specific about what the Minister intends to do? This was a proposal that came from the Houses of the Oireachtas Commission earlier in the year.

An Leas-Cheann Comhairle: A parliamentary question or an Adjournment debate would be appropriate.

Deputy Kathleen Lynch: Legislation was drafted and passed. Can we now have a clear explanation of the way forward in terms of reforming the expenses regime? Can the Tánaiste indicate precisely what will happen now or will there be another year’s delay?

The Tánaiste: There will be no delay. The Minister will introduce even more reform, over and above the legislation that has been enacted.

Deputy Róisín Shortall: What is this nonsense about “even more reform”?

The Tánaiste: That matter—

Deputy Róisín Shortall: Give us the reform that has already been agreed.

Deputy Pádraic McCormack: Get on with it.

The Tánaiste: —will be brought to the House if necessary.

An Leas-Cheann Comhairle: I call Deputy Reilly.

Deputy Róisín Shortall: A Leas-Cheann Comhairle, it is simply not acceptable that reforms are held up because of problems on the Fianna Fáil backbenches.

Deputy Pat Carey: That is untrue.

Deputy Róisín Shortall: Let us have action on this.

An Leas-Cheann Comhairle: Deputy Reilly is called.

Deputy Róisín Shortall: We all are being tarnished because of their behaviour over there——

An Leas-Cheann Comhairle: Deputy Reilly is called.

Deputy Róisín Shortall: ——and we are not prepared to tolerate that.

An Leas-Cheann Comhairle: Please, Deputy Shortall, you have had a good innings. I call Deputy Reilly.

Deputy Róisín Shortall: Let us have a share in the debate on what will be done and end these soundbites from the Minister for Finance.

Deputy James Reilly: There are three pieces of legislation on which I wish to touch. First, I support Deputy Crawford's call for the legal costs Bill to be brought forward as a matter of urgency.

An Leas-Cheann Comhairle: That question has already been answered.

Deputy James Reilly: Of €60 million to be paid out this year by the health service——

An Leas-Cheann Comhairle: That question has already been answered.

Deputy James Reilly: ——on medical legal cases, €20 million goes to solicitors and barristers. It is outrageous. People have had to mortgage their homes to get justice for their children. That must stop.

An Leas-Cheann Comhairle: It is not appropriate to make a speech on legislation that has not been introduced.

Deputy James Reilly: I accept that, a Leas-Cheann Comhairle, but a certain degree of urgency needs to be brought to this. It is sitting there a long time.

The other issue I want to raise is the public health (alcohol labelling provisions) Bill. When is that Bill due to be published? I hope that the Bill not alone will carry the warnings and dangers of alcohol consumption, particularly in pregnancy, but will also provide for more information on the calorie content of alcohol. When will the public health (sunbeds) Bill be introduced? It is a simple proposition to ban sunbed use for under 18s. Adults are old enough to make their own decision if they want to risk skin cancer, but our children should not be exposed to it.

The Tánaiste: The alcohol legislation will be introduced next year. There has been consultation on the sunbed legislation and I believe the Minister is anxious to introduce it as quickly as possible.

Deputy Seán Sherlock: I do not want to raise any hackles, but I ask the Tánaiste whether the animal health and welfare Bill will be published any time soon.

Deputy Pádraic McCormack: The Deputy knows the answer — on Saturday.

The Tánaiste: There has been consultation on this issue. It is a large piece of legislation. As the Deputy knows, the Minister for Agriculture, Fisheries and Food looks after farm animals. That matter will be brought to a conclusion in due course.

Treaty of Lisbon: Motion.

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): I move:

That Dáil Éireann approves the terms of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on 13 December 2007, copies of which were laid before Dáil Éireann on Tuesday, 6 October 2009.

I move this with some considerable relief.

Question put and agreed to.

Sittings and Business of Dáil: Motion.

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

That, notwithstanding anything in Standing Orders, in particular Standing Order 10, the following arrangements shall apply in relation to next Tuesday's sitting:

(i) Taoiseach's questions shall not be taken;

(ii) at 2.30 p.m. the Ceann Comhairle, Deputy John O'Donoghue, shall make a statement of resignation and on the conclusion of this statement the sitting shall be suspended for 15 minutes;

(iii) on the resumption of business the election of a new Ceann Comhairle shall take place; and

(iv) Oral Questions shall be taken on the conclusion of the election of a new Ceann Comhairle until 4.15 p.m.

Question put and agreed to.

Communications (Retention of Data) Bill 2009: Order for Second Stage.

Bill entitled an Act to give effect to Directive No. 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, to provide for the retention of and access to certain data for the purposes of the prevention of serious offences, the safeguarding of the security of the State and the saving of human life, to repeal Part 7 of the Criminal Justice (Terrorist Offences) Act 2005, to amend the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 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.

Communications (Retention of Data) 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 am pleased to be in the House today to present the Communications (Retention of Data) Bill 2009. The primary purpose of the Bill is to transpose Directive 2006/24/EC of the European Parliament and Council into law. The directive requires service providers to retain data generated or processed in connection with the provision of publicly available electronic communications or public communications networks and to make it available on request for the detection, investigation and prosecution of serious crime.

Before I explain the provisions of the Bill and its background, I would like to speak more generally about data retention and its important role in the investigation of serious crime and in safeguarding the security of the State. It has been in the news at regular intervals over the past few years and some misconceptions may have arisen as to its scope and purpose. It is important to bear in mind that data retention is not new; it has been an essential feature of crime investigation and the safeguarding of State security for many years. Also to be borne in mind is that data information is not concerned with the content of a communication; it is about who, where and when. The intrusion into a person’s privacy is minimal.

The retention of data in this country began in the days of the Department of Posts and Telegraphs, when communications were by means of fixed-line telephones and the postal system, of which the State was the only provider. Typically, telephony operators, even after the market was opened up, retained data for six years for their own purposes, such as billing and marketing. This made sense because the statute of limitations during which a telephone bill could be challenged or payment pursued was six years. The operators made the data information available to the Garda on request when required for fighting crime and safeguarding the security of the State. In those circumstances, relations between the operators and Garda developed so that the voluntary scheme was based on goodwill and common sense on both sides. Any Garda could request data in respect of a crime he or she was investigating. The system was not regulated by statute.

The first significant statutory intervention came in the form of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, of which section 13 inserted new subsections into section 98 of the Postal and Telecommunications Services Act 1983. Under the inserted subsection (2A), a person employed by a company who disclosed to any person any information concerning the use made of telecommunications services provided for any other person by the company was guilty of an offence. There were exceptions, including disclosures made for the prevention or detection of crime or for the purpose of any criminal proceedings or in the interests of the security of the State. A request by a member of the Garda Síochána to make a disclosure had to be in writing and be signed by a member not below the rank of chief superintendent. In practice, this meant that all disclosure requests were made through one specified chief superintendent, a practice that continues to this day. A parallel inserted provision ensured that any request from the Permanent Defence Force for data required in the interests of safeguarding the security of the State must be made through an officer not below the rank of colonel.

This remained the case until the adoption of Directive 2002/58/EC of the European Parliament and Council in July 2002, which concerned the processing of personal data and the protection of privacy in the electronic communications sector. As interpreted for data protection purposes, the directive provided that traffic data could only be retained for six months. This posed a problem for Ireland, as the Garda required data to be retained for longer than six months if it was not to be severely handicapped in its ability to fight crime and safeguard State

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security. In practice, most retained data that is required is requested by the Garda or Permanent Defence Force within six months of its being generated or processed. However, the quality of data retained for longer periods can be equally important in fighting crime, including terrorist crime.

The Department of Justice, Equality and Law Reform and the then Department of Public Enterprise came to an agreement that telephony data should be retained by operators for three years; that is, half the period for which the operators voluntarily retained telephony data previously. That agreement was given statutory effect in directions issued by the Minister for Public Enterprise to the main telephony operators under section 110(1) of the Postal and Telecommunications Services Act 1983. It was intended to follow up the directions with primary legislation. However, in 2003 Ireland received an invitation from some of our colleagues in the EU to co-sponsor a framework decision on data retention. Agreement was reached on Ireland's participation in the preparation of the instrument, and further work on the legislation had to be deferred until the text of the framework decision was agreed and adopted.

The negotiations on the framework decision proved difficult and complex. They had effectively reached stalemate when the Madrid bombings during the Irish Presidency of the EU in 2004 highlighted the necessity and urgency of obtaining agreement on the retention of data. Negotiations recommenced in earnest but had not been concluded by January 2005 when the then Data Protection Commissioner issued notices to the main telephony operators directing that they retain data for no longer than six months. Rather than hamper the Garda Síochána and the Defence Forces in their vital work in investigating crime and safeguarding our security, a decision was taken to include provisions in the Criminal Justice (Terrorist Offences) Bill, which was then being debated in the Seanad, on the retention of telephony data. It was also decided not to deal with the more complex Internet provisions until an EU instrument had been agreed. I am glad to say the data retention proposals included in the Bill received a generally warm welcome. The urgency of ensuring that the Garda and Defence Forces could gain access to retained data in a controlled and supervised manner was acknowledged.

I have given this short background to the law and procedures relating to data retention in this country to put the record straight and also to place the Bill in its proper context. As we are all probably aware, agreement was never reached on the framework decision, and it was replaced by a directive of the European Parliament and Council, which is now being transposed in the Bill. It is normal practice, as provided for in the European Communities legislation, to transpose such directives by means of secondary legislation. Our legal advice suggested there would be no problem in using secondary legislation as our transposition vehicle. However, on the basis of later advice, it was decided for a technical reason to proceed by way of primary legislation. This partially explains the delay in publishing the Bill.

The preparation of the Bill was also delayed by prolonged consultations with service providers and, in particular, their representative associations and other interested parties. I express my appreciation of the constructive way in which the service providers entered into the consultative process. The process was long and, at times, complex, and negotiations are still continuing between the Garda Síochána and the representative associations on the implementation of the legislation.

The directive was adopted under Article 95 of the Treaty establishing the European Community, which provides for the adoption of measures for the approximation of provisions laid down by law, regulation or administrative action in member states which have as their object the establishment and functioning of the Internal Market. Ireland, supported by Slovakia, applied to the European Court of Justice to have the directive annulled on the basis that the choice of legal basis for the directive was fundamentally flawed. The Irish case was that neither

Article 95 of the European Community treaty, nor any other provision of that treaty, could provide a proper legal base for the directive. Ireland submitted that the sole or at least main or predominant purpose of the directive was the investigation, detection and prosecution of serious crime. In those circumstances, Ireland submitted that the only permissible legal basis for the measures contained in the directive was Title VI of the Treaty on European Union, being the provisions on police and judicial co-operation in criminal matters. Articles 30, 31 and 34, in particular, were relevant. In a judgment last February, the court found against Ireland's application. The directive must now be transposed into national law and the legislation in Ireland is now well overdue. The European Commission has initiated infringement proceedings against Ireland in the European Court of Justice adding greater urgency to have the legislation enacted without delay.

I will now outline the provisions of the Bill which is relatively short and largely remains within the parameters established by the directive. The Bill has two main objectives. The first, at section 3, obliges service providers to retain data. The second, at sections 6 and 7, gives the relevant law enforcement agencies power to make a disclosure request for retained data and obliges the service providers to comply with such a request. I will explain these important elements in a moment but will first emphasise the importance of section 2.

Section 2 gives effect to Article 1.2 of the directive by providing that the Act does not apply to the content of communications. It does not, for example, apply to the content of a telephone conversation or an e-mail or to web browsing or websites visited. It simply allows law enforcement agencies in Ireland to seek information in regard to the who, where and when of a communication. In the case of the Internet, it obliges service providers to retain data equivalent to the type of telephony data that has been retained for many years. I would like, at this stage, to dispel another myth. Neither the Garda Síochána nor the Department of Justice, Equality and Law Reform will retain a vast database of information relating to the use of communications by our citizens. The fact is that the Garda Síochána, Permanent Defence Force and the Revenue Commissioners will be, under this legislation, able to request data information for the purposes established in the Bill and subject to the safeguards therein. It is the telephony operators and Internet service providers who will retain the data for the periods set out in the Bill.

Article 1.1 of the directive obliges member states to ensure that retained data is available for the purpose of the investigation, detection and prosecution of serious crime, as defined by each member state in its national law. This raises some important questions. I mentioned earlier that the intention was to transpose the directive by means of secondary legislation. This would have ensured that we could have avoided infringement proceedings. However, it was always intended to follow such secondary legislation with primary legislation. That legislation would have consolidated the data retention schemes for telephony and Internet data retention. More important, it would have allowed us to add to the list of purposes for which data could be sought. These are data necessary for safeguarding the security of the State and the saving of human life. They do not form part of the directive. The Bill consolidates the data retention schemes and includes provisions on State security and the saving of human life which means further legislation will not be required.

There has been much discussion on what constitutes a "serious offence". There are two basic points to bear in mind in any debate on what should be a serious offence for the purpose of the Bill. Currently, telephony data can be sought for the investigation of any offence. Any credible definition of "serious offence" used in the Bill will, therefore, restrict the offences for which data can be sought. There is no universal definition of "serious offence" in this country. The expression is described in some Acts as an offence punishable by a term of imprisonment of five years or more. However, such definitions are solely for specific purposes or Acts. Any offence that can be charged on indictment is, under our Constitution, a serious offence. This

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means it would have been feasible to define “serious offence” as any offence that carries a penalty of more than 12 months imprisonment. Following much thought and consultation with the Garda Síochana, I accepted a suggestion first made by the service providers that for the purposes of a disclosure request a penalty of imprisonment of five years or more would be appropriate. In addition, the First Schedule contains a handful of other serious offences, triable on indictment but with a maximum penalty of less than five years imprisonment, for which data can also be sought. This list was suggested by the Garda Síochana and represents its opinion on the offences for which it is essential it retains the ability to make a disclosure request, namely, offences carrying a penalty of up to five years imprisonment.

Regardless of how “serious offence” is defined, it will not affect the amount of data that is retained. It cannot be known in advance for what data may be required. The vast majority of data will not be required and will be destroyed after the appropriate time. However, by defining “serious offence” the amount of telephony data for which a disclosure request can be made will be less than under current law where data can be disclosed for the investigation of any offence.

It would have been possible under the terms of the directive to give every law enforcement agency in the country authority to make a disclosure request but this has not been done. In addition to the traditional role of the Garda Síochana and the Permanent Defence Force, I have given power to the Revenue Commissioners to make disclosure requests in respect of six specific revenue offences. The primary reason for the inclusion of the Revenue Commissioners in this Bill is to provide its investigating officers with access to communication data to assist them in tackling various forms of serious tax evasion that are undermining the collection of tax revenues in the State. Tackling tax evasion has always been a top priority for Revenue.

The Bill recognises the role of the Revenue Commissioners as a criminal law enforcement agency whose task it is to protect the Exchequer from fraud. Experience has shown that the lack of such access has been a hindrance in detecting certain cases of serious tax fraud and gathering the necessary evidence for the purposes of prosecution. This need is clearly justified and access to such information should improve the level of detection of serious tax evasion and the gathering of evidence necessary for criminal prosecution and will assist in depriving criminals of funds.

Modern telecommunications and the Internet are invariably utilised by those engaged in the type of illicit activities investigated by Revenue. For instance, documents encountered by Revenue officers in the course of investigating cigarette smuggling in maritime freight where bogus Bills of Lading are used, oil laundering and the distribution of laundered oil under cover of bogus invoices, alcohol fraud using bogus documentation, cross-border VAT fraud and other forms of serious tax evasion often include contact phone numbers which need to be traced and the identity of the subscriber established along with the usage of the phone if the investigation is to be progressed.

I find the case for access compelling and Revenue has given categorical assurance that requests for such information will be confined to investigations involving serious indictable revenue offences. I might add that the Revenue case for access has been supported in the past by the Attorney General, the DPP and An Garda Síochana and was one of the recommendations made by the Revenue powers group in its report to the Minister for Finance in November 2003.

Article 3 of the directive establishes the obligation to retain data and is given effect in section 3 of the Bill. It obliges service providers to retain telephony data for two years and Internet data for 12 months. Members may ask why two years and 12 months when the directive states between two years and six months? Under Part 7 of the Criminal Justice (Terrorist Offences)

Act 2005 telephony data must be retained for three years. There are currently no statutory requirements in relation to the retention of Internet data. Some commentators have suggested that I am reducing the retention period for telephony data from three to two years to comply with the terms of the directive. This is not the case. Article 95(4) of the TEC states that if after the adoption of a harmonisation measure a member state deems it necessary to maintain national measures it can notify the Commission of those provisions and the grounds for maintaining them. The Commission has the power to approve or reject the national provisions involved. Following a re-evaluation by the Garda Síochána as to its requirements for the investigation of serious crime and safeguarding the security of the State, it was considered that a two year retention period for telephony data would be sufficient. Similarly, the 12 months retention period for Internet data is deemed to be the minimum necessary in respect of that data. Most retained data that is the subject of a disclosure request was generated or processed in the previous six months but the quality of longer held information makes retention periods provided for in the Bill necessary for efficient law enforcement and State security. I would suggest there is never a good time to deprive our law enforcement agencies of a vital weapon in the constant battle against criminals and terrorists who themselves are adept at using modern technology and now is certainly not a good time.

Section 4 ensures that the same level of security will attach to data retained under this Act as is retained for other purposes. It gives effect to Article 7 of the directive. The providers must destroy the data as soon as the retention periods have expired. However, one month's grace is given to enable the data to be actually destroyed. Apparently there is more to destroying the data than simply pressing a button. This section also provides that the Data Protection Commissioner will be the supervisory authority in Ireland for the purpose of both the Act and the directive. The appointment of a supervisory authority is required by Article 9 of the directive.

I accept that in the light of some significant breaches of data security in recent times, such as the theft of laptops with unencrypted material, there is some concern about the security of retained data. There is an increasing appreciation of the need to ensure the highest level possible of security on data that are in the possession of service providers for use for their own purposes and the legislation can do no more than apply that heightened level of security to the data retained for the purposes of compliance with this Bill. In doing so, the legislation complies with the security requirements of the directive. Following the recent breaches of security, I established a data protection review group which I understand is almost ready to publish a consultative document describing the issues from a legal, technical and regulatory perspective. I hope that interested parties will contribute their views on the consultative document so that it will be in a position to begin writing its report without delay.

Section 5 repeats section 64(1) of the Criminal Justice (Terrorist Offences) Act 2005. It sets out the circumstances in which the service providers can access data retained under the Act.

Article 6 of the directive requires member states to adopt measures to ensure that data retained in accordance with the directive are provided only to the competent authorities in accordance with national law. This requirement is given effect in the Bill at section 6.

Section 6 establishes who can make a disclosure request and for what purposes. Unlike some other countries, the ability to make a disclosure request is confined to just three law enforcement agencies: the Garda Síochána, the Permanent Defence Force and the Revenue Commissioners. A member of the Garda Síochána not below the rank of chief superintendent will be entitled to make a disclosure request for the purpose of the prevention, detection, investigation and the prosecution of serious crime, safeguarding the security of the State and saving human life.

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There are three differences between the powers of the gardaí under section 6 and the analogous provisions in the 2005 Act. Under the 2005 Act, the gardaí could make a disclosure request in respect of any offence, and not just a serious offence, and they could not make a request in respect of the saving of human life. Also, the 2005 Act did not provide for disclosure requests in respect of Internet data. These are three very desirable differences.

A colonel in the Permanent Defence Force will be able to make a disclosure request for the purpose of safeguarding the security of the State. This repeats the analogous provision in the 2005 Act but with the addition of the relevant Internet data. I have already mentioned that this provision could not have been included in a statutory instrument transposing the directive as safeguarding the security of the State is outside the scope of the directive. That is because of the legal base used for the directive.

For the first time, the Bill gives the Revenue Commissioners power to make a disclosure request in respect of six named revenue offences. These all come within the definition of serious offence in that they are all triable on indictment with a penalty of imprisonment of five years. As with requests from the Garda Síochána and Permanent Defence Force, requests will be made by one person, in this case a revenue officer of at least principal officer rank. This is a highly desirable initiative. Deputies will recall a recent statement by the Revenue Commissioners of the likelihood of increased tax evasion in these economically difficult times.

Sections 9 to 12 in one way or the other provide safeguards to ensure that the data retention scheme is not misused. Section 9 gives effect to Article 10 of the directive under which member states are obliged to forward to the Commission statistics of the use of data retention during the previous year. Because so few Irish authorities have the right to make a disclosure request and because such requests are centralised, the compilation of statistics in Ireland is relatively straightforward. This year, we were one of the first countries to return telephony statistics, even though the legislation transposing the directive was not in force. The statistics will be compiled by the three law enforcement authorities with the right to make disclosure requests. The Garda Commissioner will forward Garda statistics to the Minister for Justice, Equality and Law Reform, the Chief of Staff of the Permanent Defence Force will forward statistics to the Minister for Defence and the Revenue Commissioners to the Minister for Finance. The Ministers for Defence and Finance will review the statistics submitted to them respectively before forwarding them to the Minister for Justice, Equality and Law Reform for transmission to the European Commission. In this way the Commission will be in a position to monitor the operation of the data retention provisions throughout the EU.

Under Article 14 of the directive, the Commission will submit to the European Parliament and the Council an evaluation of the application of the directive and its impact on the service providers and consumers, taking into account further developments in electronic communications technology and the statistics provided under Article 10. The evaluation will inform a view as to whether it will be necessary to amend the directive, in particular with regard to the list of data and the periods of retention. The results of the evaluation will be made public.

The safeguards provided at sections 10 to 12 are essential for the proper operation of the legislation. They are of the utmost importance in ensuring public confidence that the legislation is not being misused and will also reassure the service providers that it is only used for the stated purposes. Section 10 provides for the independent complaints procedure. It provides that where a person believes that data relating to him or her and are in the possession of a service provider have been accessed following a disclosure request, that person may apply to the complaints referee for an investigation into the matter. Section 11 provides for an invitation by the President of the High Court to a serving judge of the High Court to undertake the

duties of keeping the operation of the Act under review. Section 12 sets out those duties. These safeguards already operate satisfactorily for the retention of telephony data under the 2005 Act so there is no need at this stage for me to explain them in further detail.

There are two Schedules to the Bill. The first lists the indictable offences that have a maximum prison sentence of less than five years for which the chief superintendent of the Garda Síochána will be enabled to make a disclosure request. The offences include identifying an officer of the Criminal Assets Bureau, administering substances capable of inducing unconsciousness or sleep, reporting child abuse knowing it to be false and corruption of public officials.

The second Schedule gives effect to Article 5 of the directive. It lists the categories of data to be retained by the service providers. There can be argument and indeed disagreement as to the extent of the data mentioned in Article 5. This is especially so in the context of rapid advances in technology. For that reason, a committee of experts has been established by the European Commission to interpret and explain the directive in the light of prevailing circumstances and to give a guide as to what data need to be retained and, equally important, what does not need to be retained. Ireland is represented on that committee. Also, it would not be possible in legislation to set out exactly what each provision means, in particular, as I mentioned, when some requirements may be open to more than one meaning in the light of further advances in technology. The service providers and the Garda Síochána, Permanent Defence Force and the Office of the Revenue Commissioners have been in discussions for some time on drawing up a memorandum of understanding in which each can agree on what is required to be retained. Work on the memorandum is advanced and will be completed when the legislation becomes law.

In this introductory speech on the background, content and implications of the Communications (Retention of Data) Bill 2009, I have attempted to place the Bill in its proper context. Nothing new is created in the Bill; it does no more than extend, with some changes, existing obligations relating to telephony data to internet data. I would again emphasise the importance of data in the investigation of serious crime and safeguarding the security of the State. On a regular basis, one reads in the newspapers reports of telephony data given in evidence in some of the most notorious trials in recent years. We cannot expect the Garda Síochána to solve complex crimes if we do not give them the means to do so. Of course, we have to provide safeguards to ensure those means are not misused and this Bill provides the same safeguards as are available under the interception of communications provisions. This despite the fact that the intrusion into persons' privacy under this Bill is minimal.

I reiterate that the content of communications cannot be retained or disclosed under the Bill. This means, for example, that the law enforcement agencies cannot obtain information on the social networking sites that persons access. This may be regarded in some quarters as lessening its impact but, in the context of preserving privacy and compliance with international human rights instruments, I see it as one of its strengths.

I mentioned earlier that, for various reasons, the preparation of this Bill has been delayed. The present situation is that the European Commission has commenced infringement proceedings against Ireland before the European Court of Justice. Therefore, it is in all our interests that the Bill pass speedily through the Oireachtas and become law as soon as possible. While I look forward to a full debate on the Bill, I also look forward to its early enactment.

Deputy Charles Flanagan: I welcome this Bill before the House, Fine Gael will be supporting it. Some issues of detail will be addressed on Committee Stage and I hope the Minister will be able to allay these concerns. Data retention has become a hugely important issue over the past decade. A range of factors including the proliferation of communications technology, the re-

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emergence of the threat of global terrorism and the insatiable demands of the marketing fraternity have put data retention issues at the forefront of national and international agendas.

Accordingly, I am somewhat surprised that it has taken three years to draft a Bill to facilitate the transposition of the EU data retention directive into Irish law, particularly as the Bill itself is so short. I listened with interest to what the Minister said regarding the delay on the matter of the preparation of the Bill. In the context of the recent debate on the Lisbon treaty and our relationship with the European Union, it is important that scrutiny committees in this House on matters European gain more attention. Some of the House committees might be reorganised to take these matters into account.

I note that Ireland has opted for a maximal retention scheme within the margin permitted by the directive. This has caused concern among some civil liberty advocacy groups, who are concerned about protecting the privacy rights of citizens. I understand their concerns and the Bill must have strong safeguards to ensure that the new system of data retention is not vulnerable to abuse. Moreover, should abuses be detected, there must be a commitment to immediately address any shortcomings. The Government is committed to compile a statistical report for the European Commission to show how many requests have been made by each State body covered by the Bill, and that telephone and Internet monitoring will be overseen by a High Court judge.

It is important that we look at what other jurisdictions have done under the directive. The UK system requires a surveillance commissioner to produce a substantial report every year to include statistics on problems that have emerged and what is being done to address them. Perhaps the Minister envisages a similar reporting style for the designated High Court judge who will be appointed under this Bill, or perhaps this will come under the remit of the Data Protection Commissioner, whose own office is under threat following the McCarthy report and other Government proposals on quangos and agencies. It is important that these particular provisions under this Bill be subject to annual reports, but also to annual reviews. A committee of the House should have the opportunity to deal with that review and report in some detail.

Section 12 of the Bill requires the designated judge to “include, in the report to the Taoiseach ... such matters relating to this Act that the designated judge deems appropriate”. Will the judge’s report include a list of problems with the legislation and solutions to those problems, as per the model in the United Kingdom? Will the President of the High Court consult the Government in the selection of the designated judge? Does the Minister believe it necessary to appoint a judge who has experience ruling on matters concerning data retention and privacy issues? We often include nothing more than aspirations that judges be designated to deal with certain issues and do no more than comply with a directive or what might be regarded as a safeguard. There is very little else done to ensure a positive, active role and function for that designated officer. What resources have been identified to allow the designated judge to fulfil his role? Will the judge appointed have his own office, including personnel? How will this impact on the day to day to work of that particular High Court judge, as such judges are very busy people in their own right? The designated judge will have an important role to play, so it is essential that he or she is supported by the Government in carrying out this work. Too often in the past, the Government has appointed good people to important jobs monitoring State activity and then starved them of resources or ignored their recommendations. We can get back to this on Committee Stage, but perhaps the Minister might deal with them at the end of this debate.

In respect of the provision to introduce a referee to scrutinise how data retention is implemented following complaints by members of the public, some critics have argued that this safeguard is undercut by leaving it up to an individual to determine whether his or her data

has been accessed for an investigation. The lack of transparency about this process has been highlighted. I would like the Minister to give his views on this matter.

This Bill requires Internet service providers to retain, for a period of 12 months: the telephone number, the user ID and the registered address of the user or subscriber; the same information for the destination of the communication; the date and time of log-in and log-off, together with IP addresses; and data necessary to identify the equipment of the user. In the same manner, telephone providers are obliged to retain for two years: the calling phone number, and the address of that subscriber or registered user, dialled numbers, and the address to which that number is registered; the time at the start and the end of that communication; subscriber information for mobile phone users; and geographical information as to the location from which the call is made.

As we have seen in a number of recent high profile cases, records of mobile phone signals being detected and of e-mail correspondence have contributed enormously to the assemblage of circumstantial evidence in criminal trials. I welcome that development. Building a comprehensive body of evidence is essential to reach the high standard of proof in criminal trials. The EU data retention directive takes cognisance of that fact. Naturally, such information can help to prove innocence as well as guilt. Neither the directive nor the Bill allows the State to intrude into the content of phone calls, letters or e-mails. Section 2 of the Bill is worth stating, as there have been some misleading comments on data retention. It reads, "This Act does not apply to the content of communications transmitted by means of fixed network telephony, mobile telephony, Internet access, Internet email or Internet telephony." Given the history of gross invasion of journalists' privacy carried out by a Fianna Fáil Administration in the 1980s for political gain, this is an important provision. I am pleased the Minister has made specific reference to it.

When other jurisdictions speak about data retention and terrorism, they are generally referring to international terrorism. However, in Ireland we have a dual problem. We must play our part in the fight against international terrorism while combating particular terrorism within our jurisdiction and that of our neighbour. I recently received a telephone call at my office from a concerned citizen informing me that dissident republicans are using the Internet to recruit members. I was directed to a website used by the 32 county sovereignty movement to recruit members and spread bile and hatred in this jurisdiction and beyond. This group has, reportedly, been recently engaged in vigilante activity in Cavan, Fermanagh and Cork. The use by this group and its fellow travellers of the Internet is not surprising, given that since its creation the Internet has been used on the one hand for great good and, on the other, sadly, to evil effect. It is a straightforward, if covert, way for dissident republicans and terrorists to get their message out and recruit members. Therefore, in the context of this Bill, we can see how the retention of Internet data for a period of 12 months is significant.

It is regrettable that there has been an upsurge in dissident republican violence this year. In Northern Ireland a large number of bombs have been planted, members of the police attacked and in some tragic cases lives have been lost. There seems to be a determination on the part of some murderers to attack innocent people going about their jobs protecting both communities in Northern Ireland. It has been acknowledged by the Garda Commissioner that while these groups are a greater threat to life in the North than in the South, nevertheless they are active in the South and their movements are being monitored by the Garda Síochána. I welcome this and urge the Minister to keep in close contact with the Garda authorities on the matter.

I hope data retention measures will help to combat the scourge of renewed paramilitary activity by facilitating intelligence and evidence gathering and bringing these criminals to justice

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before they inflict further carnage on this island. The lines are often blurred between dissidents republicans and gangland criminals. While many dissident republicans have made a fortune from drug smuggling, using routes formerly exploited for the importation of arms, drug gangs without paramilitary links have recruited terrorists from time to time as mercenaries to carry out attacks on rivals. Last year, there was a fourfold increase in the number of grenade and pipe-bomb attacks in Dublin. Gardaí believe these devices to have been the work of dissident mercenaries helping drug gangs. The INLA, in particular, is thought to be playing a key role in this development.

Figures show that in 2008 there were more than 100 separate bomb attacks involving crime gangs and dissident republicans in the Dublin region, compared to 24 the previous year. This extraordinary and disturbing increase requires attention. We are fighting terrorism on three fronts currently, dissidents involved in gangland crime, dissidents involved in terrorism in the Border area and international terrorism. Therefore, the ability of the Garda to access certain types of communication data will undoubtedly assist in the struggle to keep communities safe from gangland criminals.

At a more local level, the Bill will be of assistance to agencies such as the Criminal Assets Bureau, which comprises both gardaí and Revenue officials as well as representatives of the Department of Social and Family Affairs. Computer analysis is already an important tool used by the CAB in building a case against alleged criminals. This Bill will assist in that regard when enacted.

A number of concerns have been expressed by advocacy groups and business interests. I understand the Irish Human Rights Commission has expressed concern about the broad provisions of the Bill and is currently joined, as an *amicus curiae*, to a High Court action being taken by Digital Rights Ireland against the State on grounds relating to data retention. I am not aware whether the Minister consulted with the Human Rights Commission when considering appropriate safeguards in the Bill, but I believe consultation with civil liberty and human rights groups is important. It is essential we strike a balance between introducing measures to protect people's safety and security and the infringement of citizens' right to privacy. We do not want this legislation to be incompatible with or to adversely affect the European Convention on Human Rights.

The Telecommunications and Internet Federation, TIF, expressed concern some time ago about the costs this Bill will place on operators. As well as the TIF, numerous business leaders, including the past chief executives of Oracle Ireland, Microsoft Ireland and Iona Technologies, have expressed concern that Ireland's data retention policies are a potential deterrent to business, especially to inward investment. Will the Minister clarify whether he or his officials have met with the TIF and other concerned parties and will he outline what measures, if any, he has taken to meet their concerns?

Fine Gael members have been concerned about the matter of data retention for some time. We are aware there is concern in the public domain about privacy matters, a concern that has grown due to the careless loss of personal data by a range of institutions, companies and State departments in recent years. Last October, my colleague, Deputy Simon Coveney, introduced a Private Members' Bill proposing a new disclosure law which would create a legal obligation on organisations to disclose within a certain period of time any breaches of data security. Deputy Coveney argued that such an obligation would create a strong incentive for all organisations to ensure that their data protection procedures were adequate, in order to avoid the potential negative publicity that would come with having to disclose a breach of customers' sensitive personal data.

Fine Gael takes the view that people have a right to know if their personal data is used. They must also have a right to know when organisations mishandle their personal information. We should look at the possibility of ensuring that no financial or sensitive data will be held on laptops. I recognise this might cause difficulty, but it would be a way of dealing with a huge problem, one that is treated with carelessness, particularly on the part of banks and financial institutions. The State has also been culpable in the manner in which laptops containing sensitive information have been left in places where they should not have been. To compound matters by failure to disclose is unacceptable. Disclosure laws are essential to alert people to the fact they may be potential victims of identity fraud or theft. People must take the precautions necessary to minimise the risk of such fraud occurring.

Disclosure laws are essential to alert people to the fact that they may be potential victims of identity fraud. People will have to take the precautions necessary to minimise the risk of such fraud taking place. Furthermore, the existence of a disclosure law would guarantee the presence of a catalogue of information regarding identity theft which helps law enforcement organisations. This would help research organisations, too, and inform us as policy makers and legislators.

It was a pity that the Government failed to engage on these proposals earlier this year. We can come back to that, perhaps, on Committee Stage and see whether we can incorporate the type of safeguards that were envisaged by Deputy Coveney in his legislation. Looking at the Fine Gael Bill on disclosure and the current Bill we can see that the Government's viewpoint is from the perspective of the State institutions and how to increase their rights. The rights of the Revenue Commissioners and the powers of the Garda Síochána and the Defence Forces are being enhanced and further developed in this legislation. The Government is granting power to State institutions whereas what we were doing in the matter of disclosure was to look at it from the viewpoint of the citizen, advancing or indeed protecting people's rights. It is important, therefore, that we should have a balance. It is a pity that there was not appropriate engagement on the part of Government earlier in the year because I believe that any debate on the retention of data such as we are having would be far more balanced if the State took the rights of the citizen into account alongside the need of certain State institutions to combat serious crime and fraud.

I support the Bill. There are some concerns which can be addressed on Committee Stage. More than anything else, when considering this legislation we must bear in mind the need to strike a balance between fighting crime on the one hand, and protecting privacy and citizen rights on the other. The introduction of robust safeguards to ensure that we can strike such a balance is important.

Deputy Seán Sherlock: That we are only now transposing a directive which was agreed in 2006 is typical of the manner in which the Government has been remiss in its obligations *vis-à-vis* the transposition of EU directives in general. Ireland is behind the curve again because our European counterparts, in some instances, are already preparing to undertake a review of the directive that we have yet to transpose.

This House, for the first time, will bring about legislation specifically charged with the retention of communications data. This legislation is so flawed that it will have to be completely rewritten if the Labour Party is to support it. It is bad for business, too costly to implement, undemocratic and the oversight provisions are too weak. I hope it will be significantly amended to make it a more realistic and not the sham we have before us.

The reason for Ireland's delay in following our EU counterparts in introducing such a Bill are well documented. An attempt by previous Administrations to exclude the European Parliament and the European Court of Justice delayed the adoption of the directive here. Thankfully,

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with the exception of Slovakia, the overzealous and restrictive measures favoured by the former Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, curried little favour in Europe. This directive was seen as the lesser of two evils by the Party of European Socialists in the European Parliament, in 2004-05. This is where we differ with the Minister's interpretation in terms of the historical perspective of the directive.

Following the Madrid bombing in 2005 the Irish, British and two other governments came forward with proposals for a third pillar intergovernmental decision on data retention. Such a measure would have been adopted by the Justice Council with consultation rights only for the European Parliament and no oversight role for the European Court of Justice afterwards. This course of action was opposed by the Commission and the European Parliament, largely on the grounds that such a measure should be approved by the European Parliament. The Commission then issued a proposal for a draft directive in September 2005 and the socialist group negotiated amendments in the European Parliament and adopted it December.

One of those amendments concerned a full review of the measure in September 2010. My colleague in the European Parliament, Mr. Proinsias de Rossa, MEP, voted in favour of the compromise and the four Fianna Fáil MEPs at that time abstained. The directive was approved by the Council in 2006 and was to have been transposed into Irish law by September 2007. However, the then Minister, Deputy McDowell, took a case to the European Court of Justice, arguing that the Council had no authority to adopt the directive and that only a third pillar initiative was permitted. The Government refused to transpose the directive while this case was ongoing. In response the European Commission began legal proceedings over Ireland's failure to transpose. Last February the European Court of Justice rejected the Government's argument and upheld the directive.

My understanding is that civil liberties groups did not have an opinion about the four countries' initiative in 2005, but had written in opposition to the draft directive. If there were no directive, it could be argued, it is likely that the four countries' initiative would have been adopted. In that context there are two views that can be taken on the directive,

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and consequently this Bill. One is that we transpose and thereby pass the Bill into law without question and accept it as a *fait accompli*. The second is that we seek to amend the Bill and ground it in reality by addressing the cost of its implementation for businesses and the issue of oversight. The Labour Party takes the view that there are circumstances in which data retention is needed and useful. However, there are some many flaws in the proposed legislation that it would have to be considerably amended before we could be satisfied with its passing into law. If we take the historical perspective and the context in the which the directive was fashioned, then we must speak of the Madrid bombings and the Omagh atrocity, which occurred prior to the instigation of the directive. However, much water has passed under the bridge and the need to transpose and legislate remains. We have an obligation in that respect.

It could be argued that this legislation has been superseded in some respects by the surveillance Bill in its use as a crime prevention measure. Whether this Bill is a complement to recently adopted legislation is open to question. Generally speaking, the provisions within the Bill must be such that they are only allowed in clearly prescribed circumstances and we must guard against any nefarious use of the Act when it comes into force. The provisions must be subject to democratic review. They must also be subject to proper judicial review.

A criticism of the Bill relates to its timing. I have already stated that we are behind the curve and Ireland should now be preparing for the 2010 review of the directive. It should also be pointed out that the European Court of Justice will now be bound by the data protection article of the Charter of Fundamental Rights because of Lisbon. If there are claims from any quarter

that this represents excessive interference from Brussels, it would be my view that Mr. McDowell's alternative was far more draconian and that the Fianna Fáil-Progressive Democrats arrangement originally sought to extend this measure to the entire EU. If one argues this Bill from the civil libertarian perspective, then I respectfully suggest that the only alternative was Fianna Fáil's original proposal. It is better that, rather than having "an intergovernmental measure", we have a "Community measure" that gives a voice to the European parliament, and gives the European Court of Justice a meaningful role.

Concerns have previously arisen as to the nature and specifically the volume of requests made for retained data. Previously, Deputy Brendan Howlin highlighted how, in 2006, there were 10,000 Garda requests for access to personal telephone records under powers arising from the amendment to the Criminal Justice (Terrorist Offences) Act. This amounts to almost 30 requests for every day in 2006, and it is evident that a review of the practice has been long required. That we are finally to address this directive with a Bill is positive but it is not without its perils.

The Labour Party fully supports data retention but only for specific circumstances. With these powers, there is a responsibility, and it is our hope that through the legislative process we will address some of the ambiguities and issues arising from what has been presented in the Bill. I am concerned with the provisions in the Bill in regard to the timeframe within which data will be retained by service providers. There are concerns also in regard to costs undertaken by those service providers to adhere to such a provision. It is our considered view that the minimum period of six months may be sufficient. However, we will take this under advisement and speak about this on Committee Stage. I fear that if the maximum allowable retention period will be two years, then we will open this process to an abuse and the cost to business will reduce competitiveness and will ultimately affect the consumer.

I fail to see how 10,000 requests per annum could possibly be pertinent to a serious crime investigation. Further, the lack of a role for the Garda Ombudsman is of itself a cause for concern. Where an officer of the Garda Síochána Ombudsman Commission is investigating a complaint against a Garda that may involve a criminal offence, the officer of the commission has all the powers, immunities and privileges of a member of the Garda Síochána. This includes common law powers and powers under any Act, whether passed before or after the Garda Síochána Act 2005. So, it seems that officers of the Garda Síochána Ombudsman Commission will have the powers vested in the Garda under this Bill. While this is reasonable, it raises the question as to why the Garda Síochána Ombudsman Commission and its officers have been specifically excluded from exercising the powers to be vested in gardaí under the Criminal Justice (Surveillance) Bill. Consistency in application would require that the ombudsman commission should have investigative powers equivalent to those of gardaí under both these pieces of legislation. What is the reason for excluding the ombudsman commission under one Bill and including it in the other? I hope the Minister will address this point.

On the issue of oversight, I must ask whether the Minister is seriously asking this Legislature to accept section 11 as it is worded at present. If we speak specifically to the issue of oversight, section 11 would have to be modified to give a more structured role for judicial oversight other than that which is proposed. The wording in sections 11 and 12 is as weak as water and pays lip service to the notion of oversight. There is no provision for redress for a person who has been investigated inappropriately under this provision. There is no provision for a Revenue officer, member of the Garda Síochána or member of the Permanent Defence Force to be brought to book where a misuse or abuse of the process is proven. The oversight process must investigate an adequate number of files and this must be on a random basis.

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The question again arises as to what real powers a judge has in regard to any abuse of process. There is none that I can see in the Bill. I refer the Leas-Cheann Comhairle to the Bills Digest produced by the Oireachtas Library, which produced an excellent paper on this matter, and I acknowledge its invaluable service in this respect. On the matter of judicial supervision, the paper states: “In carrying out his-her duties the judge may investigate any case in which a disclosure request is made, communicate with the Taoiseach or the Minister concerning disclosure requests, and the Data Protection Commissioner in connection with the Commissioner’s functions under the Data Protection Acts 1988 and 2003.” While this oversight broadly echoes similar approaches used in, for example, the Criminal Justice (Surveillance) Bill 2009, Mr. Tom McIntyre, speaking in the context of the Criminal Justice (Terrorist Offences) Act 2005, raised concerns about the effectiveness of this form of supervision scheme. He stated:

. . . this oversight system has been almost entirely opaque from the outset. The annual reports of the Designated Judge — since the position was created in 1993 — have consisted every year of no more than a single line stating that the operation of the Act has been kept under review and its provisions have been complied with. There has been for example no discussion of what steps have been taken to keep the operation of the Act under review; whether the individual files were reviewed; the volume of surveillance being carried out; and whether mistakes were made in carrying out surveillance (such as targeting of the wrong individual or number) and, if so, what steps were taken to safeguard against such mistakes in future. There is similarly no publicly available report of the Complaints Referee indicating what complaints, if any, have been made and-or upheld. This may be contrasted with the most recent Annual Report of the UK Chief Surveillance Commissioner which reveals, amongst other things, that 23,628 authorisations for directed surveillance were granted to law enforcement agencies; and 60 different law enforcement agencies were inspected during the year. . .

The reports of the designated judge are not exactly what one would call models of transparency. There is no reason that we should not have a provision in the Bill which would guarantee that statistical data is made available. There is an irony in that because, if one examines section 9 of the Bill, one will see there is provision for an annual statistical report to the European Commission, as required by the directive, but not to the Oireachtas or to Irish citizens. At least this report should be laid before the Oireachtas.

The opaque nature of the Irish oversight system also becomes obvious when compared with the equivalent report in the United Kingdom. The relevant official in the UK is the Interception of Communications Commissioner. That individual is a retired judge who has similar functions to our designated judge. However, his most recent annual report runs to 24 pages in total, nine of which are devoted to data retention issues. Granted, the UK system is on a much larger scale, but one key difference is that the UK commissioner does not see his role as limited to the narrow question of legality — instead his report goes into detail about mistakes which were made and explains what is being done to prevent further mistakes. It would be desirable to establish a greater role for the designated judge along these lines. I hope we can address those issues on Committee Stage.

The functions of the designated judge and complaints referee are too limited. One of the problems with the role of the designated judge under section 12 is that it envisages him or her as being engaged in a largely paper-based exercise. Section 12 gives the designated judge “the power to investigate any case in which a disclosure request is made”. Let us suppose however that a junior garda informally pressurises an Internet service provider, ISP, employee to hand over information — perhaps for some private purpose. In that case no “disclosure request”, as defined in section 6, would have been made, thus leaving a question mark as to whether the

judge has any power to investigate. It might be possible to read section 12 widely to find such a power — but it would be desirable for it to be made clear.

The judge's role under section 12 is also limited to “ascertain[ing] whether the Garda Síochána, the Permanent Defence Force and the Revenue Commissioners are complying with” the Act. As such, the judge does not appear to enjoy any power to, for example, make sure that ISPs and telcos are storing this information securely or are responding appropriately to requests.

Similarly, the role of the complaints referee under section 10 hinges on there being a “disclosure request”. As such, he or she would have no power to investigate if, for example, a newspaper were to bribe a telecoms employee for access to information. I refer to a recent case where a red top, which I will not name, was recently implicated in a similar phone tapping scandal. Those problems are to some extent mitigated by the fact that the Data Protection Commissioner might investigate those situations but the Data Protection Commissioner will not have the same oversight powers. The Act should clarify the functions of the designated judge and complaints referee and make clear what is to happen in borderline cases.

There is uncertainty about to whom the Bill will apply. The Bill takes, essentially verbatim, the loose language of the directive and in section 1 defines a service provider as “a person who is engaged in the provision of a publicly available electronic communications service or a public communications network by means of fixed line or mobile telephones or the Internet”. Those are wide, and imprecise definitions and given that specific statutory obligations are created an element of doubt can arise. There are many various applications and we do not know how the provisions would apply to or affect those who use webmail, webmail-like applications, open WiFi, and voice Internet messaging. The list is endless. There is such a broad scope and range of technologies that it is our view that the definitions need to be clearer. That will cause panic and confusion across the sector and will have seriously damaging consequences for Ireland's ability to promote itself as a destination for high-tech industries.

I wish to read into the record a copy of a letter received by the Minister from the ICT Division of Engineers which speaks further to the concerns they have about the Bill:

We first observe that electronic data is diverse, and increasing in its diversity. Telephone, mobile phone and text messaging are well established, along with electronic email messaging. However, in many communities it is now more common to use social networking sites — such as Facebook, Bebo, and LinkedIn — for direct person to person, and person to group communication. Such communications use a different technology than email, and cannot necessarily be detected by software which specifically tracks email. Further, direct internet messaging — such as AIM, MSN, Yahoo Messenger and Skype messaging — are also extremely common. Finally of course Twitter is also now perhaps the most prevalent of them all, and can be used both for instant person to person communication, as well as person to group communication. No doubt next year, there will be another new communication technology..

Our concern is that as criminals become aware of the legislation pertaining in Ireland, they may well be able to displace their electronic communication modes to new ones for which legislation has yet to be passed. [That issue needs to be raised as well.]

On a different track, we would note that in today's world, much electronic communication is international in nature. Correspondents (of instant messaging, email, social networking, twitter and so) may not always be within the Irish jurisdiction, and not even within the EU. We gently draw this to your attention, and assume your legal advisors are considering the consequences of capturing information relating to citizens and companies from outside the

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EU who may not be covered by Irish legislation. [That point must be addressed by the Minister in response to this debate.]

With today's falling costs of storage, there is no particular great concern over the cost of the physical hardware. However, safely and securely storing and then retrieving (perhaps after several years) increasing quantities of information does have implications on the business processes of the service providers concerned.

There is the aspect of capturing the information in the first instance, based on the number of modes of communication. That will run into billions if one takes the two year retention period into account. That issue will have to be addressed. Following that, there is a significant cost implication for businesses as a result of that. In this country we are talking about the possibility of a smart economy. What the legislation does is incurs a further cost on businesses by virtue of the data retention period. Wider issues arise in terms of the jurisdiction of the legislation *vis-à-vis* the fact that we trade internationally and messages pass internationally. That is something that must be addressed by the legislation.

No justification has been given for a two-year retention period for phone data. Under the directive, member states are free to choose a data retention period between six months and two years. The UK adopted a standard 12 month period. I am not aware of any justification as to why the Bill opts for the maximum two years for telephone data. The European Commission's own research on police requests for data has shown that the overwhelming majority of requests are for data which is less than three months old. If the Garda experience is different then some evidence to that effect would be desirable.

As to the budgetary implications of this legislation, I have serious reservations about the undue cost that would be borne by businesses as a result of that measure.

Again, I refer to the Oireachtas research service that focused on the budgetary implications. It stated the Bill is silent on the likely costs to be involved in implementing and complying with the provisions of the directive. According to the status report on the transposition of the directive by EU member states and EFTA and the regulatory impact assessment prepared by the Department of Justice, Equality and Law Reform, the State will not reimburse service providers the costs involved in complying with the obligations under the Bill, even though "service providers have complained that management of data would impose heavy costs that they would in turn have to pass on to businesses and consumers". The net effect of the legislation, arguably, is that we will retain all sorts of data, 99.9% of which will be superfluous messages that pass between ordinary citizens. This will be stored by the service providers. There will be a cost for that storage and the consumer will end up paying that cost.

I accept the principle that there must be data retention. However, there must be balance in terms of how long it is retained and whether it is necessary to retain data for two years. I believe it is unnecessary. It is impractical and in the context of crime prevention measures, I am not convinced that retaining data, particularly Internet data, for a period of two years will catch more criminals or undo a terrorist organisation. We must exercise a little common sense in our approach to the legislation. With that in mind, we will seek to amend the legislation significantly to reflect our views.

Deputy Aengus Ó Snodaigh: This is a very important Bill relating to the retention of data. Since I was first elected to the House in 2002 I have argued that while I accept there is a requirement to retain some level of data, we should not go down this road unless there is legislation to protect that data, give power to the Data Commissioner to investigate and have

full access to what is being retained and provide for protections and safeguards to ensure nothing untoward can happen with the data that is retained.

People have argued that the reasons for data retention are mainly to help law enforcement agencies and make it easier for those agencies to secure convictions quickly. There is some logic to that argument. However, consider the rapidly changing nature of the data we are discussing — we are talking about telecommunications and, in particular, the significant use of the Internet — and the rapid turnaround of mobile telephone numbers and mobile telephones. Two year old data would be obsolete and, in fact, might end up hampering criminal investigations by causing the diversion of time and resources to chasing up culs-de-sac. The connection between information retained two years ago and somebody who had access to a mobile telephone two years ago might not lead to the expected results.

The proliferation of telecommunications and other forms of digital media has made data retention a great deal easier. Now, one can retain data by pressing a button whereas back when Sherlock Holmes and others were investigating crimes everything had to be written in longhand and duplicated. They did not have access to technology. By pressing a button one can retain all the bills for mobile telephones and all the connections made between one mobile telephone and another. The same applies to computers. A very significant amount, probably too much data, will be stored. It then becomes a difficulty when one must interrogate the database to glean some type of information which might offer a lead, only for that lead to end up in a cul-de-sac. Obviously, the Garda and other law enforcement agencies are accustomed to chasing leads that bring them down culs-de-sac, but given the potential scale of the data we will be retaining the potential for many culs-de-sac is overwhelming. Also, given the fact that the Garda Síochána is hampered by not having the best equipment or the required number of gardaí dedicated to tackling crime, because many of them are stuck behind desks where they should not be, it means their valuable time could be wasted. There are major problems in that regard.

A six month data retention regime would probably be far more efficient and help law enforcement agencies across the European Union. This Bill was triggered by our failure to transpose properly into Irish law what was required under a European Union directive. I believe it was in 2002 that the former Minister, former Deputy Síle de Valera, in the last item of business of that Dáil, rushed through the data retention legislation with little scrutiny or thought. It provided for retaining data for over three years, rather than for a maximum of two years as the European Union had requested.

Obviously, the Garda Síochána, with the additional powers it has been given and with the ability to seek judicial power to retain certain data, could identify the key targets it has rather than have the wholesale trawling exercise for which this type of legislation provides. Every last item of telecommunication or correspondence will be retained. I might pick up my telephone and dial a number inadvertently which reaches somebody who, in two years, might be the subject of an investigation. What if I dial that number and then sit on the telephone and it rings the number ten times again? That has happened. The first name in the telephone book in my mobile telephone is my wife's. If I sit on the telephone, it might ring that number ten times. However, what if the wrong telephone number is the last number dialled? I could become the subject of a criminal investigation two years hence, with all that it entails, if that number happened to belong to somebody who warranted a criminal investigation. This applies to hundreds of thousands, if not millions, of mobile telephone numbers and mobile telephone users across the European Union.

There is major concern about this data and the failure of the European Union, particularly of some member states, to put in place proper data retention safeguards. A 2007 report, the

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Privacy and Human Rights Report, ranked different countries in the European Union in this regard. It refers to the endemic surveillance society — the “Big Brother” concept. The report found that the 12 member states, including Ireland, which it examined were involved in a systematic failure to uphold safeguards. Nine member states were held in the report to have some safeguards but weakened protections. Only one member state, Greece, was described as having adequate safeguards against abuse. There is a potential for abuse and one could have inadvertent incidents, of which I could cite many more examples, or miscarriages of justice.

In respect of data retention, Ireland and ten other member states were awarded the lowest grading of “extensive surveillance/leading in bad practice”. Under the directive, retention is required for between six months and two years. In Britain, the standard retention period is 12 months, whereas under these proposals data will be retained for one year in the case of Internet records and two years in the case of telephone records. Those who propose the reduced periods claim it is a great decision but they fail to mention that we are in breach of European law. As I and others have pointed out since 2002 and, in particular, since the introduction of the 2005 legislation, Ireland is in contravention of European Union rules. Despite this, it has taken until now to reduce retention periods and rather than reducing them to below the maximum permitted by the EU, they have been set at the maximum levels.

Digital Rights Ireland has raised major concerns about data retention by State agencies, such as the Garda Síochána and Revenue Commissioners, under existing rules. The industry has also raised concerns about who will manage and pay for the system and the potential for abuse. What will happen if laptop computers containing stored data are lost, as has occurred regularly? It is easy to store this data and just as easy to leak, lose or sell it. What will happen if this occurs?

As far as I can determine from the text, there is no compulsion on the service provider or the State to inform people whose personal data is lost or inadvertently or intentionally leaked. The data to be stored is not a couple of names or addresses but includes details of a person’s Internet use for one year, including all sites visited. There is no guarantee that the owner of a computer is the person who visited the sites in question or that the owner of mobile telephone made a particular call. The potential for leaks of information is significant.

Some people argue that those who have nothing to hide have nothing to fear. After 15 years in jail, members of the Birmingham Six and Guildford Four and others who have been falsely imprisoned in this State and in other jurisdictions will say that argument does not hold in every circumstance. Deputy Niall Collins of the Fianna Fáil Party used a similar argument in July during an interview on Matt Cooper’s radio programme, “The Last Word”. When he was asked whether he would publish his telephone bills, including his telephone records for the previous year, he answered to the effect that he did not understand what was meant by the question.

Under this legislation, information will be retained on every single call one has made on one’s mobile phone. This data could be leaked or inadvertently or maliciously used against individuals. No one can argue there are not those in the Department of Justice, Equality and Law Reform and Garda Síochána who have not engaged in malicious leaking of data against republicans and others. I have seen photographs which were taken in Garda stations published in newspapers in this State. The only people who have access to this information are gardaí. Similarly, a previous Minister for Justice, Equality and Law Reform would not even admit to me in the House how many Deputies were having their telephones monitored. I have not yet asked the same question of the current Minister. How many current Deputies have their telephones monitored by the State? Despite the fact that this type of activity, which is unacceptable in a democracy, is taking place, the Minister expects us to sign away access to all information

about our telecommunications in order that it can be analysed, interrogated and, possibly, leaked.

Laptop computers containing significant amounts of data have been lost in this State and overseas. The Health Service Executive, for instance, recently lost a laptop containing a substantial quantity of data. The information people provide when filling in application forms for the HSE, FÁS and other organisations could be useful to journalists and the private sector. Marketing companies want access to names, addresses and information on who one calls and so forth. Providers of Internet and mobile telephone services could use information on an individual's mobile phone and Internet usage to try to sell him or her their products. For example, a mobile telephone company which retains information on my telephone usage for two years will be able to determine that I mainly use numbers with the 085 prefix and make most of my calls at night. It could then try to encourage me to buy into a programme or scheme which makes it more money and costs me more money. That is a potential outcome of this legislation. While I accept that the data will be retained for a specific purpose, questions remain as to who will manage it. Will the Minister provide an assurance that nothing untoward will happen?

I recognise the additional safeguards in the Bill, including a provision on judicial supervision, but they do not go far enough. Under this provision, I must submit an application to find out what data has been retained and whether it has been leaked, rather than the other way around. Data protection should have been strengthened before the legislation was introduced.

Data retention will create significant costs, even in terms of physical storage, although I accept that technological devices are becoming smaller. For example, a small, 500 GB external hard drive I recently installed in my office would have taken up a full office ten years ago. Nevertheless, given the scale of the data to be retained and the periods for which it must be held, large-scale systems will be necessary. These will also have to be secured and monitored and a backup provided in case the system shuts down or something happens to the storage facility. Providing these systems and the necessary safeguards will generate a cost. Is it a cost to the State or to the Internet service providers or telecommunications providers? There is a cost — it might be outlined in the Bill; I may have overlooked that part. In Finland the Ministry of the Interior, when the original proposal by the EU was put to it, worked out that if the measure was adopted at the full scale as intended at the time it would cost €5.5 billion to operate it properly and efficiently in line with what was expected of it. That is a huge cost. Finland would have a similar cost to here. What is the cost? Who will pay for it? The taxpayer always ends up paying for it — are people aware of what is intended? They are some of the concerns. I will enjoy the opportunity to tease out some aspects of this if I get a chance to do so on Committee Stage.

When I first started to research the retention of data I came across a story — I do not know if it is true — that when the European Union first started discussing the retention of data by all of the member states it explained the concept to the various Ministers. One Minister or official at the meeting said his or her country — it was Britain — had a system in place for the previous five years. It had what was called the ECHELON programme in place well ahead of the European Union whereby it, along with the US, tracked every single item of telecommunications traffic between Ireland, the European Union and America through the Cheltenham and Capenhurst facility. Everything went across the ocean. The system was retained for the benefit of MI5. It was not in place just to look at terrorism. There were financial implications. It was tracking businesses and everything else, which had nothing to do with anything. It was planning the future of its economy and was using the data to facilitate it. That was when the European Union discovered the extent of surveillance by the British on it, not just on Ireland. There are significant dangers, in terms of the “Big Brother” society or potential for that when

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one starts to retain data at the scale we are discussing. That is why I urge, once again, that we bring in proper data protection legislation which allows the consumer — those whom the surveillance is geared at — access to the information which is being stored so it is not wrongly stored or abused.

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I welcome the opportunity to contribute at the end of this debate and thank all Deputies who contributed to it. In his opening speech the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, conveyed the importance of data information in the investigation of serious crime, including gangland and transnational crime, and in safeguarding our country against terrorist activity. As data retention is a tried and tested valuable tool in the investigation of crime and in safeguarding the security of the State, it has not received as much attention as some of the more recent high profile initiatives from my colleague, the Minister, Deputy Ahern, for fighting crime, in particular gangland crime. These include the Criminal Justice (Amendment) Act and the Criminal Justice (Surveillance) Act, which passed into law as recently as July. It is ironic that criticism of this legislation, indeed criticism generally of the need to retain and disclose data, even if only coming from a small number of sources, comes as we are ensuring that the practice has a firm statutory backing with real and credible safeguards which have been called for all around the House.

I would like to refer to the memorandum of understanding, mentioned in the debate, that is being negotiated between the Garda Síochána, the Permanent Defence Force, the Revenue Commissioners and the representative associations of the vast majority of telephony operators and Internet service providers in the State. There have been recent misleading references to the memorandum in the press and the media. It is neither secret nor sinister. It is a work in progress and will not be finalised until the Bill is enacted. As the legislation will come into operation on the day it is signed into law, it is very important that the providers are in a position to comply with their responsibilities under it and the only way that can be achieved is for advance discussions to take place with the law enforcement authorities that are entitled under the legislation to make disclosure requests.

The negotiations in Brussels on the directive took place at a time of very rapid developments in technology. This was recognised by the Commission and the member states. It was clear that the directive could soon become out of date and less useful as an investigatory tool for law enforcement agencies if it tried to over-interpret the data which it was intended should be retained and disclosed. For that reason, the Commission established two committees for the purpose of identifying problems in implementing the directive. One of the Committees consists of national experts from a number of member states, including Ireland. The types of problems the committees addressed were related to matters such as the obligation to retain data, who should retain it and the type of data that need not be retained, such as spam. These issues fed into the discussions on the memorandum of understanding. All sides involved in those discussions recognise that it is to the benefit of all of them, and ultimately to the benefit of law enforcement in this country, if the Garda, Revenue Commissioners and the Defence Forces know what the providers can reasonably retain, within the parameters established in the directive, and that the providers know what is required of them under the directive by the law enforcement authorities.

Far from being a sinister or arrogant development, the purpose of the memorandum is to simply ensure that the directive operates as intended and it is a very welcome initiative by all concerned in its negotiations. It does what would not be feasible in the Bill, that is, set out in more detail what is required to be retained under the directive. For example, there has been

some comment on which provider should retain a particular piece of data. Recital 13 of the directive states that data should be retained in such a way as to avoid it being retained more than once. Accordingly, if more than one service provider is in possession of particular data, only one need retain it for the purposes of the directive. The detail on which provider retains duplicated data can only be agreed in discussions between the service providers and the law enforcement authorities.

The question of human rights and privacy rights always arises when legislation such as this Bill is proposed. I have already mentioned that the intrusion into persons' privacy is minimal. No content is retained or disclosed under the directive or the legislation, contrary to what might be taken from Deputy Ó Snodaigh's contribution when he referred to my fellow Limerick man, Deputy Collins. Deputy Collins was merely making the point that he, like any other person, is entitled to his privacy and should not have all his telephone data and records open for public scrutiny. That is a certainly a matter of privacy, but it is not unreasonable to expect it. This is what Deputy Collins referred to — I heard the interview to which Deputy Ó Snodaigh referred. Deputy Collins stated very clearly that if he was a suspect in a serious criminal investigation it is not unreasonable that his telephone records and the contacts he may have had with particular alleged criminals would be available to the Garda. There is a real distinction between having one's private records open to the public and one's specific telephone calls to alleged perpetrators of crime being available to the gardaí and the Bill reflects that distinction.

What is meant, for example, regarding the content of a telephone call or e-mail or websites visited is that what is retained could be compared to an envelope with a note inside. What is required to be retained is the address on the envelope with the note inside being destroyed. That is the correct analogy.

The directive itself addresses the human rights implications in recital 9. The directive states:

Public authorities may interfere with the exercise of that right only in accordance with the law and where necessary in a democratic society, *inter alia*, in the interests of national security or public safety, for the prevention of disorder or crime, or for the protection of the rights and freedoms of others. Because retention of data has proved to be such a necessary and effective investigative tool for law enforcement in several Member States, and in particular concerning serious matters such as organised crime and [transnational] terrorism, it is necessary to ensure retained data are made available to law enforcement authorities for a certain period, subject to the conditions provided for in the Directive [and which are obviously now enshrined in this legislation]. The adoption of an instrument on data retention that complies with the requirements of Article 8 of the ECHR is therefore a necessary measure.

It can be deduced, therefore, that the directive has been fully examined and cleared from a human rights perspective.

I would like to respond to some of the points that were made during this debate. Deputy Ó Snodaigh suggested that the accidental dialling of wrong numbers could lead to a criminal investigation. If a person is found to have made ten telephone calls to the same person, accidentally or otherwise, that could not form the basis of a criminal investigation. However, it could be used as corroborative evidence of a pattern that might lead to the building of a case. The Deputy's suggestion that such a pattern could form the basis of a criminal investigation calls into question his support for the concept underpinning the legislation. The retention of data of this nature is a real and effective investigative tool, as it can provide the sort of alibis and exculpatory evidence that can lead to people being cleared. It is ironic that the Deputy mentioned the case of the Birmingham Six because if this legislation had been in force and in effect

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when that case was first considered, and if the technology necessary for it had been available, it is distinctly possible that the Birmingham Six would not have been convicted.

Deputies Charles Flanagan and Sherlock questioned the need to retain data for two years, given that most other countries have provided for periods of six or 12 months. It is clear that the directive allows data to be retained for between six months and two years. The Minister has been advised by this country's law enforcement authorities that the minimum period required for the retention of telephony data is two years. Similarly, he has been advised that the minimum period in the case of Internet data should be 12 months. As the Minister explained in his opening speech, the provision of a two-year period for telephony data represents a reduction of one year on the law that pertains in this country at present. The majority of data is requested within six months of it first being generated. However, the quality and potential of older data makes its retention for a longer period essential. When a gangland criminal is charged with an offence, it may be necessary to request telephony data that is up to two years old as it might help to identify other members of the gang. Similarly, if a person is arrested in this State on suspicion of being a member of an international terrorist organisation, telephony data from the previous two years may help to identify whether the organisation in question has been preparing a major terrorist outrage.

I remind Deputy Charles Flanagan that it is not very long ago since an innocent member of the public was gunned down in my home city of Limerick, a number of years after a member of his family had given evidence in a criminal case. We have introduced legislation to try to deal with such cases. I can easily foresee circumstances in which data retained for longer than 12 months might prove to be relevant when a prosecution is brought. While such examples make the case for a longer period to be provided for in this legislation, I accept that an appropriate balance needs to be struck. As Deputy Sherlock correctly pointed out, we need to retain a sense of reality in this regard. Law-abiding members of the community who are not expected to be the subject of requests by gardaí under these provisions have nothing to fear from the legislation. Instead, their rights and freedoms will be protected by effective legislation that helps to track down those criminals who are prepared to threaten the freedoms and rights of ordinary citizens. The proposed two-year retention period for telephony data would be one of the longest retention periods in the EU. Most member states have legislated for a retention period of 12 months, with two or three opting for a mere six months. It is understandable that member states which are legislating for data retention for the first time would wish to steer a middle course. The 12-month retention period for Internet data seems to be consistent with the mainstream approach taken by other member states when implementing this aspect of the directive. Issues such as the retention periods are likely to be addressed in the Commission's review of the operation of the directive, which will take place towards the end of 2010.

When Deputy Ó Snodaigh spoke about the security of retained data, he questioned whether Members of this House might be under surveillance. I hope I understood his point correctly. It would be odd if Members of this House had some form of immunity from prosecution or investigation by this country's authorities. The Italian constitutional court ruled yesterday that the idea that those in public life — members of the government, parliamentarians and legislators — might be treated differently is offensive to that country's constitutional position. I suggest that the same applies in Ireland. Deputy Ó Snodaigh's suggestion, if I understood it correctly, was an odd one. The Deputy also raised concerns about the security of retained data. I assure him that the Minister and I, like all Deputies, are concerned about recent high-profile lapses in security, many of which have been due to computers being mislaid. The directive obliges the providers of such services to attach the same security measures to retained data that they would attach to all other data. In light of recent stories about data being lost, service

providers and public bodies have been reviewing and tightening their security measures, particularly those relating to encryption. In his opening speech, the Minister mentioned that he established a data protection review group about a year ago on foot of lapses in data security. The review group called for submissions from the public and various interested parties. Given his interest in the matter, I assume Deputy Ó Snodaigh made a submission to that forum. The Minister called for submissions on the website and by invitation to parties that had previously expressed an interest in this issue. The group is putting together a consultative document that will describe the various issues from legal, technical and regulatory perspectives. The options identified by the group will be outlined in the document, which is almost ready for publication. A final call for contributions will be made when that document has been published, before work commences on the review group's final report. The Deputy will have an opportunity to make comments at that stage.

I have dealt with most of the issues that were raised while I was in the Chamber. The important legislation before the House has to be examined in the overall context of recent surveillance Bills and other Bills that have been introduced to tackle gangland crime. It responds to the fact that we are living in an era of highly organised crime. It has been mentioned that we have all been familiar with organised crime over many years, but it should be stressed that the modern version of such crime is organised on a much more technically sophisticated level.

It behoves us as legislators to respond to these new technologies by introducing effective tools to deal with them while at the same time protecting the rights and freedoms enshrined in the Constitution.

Question put and agreed to.

Communications (Retention of Data) Bill 2009: Referral to Select Committee.

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): 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.

Communications Regulation (Premium Rate Services) Bill 2009: Order for Second Stage.

Bill entitled an Act to provide for the regulation of Premium Rate Services by the Commission for Communications Regulation and to amend the Communications Regulation Act 2002 and to provide for connected matters.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I move: "That Second Stage be taken now."

Question put and agreed to.

Communications Regulation (Premium Rate Services) Bill 2009: Second Stage.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I move: "That the Bill be now read a Second Time."

I was about to address the Acting Chairman, Deputy Charlie O'Connor, as "Ceann Comhairle".

Acting Chairman (Deputy Charlie O'Connor): Please do not.

Deputy Conor Lenihan: Perhaps he will be Ceann Comhairle next week.

Deputy Charles Flanagan: It may be wishful thinking on the part of the Minister of State to address his constituency colleague as Ceann Comhairle. I do not know if he will be that lucky.

Deputy Conor Lenihan: I would love it if he was appointed Ceann Comhairle next week because I would have an easy ride in the next general election.

Acting Chairman: I remind Deputies that it is not appropriate to draw the Chair into debate.

Deputy Charles Flanagan: The Chair might also like it.

Deputy Conor Lenihan: It would make my work as a Minister of State a lot easier.

I am pleased to present the Communications Regulation (Premium Rate Services) Bill 2009 for the consideration of the House. This Bill is an important part of the Government's legislative programme and when enacted will transfer the regulation of premium rate services from the current regulator, RegTel, to the Commission for Communications Regulation, ComReg, and provide for more effective regulation of the sector in the interest of consumer protection, which is its primary purpose.

The Bill is the result of a review of the regulation of premium rate services in Ireland involving consultation between officials of my Department, RegTel, ComReg, the Attorney General's office, key market players and other stakeholders in the industry. The Minister of Communications, Energy and Natural Resources, Deputy Eamon Ryan, initiated the review following a significant increase in complaints from the public concerning premium rate services, particularly subscription services, and concerns raised by the Attorney General about the current statutory basis for the regulation of this sector. Following the review, the Minister decided that the regulatory function should be transferred to ComReg by way of an extension of its functions under the Communications Regulation Acts. This will ensure that an effective regulatory regime is established in accordance with Government policy on agency rationalisation.

Before going into the main provisions of the Bill, I would like to set out for Deputies the background to the premium rate sector in Ireland and the rationale for the Bill. Premium rate services are content services provided primarily over fixed line and mobile telecommunications networks that are charged to a consumer's telephone account by his or her network operator at a price which exceeds the cost of communications carriage alone, that is, the cost of a normal telephone call. These services, which are accessed by means of a specific telephone number prefix, include information and entertainment services such as directory inquiries, weather forecasts, traffic news, sports results, chat lines and horoscopes, and services such as competitions, mobile ring tones and logo downloads.

The premium rate services market is currently regulated by RegTel, an independent and limited private company, by means of a code of practice produced by RegTel to which all service providers are required to adhere. RegTel is funded by a levy on the service providers and network operators that carry premium rate services. This is essentially an industry self-regulation model. There are approximately 370 service providers offering premium rate services over the networks of 12 operators. Between 2001 and 2007 annual revenue grew from €31 million to €95 million, an increase of over 200%. Given the current difficult economic climate, revenue for the current year is likely to decline to about €80 million. Clearly, this is a dynamic market which provides significant returns to service providers and network operators.

While the vast majority of service providers operate within RegTel's code of practice, a small number of non-compliant providers bring the sector into disrepute. The poor experiences of consumers at the hands of these non-compliant service providers in recent years have undermined confidence in the regulation of the sector and, according to the network operators, is impacting on the take-up of services in the Irish market. It is widely believed that if the sector was effectively regulated, consumer confidence and demand for services offered would increase.

Premium rate services are distinctly different in many respects from standard telephone services. The main features that set them apart and warrant more regulatory intervention in order to protect consumers are issues relating to the supply chain, content, price and transparency. As the premium rate service consumer is in contract only with his or her telephone network operator, he or she has to pay that network operator for the premium rate service, which usually originates with a premium rate service provider and may even be delivered through intermediaries. The length of the supply chain between the originating premium rate service provider and the consumer is a factor in determining the need for regulation.

Many premium rate services such as weather forecasts, traffic reports or sports results, although typically more expensive than ordinary telephone communications, require only light regulation. Other forms of content offered over telephone networks, such as adult chat lines, require tighter regulation because of the risk that minors may access them. The content of a service must not be such that it facilitates or encourages anything that is unlawful. Prices for certain types of premium rate services can result in substantial charges on a telephone bill or pre-pay card if the consumer is not vigilant or if the phone is used by a child or other user who is unaware of the potential to generate telephone bills that can cause surprise and distress.

A further reason for regulation, and an area that gives rise to the vast majority of complaints both in Ireland and elsewhere, is the lack of transparency in relation to subscription services offered by a small but significant group of providers. In many cases, consumers who thought they were engaging in a one-off transaction have found that they inadvertently agreed to subscribe to a premium rate service whereby they receive subsequent content over their phone line or mobile and are charged for this service on an ongoing basis. This problem has been most prevalent where consumers enter competitions without realising that they have signed up to an ongoing subscription service which incurs substantial costs.

The new regulatory framework proposed in this Bill aims to address any issues that may arise in regard to the provision of premium rate services, particularly in the areas of supply chain, content, pricing and transparency. The Bill proposes a licensing regime backed up by effective enforcement powers. This will ensure that the consumers of such services are protected from the unscrupulous practices of a small number of providers who until now have been able to exploit weaknesses in the current regulatory regime. It replaces the current self-regulatory regime based on contractual arrangements between RegTel and service providers with a more robust licensing regime backed up with effective enforcement measures.

Enforcement is a key element of effective regulation and appropriate remedies and sanctions are vital to secure regulatory compliance. It is in this context that the enforcement proposals in this Bill have been drafted. Involving the industry in enforcing proper standards is an important element of effective regulation. I acknowledge that the majority of companies operating in the sector are reputable and through various initiatives have played an important part in maintaining high standards.

In order to maintain this level of engagement with the industry in the regulation of the sector, the Bill provides that a code of practice drawn up by ComReg in consultation with all interested parties will remain an integral part of the new regulatory regime. The industry was fully consulted during the preparation of the Bill and I am happy to say that it strongly wel-

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comed its provisions. I believe that following its enactment consumer confidence will be enhanced and the sector will enjoy further development and growth. The transfer of the regulatory function to ComReg will not impose any charge on public funds as provision is made in the Bill for the costs of regulation to be funded by a levy on the industry, as is the case at present. Provision is also made in the Bill for the transfer of staff from RegTel to ComReg, thus ensuring that the valuable expertise built up by RegTel over the years is retained and that no existing staff member suffers any loss as a result of the transfer of function.

Apart from the regulation of premium rate services, the Bill makes provision for ComReg to issue appropriate emergency directions to operators with a view to minimising customer disruption and providing continuity of access to emergency services in the event of an operator exiting the market. Current legislation does not enable ComReg to take action to restore a telephone service within an appropriate timeframe in such cases and this provision will address this deficiency.

The Minister also intends to introduce an amendment on Committee Stage to Part 5 of the principal Act, designating the National Roads Authority as a road authority for the purposes of that Act, to facilitate the installation of next generation infrastructure. This provision will facilitate the roll-out of fibre optic throughout the country to provide additional broadband backhaul connectivity to those areas of the country that require it.

I now turn to the text of the Bill itself. As an explanatory memorandum on the Bill has been circulated, I do not propose to go into detail on each section but rather to highlight the main provisions of the Bill in the order they appear in the text.

Section 3 amends section 10 of the principal Act to provide for the commission to have the additional function of regulating premium rate services, which is the primary purpose of the Bill. Sections 4 and 5 provide for the licensing of services, the terms and conditions that may be attached to a licence and the information that premium rate service providers shall provide to ComReg upon request. This new licensing regime is designed so that ComReg may prescribe the type of service and service provider that will require a licence and will enable ComReg to vary the conditions that will apply to particular types of premium rate services.

The definition of premium rate service in the Bill is necessarily broad so as to capture not only existing types of services but also services that may be developed in the future as a result of developments in technology. It specifically excludes broadcast services, such as pay-per-view, which could, if not specifically excluded, come within the scope of the definition, as these are regulated by the Broadcasting Authority of Ireland.

Certain types of premium rate services will be subject to tighter regulation than others. For example, services such as weather forecasts, traffic news and other information type services will be subject to less stringent conditions than on-going subscription services, advice or chat services that may involve substantial charges on a phone bill or pre-pay card. Accordingly, ComReg will be able to specify different conditions for different types of service in an objective and proportionate manner.

Sections 6 to 8 provide the enforcement measures that ComReg may apply against non-compliant service providers. Under section 6, ComReg may apply to the High Court for the immediate suspension of a licence where it considers such suspension is necessary to protect users or potential users of premium rate services. This is an important provision as swift action by ComReg may be necessary to prevent the continuation of an offending service until further investigative and enforcement action is taken by ComReg.

Section 7 provides that if ComReg finds, following an investigation, that a service provider has not complied with or has breached a condition of a licence, it shall notify the provider of

its finding and shall require the provider to remedy any non-compliance within a specified period. The intention here is that such a remedy can include a refund by the provider to affected consumers as is provided for in the current code of practice. The procedure for making such refunds can be provided for in regulations to be made by ComReg specifying the terms and conditions to attach to a licence, which should clearly spell out the obligations imposed on the provider of the service on refunds.

Where a premium rate service provider has failed to comply with or remedy the breach within the time period specified under section 7, ComReg may, if it considers it appropriate to do so, and having notified the licence holder of its intention and having considered any representation made by the licence holder, revoke, amend or suspend for a period, the licence. If the failure to comply with a condition is considered by ComReg to be a serious breach, the revocation, amendment or suspension takes effect upon notification.

Section 9 provides that a service provider aggrieved by a decision of the Commission to refuse, suspend or revoke a licence has the right of appeal to the Circuit Court against the decision within seven days of notification of the decision. Sections 10 and 11 provide for offences relating to the provision of unlicensed premium rate services and for overcharging for services or charging for services not supplied. It also provides for the court, on the application to it by the commission following a conviction, to make an order revoking the licence and prohibiting the licensee from reapplying for a new licence, either permanently or for a fixed time.

These enforcement provisions are designed to give ComReg maximum effectiveness in deterring non-compliant service providers from operating in the market. The requirement that each service provider must apply for and hold a licence covering the services it provides is significant. It enables ComReg to refuse to grant a licence under specific circumstances or, if granted, to specify the conditions that attach to any particular licence. It also provides a mechanism whereby a licence may be amended, suspended or revoked, depending on the nature of any non-compliance with the conditions of the licence.

It is important for the industry as a whole that the small number of service providers that are responsible for the large number of complaints from consumers are subject to dissuasive sanctions and, if necessary, may have their licences suspended or revoked. The vast majority of service providers who are compliant need have no fear of these provisions. On the contrary, they have welcomed the proposed provisions as an effective response to those who are bringing the whole sector into disrepute and undermining public confidence in the industry.

As I stated earlier, the involvement of the sector itself in maintaining high standards through a code of practice is an important element of effective regulation. Section 13 of the Bill provides for the preparation and publication of a code of practice by ComReg following consultation with interested parties and with other statutory bodies. Apart from consultation with service providers and other stakeholders in the industry, this would include consultation with bodies such as the Broadcasting Authority of Ireland, which has statutory responsibility for broadcast content, a medium through which many premium rate services are advertised, and the National Consumer Agency, which has overall responsibility for protecting consumer interests. In this way, a consistent approach by the relevant statutory bodies in both consumer protection and content related regulation will be ensured. Compliance with the code of practice will be a condition of a licence and, consequently, non-compliance with its provisions may result in a sanction being imposed.

The Bill also provides, under section 16, for the transfer of staff currently employed by Regtel to ComReg on the same pay and conditions to which they were entitled while in the service of Regtel, subject to the consent of the Minister and the Minister for Finance. This will

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provide ComReg with the expertise and resources necessary to enable it to carry out its new function effectively from the outset.

In order to minimise customer disruption and to ensure continuity of access to emergency services, section 18 provides that ComReg may issue an emergency direction to an operator providing wholesale access to another operator, in the event of the exit from the market of that other operator. Deputies may recall that a situation arose in 2006 where an operator informed its customers that it was no longer in a position to provide them with a service. While ComReg played a significant role in mediating a solution that allowed those customers to switch to an alternative service provider, it had no statutory basis on which to do so. This provision rectifies that situation.

The Bill is an important measure in contributing to the effective regulation of premium rate services in Ireland. The proposals it contains are measured and proportionate responses to the challenges that will face ComReg in establishing effective regulation of these services and protecting the users of those services. I am confident that the provisions contained in it will result in greater consumer protection and confidence and growth in the industry.

Apart from the amendment to Part 5 of the Principal Act, to which I referred earlier, and any amendments of a technical legal nature that may be agreed in conjunction with the Attorney General's office, I do not intend to introduce any substantive amendments to the Bill on Committee Stage. I look forward to hearing the views of the Members of this House and their assistance in facilitating its early passage into law. I commend the Bill to the House.

Deputy Simon Coveney: This necessary Bill is welcome on a number of levels. First, it reaffirms the principle that we should be trying to amalgamate the various different regulators dealing with the communications and broadcasting area generally into one strong well-resourced regulatory body, and ComReg is the appropriate body for that. In the same way that Deputy McManus and I would have made the case that perhaps the new broadcasting authority should also have been amalgamated into one strong communications regulating body, I welcome the removal of Regtel and the transfer of the functions from Regtel into ComReg, while also giving extra powers in the area of premium rate services to ComReg. This is an area that has grown too big in recent years to accept that voluntary regulation is sufficient to deal with the potential abuse possible from the targeting of very vulnerable mobile phone users in many cases, but also of vulnerable fixed line users in some cases, for the profits of companies that are providing premium rate services.

I do not want to give the impression that companies that provide premium-rate services should be pariahs; they should not. There is a genuine industry in information transfer and it will be increasingly important in the future as people rely predominantly on their mobile communication devices, although also on fixed-line services and their computers, to update them with information that is useful for work or of general interest. We cannot stop this tide. People will be using mobile hand-held devices for all sorts of services we probably cannot imagine. A major feature of this will be the transfer of information and the charge for that information. Our challenge as policy makers and protectors of the public interest is to protect people from scams, from people who are willing to abuse the transfer of information, and from people who will take advantage of genuine ignorance in consumers and, in many cases, children who are not capable of anticipating the abuse that may occur.

In case anybody thinks this is a small niche area, I will give some figures. Premium-rate services on fixed lines and, particularly, mobile devices represent an industry that was worth €95 million last year. In 2008, Irish people received 76 million chargeable premium text messages. We are talking about multiple messages for every person who has a mobile telephone in

Ireland. Some are specifically targeted because they are easy targets and we need to protect these people. We must ensure that there is a regulator and that he or she is on top of the technological advances that happen constantly and has the power to penalise people when they break the rules. ComReg is now being asked to put in place and enforce a code of practice. We have given it the power to impose fines of up to €250,000, which is appropriately large for companies who are consistently abusing their position, as has been the case in certain instances.

There is growing concern about this issue among the public. If we consider the figures from last year we will see that RegTel received more than 6,000 complaints about premium-rate services, compared to only 1,700 the year before. This represents a fourfold increase in the number of complaints. It also corresponds to a dramatic increase in the number of texts and other premium-rate products. This is not all about text messages; there are also telephone psychics, weather forecasts, music, sports updates and many other services. Many of these are useful, but the issue is whether they are properly advertised and charged for.

Another interesting trend is the number of people who have contacted the regulator to obtain information on how to unsubscribe from a service. For example, a child may come home from school and say he or she signed up to a service to keep up to date with the Top Ten singles charts, but the information is now arriving every day and he or she does not know how to stop it. Parents are finding themselves in a position of ignorance in this regard. Last year, 22,000 people contacted RegTel to ask them how they could unsubscribe from services.

There are a number of demands and concerns that the public have to which we must respond not just through this legislation, but also by giving ComReg the resources to engage in an education process of both parents and children, as well as consumers generally, with regard to premium-rate services. I ask the Minister to consider the resources that will be available to ComReg to do this. Increasingly, people need such information quickly. It is to be hoped that they will be able to obtain it on-line from ComReg, but they should also be able to make a telephone call to hear in simple English how they can stop a premium-rate service. They should also be able to find out how to inquire about whether the service is safe and whether the company is reputable and has a licence. If, for example, a parent is trying to protect his or her child from a premium-rate service, he or she should be able to get information on the provider of the product. I welcome the legislation, but we need to put a full package in place.

I apologise as my mobile telephone is ringing.

Deputy Conor Lenihan: I hope it is not an unsolicited premium-rate text message.

Deputy Simon Coveney: It is not. It is my wife, actually.

Deputy Conor Lenihan: The Deputy does not know how to stop her.

Deputy Simon Coveney: I assure the Minister of State it is not unsolicited.

Deputy Conor Lenihan: ComReg cannot help the Deputy there.

Deputy Simon Coveney: We need to put the full package in place. The committee on which Deputy McManus and I sit discussed this issue in some detail in the context of mobile telephone bullying and the targeting of young people and pupils in schools by cyber-bullies. This was simply a non-issue five years ago, but it is one now because of technological advances and the fact that the vast majority of people above the age of about six now have mobile telephones. Some people have two or three mobile telephones or different types of PDA device. I ask the Minister, in the context of this legislation, to consider also the issue of cyber-bullying. Even though it is not directly related to this Bill, there is certainly a link.

[Deputy Simon Coveney.]

I will provide some figures on the use of mobile telephones by young people. Fifty-five percent of all five to nine year olds in Ireland now have a mobile telephone, while 90% of ten to 14 years olds have one. A total of 410,000 children under the age of 14 have a mobile telephone, and that number is growing. I expect that in the not-too-distant future 90% of five to nine year olds will have some form of mobile telephone. All these people are seen by the industry as consumers, even though they are children. They need protection not only from potential abuse by their peers — in the form of text bullying between young people — but also from elements within the industry that may well see them as a soft target. I am glad to say the vast majority of service providers will not behave in that way, but we must ensure that this does not happen because young people can inadvertently sign up to premium-rate services without even knowing about it, whether they are on a “pay-as-you-go” tariff or a monthly payment.

We have had the mobile telephone companies before the committee on at least two occasions to ask them what they are doing on a voluntary basis to respond to cyber-bullying, and we are not happy with the pace at which the industry is responding to the issue. There has been some progress; I will not go into the products being provided by individual operators, but some are better than others. I would also like to see ComReg being given the power and the capacity to monitor the industry. It should be able to let the industry know it is being monitored on this issue and that if these products do not become available on a voluntary basis, it has the go-ahead from its political decision makers to introduce enforceable codes of conduct.

The premium rate services and cyber bullying issues are linked, which should be mentioned a great deal more in this discussion. One could make the case that an adult fooled into believing he or she is obtaining from a premium rate service a product at a cheaper price than that which he or she is actually paying should know better and that if he or she does not they should learn more in order to know better, unless there is blatant abuse in respect of which ComReg needs to deal with the provider. More than half of all five to ten year olds have mobile phones and we must protect them. If the industry is not taking this seriously we must come down on it like a tonne of bricks. I am willing to do that as are members of the Labour and Fianna Fáil parties who are members of the committee.

I would like included in this legislation a mechanism which signals to the industry that we are taking this seriously. We hold a stick over the alcohol industry in that if it does not act responsibly in terms of alcohol advertising we can legislate to force them to do so and we need to do the same in respect of mobile telephone operators in the area of child protection and cyber bullying which could potentially abuse vulnerability. I believe this type of approach would get cross-party support. I ask the Minister of State to consider this matter and to have his officials look at it.

On the technical side another problem with premium rate services which I have experienced is how one unsubscribes from a service. Unsubscribing from a service is sold as a simple mechanism. It is stated that one need only text “Stop” to a particular number and one will no longer receive the unsubscribed messaging service. However, that does not always happen. I have tested the system and while it often works, other times it does not. I tried to unsubscribe from a premium rate service in regard to political information but I continue to receive messages from the service.

ComReg’s challenge is not alone to regulate the industry but to provide consumers with basic information and a channel of communication. This will ensure that there are consequences when people do not obtain the type of service they could reasonably expect. Last year Regtel

reimbursed to consumers almost €20,000 arising out of issues such as inability to unsubscribe to a service and so on, which is happening on a fairly widespread basis.

What this legislation sets out to do is correct. ComReg is the appropriate body to regulate this industry. I would like if the Minister could do a little more with the legislation, although I accept what is contained in it is good. Also, we should put in place a warning mechanism which ensures the mobile telephone industry, as well as the premium rate service industry, is aware we believe there is a developing problem in terms of cyber bullying, on which we do not have a handle and with which the industry must assist us in finding solutions, which do exist. Some of the products becoming available severely limit the capacity of children as targets. While I believe this Bill will have an easy passage through the House, Fine Gael may table some amendments on Committee Stage in respect of cyber bullying.

While we can make generalised comments in our contributions on Second Stage debates of legislation, we do not in terms of legislation need to respond in an overly restrictive or harsh way in a space that is constantly developing and modernising. Cyberspace is doing just that. We do not want Ireland to develop a reputation as a country over-regulating or restricting investment and business opportunities in this area of essentially selling information via a communications infrastructure or network. The legislation strikes the right balance in that regard. We are asking ComReg to do four tasks in terms of putting in place a code of practice, new offences for overcharging, fines and licensing. There is always a balance to be struck between over-regulation and taking an overly protective approach to consumers that will drive investment in this area to other parts of Europe or the world, which would be a lost opportunity. Ireland needs to create a new economy which is based on information and IT infrastructure and on the sharing of information and services be it from a Government and public services point of view or from within the private sector.

I accept we are not trying to create a type of police state in this area of communications because by and large the vast majority of premium rate services are subscribed to on a voluntary basis because people want the information and are happy to pay for it. This is an industry that in my view will continue to grow dramatically year on year. I believe the level of chargeable texts, currently 76 million, may double in the next five years and that the industry will in the same period grow from €94 million to approximately €500 million. It is a service consumers want and will choose.

The challenge for us is to allow that marketplace and the employment and opportunities that go with it to develop while at the same time protecting vulnerable people who do not have the knowledge or capacity to recognise when they are being over-charged or abused. I look forward to addressing the legislation line by line on Committee Stage and trying to improve it.

Deputy Liz McManus: I support the purpose of this Bill. It makes sense to put the regulation of premium rate telecommunications services under the same roof as the regulator of telephone services by amalgamating ComReg and Regtel. I, like Deputy Coveney, wish the same thinking had led the Minister to the amalgamation of ComReg and the broadcasting authority but that is a matter for another day.

It is worth noting the good work done by Regtel over the years. Self-regulation always has risks but it should be said that Regtel has played a significant role in protecting customers and delivering best practice. It is important that this change upon which we are embarking is for the better and builds on the experience garnered by Regtel since its inception in 2001. ComReg will be in a better position to regulate the industry. It is bigger, better funded and has stronger links with other market players but it is vital that the Minister does not inadvertently or otherwise fall into the trap of weakening the existing powers of regulation.

[Deputy Liz McManus.]

The Bill deals with two parties, the regulator and the licence holder, and defines clearly the relationship between the two in terms of licensing arrangements, penalties when offences are committed, resourcing and powers and accountability responsibilities similar to those that apply to telecoms and postal services. There is, however, a third party who is central to this debate and should be central to this legislation — the consumer.

The Bill is largely enabling the amalgamation of two bodies but it has a serious flaw, one big hole below the waterline that needs attention: the problem of consumer refunds, which are not mentioned in this legislation. According to the Bill, ComReg “shall notify the provider of the findings and require the provider to remedy any non-compliance or breach”. The power to order refunds, however, should be expressly set out in the Bill. In addition, the Bill should empower ComReg to set out in regulations the mechanism for refunds which would not require the wronged consumers to incur time or expense pursuing claims for compensation.

Under the present regime, a code of practice signed up to by service providers, RegTel may order refunds to be made to consumers where necessary. The sums can be high. The last RegTel annual report for 2007-8 lists refunds of approximately €200,000. One case accounted for 85% of the total refunded. Following RegTel’s intervention a service was suspended without having resort to any formal procedures. A total of 27,000 consumers were removed from the database with the service provider agreeing to make a voluntary refund of €179,000 to the people affected. This is a significant amount which is greatly appreciated by the customers in question. In the Bill, however, under the proposed new regime there is instead a penalty for overcharging — a fine of up to €5,000 euro in a District Court, with higher penalties in higher courts.

It should be pointed out that overcharging is not the major problem experienced by the public and it makes little sense to single it out for legislative sanction alone. The major problems relate to subscription services and how to get out of them, misleading promotions and failure to warn people when they have exceeded price thresholds.

Last year 6,000 complaints were made to RegTel about subscription services and premium rate services. While the majority of service providers comply fully with the current code of practice there is no doubt that many people including children have been ripped off by a small handful of profiteering shysters. According to the current regulator, up to 95% of companies pose no problem and behave within the law. It is worth noting that under the RegTel regime, Ireland has been free of the television voting scams that have damaged the reputations of BBC, ITV and Channel 4.

The rogues exist, however, and it is vital that customers benefit from this new law. Like other TDs I have received complaints from constituents about the problems they experience. The costs run up by phone customers in many cases were exorbitant. There are many examples where customers were unfairly charged and were then faced with a battle to obtain refunds. For example, one phone customer outlined how he topped up his mobile by €20. Twenty minutes later, although he had made no phone calls he was down to €12 and then €2. His €20 credit was gone within half hour. After making inquiries, he went to ComReg and found that a premium service provider had debited his account. He is convinced he did not send this company anything to authorize them to do this.

Another person had up to €80 taken from his account. Initially this person went to RegTel, ComReg and the Small Claims Court to no avail. RegTel did eventually manage to get on to the company to get the company to write to him.

A constituent contacted me with the following experience:

Yesterday my husband and my son were scammed out of money in the same day. Both were mobile phone scams. The first one was when I logged on to the Irish jobs website and followed a link which called for candidates for castings in the TV show “The Tudors”. I put my son’s phone number in and then he received 4 texts within a two second period and had lost €20 call credit. I told him to text back stop immediately. I was so annoyed as I had topped up his phone as he is doing the leaving cert and needed his credit. At the very bottom of the web page it said €5 per text but nothing about receiving 4 texts for €20. I contacted the company who said they would refund him, I am very dubious about receiving any money back.

My husband John topped up his phone by €25 yesterday and received a text immediately for something he did not sign up to. He was charged €2.50. When he disputed this with 0₂ they said he must have signed up to something. He emphatically denies this. They charged him another €2.50 for the stop text he sent.

I also contacted the government agency dealing with this. They did take the details but said we would have to chase any refunds from this companies themselves. By the way they all charge a premium rate while on the phone to them trying to obtain refunds from them.

As my husband did not sign up for anything someone else must have entered his number either by accident getting a digit in their own phone number incorrect, or someone being just malicious. What is to stop anyone logging on to these sites and entering phone numbers of people they have a vendetta against?

Irish Psychics Live is one of the premium rate services run by Realm Communications which has been under the watchful eye of RegTel. In June this year it was reported in the *Sunday Tribune* that Realm Communications made a pre-tax profit of nearly €1.75million for the year ended 30 April 2008, down from €2.25 million a year previously. This has been put down to the successful “Stop” campaign run by RegTel. The profits in this business are considerable even with an existing code of practice. Retained profits at Realm Communications stand at just under €8.5 million. Realm’s directors’ pay and other emoluments rose to more than €300,000, up from €135,000 the previous year.

A caller to “Liveline” outlined how he received a bill of €1,108 for one night from Irish Psychics Live. This person had mental health issues but RegTel’s code of practice that a call must be terminated by forced release when a charge of €60 is reached was clearly not followed in this case. No prosecution followed.

RegTel has managed to tackle some of the rogue companies to some effect. Among the measures which were somewhat effective was a code of practice which put a limit of €60 cost per call, with a warning given to the customer after having spent €30. A requirement that operators of psychic, tarot and horoscope services must clearly state that they are for entertainment purposes was also welcome. The public campaign educating phone users about how to deal with unwanted texts from service providers was well advertised and effective. This campaign empowers customers to opt out of receiving unwanted texts by simply replying with the word “Stop”.

It is clear that we are in a new era of communications. Technology is moving fast and it is difficult for any regulator to keep up to date with companies intent on making profit on the backs of cheating vulnerable people. I would suggest that section 5 be amended to take into account the changing market. ComReg is required in the Bill to list every class or type of PRS that must be licensed. It would be better to have the presumption that services must be licensed and to give ComReg the power to exempt certain classes. This is a safer option and allows for future innovations to be regulated.

[Deputy Liz McManus.]

The present regulatory system is not perfect but it does allow the current regulator to tell the networks to freeze payments to a service provider for a service in dispute. This is a very useful sanction so why does it not appear in the Bill? Instead, errant service providers can be fined, which is well and dandy, but no consolation to the unfortunate consumer who ran up a huge bill because a service provider “forgot” to send the price warnings it was supposed to. As we all know court proceedings can be slow while a freeze of payments hurts straight away.

To be fair, the Bill sets out a sound legislative basis for the prior licensing of premium rate telecoms services that are necessary and welcome. I applaud the Minister and his Department officials for that, but it is noteworthy that it only deals with two parties, namely, ComReg and the service providers who become licence holders. The consumer is invisible; a powerless bystander in a legislative transaction between the regulator and the regulated. If it were a road traffic measure it would be punishing the bad driver, but offering nothing to the victims who suffer injury. I was a little concerned when the Minister of State said that he would not be proposing any substantial amendments.

I hope that the Minister of State will have an open attitude to the amendments that I will be tabling to this Bill when the time comes. It is a good Bill, but with co-operation, it could be great Bill. For example, section 7 should be expanded to mention refunds explicitly. It needs to be expanded to empower ComReg to deal with minor breaches, which represent the every-day currency of regulation. ComReg needs backing in this Bill to get the people’s money back without running down to the courts every time. That power must be incorporated in the Bill if it is not to be challenged in the courts.

Children are vulnerable to exploitation by unscrupulous operators. The Minister for Communications, Energy and Natural Resources has expressed his concern about this issue. He said: “Children especially are inadvertently running up large bills on their mobile phones. Essentially, they are subject to a scam.” If the Minister wants to be taken seriously he has an opportunity to add a provision in the Bill that when mobile phones are sold, the name and age of the intended user be registered. In that way, much of the problem of under age access to inappropriate premium rate services can be resolved. No doubt he will encounter opposition from business, but it would be a good safeguard. In the meantime, parents need to register their children’s mobile phone with the phone company, making sure the child’s age is given.

There is a small matter which may not be significant but is worth mentioning. Section 6 allows for an application to be made to the High Court to suspend a licence. Section 8 allows ComReg to suspend a service. I question whether these provisions should not be in reverse order, so that the first step is for ComReg to stop the service. If that does not work, it asks the High Court to do the job. I suggest that section 8 should come before section 6 and then be followed by section 10, which contains the penalties where an earlier effort fails. The order may not matter, but in the interests of clarity it might be helpful to make the reversal. I propose that ComReg be empowered under section 6 to suspend temporarily any licence either in full or any particular services provided under a licence, until such time as an investigation can be completed. This provides for swift action while an investigation proceeds. RegTel currently has that power. The Bill requires ComReg to apply to the High Court in an emergency, something that is unnecessarily burdensome.

There is also a need to create a criminal sanction for breaching licence conditions as a deterrent to curb harmful practices. Various PRS providers have been prosecuted by the Data Protection Commissioner in the District Court and ComReg should be afforded similar powers. Again, the consumer is protected where the regulator has such powers.

There is a curious mention in the explanatory notes attached to the Bill on a number of amendments to the Communications Regulation Act 2002, relating to the carrying out of works on public roads to facilitate the laying of fibre optic cables. Nobody would object to the purpose involved. However, I have been in this House for many years, and I cannot ever recall sections of a Bill which relate to another Act being flagged on Second Stage as an intended bolt-on, without us having sight of those sections. It is a kind of virtual legislating which flies in the face of everything we do here. Second Stage is where these sections should be debated, not Committee Stage. It is not acceptable that we are to take on trust what should be a matter of public scrutiny and information. I want to express my opposition to what is shoddy work by the Minister. If these sections are not now in the Bill, then they should form part of a separate Bill. Second Stage is part and parcel of the legislative process, but this element is being introduced on Committee Stage and we cannot see it. That is a completely different situation from where amendments arise during the period between Second Stage and Committee Stage. I am uncomfortable with the issue, to put it mildly.

I hope that the Minister is open to amendments and at least takes on board the outline of the amendments I proposed. There is always a danger when the Opposition brings forward amendments and the Minister has all the power he wishes to slap them down. It would be in the interests of the Minister and in the regulation of premium rate services that we get this right. That means putting the consumer centre stage in this Bill, because it is ultimately all about the consumer, rather than RegTel, ComReg or people making money in an industry. This means we have to deal with issues such as refunds for consumers, and making sure the licensing regime still works in a very moving market where innovations come up all the time. ComReg may not be in a position to deal with such innovations if there is not an automatic presumption that a service must be licensed. None of us can keep up fully with what is going on in the telecommunications world because it is moving so rapidly. There also needs to be a regime for breaches in licences.

I am talking about practical amendments here. I am not talking about changing the spirit of the Bill, simply about improving it. If the Minister consults with his officials, I would be surprised if his advice is not to take on these particular points. They are to do with tweaking rather than altering the nature of the Bill. Considering the bank of knowledge that has been built up by the experience of RegTel, we will be doing a disservice if we do not use it to best effect. That means amending this Bill in small but very significant ways.

Deputy M. J. Nolan: I welcome this Bill. Anybody in public life will have come across examples of scams on children who use mobile phones. We must remember that mobile phones are a way of life in this country. We should distinguish between the minority of premium rate companies that are abusing the situation and the service providers that are largely well run, well organised commercial operations. The Joint Oireachtas Committee on Communications, Energy and Natural Resources has been examining this particular area for some time. We visited a number of the service providers and they run a very upfront, professional operation. It is unfortunate that the issues highlighted by the public get all the publicity and that we fail to see the good work being done by commercial mobile phone operators.

It is timely that this Bill is brought before us for the prior licensing of premium rate subscribers. It is frustrating to hear the problems experienced by individuals. Most families could highlight occasions when this form of extraction of money has been used against them or their extended families. A number of families have contacted me in the past two or three months to report blatant abuse by such premium rate services. We must try to achieve a situation where rates are more transparent so that when people are invited to enter a competition or to answer

[Deputy M. J. Nolan.]

a question they are aware that by doing so they are signing up to a premium rate service. During the summer I saw an advertisement on television for one of these services, but I had to get very close to the television to see the small print which gave the cost of the service. That is not the way to do business.

I commend RegTel and ComReg on the work they are doing in this area. However, more must be done, although many people have yet to be convinced of that. The 6,000 complaints made to RegTel last year are evidence there is work to be done. There is a comprehensive provision in the legislation before us with regard to the licensing of premium rate services. This is welcome because in informal talks we have had with people in the industry we have been told their experience is that many of the operators are based overseas. These operators set up a shelf company here and work through that. When they have extracted a significant amount of money from Irish mobile phone users and RegTel or ComReg eventually catch up on them, they close down, liquidate in some cases, and leave. However, by then they have already amassed significant revenue from unsuspecting Irish customers.

I welcome the provision in the Bill that provides that the names of the directors of companies and their contact numbers must be submitted in order to secure a licence. I understand that currently many directors just establish another company. They change the name of the company, but it is the same individuals behind them. Having changed the name, they start up again and work for five, six or seven months before they are caught. It is important this provision is enforced. It is also important that conditions can be attached to licences, particularly where experience has shown some such companies have a track record of sailing close to the wind or have used shoddy practices in the past.

Section 8 allows the commission to revoke, amend or suspend a licence, but must notify the holder of the licence or proposer and afford them an opportunity to make representations within seven days of the commission's proposal. I note too that the commission can revoke, amend or suspend a licence within a short time. Where there is clear evidence of an abuse, it is important the commission, having investigated the matter, acts quickly.

Previous speakers have highlighted cases of abuse, the majority of which came to light through the use of prepaid mobile phones. In some of the cases I have come across of people with a bill pay phone, abuse has continued for a number of weeks and it is only when subscribers have received their bills that the abuse has come to light. At that stage a huge amount of expense has been incurred by the subscriber as a result of being unaware of the extent of the abuse involved through their phone usage or responses to questions sent to their phones.

The Joint Oireachtas Committee on Communications, Energy and Natural Resources has examined the question of cyber bullying. A number of companies have been proactive in trying to deal with this problem and over the next few months we will see even further advances with regard to the protection of children, young children in particular. We are concerned about cyber bullying and any legislation we introduce should include an open-ended section which, by ministerial order or regulation, will allow the Minister or regulatory authority to change or amend the regulations. Technology changes at such a fast rate that if we had to wait and depend on legislation to be passed, we would encounter significant difficulties before such matters could be resolved.

While self-regulation has worked by and large, the Minister and ComReg can make a serious input with regard to abuse by premium rate services. The majority of premium rate services are straightforward, upfront and positive and it is only in a minority of cases there is abuse through the premium rate text service. It is that area with which we are trying to deal in the

Bill. We must regulate and sort out the problem of deliberately misleading information being put out in the form of an introduction or which sucks young people into a premium rate service. Self-regulation is not working in this area and regulatory authorities, not just here but overseas where the same problem exists, must introduce legislation to overcome the problem.

I welcome the legislation and hope it has a speedy passage through the House. I hope that amendments which will enhance, improve and strengthen the Bill will be taken on board by the Minister.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I thank all Members who contributed to this debate. Their contributions were extremely positive. I take this opportunity to reassure them with regard to some aspects of their contributions. Deputy Coveney focused on the increasing revenue stream companies derive from premium rate services, a valuable benefit to those companies. However, it is important, as Deputy McManus said, that the consumer is not lost in the rush to embrace these services. Deputy Coveney is correct in saying we will see an increase in the revenue stream from these sources in the future.

It is a long time since I worked in the mobile phone industry — I am a long-term inmate of this place at this stage — and I find it extraordinary to see the extent to which the level of texting and services offered via text and mobile phone or fixed line telephones have opened up. This will continue the more fibre we lay and the more the technology improves in terms of the telephone instrument and its software. We will see an increasing diversity of development in this area and we need to put the consumer in a position whereby he or she is not second placed to the industry and its voracious appetite to develop further chargeable services. Deputy McManus's assertion that the balance needs to be right in any regulation we introduce here is important, so that ComReg, the new Regulator of this area of activity, can impose sanctions and guide behaviour or misbehaviour as it occurs within the industry.

I was pleased to hear most Deputies preface their remarks about the difficulties encountered to date with Regtel, with the very strong caveat that, broadly speaking, it has been an effective self-regulatory experience. However, some people have been able to evade that regulation because, in effect, they are rogue operators not succumbing to industry norms or the best practices demanded by the industry. That is why we are putting it on a proper footing.

We have yet to receive permission from the Minister for Finance for it, but one of the key aspects to this is the transfer of the staff from Regtel to ComReg so that the people conducting the regulation in the State-sponsored new regulatory body will be working from a position of strong knowledge and experience developed at Regtel. That is a valuable reassurance to Deputy McManus in particular——

Deputy Liz McManus: I would be more reassured if the Minister of State had the permission.

Deputy Conor Lenihan: ——who had concerns about the transfer or change from Regtel to ComReg, namely, that similar powers, sanctions and scope of action should be available to the industry and consumers of its many different offers. She may take some reassurance from that. I cannot tell the future as to whether I shall be supervising the Committee Stage of the legislation, but I should like to reassure Deputy McManus that the Minister, Deputy Ryan, will be open to sensible proposals that strengthen the Bill in an appropriate manner. He does not, and neither do I, envisage substantial amendment to the Bill, but we should all welcome the robust strengthening of the legislation. That needs to be teased out in greater detail. We need to note also that the “stop” campaign has been successful. I believe Deputy Coveney raised this issue.

[Deputy Conor Lenihan.]

This was an awareness campaign launched on television and radio by Regtel in autumn 2007 to help people to unsubscribe from these services. There were 20,000 calls as a result and the campaign was repeated in spring 2008 at a cost of €270,000. The industry, therefore, has made a substantial commitment towards encouraging people to learn more and to find out how they can unsubscribe.

I would be interested in the details. I do not know whether Deputy McManus wishes to share her husband's poor experience on——

Deputy Liz McManus: It was not my husband, but a constituent. I keep well away from people who provide services.

Deputy Conor Lenihan: I am sorry, I thought the Deputy was referring to her husband. Whatever the case, we should welcome the details if that is agreeable to the constituent, because it is these examples or practical experiences that help us to understand what is happening. It is very disturbing and the industry needs to take warning from us and the Government generally, if there is a suspicion that people are scamming or “skimming” as in former years in the banking industry where small percentile amounts were deducted across a large swathe of customers, amounting to a great deal of money. This is practised in casinos, I understand, as well. If this type of practice develops where software is being used to scam or skim people of their money, however inadvertently — there is no “stop” button to stop that type of elaborate programming — much more robust powers will need to be given to ComReg. Any incident that involves someone being deducted, having not subscribed to a service, is a very serious matter, and it behoves us as public representatives to bring such matters forcefully to the attention of ComReg. At one level the regulators are removed from us, but it is important that we, too, put them under pressure when we learn of individual cases of this type.

Deputy Nolan made the point that we must distinguish between the scam merchants and the reputable operators. This industry, largely speaking, is reputable. We must now ensure those who are not are chased out of the industry and we can enjoy some of the benefits that derive from it, as we do already, whether it is for weather forecasts, or people using maritime resources at the weekend to get relevant timely information. All of these services are valuable and of some societal benefit, I suspect, even where they are premium charged. We need to see their development.

I am conscious of the fact that I am standing in for the Minister, Deputy Ryan, but I am also the Minister of State with responsibility for science, technology and innovation. We can achieve great societal benefits as well as economic gains from using these technologies appropriately. The issue of cyber bullying is complicated and clearly comes under the aegis of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. However, the industry has been promoting campaigns in this area, and making technology available that makes it easier for parents to stop, block or prevent this type of activity. It is very difficult and challenging behaviour.

It was with a certain foreboding that I allowed my young children to have mobile phones as presents recently. I am reassured to some extent, because it seems that children use mobile phones more for the games than the telephone calls, which surprised me. Again, there is an issue here as regards the advertising of games that may be downloaded. It is important that only appropriate games can be downloaded and we really are dependent on ComReg to ensure young children are not exposed to games that are inappropriate, whether relating to violence or other unsavoury aspects.

Deputy Simon Coveney: The problem is that there is no mechanism to do that. We need a code of conduct for that area and only ComReg can do that.

Deputy Brian Lenihan: That is correct, and I shall be looking to ComReg to do that because this is a very dangerous area, where children can be exposed to extremely violent games at a young age and assume this is some type of normal behavioural pattern. It is an area of enormous challenge for ComReg. I was genuinely surprised at my children. I assumed I was facing into a series of very expensive pay-as-you-go top-up bills, but the main reason mobiles are being used in my children's case — and in the case of many others, I believe — is to swap and exchange games of one type or another through the bluetooth connection and to download them. As technology emerges in the future, that will be a major area of concern for parents and children and ComReg would be well advised to focus on it. We hope that whatever ComReg and the industry do in their consultations together will address this issue to avoid problems down the line.

I thank the Deputies and reassure them that we shall be open to accepting amendments on Committee Stage. I do not want to relegate them as being insubstantial, although I believe that inference may be taken from the script where I said we were not envisaging substantial amendments. However, if through the ingenuity and interest of the Deputies opposite, and in recognition of the hard work of the committee already in this area, there are significant issues they believe can and should be addressed by this Bill, then we shall do so. As regards the technical point raised by Deputy McManus, the reason for the delay is that the draft amendment is still with the Attorney General and that is why she has not had sight of it. However, we shall bring that to her attention. Again, if there are specific detailed issues which Deputies want clarified before we get to Committee Stage, they should feel free to contact us and we will try to clear up any details.

Deputy Liz McManus: Does that mean we will be sent a copy of the sections that are with the Attorney General?

Deputy Conor Lenihan: Yes. We can easily facilitate the Deputy in that regard. I will ask the officials present to make contact with the Deputy with a view to ensuring she is fully *au fait* with the Bill before Committee Stage.

Question put and agreed to.

Communications Regulation (Premium Rate Services) Bill 2009: Referral to Select Committee.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I move:

That the Bill be referred to the Select Committee on Communications, Energy and Natural Resources, 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 2.20 p.m. and resumed at 3.30 p.m.

Ceisteanna — Questions.

Priority Questions.

Naval Service Vessels.

1. **Deputy Jimmy Deenihan** asked the Minister for Defence the age of each ship in the Naval Service; the schedule for replacement of each ship; the costs involved in the replacement; if safety or other concerns have been raised as to the suitability of each ship for continued usage by the Naval Service; and if he will make a statement on the matter. [34970/09]

Minister for Defence (Deputy Willie O’Dea): The following are the ages of the eight ships in the current flotilla: *LE Emer*, 31 years; *LE Aoife*, 30 years; *LE Aisling*, 29 years; *LE Eithne*, 25 years; *LE Ciara*, 25 years; *LE Orla*, 24 years; *LE Róisín*, ten years; and *LE Niamh*, eight years.

Naval vessels have a minimal lifespan of approximately 30 years. Accordingly, three ships are due for replacement now and over the next few years — *LE Emer*, commissioned in 1978, *LE Aoife*, commissioned in 1979 and *LE Aisling*, commissioned in 1980.

Following a detailed examination of the needs of the Naval Service within my Department, a vessel replacement strategy for the Naval Service was put in place. The strategy combined with a continuous process of refurbishment will ensure that the operational capability of the Naval Service is maintained at a satisfactory level.

Following Government approval in July 2007, a tender competition for the purchase of replacement vessels for the Naval Service commenced. The competition provides for the potential purchase of up to five replacement vessels — two offshore patrol vessels, OPVs, with an option of a third and one extended patrol vessel, EPV, with an option on a second. The options that I mentioned provide an effective value for money opportunity, at locked in prices, to provide replacements for Naval Service vessels which will reach the end of their service life in the years immediately following the current three vessel replacement programme.

In so far as the OPVs are concerned, the tender competition has progressed to the stage where we now have a preferred bidder in place and contract negotiations are all but concluded. However, no contract has yet been signed as this requires Government approval on funding. This will be considered in the context of the Estimates and budgetary process for 2010 which will include consideration of the McCarthy report.

It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes nor would it be appropriate to divulge the proposed cost of the replacement OPVs as this information is commercially sensitive and the procurement process has not yet been completed.

On the larger EPVs, my Department intends to complete the contract negotiations for the OPVs before the second stage of the EPV competition is initiated. As with the OPVs, any decision to award a contract for the purchase of an EPV must be approved by the Government.

With regard to safety, there is a programme of continuous planned and preventative maintenance to ensure that all Naval Service vessels are kept in a seaworthy condition and the Naval Service will send ships to sea only in such a condition. As Minister for Defence, the health and safety of all Defence Forces personnel and compliance with the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007 are of utmost importance to me.

The acquisition of modern new vessels will ensure that the service will be fully equipped to carry out its day-to-day roles in enforcing the State’s sovereign rights over our waters and our

fisheries and meeting Ireland's obligations in the area of maritime safety and security and fisheries protection.

Deputy Jimmy Deenihan: Will the Minister confirm whether an article that appeared on a national newspaper on 11 September last, stating that he was seeking €104 million for two new patrol vessels and a sail training vessel, is correct? Did he approach the Government for this funding at that time?

Is he aware that during the summer when the three ships in question, *LE Emer*, *LE Aoife* and *LE Aisling*, were in dry dock for cleaning purposes faults and structural cracks were discovered on the hull of the ships? This must be serious. Is the Minister concerned about this?

I understand that as ships get older, the noise level emanating from them increases. The reports I receive state that there is excessive noise on these ships. Is the Minister making provision to measure this noise in case it might cause damage to those on board?

I am sure the Minister would agree that the Naval Service is now playing a more important and vital role, especially in the interception of drugs coming into this country, and for that reason alone he should make a case to Government for the immediate replacement of these three vessels.

Deputy Willie O'Dea: On Deputy Deenihan's first question, I recall that interview which took place at Haulbowline naval base. A number of members of the media to whom I spoke on that occasion asked what was the position on the ship replacement programme and I told them I was seeking funding from the Government to replace, over a period of time, three ships that are nearing the end of their useful lifespans. There was speculation about the amount of money that would be involved. A figure of €104 million was mentioned. I would hope we would be able to do it for less. We are discussing specific figures with the preferred tender, but until such time as I get approval from the Government I do not want to say any more on that. The House can be assured that I am making strenuous efforts in the course of the budgetary discussions we are having at present to get money for ship replacement.

I am aware that, further to the *LE Emer* being power washed recently, a hole of approximately 4cm in diameter was found in the hull. Following an ultrasound operation put in place to test the hull generally, two other areas gave rise to concern. As a result, the steel from the hull has gone to a laboratory and tests are being conducted. Of course, repairs were carried out where they were necessary. It required a further dry-docking of the ship for an extra three weeks, and an extra €100,000. It was a fairly expensive job. That is what happens when ships get older and that is why we must replace them after a certain period of time.

On the noise issue raised by Deputy Deenihan, I am aware that noise is a problem in the three oldest ships. It is not a problem in the newer ships and it certainly will not be a problem in any replacements. We have conducted surveys on the three oldest ships. We have spent money on the *LE Emer*, which is the oldest ship. The jury is still out, to a certain extent, following tests on whether it has necessarily done a great deal of good and we are now faced with perhaps incurring considerable expenditure to alleviate the situation on the *LE Emer*. We are examining that closely at present. Those are the problems one encounters as ships get older.

Deputy Jimmy Deenihan: Will the Minister confirm that the *LE Emer* is seaworthy and that he is merely concerned about its general health and safety?

According to the press report, the Minister mentioned that he was seeking permission from the Government to spend the €3.8 million derived from the insurance on Asgard II following its sinking. Is he making provision at this stage for a replacement sailing vessel for Asgard II?

An Leas-Cheann Comhairle: That is an extension of the question.

Deputy Jimmy Deenihan: It is not.

Deputy Willie O’Dea: On the Deputy’s first question, I am obviously concerned with health and safety and I am assured by the Naval Service that it has done the appropriate repairs to the *LE Emer*. I am further assured by the Naval Service that it will not send a ship to sea unless it is satisfied beyond any shadow of doubt that the ship is seaworthy and safe. However, as I stated, problems are developing in the older ships because everything has a lifespan. A ship’s lifespan is approximately 31 to 33 years. The McCarthy report seemed to suggest it could be longer in certain cases but I do not necessarily agree with that.

There is a specific question later on the other matter Deputy Deenihan raised. However, the insurance money has been paid. It is in a suspense account in my Department, which means, in layman’s language, that I cannot touch it without permission from the Department of Finance. I have sought that permission and I am still awaiting a response.

Defence Forces Review.

2. **Deputy Brian O’Shea** asked the Minister for Defence the progress he has made on the implementation of the recommendations of the Independent Strategic Review of the Defence Forces Medical Service. [34969/09]

5. **Deputy Jimmy Deenihan** asked the Minister for Defence the progress made in implementing the recommendations of the PA Consultants Report on the Medical Services; if the representative associations have been consulted on this matter; and if he will make a statement on the matter. [35068/09]

Deputy Willie O’Dea: I propose to take Priority Questions Nos. 2 and 5 together.

The PA report is an important milestone in addressing the challenges to the provision of medical services in the Defence Forces. Implementation will take time and commitment. This is being achieved in consultation with the representative associations. On receipt of the report in June this year, I asked that implementation of the recommendations proceed immediately.

The PA report reviewed the medical services required for the Defence Forces in light of their roles and operations, assessed the current arrangements for the provision of medical services and proposed a model for future delivery of medical services.

As the House will be aware, the consultants have recommended a programme of major change. The high level recommendations include a centralised command structure for the medical corps and the creation of a medical services management and administrative function which structure will provide strategic planning, resource allocation and overall responsibility for the management and delivery of the medical service. It also proposes the development of medical officer lead care teams, together with a refocusing of medical staff on appropriate clinical tasks. The report also recommends steps leading to a reduction in the number of doctor interventions and medical assessments and better management of health services outsourcing.

The report reaffirms the need for a dedicated medical corps and addresses the challenges facing the Defence Forces in the recruitment and retention of medical officers. The structure and systems recommended have been designed to meet the demands and needs of the modern Defence Forces both at home and abroad and provide medical officers with a fulfilling and rewarding career. The governance structure proposed in the report for the delivery of change in this area has been put in place. It consists of a high-level steering group composed of senior military and civilian personnel. The role of the steering group is to provide planning guidance, to clarify the approach to recommendations where required and to ensure the project is implemented effectively.

A dedicated programme group with civilian and military representatives is now co-ordinating a range of projects. It is making progress on a number of the PA recommendations, including the structure of the medical corps, the alignment of Defence Forces and medical corps strategies and the development of medical information systems. Preparatory work has also commenced on the recommendations on training and education, clinical issues and the centralised command structure.

Valuable consultation has occurred with the representative associations in the preparation of this report. The consultants had a number of meetings with the representative associations and received submissions from them. In addition, the consultants conducted a workshop with the main stakeholders, including the representative associations, to update them on progress and to validate views on a number of issues.

Progress on the ongoing preparation of the implementation programme is being reported to the associations through the partnership medical sub-group and through the normal conciliation and arbitration, C&A, process. The associations will be also formally consulted on the implementation programme when it has been approved by the steering group. Any issues within the scope of representation can be then addressed through the C&A scheme.

Deputy Brian O'Shea: I am not convinced there is any great urgency in what the Minister has outlined to us. He is talking about structures, but we need results. The Minister must agree that the report was quite an indictment of the present system. For example, the Defence Forces are high users of primary health care compared with the civilian population and other armed forces, and the current requirement for medical assessment is not met, with a shortfall of approximately 60%. What I find worrying is the statement in the report that, "The Medical Corps does not take a systematic, information-based approach to planning and management of services". Does the Minister have a timeframe for bringing about this large cultural and structural change in the services? What is there is obviously adequate, although we have not alluded to the fact that there is a major problem with recruitment. Has there been any improvement in recruitment since the Minister set about implementing the recommendations in the report? All in all, the report describes a shambles. This needs to be put to rights quickly.

Deputy Willie O'Dea: Naturally, I do not accept the Deputy's contention that there is no urgency. I have informed the Department and the Defence Forces that I want progress in this area as a matter of urgency. As the Deputy recognises, it involves a revolutionary change in the provision of medical services within the Army. It is a sea change; we are turning the whole system, which is no longer adequate, on its head. This will take time and we need to bring people with us, which is one of our major problems. We must sit down and talk to people, whether they are from the representative associations, the general Army staff, or the medical corps. One of the recommendations of the group was that we set up an implementation strategy, which we have done in the form of the steering group and the progress group. The latter has done quite a lot of preliminary work and hopes to report back to the steering group within the next two or three weeks.

As I see this evolving, there are a number of specific tasks that need to be done — what they call in departmental jargon "work packages". I am hoping most of those will be done within the next 12 months. Some can be done immediately, while others will require longer consultation. Once those specific tasks have been done and practical matters attended to, the rest will fall into place. I am considering a timeframe of 12 to 18 months for implementation, which is short in view of the depth and width of the report.

The Deputy asked about difficulties with recruitment. I accept what he said about the report's conclusions about the current system, but let me remind the House that under the present system, when it is unable to provide the service for which it has been designed, we

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outsource the rest of the work. People are not left without medical attention, whether at home or abroad. That is an important point.

If we can put in place the new system as recommended by the consultants, there should be no problem with recruitment because we will not need to recruit many more. We will be able to reduce the establishment of the medical corps, which is at present 47, although there are only 24 working there. In addition, it will be a more rewarding and challenging career — one in which medics are practising medicine rather than spending all their time on administration. They will also get recognition for the work they have done in the medical service of the Defence Forces. However, we are just starting to implement the report, so it would be unrealistic to expect a flood of recruits. I have no doubt that when the report is fully implemented it will be much easier to recruit.

Deputy Jimmy Deenihan: I am inclined to agree with Deputy O'Shea about the urgency in implementing the recommendations. In the summary of the major work packages required for the delivery of the future medical services, most of the proposals seem to be scheduled as immediate or short term. Looking at the page, one can see these words all the way down. That no recommendation has yet been implemented from a report that took a number of years to produce and was published last June means it cannot be a matter of urgency. This is not the message that is given out.

The general feeling among the representative bodies is that the Minister should get on with it so they can know what hand he is playing in this. They feel the recommendations should be implemented as soon as possible because they have been waiting around for so long.

I want to ask the Minister about a particular aspect of the report, although he may not be able to answer it here. The report, as he knows, successfully identified many of the obstacles that deter non-consultant hospital doctors from entering careers in the Defence Forces. One of the main issues is that time served in the medical corps is not recognised by professional training bodies. Since the report was published, has the Minister consulted with the Royal College of Physicians of Ireland, the Royal College of Surgeons in Ireland and the Irish College of General Practitioners to secure the necessary recognition for doctors who have served time in the medical corps? This is a critical issue. If the Minister could ensure such recognition, I am assured more doctors would join the Defence Forces.

Deputy Willie O'Dea: Deputy Deenihan is right in that the timescales for many of the recommendations in the report are short term or urgent. That is true for the most part, but there are also recommendations that will require some time to implement. As I said, I am aiming for a timescale of 12 to 18 months, which is short in view of the revolutionary nature of the report. We are talking about moving from a situation in which each officer commanding in a particular area is in charge — he or she decides what medical services are delivered and what the doctors do within his or her brigade — and towards a centralised command structure based in Dublin, the Curragh or wherever. That is a sea change. In addition, qualified doctors who are currently engaged in considerable amounts of administrative work will no longer be doing so but instead will be providing medical services. The number of unnecessary assessments, which, in my view, are a waste of a qualified doctor's time, will be reduced, thus ensuring more efficiency. In addition, we must ensure recognition for people so it will be worth their while, career-wise, to enter the Army.

Deputy Deenihan asked if I had consulted with the Royal College of Physicians and so on. I have not done so because I personally am not implementing the report. It is a matter for the Defence Forces to implement it and report to me. Naturally, my Department will maintain

oversight in the matter. The Department, in its discussions with the Defence Forces, has pointed out that the portrayal of the Army as a rewarding career is central in terms of attracting people. If work in this regard has not already commenced, it is about to do so. Initial contacts may already have been made. I will communicate with the Deputy on the matter.

An Leas-Cheann Comhairle: I call Deputy O'Shea on a brief supplementary question.

Deputy Brian O'Shea: What I found most alarming in the report is the finding that medical corps activity is not aligned to the strategic requirements of the Defence Forces, which is a major indictment of what is happening. It underlines the urgency of the matter. The whole system is seriously out of sync. I am aware the Defence Forces is responsible for implementing the recommendations. However, I put it to the Minister that he must adopt a hands-on approach and ensure that, on a week to week basis, progress is being made.

The Minister stated that procedures in terms of sickness absence in the Permanent Defence Force is a driver of primary care demand as most sick leave requires certification by a doctor. As I stated earlier, there is a shortfall of 60% in this regard. The expert panel found that PDF policy emphasis on medical assessments is excessive and inconsistent with international defence health practice. The system, as described, is a shambles. Will the Minister assure us that he will adopt a hands-on approach and drive this?

An Leas-Cheann Comhairle: A final supplementary question from Deputy Deenihan.

Deputy Jimmy Deenihan: I suggest the Minister invite the steering committee to address the Joint Committee on Justice, Equality, Defence and Women's Rights on this issue. The opportunity presents for the setting up of a general practitioners training course within the medical corps. This would ensure that people who join could pursue, as part of their training, a general practitioners training course which would be of assistance to them in the community. This might encourage a number of people to join.

The last figure we received in respect of medical practitioners in the Defence Forces is 23. How many have we now and how many of them are non-national? Also, how many nurses are there in the Army?

Deputy Willie O'Dea: Deputy O'Shea expressed the urgency of this matter, of which I am aware. My Department is represented on the steering and progress groups. I will keep in touch with staff of both groups. The Army medical service, developed in the 1930s and 1940s and perhaps suitable for the prevailing situation then, has not kept pace with change. I agree there is non-alignment between the strategy of the medical corps and that of the Defence Forces. We must, therefore, bring them into line. The current service is demand driven and we need a strategy driven medical service. That is the reality of the situation. It is what we must achieve. The Deputy can rest assured I will keep in close touch with the steering group in this regard.

On Deputy Deenihan's suggestion in regard to a GP training course and inviting the steering group to address the Joint Committee on Justice, Equality, Defence and Women's Rights, I will discuss both issues with my officials. The current number of doctors is 24, one third of whom are non-national. I will check the figure for the number of nurses and communicate the information to the Deputy.

Ministerial Transport.

3. **Deputy Jimmy Deenihan** asked the Minister for Defence the cost in the years 2002 to date in 2009 of the ministerial air transport service; the average cost of usage per Minister as charged; the full economic cost of the usage had it been charged; the average distance travelled

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by journey per Minister; the procedure by which usage is authorised; and if he will make a statement on the matter. [34971/09]

Deputy Willie O’Dea: The ministerial air transport service, MATS, provides the Government and the President with an independent, flexible and effective air transport service to assist in meeting national and international obligations. The service is more flexible than commercial air travel in that it is not bound to set routes, timetables or schedules. This flexibility can be very important in a wide variety of situations. For example, where EU meetings end up taking longer than originally expected, it is vital that departure times can be altered as required at short notice. This helps Ministers to fulfil to the greatest extent possible all of their duties at home and abroad.

The service also has the distinct advantage of being able to operate from military air bases with all the flexibility that this brings, namely, Government jets can fly closer to many intended destinations using military, rather than civil airports, and this can lead to substantial savings in travel time. The service offers a degree of privacy for the conduct of official business during flights which is not available on commercial flights and allows Ministers to carry out their duties with the maximum of efficiency. The availability of the service for special tasks in times of crisis ensures independence of movement on critical occasions.

The ministerial air transport service is primarily provided by the Gulfstream IV and Learjet 45 aircraft, which were specifically acquired for that purpose. The Gulfstream IV was acquired in December 1991 and the Learjet entered service in January 2004 as a replacement for the Beechcraft Super King Air. The Beechcraft continued in use until January 2009 as a back-up aircraft for the MATS, in addition to its primary role as a pilot training aircraft. However, it is no longer available for Ministerial air transport or any other taskings.

Helicopters are used for ministerial air transport in situations where, for operational reasons, fixed wing aircraft may not be available, the point of destination may not be close to an airport and in circumstances where there is a requirement for greater flexibility than can be delivered by fixed wing aircraft. The CASA maritime patrol aircraft is occasionally tasked with MATS flights in exceptional circumstances and where the dedicated MATS aircraft are not available.

Additional information not given on the floor of the House.

The use of any Air Corps aircraft for ministerial transport is subject to authorisation by the Taoiseach, taking into account several factors such as the necessity to undertake the engagement and amount of notice received, the demands of the particular schedule, the availability and suitability of other travel arrangements, overall cost considerations, the numbers in the delegation and security considerations. Once approved by An Taoiseach, all operational matters are settled directly between the office of the Minister in question, the Department of Defence and the Air Corps.

My Department follows normal practice in the aviation business of costing aircraft by reference to the cost per flying hour under either of two headings, namely, the direct cost, that is, the costs which are additional to those associated with having the aircraft and which only arise when the aircraft is flown, including maintenance, fuel and support services such as catering costs, cleaning services and airport handling charges; and the total cost, that is, the direct cost plus the costs associated with having the aircraft, for example, depreciation and personnel costs. The average hourly costs associated with Air Corps aircraft used in providing the ministerial air transport service in the period in question are contained the following tabular statement.

I would like to emphasise that the direct and total costs quoted are average costs which are calculated by taking a number of variables into account. It is not possible to assign an exact cost

to any particular mission or Minister. These figures are kept under review and were updated in 2002, 2005 and 2009. The current estimated hourly costs associated with the Gulfstream IV are a direct cost of €4,050 per hour and a total cost of €7,890 per hour. The current estimated hourly costs associated with the Learjet are a direct cost of €1,270 and a total cost of €2,950 per hour. These two aircraft are the dedicated aircraft for the ministerial air transport service.

Ministerial usage of the service averages at 660 hours per year since 2002. Further details of hours flown per aircraft type are contained in the second following tabular statement. The cost of the ministerial air transport service is funded through the Defence Vote and not currently charged out to Ministers.

With regard to distance travelled by members of the Government on Air Corps aircraft, I am advised that the Air Corps does not use this method to calculate aircraft utilisation and, therefore, information on distance travelled is not available.

Table 1: Costs Associated with Air Corps aircraft used in the provision of the Ministerial Air Transport Service

Aircraft	2002		2005		2009	
	Average Direct Cost Per Hour	Average Total Cost Per Hour	Average Direct Cost Per Hour	Average Total Cost Per Hour	Average Direct Cost Per Hour	Average Total Cost Per Hour
	€	€	€	€	€	€
Gulfstream IV	2,500	5,550	3,500	7,100	4,050	7,890
Learjet 45	—	—	1,000	2,100	1,270	2,950
Beechcraft	900	1,400	1,200	1,600	1,320	1,770
CASA	1,000	2,400	1,250	2,800	1,335	2,820
EC135	—	—	—	—	430	1,590
AW139	—	—	—	—	1,470	3,130
Alouette	800	1,400	1,100	1,700	—	—
Dauphin	1,700	2,800	1,650	3,100	—	—

Table 2: Hours Flown by Ministers on Air Corps Aircraft

Year	Type	Hours
2002	Gulfstream IV	335.00
	Beechcraft	21.83
	CASA	9.92
	Dauphin	3.33
	Alouette	11.08
	TOTAL	381.16
2003	Gulfstream IV	505.37
	Beechcraft	79.67
	CASA	8.42
	Dauphin	9.17
	TOTAL	602.63
2004	Gulfstream IV	487.08
	Beechcraft	121.67
	Learjet	413.08
	Dauphin	21.55
	TOTAL	1043.38

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Year	Type	Hours
2005	Gulfstream IV	395.75
	Beechcraft	90.00
	Learjet	293.83
	CASA	6.92
	Dauphin	19.58
	Alouette	1.00
	TOTAL	807.08
2006	Gulfstream IV	411.52
	Beechcraft	89.75
	Learjet	232.67
	CASA	2.50
	Alouette	11.17
	EC135	34.75
	TOTAL	782.36
2007	Gulfstream IV	281.33
	Beechcraft	69.83
	Learjet	170.25
	CASA	2.42
	A111	2.00
	EC135	19.17
	AW139	15.08
	TOTAL	560.08
2008	Gulfstream IV	344.92
	Beechcraft	70.67
	Learjet	234.33
	CASA	4.58
	EC135	23.17
	AW139	22.67
	TOTAL	700.34
2009-to date	Gulfstream IV	179.50
	Beechcraft	0.75
	Learjet	186.50
	EC135	7.67
	AW139	12.83
	TOTAL	387.25

Deputy Jimmy Deenihan: I believe the Minister was coming to the more pertinent part of my question.

An Leas-Cheann Comhairle: The reply is lengthy and the Minister has only two minutes to reply. If the Deputy asks a brief supplementary question the Minister may be able to provide him with a lengthy reply.

Deputy Jimmy Deenihan: I am sure the Minister will agree that this service should be based on need and relevance rather than convenience. Perhaps he will confirm the number of flying

hours by Ministers in, for example, the past year or if that statistic is not available to him for 2008. What was the actual flying cost per hour?

Deputy Willie O’Dea: There is a direct cost and indirect cost involved.

Deputy Jimmy Deenihan: We are aware of that.

Deputy Willie O’Dea: Which cost is the Deputy seeking?

Deputy Jimmy Deenihan: The total cost.

Deputy Willie O’Dea: The total cost includes the cost of depreciation of the aircraft, including wages, salaries and simply having the aircraft. One then adds to that figure the cost of fuel, maintenance, landing charges and so on and one gets the total cost. It costs a particular amount of keep the aircraft.

The average per hour, taking the total cost, depends on the type of aircraft used. I will go through the figures for the different aircraft.

Deputy Jimmy Deenihan: The Minister need only give the figures in respect of Gulfstream IV.

Deputy Willie O’Dea: The costs in that regard are the highest by far. For 2009, the average total cost is €7,890 per hour and the average direct cost is €4,050 per hour.

Deputy Jimmy Deenihan: A trip to Brussels takes approximately two hours each way and the aircraft could be parked for a number of hours, costing up to €40,000, whereas a scheduled flight to Brussels for a person travelling business class costs approximately €2,000. Is an effort made at all times to consider the use of scheduled flights internally and externally so as to reduce the budget for this service? For how many flying hours did the Ministers use the jets and the helicopters in 2008 and last year? The Minister did not answer that.

Deputy Willie O’Dea: The total to date in 2009 is 387.25 hours.

Deputy Jimmy Deenihan: Was that just on the jet?

Deputy Willie O’Dea: No, that was the total for everything.

Deputy Jimmy Deenihan: What are the figures for within the country?

Deputy Willie O’Dea: Am I answering a question or is this an exchange across the floor?

An Leas-Cheann Comhairle: I am facilitating an exchange, if the Minister is happy with that. It is the best way to elucidate information. It would help, however, if one Deputy would sit down.

Deputy Willie O’Dea: The total to date in 2009 is 387.25 hours. I will issue a tabular statement to the Deputy that includes all years from 2002. We had only a few days to put the information together but he will get it all. I have answered dozens of questions and freedom of information requests on this and all the information the Deputy is seeking is already in the public domain. We will, however, make it available again.

Overseas Missions.

4. **Deputy Jimmy Deenihan** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes that Ireland end its participation in Chad in March 2010 and rationalise its overseas commitments to a smaller number of key missions; if it is intended to implement this recommendation; and if he will make a statement on the matter. [35067/09]

Deputy Willie O’Dea: Despite the current difficult economic circumstances, the Government continues to support and commit resources and personnel, wherever it can, to support peace, security and development in troublespots throughout the world.

Following Ireland’s participation in the EU-led mission to Chad, the mandate of which expired on 14 March 2009, Ireland’s initial commitment to the follow-on United Nations Mission in the Republic of Chad and the Central African Republic (MINURCAT) is for a period of one year to 14 March 2010.

Planned expenditure levels for my Department will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the report of the Special Group on Public Service Numbers and Expenditure Programmes. Decisions on all of the issues arising, including continued participation in MINURCAT and in other overseas missions, will be a matter for the Government in the context of the Estimates.

It would not be appropriate for me to comment further at this stage pending the outcome of the Estimates process.

Deputy Jimmy Deenihan: This has been a successful mission, with very few incidents, led initially by Lieutenant General Pat Nash. It resulted in positive recognition of the country. Foreign missions are the lifeblood of any army so it is important from both a humanitarian and a logistical point of view that this mission would continue after March and the Minister must signal his intentions soon. It took €20 million to move the equipment out to Chad and set up camp there. What will it cost to bring back that equipment instead of continuing the mission, which will be mostly paid by the United Nations?

Deputy Willie O’Dea: I agree this has been a successful mission. There were initial doubts due to the logistical difficulties, the absence of air access and difficult terrain. General Nash and his people overcame those difficulties and the mission has been an outstanding success. Foreign missions are indeed the lifeblood of a peace-keeping defence force, which is what our Defence Forces are.

I take the point about the costs of sending people to Chad. The EU force came to an end on 14 March and the mission was then taken over by the United Nations. We have committed ourselves up to 14 March 2010 anyway, so the question is if we go beyond that. Our mission to Chad costs about €7.5 million net per annum, even though we are getting money from the United Nations. The question of whether we can afford to continue will be a matter for the Estimates process. As the Deputy knows there is a crisis in the public finances and we must all find savings. I take the point about the money spent getting people out there and the success of the mission. I will recommend to Government when I am preparing my Estimates that we remain in Chad beyond 14 March 2010. I cannot give a definite guarantee the Government will agree to that but it is what I will propose.

Deputy Jimmy Deenihan: I have consistently raised the issue of medical evacuation. The facilities that existed during the EU mission are no longer available. If the mission continues, will the Minister ensure medical evacuation facilities will be put in place?

Deputy Willie O’Dea: If after the budgetary process the mission continues beyond 14 March 2010, and even in the interim, I will ensure that matter is attended to.

Question No. 5 answered with Question No. 2.

Other Questions.

Defence Forces Strength.

6. **Deputy Enda Kenny** asked the Minister for Defence the number of members of the Permanent Defence Force by rank who have retired to date in 2009 before reaching the mandatory retirement age for their rank; the number by rank who have retired on age grounds; and if he will make a statement on the matter. [34803/09]

23. **Deputy Dinny McGinley** asked the Minister for Defence the impact the moratorium on recruitment and promotion is having on the operational effectiveness of the Defence Force; and if he will make a statement on the matter. [34808/09]

Deputy Willie O’Dea: I propose to answer Questions Nos. 6 and 23 together.

I am advised by the military authorities that the number of officers of the Permanent Defence Force to retire in the period 1 January to 30 September 2009 before reaching the mandatory retirement age for their rank was 25. A further 23 retired on age grounds. In the case of enlisted personnel, the number discharged prior to reaching the mandatory retirement age was 228, while 47 retired on age grounds. Including figures for deceased personnel, this brings the total number of personnel to leave the Permanent Defence Force to 335 up to 30 September 2009. The tabular statements I will provide to the Deputy give a detailed breakdown of the figures by rank.

I am keenly aware of the impact that measures such as the moratorium on recruitment, promotion and acting appointments are having on the Permanent Defence Forces in light of the very high turnover rate that is part of any military organization.

The turnover rate has increased significantly in recent months. I am advised by the military authorities that the strength of the Defence Forces at 30 September 2009, the last date for which figures are available, is 10,081. My focus is on retaining the capacity of the organization to operate effectively across all roles. This will represent a significant challenge in the coming months. I am in contact with my colleague the Minister for Finance with regard to targeted exemptions from the moratorium. The impact of the moratorium is being kept under constant review.

I have secured the Minister for Finance’s approval for the recruitment of 42 Army and Naval Service cadets this year. Approval has been also received for 42 acting-up positions for the current Chad contingent and 20 acting-up positions for the next Kosovo deployment. Sanction has been also received to fill the posts of Deputy Chief of Staff (Operations), two posts at Brigadier General and the Director of Military Prosecutions by way of promotion. Within the past week the promotion has proceeded of 10 NCOs who had commenced the process prior to the moratorium.

I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government at home and overseas.

Overall Discharges — Officers

Reason	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	2/Lt	Total
Retirement On Age Grounds	1		2	5	5	10			23
Discharged Before Reaching Mandatory Retirement Age		1	1	4	3	5	9	2	25
Deceased						1			1
Total	1	1	3	9	8	16	9	2	49

Overall Discharges — Enlisted Personnel

Reason	Sgt Major	BQMS	CS	CQMS	Sgt	Cpl	PTE 3*	PTE 2*	Apprentice	Recruit	Total
Retired On Age Grounds	1	2	5	12	15	8	4				47
Discharged Before Reaching Mandatory Retirement Age	2	6	5	9	39	30	117	10	3	7	228
Deceased				1	5	2	3				11
Total	3	8	10	22	59	40	124	10	3	7	286

Discharged – Enlisted Personnel

Rank	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
Sgt Major		1						2		3
BQMS	1	2					1	1	3	8
CS	1	1		3	2		1	1	1	10
CQMS	3		3	2	1	2	2	6	2	21
Sgt	7	3	3	3	6	7	9	9	7	54
Cpl	2		4		7	4	7	9	5	38
PTE 3*	7	13	7	5	7	15	16	22	29	121
PTE 2*	1	1	1		2	2		2	1	10
Apprentice							3			3
Recruit	4	1	1				1			7
Total	26	22	19	13	25	30	40	52	48	275

Discharges — Officers

Rank	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
Lt Gen						1				1
Maj Gen									1	1
Brig Gen			1				1		1	3
Col	1		2	1	1		1	2	1	9
Lt Col	2		3	1			1	1		8
Comdt	3	2	1			2	2	2	3	15
Capt	1	1	2			1	1		3	9
2/Lt				1					1	2
Total	7	3	9	3	1	4	6	5	10	48

Deputy Jimmy Deenihan: The Minister's establishment figure for the strength of the Defence Forces was 10,500 and already the figure has fallen to 10,000. If this trend continues it could fall to 9,500 by the end of 2010. The Minister will accept that there is a brain drain and generally the command structure will be damaged. There are now positions of command that are not filled, which could lead to confusion and, further down the road, a threat to lives on overseas missions. I welcome the Minister's comments on promotions, because people were leaving the Defence Forces for that reason. There is a leave of absence scheme for the public service at the moment, but that does not apply to the Army. People are certainly very annoyed because it does not apply to them.

Deputy Willie O'Dea: Through the implementation of the White Paper since 2000, we have seen significant changes in the Army, in terms of the quality of personnel, equipment and training. My advice is that the organisation is now in a very healthy state in terms of personnel and equipment. It is true that the McCarthy report proposes that we reduce the size of the Permanent Defence Force from 10,500 to 10,000 over two to three years. In the meantime, we have a moratorium on recruitment to the public sector, which includes the Army. Almost uniquely among public service organisations, there is a very high turnover of personnel in the Army. Many people who were not due to retire on age grounds left the Army for one reason or another, even since 1 January 2009. The fact that we cannot recruit to replace those people means that the overall number is dropping quite precipitously.

I do not accept Deputy Deenihan's contention that the command structure is falling apart, but I do accept that there are problems. In a detailed submission I sent to the Minister for Finance, I have asked to be allowed to recruit people at least to replace the people we are losing until the Estimates process concludes and we decide whether or not to implement the recommendations of the McCarthy report in whole, in part or not at all. We have problems with people who are acting up to positions but who are not getting the appropriate allowance. These people are also affected by the moratorium. We are also having a problem with promotions. I have got around some of those problems, as I indicated in my original reply, but I have made submissions to the Minister for Finance on the other issues. I am hoping that we will have a decision on that before the next question time on defence issues.

Deputy Jimmy Deenihan: There is much unease among the Defence Forces at the moment, and I think the Minister got that cold wind yesterday when he was at the PDFORRA conference. They are just not happy. People must be encouraged to stay in the Defence Forces. Unlike other public service bodies, they reacted to the white paper and reduced their number from over 14,000 to 10,500. They have complied with every request that was made of them. When the Defence Forces are asked to do something, they do it. However, they now feel they are being victimised *vis-à-vis* other public service sectors. The Minister must support the Defence Forces. He will have to get some concessions on promotions. The moratorium on recruitment must be reviewed at the end of the year. It is one of the few proposals from the McCarthy report that has already occurred without even being implemented.

Deputy Willie O'Dea: Which proposals on defence from the McCarthy report does Deputy Deenihan actually support?

Deputy Jimmy Deenihan: I support many parts of the report.

An Leas-Cheann Comhairle: Questions come from the Opposition for the Government.

Deputy Willie O'Dea: I am waiting to find that out. Maybe we will find out before 4.45 p.m. As I have acknowledged to the House, the moratorium——

Deputy Jimmy Deenihan: The Minister is rattled.

Deputy Willie O'Dea: I am not in the least bit rattled. The Deputy flatters himself.

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Willie O'Dea: I have already acknowledged that the moratorium is having a particular impact on the Army, because of its large turnover of people. We are now down to 10,081, whereas we should have 10,500. We are being affected by the moratorium more than any other public service organisation. I have made that case very strongly to the Minister for Finance and I appreciate Deputy Deenihan's support. I am sure he supports me in that case.

Deputy Jimmy Deenihan: Absolutely, but the Minister for Finance is not listening to the Minister for Defence.

Deputy Willie O'Dea: That remains to be decided. We have quite a few concessions so far, but the recruitment, the acting up and the limited number of promotions are all absolutely vital. We will have decisions on that very shortly. The budgetary process is only beginning today with regard to Cabinet meetings.

The conditions of the Army have improved out of all proportion in the last ten years due to investment in training, infrastructure, quality of personnel, equipment and so on. This has happened because the Government has invested a great amount of money in the Army. At the moment, we have a crisis in the public finances. Every Department has to take its share of the pain. We do not like taking it, as we would prefer to be spending money rather than cutting back. We all want to be liked, but I know of Deputy Deenihan's claim to be in favour of public expenditure reductions. Which proposals from the McCarthy report that deal with defence does he favour?

Deputy Jimmy Deenihan: I am favour of many of the proposals, but Deputy O'Dea is the Minister, at least for another week.

Deputy Brian O'Shea: The Minister informed us that 25 officers from the Defence Forces retired before reaching the mandatory pension age, as did 228 enlisted men. He has indicated that most of those are from the Army, but how exactly did they break down? Was there any pattern to the retirements of these people? Did it come later in the year or earlier in the year? We are dealing with a period from 1 January to 30 September. Is there a trend towards more people retiring as the year went on?

I understand people are concerned that gratuity lump sums will be taxed in the forthcoming budget. That seems to be a major issue. I congratulate the Minister on the issue relating to the 42 Army and Naval Service cadets. It was an achievement and we should acknowledge that. However, why has there been no recruitment into the Air Corps for the last two years?

Deputy Willie O'Dea: I do not have the figures in the body of the answer for the breakdown from the Army, Naval Service and the Air Corps, but I think the Deputy will find it in the tabular statement. If it is not there, he can get back to me and I will obtain the figures for him. I do not know the details of the time pattern of retirement either, but I will get the information for him in so far as I can do so.

[Deputy Willie O'Dea.]

I do not think Deputy O'Shea expects me to tell him what the position will be with respect to the gratuity. I cannot offer any words of reassurance or otherwise on that issue. That is a budgetary matter and it will be decided.

Deputy Brian O'Shea: We will know after Saturday whether the Minister will be allowed to decide.

Deputy Willie O'Dea: Deputy O'Shea will know the exact position in December when the budget is delivered by the Minister for Finance.

Deputy Brian O'Shea: The Minister is optimistic.

Deputy Willie O'Dea: I am optimistic by nature.

I will also get the Deputy some up to date information on the Air Corps.

Defence Forces Reserve.

7. **Deputy Damien English** asked the Minister for Defence his views on the recommendation in the report of the special group on public service numbers and expenditure programmes that the allocation for the reserve Defence Force be reduced by two thirds; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34784/09]

11. **Deputy Joan Burton** asked the Minister for Defence his views on the opinion expressed in the Report of the Special Group on Public Service Numbers and Expenditure Programmes regarding the reserve Defence Force. [34848/09]

29. **Deputy Thomas P. Broughan** asked the Minister for Defence his proposals in regard to the future of the reserve Defence Force. [34850/09]

38. **Deputy Jim O'Keeffe** asked the Minister for Defence the plans for the future of the reserve Defence Force; and the number at present and the projections for the future. [34692/09]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 7, 11, 29 and 38 together. The Report of the Special Group on Public Service Numbers and Expenditure Programmes included a recommendation for full year savings of €5.6 million, arising from a two thirds reduction in the strength of the reserve Defence Force. This is one of many recommendations contained in the report.

Planned expenditure levels for my Department will be considered as part of the budgetary and Estimates process for 2010. This includes consideration of the recommendations contained in the Report of the Special Group on Public Service Numbers and Expenditure Programmes. The decisions on all of the issues arising will be a matter for the Government. As this is the subject of an ongoing deliberative process, it would be inappropriate for me to comment at this point.

The Government introduced a moratorium on recruitment to the public service with effect from 27 March 2009 and, as with the broader public service, the defence organisation is required to operate with reduced funding. My first priority for the reserve was to consolidate the gains that have been made over recent years. In this context, limited recruitment in order to replace existing members who leave during the course of 2009 was sanctioned. This ongoing limited

recruitment is being closely monitored and will be kept under review in light of the uptake of paid training and the future budgetary provision available to the Department of Defence. At the end of August 2009, the total strength of the reserve was 6,973.

While the budgetary provision for training of members of the reserve has been reduced for 2009, a total of 60,000 paid training man days has been provided. This is sufficient to allow all current members to undertake paid training during 2009. The budgetary constraints and moratorium on recruitment have also required the postponement of overseas service for members of the reserve for the foreseeable future.

The Reserve Defence Force review implementation plan has provided the framework for the development of the reserve over recent years. Revised organisation structures came into effect in October 2005 and the reserve has been reorganised along similar lines to the Permanent Defence Force. In line with the plan, new equipment, clothing and opportunities for improved training have been delivered. The development of an integrated element of the reserve was intended to further enhance the capability of the reserve. In line with the plan, a pilot integration programme was introduced in 2007 and extended into 2008. The numbers participating in these pilots were disappointing and this element of the plan has not achieved the intended results. As the Reserve Defence Force review implementation plan is reaching its conclusion, there is a requirement to critically examine the progress that has been made to date and to consider options for the future development of the reserve. This will be informed by the valuable lessons learned from the implementation process.

In addition, the Reserve Defence Force was selected for review as part of the 2009–11 phase of the Government's value for money and policy review initiative and this review is scheduled to commence in the near future. It is anticipated that the review, together with the general budgetary situation, will also assist in informing decisions regarding the future development of the reserve.

Deputy Jimmy Deenihan: Will the Minister confirm the breakdown between effective and non-effective participation of the 6,973 members of the reserve? How many of these reserve members attended training courses this year? I understand from what the Minister has said that the integrated reserve has now been put on the back burner and it is likely he will not persevere with that proposal. Also, the front line reserve was promoted as part of the overall plan. What are the plans now for the front line reserve? It would be easier to put those plans in place rather than put the integrated reserve in place because the front line reserve would include former personnel of the Defence Forces.

Deputy Willie O'Dea: The figure for those classed as non-effective as of 1 August is 989. With regard to the integrated and front line reserves, my focus is on preserving the reserve at a reasonable strength. I do not accept fully the recommendations of the McCarthy report. I am trying to do my best to preserve the reserve and to consolidate the progress we have made in implementing the initial 2000 White Paper on the reserve over the past number of years.

On the integrated reserve, only approximately 300 people have trained for this, which is disappointing. Both the integrated reserve and the front line reserve will have to wait for the moment. As the Deputy knows and as I have informed the House, we are committed to a second White Paper on Defence to take matters forward from here. Both matters will be dealt with in that context.

Deputy Brian O'Shea: The Minister knows both Deputy Deenihan and I will support his efforts in maintaining the strength of the Reserve Defence Force. With regard to the current strength of the reserve, the McCarthy report proposes reducing it by a further 2,000. Is that correct? I am concerned in that regard. The numbers in the Permanent Defence Force numbers are also decreasing and if the trend for this year, so far, is repeated next year and the following year, we could have well over 1,000 fewer members of the Permanent Defence Force.

The tasks carried out by the Reserve Defence Force to augment the work of the Permanent Defence Force are important, for example, the provision of armed escorts, of logistical support and security of vital installations. Does the Minister expect we will reach a stage where the combined manpower of the Permanent and Reserve Defence Force will not be adequate to take on all the tasks needed in support of the civil power and the national interest?

Deputy Willie O'Dea: With regard to the Deputy's first question, what the McCarthy report proposes is that we reduce the reserve by two-thirds, with a view to saving €5.6 million. Therefore, only one-third of what remains of the reserve would survive the McCarthy proposals.

Deputy Jimmy Deenihan: What figure did McCarthy work on?

Deputy Willie O'Dea: I think he worked off the figure at the beginning of the year, approximately 7,500. Therefore, he was talking in terms of having a reserve of approximately 2,500.

Deputy Brian O'Shea: The figure the Minister gave for the current strength of the reserve was 6,973. Is the two-third reduction McCarthy proposes a two-third reduction on the White Paper figure or the figure as it stands?

Deputy Willie O'Dea: I think it is the figure at the beginning of the year, which was approximately 7,500.

Deputy Brian O'Shea: That number is further reduced at this stage.

Deputy Willie O'Dea: Yes, but I will double check the situation for the Deputy. When the moratorium was first introduced, we were advised by the Department of Finance it also applied to the reserve. We had a situation where we had a certain number of non-effective people each year — people who do not turn up for training etc. — and numbers were continually dropping, so I got sanction from the Department of Finance for limited admissions to the reserve to keep it up to the strength it was at the start of the year, which was approximately 7,500 or 7,600. We have been recruiting on a phased basis to bring the numbers back up to that number and are committed to not letting the reserve fall below that number. I am very anxious to preserve the reserve, but am prepared to do whatever we have to in order to engage in the budgetary process.

On the other question asked by Deputy O'Shea, I am also determined to preserve the maximum number of people in the Permanent Defence Force. The McCarthy report recommends we reduce numbers to between 10,000 and 10,500 in total, but does not make it clear whether it sees that as a permanent reduction or a reduction during the period of the financial crisis. However, McCarthy suggests the reduction should be made over a two to three year period. Due to the moratorium, numbers have already reduced to just over 10,000. This is a matter for discussion between me and the Minister for Finance, but I am committed to maintaining the greatest possible strength in both the Permanent Defence Force and the Reserve Defence Force.

Deputy Jimmy Deenihan: More than 1,000 people qualified for admittance to the reserve this year, but only 200 were selected. Therefore, 800 young people who went through all the procedures and who complied with fitness tests and character assessments were left disappointed. How much does it cost to recruit one reservist?

An Leas-Cheann Comhairle: That is a very specific question.

Deputy Jimmy Deenihan: If the Minister does not have the information, that is fine. The point I am making is that it makes sense at this time to encourage young people to join the reserve. It gives them discipline, keeps them fit, gives them a sense of responsibility and a sense of nationhood. Rather than discourage people from joining the reserve, we should be encouraging them. Has the Minister any intention to encourage more people to join the reserve? What plans has he to encourage them or will the decline continue, irrespective of the McCarthy recommendations?

Deputy Willie O’Dea: I find myself, once again, in total agreement with Deputy Deenihan. We should be encouraging people to rejoin the reserves. The changes we have made in terms of better equipment, training, uniforms, etc., are an encouragement in itself, as well as the fact that we have targeted gratuities — the more training one does the more one earns, or as near as possible. Basically we are going through a difficult time but I want to re-emphasise to the House that I am committed to the reserves.

Deputy Deenihan’s initial question is a good one because it occurred to myself to ask why, if we are committed to maintaining 7,600 or whatever at the start of the year, have we only taken on 200, because we are supposed to take on another 700 or so under that mandate? The Army has told me there is recruitment on a phased basis. The director of the reserve force decided on the criteria in which he would recruit people. Some of the people selected, then, were not interested, but I have asked the Army to speed it up. It is agreed that it is happening too slowly and the Army is going to speed it up. A number of the young people, as mentioned by the Deputy, will be accommodated, hopefully, in the very near future.

Deputy Brian O’Shea: Given that there are 450,000 unemployed and the figures are rising and the fact that reserves are recruited from the 17 to 35 age cohort, is there merit in the Minister having discussions with his colleagues, the Minister for Social and Family Affairs and the Minister for Enterprise, Trade and Employment to see whether there are ways to use the Reserve Defence Force to upskill people, to occupy them usefully and put them into services that support the civil power, so that they might, for instance, retain their welfare payments or whatever? We need to think outside the box, and rather than accepting the projected reduction in numbers — no doubt while the Minister will fight his corner, there may be some inevitability about this — we will need to look at other ways to cater for that group of people who, because of unemployment, need to be upskilled and involved in activities that raise their self-esteem and give them a sense of usefulness. This would be in terms of providing services that are in the public interest and that would add to our society.

Deputy Jimmy Deenihan: Is the Minister aware, as I pointed out previously, that young people, especially close to the Border, are joining the reserve force in Northern Ireland, another jurisdiction? Surely it is somewhat embarrassing to us in the Republic that we cannot accommodate these people here.

Deputy Willie O’Dea: As regards Deputy OShea’s question, I stand open to correction. I thought that if somebody in receipt of social welfare wanted to become part of the Reserve Defence Force, that would not interfere with his or her entitlement. That was my understanding of the position.

Deputy Brian O’Shea: My point is that there should be an extension of the arrangements already in place.

Deputy Willie O’Dea: I take the Deputy’s point and we should use the Reserve Defence Force more in relation to the unemployed in terms of reskilling, etc. That is something I shall think about.

With regard to Deputy Deenihan’s point I was not aware that there were great numbers of people flooding across the Border to join the reserve in the North. However, I shall take his word for it. As far as I am concerned, my job involves facing cutbacks in my Department and a specific recommendation from Mr. McCarthy, whose report constitutes the backbone of what we are considering in terms of budgetary matters at the moment, to the effect that the Reserve Defence Force should be cut by two-thirds. My priority is to keep as many as possible not only in the force but also in the Permanent Defence Force. When we come to discuss these matters, I will not be found wanting, and I appreciate the support of the Opposition.

Public Expenditure Review Report.

8. **Deputy Thomas P. Broughan** asked the Minister for Defence his views on the opinion expressed in the report of the special group on public service numbers and expenditure programmes that there is no need for two large Army barracks in Dublin. [34849/09]

12. **Deputy Leo Varadkar** asked the Minister for Defence his views on the recommendation in the report of the special group on public service numbers and expenditure programmes that his Department’s property portfolio be rationalised; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34775/09]

14. **Deputy Simon Coveney** asked the Minister for Defence his views on the recommendation in the report of the special group on public service numbers and expenditure programmes that the number of barracks be reduced; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34768/09]

26. **Deputy Michael Creed** asked the Minister for Defence his views on the recommendation in the report of the special group on public service numbers and expenditure programmes that the future of Cathal Brugha Barracks be reviewed with a view to possible sale; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34772/09]

41. **Deputy Ciarán Lynch** asked the Minister for Defence his plans, arising from the report of the special group on public service numbers and expenditure programmes, to rationalise the property portfolio of his Department. [34854/09]

60. **Deputy Jan O’Sullivan** asked the Minister for Defence his proposals in regard to rationalising the number of Army barracks here; and if he will make a statement on the matter. [34847/09]

Deputy Willie O’Dea: I propose to take Questions Nos. 8, 12, 14, 26, 41 and 60 together.

The Defence property portfolio is kept under ongoing review by military authorities and the staff in my Department to ensure the most effective use of military resources having regard to the roles assigned by Government to the Defence Forces. This includes ongoing review of the organisation, structure and formation of the forces and the consequential requirement for military barracks and other properties.

The funding realised from the disposal of surplus property together with pay savings has provided resources for the modernisation of the Defence Forces and has been invested in new infrastructure, equipment and training area development. Any further properties that are considered surplus to military requirements will continue to be disposed of and the funding invested to meet the current and future equipment and infrastructure needs of the Defence Forces.

A process of consolidation has recently been undertaken with the movement of the Defence Forces out of Monaghan, Longford, Lifford and Rockhill Barracks. The question concerning the need for two barracks in Dublin, along with the issue of any further consolidation across the Defence Forces as a whole, will be among the issues to be considered in the context of the Estimates process having regard to the report of the special group on public service numbers and expenditure programmes.

Cathal Brugha, which is referenced in that report, is a very significant installation with a wide range of facilities, accommodation and storage depots and would be costly to replace. This will need to be factored into our consideration, particularly in the current financial situation. Consideration will also need to be given to the operational requirements of the Defence Forces and where personnel would be relocated.

The recommendations in the report of the special group on public service numbers and expenditure programmes and the decisions on all of the issues arising will be a matter for the Government in the context of the estimates and budgetary process. It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

Deputy Brian O'Shea: I share the misgivings about an installation of the size of Cathal Brugha Barracks being taken out of the Army property portfolio at a time when the national finances are in crisis. Will the Minister not agree that this is not the time to be disposing of property, in the first instance? As he pointed out, there would be a very significant upfront cost, as the McCarthy says, in terms of finding alternative accommodation. The McCarthy report says the rationalisation of premises would contribute to the reduction in numbers in the Permanent Defence Force. I am not sure what he means by that. Does the Minister have an understanding of that statement in the report, to the effect that the rationalisation of premises will contribute to the reduction in numbers? Does he mean, in fact, that if places are closed it is easier to get rid of people?

Deputy Willie O'Dea: Anybody reading that would have to interpret it in his or her own way. All I can say is that my interpretation might not be that far from Deputy O'Shea's. I agree with him that it is a very bad time to be disposing of a property such as Cathal Brugha Barracks. It is an enormous property, very well located in Dublin and would have yielded a fortune if disposed of a couple of years ago during the height of the boom. This is a very bad time to be selling it since the market is flat.

As the Deputy rightly points out, and the McCarthy report recognises this, there is an upfront cost which would have to be incurred before the sale would take place. We would have had to provide some place for people to go to. Basically, we are looking for ways to save money now

[Deputy Willie O'Dea.]

rather than ways to spend more. I do not envisage anything will be happening in that regard in the near future. For information purposes I should inform the House that we have about 30 smaller units throughout the country, empty at present, which we believe may be gradually sold. We are appointing valuers to see what type of money we should be seeking for them. Some of them are old with specific types of usage only and as such would not be suitable for certain types of development. We are looking at this in the immediate future. We are not looking at the imminent disposal of Cathal Brugha Barracks, however.

Deputy Jimmy Deenihan: Where there might be an opportunity for a community to acquire a unit, say, among the 30 the Minister said were being sold, would sympathetic consideration be given in the event, rather than to an individual who might buy the premises for commercial purposes? On the issue of the barracks that were closed can he give us any update as regards any proposal to put those properties up for sale and what are the maintenance costs, now that they are closed? Have approaches been made by communities for the use of any of those barracks? I believe such an approach has been made to the Department of Defence in regard to the Donegal barracks. Will the Minister give favourable consideration to this suggestion if approaches are made?

Deputy Willie O'Dea: While I do not have the information to hand, I will get the complete up-to-date position for the Deputy in regard to the plans for barracks that are closed, the maintenance costs and so on. During the last period of barrack consolidation, we made some facilities available to local communities, as the Deputy is aware. Times are tougher now and most of those properties will be sold off by public tender. However, we have the right to allocate them directly to communities or to other State organisations if we so wish. All I can tell the House is that I will consider any proposal that comes in, and I will do so as sympathetically as possible within the constraints upon us.

Deputy Brian O'Shea: Is there a security cost in regard to protecting the 30 premises listed? The Reserve Defence Force has a role in the staffing of military posts during periods of Permanent Defence Force deployment. Is this a way in which savings could be effected where private security is currently being provided? Is there a scenario whereby the role of the Reserve Defence Force could be increased so that they could provide the security? In the context of what I suggested earlier, namely, getting more people involved in the Reserve Defence Force, I suspected there might be grounds for going ahead with such a development and, while there might not be any saving as such, the money already being spent on security could be used in this manner.

Deputy Willie O'Dea: That is a useful suggestion, which I will certainly discuss with my officials.

Defence Forces Property.

9. **Deputy John Deasy** asked the Minister for Defence his views on the recommendation in the report of the special group on public service numbers and expenditure programmes that the full market value of rent should be paid by overholders of married quarters; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34778/09]

10. **Deputy Seán Barrett** asked the Minister for Defence the number of overholders resident in married quarters of the Defence Forces; the rental charged to overholders for the use of the

quarters; the average length of time overholders remain in Defence Force quarters following their discharge from the Defence Forces; and if he will make a statement on the matter.
[34751/09]

Deputy Willie O’Dea: I propose to take Questions Nos. 9 and 10 together.

Defence Forces married quarters are provided to serving members until their retirement or resignation. The Defence Forces regulations state that the quarters must be vacated within 15 days of leaving the service.

There are 52 married quarters currently overheld throughout the country — 39 in the Curragh, 11 at Cathal Brugha Barracks, Rathmines and two in Dublin 7. Ten of the properties at Cathal Brugha Barracks are in the process of being sold to the current occupants.

The charge for married quarters accommodation is currently in range of €42.16 to €80.76 per week for enlisted personnel and between €381.22 to €411.22 per month for officers. Overholders, if they are in receipt of a pension or gratuity, pay an additional 10% on these charges. There are some cases where there is no pension or gratuity and, as a result, it is not possible to deduct at source the relevant charge.

The period of time that overholders remain in Defence Forces quarters following their discharge varies with each family and their particular circumstances. As such, an average would not appropriately reflect the particular circumstances of each individual’s situation. Officials in my Department are currently putting in place procedures to address each individual overholder on a case-by-case basis in order to rectify this situation in the interests of the Department, the military and the families involved.

Any increase in the charges will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the recommendations in the McCarthy report. Any decision, as with decisions on all of the issues arising from that report, will be a matter for the Government. It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

Deputy Jimmy Deenihan: Given that the overholders are concerned about their future, I ask that every effort be made to be sympathetic towards them. Where local authorities are concerned, I ask also that efforts would be made to rehouse these people in local authority houses in co-operation with the local authorities.

Deputy Willie O’Dea: I agree. Ten of the 11 properties at Cathal Brugha Barracks are under negotiation at present with the current occupants at a very competitive price. The other overholders will be dealt with on a case-by-case basis and we will be as sympathetic as possible.

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 Paul Connaughton — the proposed cessation of turf cutting on raised bogs; (2) Deputy Simon Coveney — the future plans for community development projects; (3) Deputy Lucinda Creighton — the provision of a new school for St. Mary’s national school, Donnybrook, Dublin; (4) Deputy Dan Neville — high levels of suicide during times of recession and high unemployment; (5) Deputy Joe Costello — the need to deal with anti-social behaviour

[An Leas-Cheann Comhairle.]

and the use of illegal fireworks at Hallowe'en; (6) Deputy James Reilly — the need for remedial safety works to be undertaken at Ward Cross, County Dublin; and (7) Deputy Chris Andrews — the need to promote Georgian Dublin and have it designated as a UNESCO heritage site.

The matters raised by Deputies Joe Costello, Simon Coveney, Paul Connaughton and Lucinda Creighton have been selected for discussion and will be taken now.

Adjournment Debate.

Anti-Social Behaviour.

Deputy Joe Costello: I thank the Leas-Cheann Comhairle for choosing this Adjournment matter. We are coming close to Hallowe'en and the perennial problems that arise in the context of the Hallowe'en festivities. Very often, it becomes an issue of fear and concern to many, particularly the elderly, rather than a celebratory period of religious commemoration. In my constituency, there was virtual mayhem in a number of areas last year and I do not want this to reoccur this year, which is why I am raising the issue at an early stage this year.

Last year, a factory was burned down in the Docklands, a restaurant was burned in very suspicious circumstances, a fire brigade was stoned, 12 men were arrested and two gardaí suffered broken noses in the Dorset Street area and there was rioting in O'Devaney Gardens, where gardaí were effectively imprisoned for periods of time and a number of unoccupied flats were set on fire. The Dublin Fire Brigade service was called out to 800 incidents in the city and the ambulance service attended over 500 calls. All of that cost the taxpayer well over €1 million. Something in the region of 100 tonnes of tyres and pallets were seized by Dublin City Council officials and gardaí.

The situation is that in an area in the heart of the city of Dublin, Hallowe'en is an excuse for rampage and mayhem rather than an opportunity for good-natured or religious festivities. We need to consider carefully the case of the coming Hallowe'en. What makes the situation worse this year is that Hallowe'en falls on a Saturday and we will end up with an entire weekend of late night activities and bonfires of tyres, which are environmentally damaging, at all hours of the day and night. To compound the problem on this occasion, fewer resources are available. The Garda Síochána has already indicated to me that the local authority has not got the resources to provide trucks to pick up the tyres and pallets that will be hoarded over this month for Hallowe'en. If there are much greater quantities of flammable material than in previous years, it does not require any great effort to imagine that the situation will be worse than it was in previous years, particularly last year.

It is almost as though Hallowe'en is an excuse — a culture, almost — for young people to engage in these activities and to do so in conjunction with alcohol. Many youngsters who would not normally be seen with cans or bottles in their possession are seen with them around the bonfires. We must carefully consider the issues concerning off licences. I know off licences close at certain times on St. Patrick's Day and this may be something to consider.

The fact is that fireworks are legal in Northern Ireland but illegal in the Republic and we all know they are bought very easily along the Border. What level of Garda activity will be undertaken in this area? Those who do not recycle their tyres but leave them readily available for young people to take must be prosecuted. It happens all the time in the lead-up to Hallowe'en

that tyres, which cost a certain amount of money to be recycled, are left available by garages and other outlets to be stolen.

In the interests of our emergency services who do good work, and of the elderly and young people, it is time to put in place adequate policing facilities and recreational facilities for young people to ensure that we do not have more than mayhem at Hallowe'en, as the situation could easily result in a fatality if we do not take adequate care.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Moloney): I apologise to Deputy Costello for the absence of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, this evening. I thank the Deputy for raising this matter on the Adjournment. The Minister shares his view, and that of communities throughout the country, that anti-social behaviour at Hallowe'en must be prevented to the greatest extent possible and kept under control.

The Garda authorities take proactive steps each year to combat anti-social and criminal behaviour around Hallowe'en by putting specific provisions in place and will do so again this year. Particular attention will be paid, especially in the Dublin metropolitan region and Border divisions, to prevent and detect the organised importation for sale of fireworks in the lead up to Hallowe'en. Since the enactment of the Criminal Justice Act 2006, it is an offence for any person to possess a firework with intent to sell or supply, without a licence; to throw an ignited firework at any person or property; and to light unlicensed fireworks in a public place. The penalties for those offences have also been significantly increased.

Proactive policing arrangements will be in place to cover the period up to, and the night of, Hallowe'en. Additional patrols will be carried out, as considered necessary by Garda management, by uniformed personnel as part of high-visibility policing initiatives, supported by district detective and drug units, divisional crime task forces, traffic corps personnel and community policing and mountain bike units.

The Garda Síochána also engages with local communities, local authorities and other stakeholders, such as Dublin Bus, in putting plans in place to address issues that arise around the Hallowe'en period. It puts liaison arrangements in place for the removal of identified stockpiles of combustible materials. Through the schools programme and other local programmes, members of the Garda Síochána publicise the message that fireworks are illegal and highlight the dangers associated with illegally imported fireworks. Gardaí also advise managers of off-licences to ensure that their staff are made aware of their obligations under licensing legislation relating to the sale of alcohol, in particular to under age persons.

Members of the Garda Síochána from local community policing units ensure that any information received regarding bonfires and other anti-social behaviour is acted upon in advance of Hallowe'en. During this period additional public order patrols will, as necessary, be directed to pay particular attention to areas where anti-social behaviour and drinking in public might occur.

More generally, all members of the Garda Síochána proactively target public disorder and anti-social behaviour. Areas identified as public order hot spots by local Garda management are the subject of additional foot and mobile patrols. Incidents of public disorder and anti-social behaviour reported to the Garda authorities are the subject of investigation and are dealt with appropriately in accordance with the law. More than 643,000 offences have been detected since the commencement of Operation Encounter by the then Commissioner in February 2002 to target public disorder and anti-social behaviour against the local and business communities, with particular emphasis on alcohol-related behaviour.

[Deputy John Moloney.]

Strong provisions are already in place to combat anti-social behaviour. The Criminal Justice (Public Order) Act 1994 modernised the law in that regard. Furthermore, the Intoxicating Liquor Act 2003 contains provisions to deal with alcohol abuse and its effect on public order. In addition, the Criminal Justice (Public Order) Act 2003 provides the Garda with powers to deal with late night street violence and anti-social conduct attributable to excessive drinking.

The Intoxicating Liquor Act 2008 gives further powers to the Garda to tackle misuse of alcohol, which is too often at the root of crime and anti-social behaviour. Gardaí now have the power to seize alcohol in the possession of under-18 year olds which they suspect is for consumption in a public place. They can also seize alcohol where they reasonably believe there is a danger of public disorder or damage to property and require a person to leave the place. They also now have the power to issue fixed charge notices for the offences of intoxication in a public place and disorderly conduct in a public place. These notices will lead to a more efficient and effective use of Garda resources and avoid court proceedings where an offender pays the penalty.

The Criminal Justice Act 2006 strengthened the Criminal Justice (Public Order) Act 1994 to make it an offence to assault, or to threaten to assault, or to impede medical personnel in a hospital, people assisting such personnel, a member of the Garda Síochána, a prison officer and a member of the Defence Forces, members of the fire brigade and ambulance personnel.

I am confident that the Garda Commissioner will deploy the considerable resources of personnel and equipment available to him to combat the anti-social behaviour which unfortunately is apt to take place during the Hallowe'en period.

Community Development.

Deputy Simon Coveney: I spoke to the Minister with specific responsibility for this area yesterday evening and he explained that he would not be able to be here this evening. I understand I will have an opportunity to meet him next week to discuss the matter. I wish to put a number of issues on the record. I look forward to the official response from the Minister in writing.

I am very concerned at the current plans to essentially dismantle the community development project infrastructure across the country and to amalgamate those projects into regional and local partnership schemes. A number of years ago there was an independent assessment of the CDP, community development project, structure. It was highly complimentary in terms of value for money because the vast majority of people linked with community development projects are volunteers.

For anyone who is not familiar with the structure, essentially, an administrator and a project co-ordinator are put in place in the heart of a community to work with local voluntary groups in the areas of youth work, adult education, re-training, development skills for interviews or CV preparation, and care of the elderly. It is the job of the co-ordinator and administrator to assist voluntary groups to develop their capacity and skill base locally.

In my constituency there are two CDPs, one in Ballyphehane-Togher and the other in Mahon. The one I am most familiar with is in Mahon. There are eight CDPs in Cork. What the Minister seems to be proposing, which is bizarre, is to amalgamate all eight of those CDPs into one partnership model. The partnership offices are on the north side of Cork city in Blackpool. It would be one thing if that solution were the result of an evaluation process but

we are in the middle of an evaluation process of CDPs, yet the Minister has announced what will be the new structure. That does not make sense to me.

I do not think anyone would have a problem with an assessment of CDPs, of which there are 180 across the country, in terms of delivering value for money in communities. Some of the 180 projects probably need to go. New areas have probably developed in the past five to ten years that need new CDP structures put in place. Nobody has a problem with the Minister seeking value for money and requiring a cut in expenditure and costs, but what I do have a problem with is the Minister prescribing a new structure before the evaluation process is complete as, in essence, he is giving a signal to the people carrying out the evaluation as to what he wants them to determine at the end of that process.

One cannot get the same value from local community structures if one amalgamates them into a regional management entity because one takes away locally based decision making power, the capacity to make decisions quickly, the taking into account of local concerns and responding to local concerns. The cost to the Department of the two employees in the community development project in Mahon is, I understand, approximately €130,000 per annum. However, through their fundraising efforts with other local voluntary groups, these individuals generate more than €250,000 from other sources, including Departments. They are a catalyst for successful, efficient and improved voluntary services in the Mahon community. We need these types of services more than ever for obvious reasons. I appeal to the Minister to reconsider his approach towards community development projects to ensure that we can keep what has been a great success in empowering local communities from a structural point of view.

Deputy John Moloney: I apologise again for the Minister's absence. The Deputy will recall that the Department of Community, Rural and Gaeltacht Affairs was established against a background of concern at the multiplicity of structures and agencies through which local and community development schemes and programmes are delivered. The Department inherited many local and community programmes that were established and operated under different Departments. There was an inherent danger of fragmentation of services and diffusion of resources. The cohesion process initiated by the Minister to address these concerns resulted in a dramatic reduction and simplification of local delivery structures for a range of rural development and community development programmes.

The Department still has a wide agenda of reform to advance. The next phase, now under way, concerns improving and joining up the outputs from programmes, as well as further consolidating structures. The local development social inclusion programme, LDSIP, and community development programme, CDP, are the Department's two main social inclusion-community development programmes. Both have a community development element and are delivered through separate local delivery structures.

The Minister of State, Deputy John Curran, has indicated that his strong view is that a single focused programme with a single integrated delivery structure is needed to maximise the impact of these two programmes which serve disadvantaged communities. The Centre for Effective Services is preparing proposals for the Minister in this regard, which will draw on good international practice and independent advice. The Minister hopes to receive these proposals in the near future with a view to rolling out a new programme early next year.

The Minister's overall aim is to ensure that, from 2010, disadvantaged communities will benefit from a more focused programme with clear objectives and simplified and streamlined delivery structures, leading to significant administrative savings and impact efficiencies. In advance of proceeding to establish a single programme across community development projects

[Deputy John Moloney.]

and partnerships, the Department has initiated an evaluation of individual CDPs. Many of these projects span two decades with diverse activities. The Minister hopes to have proposals from his Department in the near future.

The Minister envisages that the main elements of the new integrated programme will comprise a small number of unambiguous goals to be achieved through clearly articulated outcomes for disadvantaged communities. Continuous evaluation and measurable targets will also be key features of the new programme, which the Minister hopes to launch for early 2010. While he cannot be specific at this stage about the impact on specific bodies in particular areas, disadvantaged communities will benefit from a more focused programme with clear objectives and simplified and streamlined delivery structures.

Turbary Rights.

Deputy Paul Connaughton: I place on record the disgust, annoyance and downright opposition of thousands of turf cutters to the impending decision to prevent them from cutting their turf on their bogs for domestic purposes. In recent months, large numbers of people — up to 400 people — have attended meetings all over the west to protest in the strongest possible manner about the cessation of turf cutting on the 32 raised bogs under the EU habitats directive. Thousands of signatures have been collected, acres of space have been given to this problem by local media and local radio extensively covers the many and varied objections rural people have to this atrocious attack on their personal lives.

This is not an ordinary protest where people slowly retreat into the background when they have made their point. Turf cutters are prepared to make concessions and have no major problems in having the various bogs taken over under the EU directive, provided their plots of turbary are left for turf cutting for domestic purposes. Surely in bogs such as my own at Carnagopple, Mountbellew, County Galway, which extends to almost 1,100 acres, of which no more than 60 acres are used for domestic turf cutting, it is possible to come to an agreement to acquire the 98% of the bog that is unused without interfering with the turf cutting area.

I ask the Minister to revisit the primary European legislation, the habitats directive, with a view to having its transposition into Irish law scrutinised in an effort which would allow the Government to meet its commitments under the directive, while providing flexibility to allow existing turf cutters to cut domestic supplies of turf. I strongly suggest that great thought and negotiation skills be employed to deal with this problem as otherwise what I and all other turf cutters believe is an unjustified attack on the history and customs of rural Ireland will provoke great contention, anger and opposition.

On a commercial basis alone, given the dreadful mess our economy is in, one must ask the reason the European Union or a national government would want to prevent people from supplying their own domestic fuel supplies at a time when the price of imported oil is steadily rising to a record level. The Exchequer does not have a red cent to pay for anything, without resorting to the use of taxpayers' money to pay turf cutters for bog they do not want to sell. I call on the Minister to take this issue seriously because if flexibility and goodwill are not shown to turf cutters, there will be great opposition to the confiscation of the bogs next spring.

Deputy John Moloney: I am pleased to take this Adjournment on behalf of my colleague the Minister for the Environment, Heritage and Local Government.

Ireland's raised bogs are important and unique habitats hosting ecosystems that are extremely rare. In recent history, almost all of western Europe's peatlands have disappeared or been severely damaged. While Ireland has around 60% of the remaining uncut areas, less

than 1% remains of Ireland's active raised bog, that is, raised bog on which indigenous flora are still growing and peat is forming.

Ireland is required to protect habitats of European importance under the habitats directive of 1992. Active raised bog is a priority habitat under the directive. It is also protected under our own legislation, the European Communities (Natural Habitats) Regulations 1997 in respect of special areas of conservation and the Wildlife (Amendment) Act 2000 in respect of natural heritage areas. Turf cutting is scheduled to end at the end of the current season on 32 raised bog special areas of conservation. Outside these 32 bogs, cutting may continue as normal. This means it may continue in the vast majority of areas. In particular, blanket bogs which comprise most of the areas of peatland are not affected by the arrangements. Of the 1,500 to 1,600 raised bogs in the State, only 130 bog complexes are designated and turf cutting is to cease in 2009 on only 32 of these bogs. This approach is in accordance with the ending of a ten year period of grace given by the Minister for Arts, Heritage, Gaeltacht and the Islands in 1999. The grace period was designed to allow turf cutting for domestic purposes to continue on these special areas of conservation for up to 10 years while domestic turf cutters found an alternative source of fuel. A similar ten year derogation still applies to bogs designated after 1999.

When natural heritage areas were designated in 2004, under an agreement with the farming organisations another ten year derogation was put in place allowing cutting for domestic purposes in these areas until 2014. However, since then, a review of the state of our bogs — an examination on the ground — has revealed severe and continuing damage by domestic turf cutters. In the ten years since commercial cutting was ended in designated areas, some 35% of the remaining area of active raised bog has been lost through domestic cutting and its associated drainage. We are losing a further 2% to 4% of our remaining active raised bog per annum.

The overall scientific assessment of this habitat is “unfavourable, bad”, which is the worst of three categories. European Union member states which report such unfavourable habitat status must take measures to ensure improvement. In light of the scientific evidence, it is clear that continued turf cutting on these sites is not compatible with their preservation.

Since 1999, the Government has actively encouraged the cessation of domestic cutting by buying traditional turf cutting rights through a voluntary scheme of compensation. This covers SACs and NHAs.

Earlier this year an interdepartmental working group on the cessation of turf cutting in designated areas began examining all the implications of cessation, including the question of replacement fuel sources. It invited and received submissions from interested groups and individuals. In the past few weeks it met representative groups concerned with turf cutting and with groups concerned with protection of the bogs. It is due to report, with recommendations, later this year.

The Minister for the Environment, Heritage and Local Government, Deputy Gormley, appreciates that this is an issue of concern to a number of Deputies, particularly in regard to the impact any cessation might have on those who rely on their bog plots on designated sites as a source of fuel. This is a central consideration of the interdepartmental group and will be fully considered in its advice on how the Government should meet its obligations regarding protecting at least a portion of what remains of this irreplaceable part of Ireland's and Europe's natural heritage.

Schools Building Projects.

Deputy Lucinda Creighton: The recent and impending cuts in the education field are of concern to everybody on both sides of this House. In this case it is encouraging that there is a

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potential solution on the horizon. I wanted to bring this matter to the House and put it on the record. I intend to speak to the Minister directly in the coming weeks.

There is a profound and severe lack of primary school places in the Donnybrook parish area. There is huge pressure on St. Mary's national school, which is located on Belmont Avenue, for a number of reasons. I understand in the current school year some 60 pupils were turned away — they were just the ones who went to the bother of applying for a place. It is well known in the area that there is major pressure for places for junior infants on the school. The reason is that a school in Miltown was closed due to the sale of institutional lands there. There is no English-speaking primary school within the parish of Beechwood, so there is major pressure from neighbouring parishes to access places in St. Mary's school.

It is an excellent school of the highest possible quality, with excellent teaching staff and very encouraging results, but there is huge pressure on it. There is an onus on the Department of Education and Science to find a solution, that is, an alternative site for the school. It has been sanctioned for an upgrade, although I do not know if the funding for it will come down the track. An extension was sanctioned for the school to be built upwards as the existing site is inadequate and cannot be expanded in terms of square footage. However, that is currently parked.

Even if it were to go ahead, it is not a satisfactory solution because there is no space to expand the play area. The idea of accepting additional students to school which does not have the facilities to accommodate them is not a realistic solution. However, there is a potential solution. RTE has a massive site comprising 32 acres in Donnybrook and is currently proposing that Dublin City Council agree to rezone the site from Z15 for institutional use to Z10, a much broader use, to enable it to develop its lands and allow for the development of commercial, retail and residential units on the site.

There is an opportunity because RTE is very keen to develop the site and there seems to be a willingness from it to entertain the idea of giving something back to community. There is not only a willingness and a preparedness to do that, but there is also an obligation under the Planning Acts that there be community gain through the process of any such development. In this area the form of community gain, which would be recognised as essential by all parties and almost all of the local residents, would be a school, which is a top priority. This is not something which has been proposed by parents of children in the school but by all generations, young and old. Everybody identifies this as a real crisis issue for the area and one for which there is a potential solution at hand.

There is an obligation for community gain. Having had discussions directly with RTE and the city councillors for the area, I found there is a willingness to examine the proposal. We now need some sort of action. The Minister for Education and Science, Deputy O'Keeffe, has a very important role in recognising that there is an opportunity to secure a site for the area and there is a need for him to be proactive, creative and seek a solution to the problem and challenges which face the area in terms of the primary school. The opportunity presents itself in terms of RTE and the onus is now on the Department of Education and Science and the Minister for Education and Science to be proactive in the area and speak with RTE. The barriers between Departments should not be allowed to cause an unnecessary blockage in the system.

Deputy John Moloney: I recognise the Deputy's involvement in progressing the site identified in advance of coming into the House. I am happy to respond on behalf the Minister, Deputy O'Keeffe, and I want to thank the Deputy for raising this matter. It gives me the opportunity

to outline to the Dáil the Government's strategy for capital investment in education projects and also to outline the current position in regard to the school referred to by Deputy Creighton, namely, St. Mary's national school, Donnybrook, roll number 19727G. Modernising facilities in the Department's existing building stock as well as the need to respond to emerging needs in areas of rapid population growth are significant challenges. The Government has shown a consistent determination to improve the condition of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

The forward planning section of the Department of Education and Science has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school provision at primary and post-primary levels over the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social and Family Affairs in addition to recent schools' enrolment data. The study indicates that the requirement for additional primary provision in 2010, 2011 and 2012 is likely to be greatest in more than 43 selected locations across the country, based on significant changes to the demographic profile of those areas. This information has been circulated to all existing school patrons who have been invited to bring forward proposals for the expansion of existing schools or indeed to put themselves forward as patron for any new primary school, should it be required.

The requirement for the establishment of new schools will of course be lessened where it is possible to expand and extend existing schools in those areas. The forward planning section of the Department is in the process of carrying out an analysis of each location to identify the school accommodation requirements up to and including the school year for 2014 to 2015. When the required reports have been completed for these initial areas selected, the forward planning section will continue to work on preparing reports on a priority basis for the remainder of the country which will include the Montrose and Donnybrook area.

Currently the school referred to by Deputy Creighton has a project in architectural planning to extend and refurbish the existing school on Belmont Avenue. The refurbishment project has been assigned a band 2.1 rating. This project is at an early stage of architectural planning and additional information to the addendum of the first stage submission is currently awaited from the design team.

Some 256 pupils are enrolled at St. Mary's national school. The school has eight classes, two of which are based in prefabricated classrooms. When the current project has been completed, the school will have nine mainstream classrooms. The brief for the project includes the conversion of some existing classrooms to ancillary accommodation and their replacement with four new full-size classrooms which will be provided as additional accommodation. A degree of additional ancillary accommodation will also be provided. The Minister met a delegation from the board of management of the school, including its chairperson and its principal, on Tuesday of this week. At the meeting, the school authorities informed the Minister of their tentative exploration of the possibility of acquiring a site within RTE's Montrose campus for the development of a new school. This was the first time such a proposal was brought to the attention of the Minister or the Department. The representatives of the school were at pains to stress that it is a tentative prospect at best. Indeed, the proposal from the RTE Authority to seek rezoning of the Montrose site is at an early stage. The school authorities clearly stated that their priority is to make progress with the refurbishment project on the existing site. They added that they do not wish to follow a dual-track approach that might cause the project to be delayed. As the meeting concluded, the school authorities once more expressed their clear commitment to pursuing the refurbishment project at the existing school site. I thank Deputy Creighton for

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giving me an opportunity to outline to the House the current position with regard to the building project at St. Mary's national school in Donnybrook.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 13 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 12, inclusive, answered orally.

Sail Training Vessel.

13. **Deputy Phil Hogan** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes that plans to build a replacement for the Asgard II be deferred indefinitely; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34799/09]

24. **Deputy Joe Costello** asked the Minister for Defence his proposals in regard to the Asgard II and the sail training scheme. [34852/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 13 and 24 together.

The report of the Special Group on Public Service Numbers and Expenditure Programmes recommended that plans to build a replacement vessel for Asgard II should be deferred indefinitely, and that the national sail training scheme should be discontinued. Planned expenditure levels for my Department will be considered as part of the budgetary and estimates process for 2010. This includes consideration of the recommendations contained in the report of the Special Group on Public Service Numbers and Expenditure Programmes. The decisions on all of the issues arising will be a matter for the Government. However, I can confirm that I have sought the approval of the Minister for Finance to use the insurance payment of €3.8m arising from the loss of Asgard II to fund a new vessel similar to Asgard II but with a steel hull.

Question No. 14 answered with Question No. 8.

Naval Service Vessels.

15. **Deputy Damien English** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes that the vessel replacement programme for the Naval Service be extended over a longer time-frame than initially envisaged; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34785/09]

44. **Deputy Kathleen Lynch** asked the Minister for Defence if he will extend the vessel replacement programme for the Naval Service flotilla over a longer timeframe. [34856/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 15 and 44 together.

The recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes was that the Naval Service Vessel Replacement Programme be extended over a longer timeframe than initially envisaged.

In effect, we are in compliance with this recommendation, when you consider that the ships are supposed to have a nominal lifespan of 30 years. Originally, the vessel replacement programme was due to run from 2008 to 2012 but, subject to Government approval on funding, the earliest that a replacement vessel can now be delivered will be 2012 or possibly early 2013, with further replacement vessels following in subsequent years — the details of which will not be finalised until a contract is signed for the proposed replacement Offshore Patrol Vessels.

In effect this will mean that the lifespan of the current vessels will be extended as they will not now be replaced until they have been in service for at least 34 years.

The Naval Vessel Replacement Programme will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the report of the Special Group on Public Service Numbers and Expenditure Programmes, and the decisions on all of the issues arising will be a matter for the Government.

It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

Army Equitation School.

16. **Deputy John Deasy** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes that the State funding of the Army Equitation School be discontinued; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34779/09]

36. **Deputy Joan Burton** asked the Minister for Defence his proposals in regard to the future of the Army Equitation School; and if he will make a statement on the matter. [34846/09]

56. **Deputy James Bannon** asked the Minister for Defence his plans to improve the quality of horses available to the Army for competition purposes; and if he will make a statement on the matter. [34748/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 16, 36 and 56 together.

The mission of the Army Equitation School, as assigned to it on its establishment in 1926, is to promote the Irish horse abroad through participation in international competitions. The school has discharged this task with considerable distinction down through the years and, through its participation and numerous successes in equitation events at home and abroad, it has successfully promoted the qualities of the Irish horse.

The Army Equitation School has in place a Horse Purchase Board consisting of the Officer Commanding the Equitation School, an official from the Department of Defence, the second Officer Commanding Equitation School and Col. E.V. Campion (Retired). The policy of the Equitation School has been to actively encourage breeders and producers to contact the School to arrange for inspection and assessment of horses with a view to purchase or lease.

In 2007, the Army Equitation School had 19 International wins at competitions throughout Europe, including 4 Nations Cup wins and 4 Grand Prix wins. In 2008, riders from the School won 15 International competitions, and were part of 7 Irish Nations Cup teams. The Army Equitation School also achieved International 3-day eventing success in 2008, culminating in the selection of Captain Geoff Curran for the Irish Olympic Three Day Eventing Team which represented the country in Beijing in August last year.

The Army Equitation School has had another successful year this year, including a win by Captain David O'Brien in the Super League Nations Cup which secures a place for Ireland in the Super League for 2010. At the RDS Dublin International Horse Show, Captain Shane Carey riding River Foyle was the leading Irish International Rider, and just last week, Captain O'Brien riding Drumiller Lough took the Silver Medal at the FEI World Breeding Championship for Young Horses in Belgium, the best result ever achieved by an Irish bred horse at these championships.

The success of the School over recent years is testament to the quality of the riders and of the horses at the School.

The recommendations of the Report of the Special Group on Public Service Numbers and Expenditure Programmes regarding the Army Equitation School will be considered as part of the Estimates and budgetary process for 2010. Decisions on these recommendations will be a matter for the Government. It would not be appropriate for me to comment further at this stage on these recommendations, or on future plans for the Army Equitation School, pending the outcome of the deliberative process.

Overseas Missions.

17. **Deputy Seán Connick** asked the Minister for Defence if the Army Ranger Wing has been deployed overseas without a UN mandate, Government and Dáil Éireann approval; and if he will make a statement on the matter. [34744/09]

33. **Deputy Darragh O'Brien** asked the Minister for Defence his views on reports in a newspaper (details supplied) concerning the deployment of members of the Army Ranger Wing; and if he will make a statement on the matter. [34743/09]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 17 and 33 together.

In the past, personnel of the Army Ranger Wing have been successfully deployed as part of Defence Forces contingents to overseas peace support operations, for example in Liberia, East Timor and Chad. In all cases, the conditions, known as the “triple lock” were satisfied, i.e. the operation was authorized/mandated by the United Nations and participation by the Defence Forces in the operation was approved by the Government and Dáil Éireann.

Having regard to the question, I assume that the Deputy is referring to an article in the *Irish Mail on Sunday* on 27 September 2009, which stated that members of the Army Ranger Wing were on the ground in Sudan as part of Government's efforts to secure the freedom of the GOAL aid worker, Ms Sharon Commins, who was kidnapped in Darfur on 3 July 2009.

I would like to point out that, on 25 September 2009, in response to queries received the previous day from a journalist representing the newspaper, the journalist was advised specifically and unambiguously by my Department that no members of the Army Ranger Wing were on the ground in Sudan in relation to the ongoing efforts to free the kidnapped aid worker. Despite this, the *Irish Mail on Sunday* ignored the information provided by my Department and printed a factually incorrect report that members of the Army Ranger Wing were on the ground in Sudan. The inaccuracy in relation to the Army Ranger Wing was brought to the

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attention of the newspaper following publication of the article. The newspaper concerned printed a correction in last Sunday’s edition of the newspaper stating that the error was due to a misunderstanding. Personally I am at a loss to know how an answer consisting of the single word “no” could be misunderstood by anyone.

18. **Deputy Catherine Byrne** asked the Minister for Defence the number of military personnel currently participating in overseas missions; the number and location of the missions; the scheduled duration of the missions; the cost of these missions; and if he will make a statement on the matter. [34758/09]

46. **Deputy Charlie O’Connor** asked the Minister for Defence the number of members of the Defence Forces serving overseas; their locations; if he anticipates participation in these missions coming to an end in the next twelve months; and if he will make a statement on the matter. [34739/09]

55. **Deputy Bernard J. Durkan** asked the Minister for Defence the strength and location of overseas deployments of the Defence Force on peace keeping or peace enforcement missions; the degree to which ongoing training, upskilling and equipment standards, including modern technology, is kept in line with ongoing requirements on such missions and best international practice; the degree to which changes are proposed in this regard; and if he will make a statement on the matter. [34929/09]

163. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the number and mandate under which Irish soldiers are operating in various locations around the world. [35032/09]

167. **Deputy Bernard J. Durkan** asked the Minister for Defence if his attention has been drawn to the need to maintain adequate Irish peace-keeping forces in the Western Balkans; and if he will make a statement on the matter. [35142/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 18, 46, 55, 163 and 167 together.

Ireland has offered, through the UN Standby Arrangements System (UNSAS), to provide up to 850 military personnel for overseas service at any one time. This figure equates to some 10% of Ireland’s standing Army (excluding Reserves) and demonstrates Ireland’s commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations.

Ireland is currently contributing 763 Defence Forces personnel to 13 different missions throughout the world. Full details of all personnel currently serving overseas are listed in the tabular statement set out below.

The main overseas missions, in which Defence Forces personnel are currently deployed, are the United Nations Mission in the Central African Republic and Chad (MINURCAT) with 422 personnel, the NATO-led International Security presence (KFOR) in Kosovo with 235 personnel and the EU-led operation in Bosnia and Herzegovina, ALTHEA, with 44 personnel. Other personnel are serving as monitors and observers with the United Nations and the Organisation for Security and Cooperation in Europe (OSCE). Staff are also deployed at the organisational headquarters of the EU, OSCE and NATO.

Ireland is currently committed to MINURCAT until mid-March 2010, to KFOR until April 2010 and to Operation ALTHEA until December 2009. The additional cost to the Defence Vote of participation in MINURCAT, net of UN reimbursements, is in the region of €7.6m.

The additional cost to the Defence Vote of participation in KFOR and Operation ALTHEA is in the region of €10.5m and €2.4m respectively.

Planned expenditure levels for my Department will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the report of the Special Group on Public Service Numbers and Expenditure Programmes. Decisions on all of the issues arising, including continued participation in Chad and in other overseas missions, will be a matter for the Government in the context of the Estimates.

It would not be appropriate for me to comment further at this stage pending the outcome of the estimate process.

I wish to assure the House that Defence Forces personnel serving on all overseas missions are equipped with the most modern and effective equipment. This equipment enables troops to carry out the mission assigned, as well as providing the required protection specific to the mission. Ongoing threat assessments are carried out in mission areas and we continually review both personal equipment and force assets, to ensure that Defence Forces personnel are appropriately equipped to fulfil their roles.

With regard to the upskilling of members of the Permanent Defence Force, all Defence Force personnel receive ongoing training to enable them to participate fully in UN, EU and other missions overseas. Troops selected for overseas service undergo a rigorous programme of training, designed to help them carry out their peacekeeping mission and to provide for their protection. Pre-deployment training is provided to members of the Permanent Defence Force and is updated on an ongoing basis in the light of any changes in the threat assessment or mission requirements. I am satisfied that Defence Forces personnel serving overseas will continue to receive the necessary training to enable them to carry out their duties in a professional manner.

Members of the Permanent Defence Force Serving Overseas as of 01 OCTOBER 2009

		Number
1.	<i>UN Missions</i>	
(i)	UNIFIL (United Nations Interim Force in Lebanon) HQ	8
(ii)	UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	12
(iii)	MINURSO (United Nations Mission for the Referendum in Western Sahara)	3
(iv)	MONUC (United Nations Mission in Democratic Republic of Congo)	3
(v)	UNOCI (United Nations Mission in Ivory Coast)	2
(vi)	MINURCAT (United Nations Mission in the Central African Republic and Chad) — HQ	13
	MINURCAT (United Nations Mission in the Central African Republic and Chad) — 101st Inf Battalion	409
	TOTAL	450
	<i>UN Mandated Missions</i>	
(vii)	EUFOR (EU-led Operation in Bosnia and Herzegovina)	44
(viii)	EUFOR TCHAD/RCA (EU-led Operation in CHAD and the Central African Republic) OHQ — Paris	1
(ix)	EUNAVFOR (EU-led Operation Atalanta) OHQ — UK	2
(x)	KFOR (International Security Presence in Kosovo) — HQ	17
	KFOR (International Security Presence in Kosovo) 40th Inf Group	218
(xi)	ISAF (International Security Assistance Force in Afghanistan)	7
	TOTAL NUMBER OF PERSONNEL SERVING WITH UN MISSIONS	739

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		Number
2.	<i>Organisation for Security and Co-operation in Europe (OSCE)</i>	
(i)	OSCE Mission to Bosnia & Herzegovina	2
(ii)	OSCE Mission in Belgrade — Serbia	1
(iii)	Staff Officer, Higher Level Planning Group, Vienna	1
TOTAL NUMBER OF PERSONNEL SERVING OSCE		4
3.	<i>EU Military Staff</i> Brussels	7
4.	<i>Nordic Battlegroup HQ Staff — Sweden</i>	4
5.	<i>Military Representatives/Advisers/Staff</i>	
(i)	Military Adviser, Permanent Mission to UN, New York	1
(ii)	Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii)	Military Representative to EU (Brussels)	4
(iv)	Liaison Office of Ireland, NATO/PfP (Brussels)	2
(v)	Military Representative to NATO/PfP Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons. Belgium	1
TOTAL NUMBER OF DEFENCE FORCES PERSONNEL SERVING OVERSEAS		763

Defence Forces Equipment.

19. **Deputy Peter Kelly** asked the Minister for Defence when he expects the safety roll bars recommended after the Granard crash to be installed on military troop carrying vehicles; and if he will make a statement on the matter. [34741/09]

Minister for Defence (Deputy Willie O’Dea): Following an accident involving a troop carrying vehicle in Granard, Co. Longford in June 2007, a study group was formed to advise on the introduction of a Roll Over Protection System for troop carrying vehicles incorporating roll bars and safety belts.

Arising from the report of the study group a number of different options were fitted to different vehicles for testing and evaluation to identify the key requirements and performance characteristics of roll over systems. The tests included vibration tests, noise tests and exhaust emission tests.

A report on the introduction of Rollover Protection Systems in the Defence Forces Troop Carrying Vehicles was completed in July 2009 by a Board of Officers in the Defence Forces and submitted to the relevant military authorities.

A tender competition for the supply and fit of Roll Over Protection Seating Systems for Defence Forces Troop Carrying Vehicles is currently being run in accordance with public procurement requirements. The process commenced on 28 September 2009 when an open competition was advertised by the Defence Forces in the Official Journal of the European Union. The contract will be for the supply of systems over a period of three years and will commence in year one with the fitting of the system to 50 Defence Forces’ vehicles and the modification of a further 50 vehicles to accept the system. The requirements for years two and three will be subject to review of the effectiveness of the selected system.

The closing date for receipt of tenders is 27 October 2009. It is expected that following the evaluation of tenders and subject to a suitable system being offered, a contract will be placed and work can commence on the installation of systems as soon as possible thereafter.

Defence Forces Strength.

20. **Deputy Paul Connaughton** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes that the number of personnel in the Permanent Defence Force be reduced by 500; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34764/09]

65. **Deputy Kathleen Lynch** asked the Minister for Defence if the Report of the Special Group on Public Service Numbers and Expenditure Programmes proposal to re-organise the defence sector over time in order to achieve a reduction of 500 personnel will affect the operational capability of the Defence Force. [34855/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 20 and 65 together.

The Report of the Special Group on Public Service Numbers and Expenditure Programmes recommended that the number of personnel in the PDF be reduced by 500 over a 2 to 3 year period as “operational requirements allow”. The reality is that based on current trends numbers are already reducing within the PDF. The PDF strength as of 30/09/09 is 10,081.

My focus at this point in time is on ensuring that the Defence Forces retain operational capability. I am acutely aware of the impact of the moratorium on the Permanent Defence Force particularly in light of the very high turnover rate that is part of any military organization. I am in ongoing contact with my colleague, the Minister for Finance, regarding limited exceptions to the moratorium which are targeted at maintaining the operational capability and command arrangements of the Permanent Defence Force.

I intend, within the resources available, to retain the capacity of the organisation to operate effectively across all roles. This will represent a significant challenge in the coming months and one in respect of which I will work closely with the Chief of Staff.

Planned expenditure levels for my Department will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the report of the Special Group on Public Service Numbers and Expenditure Programmes and the decisions on all of the issues arising will be a matter for the Government. It would therefore not be appropriate for me to comment any further at this stage pending the outcome of these deliberative processes.

Defence Forces Recruitment.

21. **Deputy Olivia Mitchell** asked the Minister for Defence the number of cadetships in the Army and Naval Service respectively it is intended to award as a result of the competition currently ongoing; the number of applications received for the Army and for the Naval Service competitions; the number of applicants for each who were school leavers, graduates and serving personnel; the breakdown of applicant numbers by gender; and if he will make a statement on the matter. [34813/09]

53. **Deputy Dan Neville** asked the Minister for Defence the number of cadetships in the Army and Naval Service respectively it is intended to award as a result of the competition currently ongoing; the number of applications received for the Army and for the Naval Service competitions; the number of applicants for each who were school leavers, graduates and serving

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personnel; the breakdown of applicant numbers by gender; and if he will make a statement on the matter. [34815/09]

63. **Deputy Darragh O'Brien** asked the Minister for Defence the number of persons who applied under the recent Army and Naval Service cadet recruitment competition; the number who got through round one; the number who were subsequently called for fitness assessment; the number who were called for interview; the gender breakdown of these figures; when he expects to offer places to successful candidates; and if he will make a statement on the matter. [34742/09]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 21, 53 and 63 together.

The current Cadetship competition was advertised on 9th August 2009 with the closing date for receipt of applications being 21st August 2009. It is intended to award thirty (30) Army and twelve (12) Naval Service Cadetships as a result of this competition, which is currently underway.

I am advised by the Military Authorities that for the Army a total of one thousand six hundred and eighty five (1,685) applications were received, of which six hundred and ninety eight (698) did not meet the specified qualifications to apply for the competition.

The breakdown of the remaining nine hundred and eighty seven (987) eligible applicants of which 859 were male and 128 were female is as follows: five hundred and fifteen (515) applications were received from school leavers, and four hundred and seventy two (472) applications were received from graduates. Fifteen (15) of the aforementioned were serving personnel.

Two hundred and thirty seven (237) Army applicants progressed to the second stage of the selection process of which 206 were male and 31 were female. This stage involved a physical fitness test, group assessment and personality questionnaire. Subsequently one hundred and twenty two (122) progressed to the interview stage of the competition of which 104 were male and 18 were female.

In respect of the Naval Service the Military Authorities have advised that a total of one thousand, one hundred and one (1101) applications were received, of which five hundred and fifty three (553) were not qualified to apply for the competition.

The breakdown of the remaining five hundred and forty eight (548) eligible applicants of which 472 were male and 76 were female, is as follows: two hundred and eighty two (282) applications were received from school leavers, and two hundred and sixty six (266) were received from graduates. Seven (7) of the aforementioned were serving personnel.

Ninety four (94) of the Naval Service applicants progressed to the second stage of the competition of which 83 were male and 11 were female. This stage, which concludes this week, involves a physical fitness test, group assessment, personality questionnaire, medical examination and interview. The Naval Service competition only comprises of two stages.

It is planned that offers will be issued to the successful candidates on the 16 November 2009. Cadet training is planned to commence before the end of the year.

Departmental Staff.

22. **Deputy Tom Hayes** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on Public Service Numbers and Expenditure Programmes that the number of staff in his Department be reduced by 20; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34796/09]

Minister for Defence (Deputy Willie O’Dea): The recommendations in the report of the Special Group on Public Service Numbers and Expenditure Programmes in relation to staffing levels in my Department will be considered as part of the Estimates and budgetary process for 2010. Decisions on these recommendations will be a matter for the Government. However, I can state that the current staffing level of my Department is 361 compared with an approved strength of 412.

Question No. 23 answered with Question No. 6.

Question No. 24 answered with Question No. 13.

Coiste Uile-Pháirtí Comórtha 1916.

25. D’fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Cosanta cé chomh minic a bhuaill Coiste Uile-Pháirtí Comórtha 1916 le chéile i mbliana; agus cad é an clár oibre atá leagtha amach dó. [30599/09]

Minister for Defence (Deputy Willie O’Dea): Comórfar céad bliain Éirí Amach na Cásca agus imeachtaí eile i dtréimhse na Saoirse, trí chlár cuimsitheach a chuirfear i bhfeidhm i gcaitheamh an iliomad blianta.

D’fhonn clár cuimhneachain cuí a chur le chéile tá iarrtha ar Ranna Rialtais tionscnaimh ina réimsí cúraimí ar leith a mheas a d’fhéadfaí a úsáid chun imeachtaí céid a chomóradh.

Tá súil agam, ach comhaltaí de Ghrúpa Comhchomhairliúcháin Uile-Pháirtí an Oireachtais um Chúrsaí Cuimhneacháin a bheith ar fáil, go dtiocfaidh an Grúpa le chéile níos déanaí an mhí seo agus go dtabharfaidh siad cuairteanna ar shuímh tionscnamh atá idir lámha faoi láthair agus ina measc sin:

- na hoibreacha athchóirithe i gCnoc an Arbhair,
- gailearaí taispeána “Soldiers and Chiefs” [Ceannairí agus Saighdiúirí] in Ard-Mhusaem na hÉireann i nDún Uí Choileáin,
- athchóiriú an Asgard ag Ard-Mhusaem na hÉireann, agus
- an clár oibre atá idir lámha i reilig Ghlasnaíon agus a bheartaítear a chríochnú sa bhliain 2016.

Question No. 26 answered with Question No. 8.

Industrial Relations.

27. **Deputy Brian O’Shea** asked the Minister for Defence the directive he gave PDFORRA in regard to its representation at the 24/7 Frontline Services Alliance; and if he will make a statement on the matter. [34862/09]

164. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the justification for imposing a ban on PDFORRA members from playing a role in groups lobbying for protection from cutbacks in front line services; and if he will make a statement on the matter. [35033/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Question Nos. 27 and 164 together.

At the request of PDFORRA I met with the Association’s General Secretary, Deputy General Secretary and President on 30th September last. I was accompanied by the Secretary

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General and Assistant Secretary of my Department, the Chief of Staff and Deputy Chief of Staff (Support). During the course of the meeting a broad range of issues were discussed including the Association's involvement with the 24/7 Frontline Services Alliance.

Under the terms of the Defence (Amendment) Act, 1990 the Defence Force Representative Associations are prohibited from being associated with or affiliated to any trade unions or any other body without the consent of the Minister.

The basis for the prohibition is that it would be inappropriate to apply the provision of the Industrial Relations Act 1990 to members of the Defence Forces. The taking of any form of industrial action is felt to be irreconcilable with military service. As has been done in the past, the Defence Forces may be called on to contribute to maintaining vital services in times of industrial action. The potential for serious difficulties could arise in these circumstances if the Association was affiliated to any such body.

The day-to-day work of the Association, on behalf of its members, continues through the formal Conciliation and Arbitration (C&A) machinery. A lot of work has been put into the development of representation over the years. The provisions of the C&A scheme were not framed with a view to restricting the Association in any of its legitimate activities. On the contrary, the Scheme has served to vindicate and protect the Association's rights over the years and sustain representation in a manner that has met the needs of its members and the modernisation agenda of the Defence Forces.

At the meeting with PDFORRA the legislative provisions surrounding representation in the Defence Forces were outlined to the Association.

I am pleased to note that having reflected on the situation, PDFORRA withdrew from the 24/7 Frontline Alliance and will pursue the interests of their members within the scope of the existing agreed procedures.

Departmental Expenditure.

28. **Deputy Richard Bruton** asked the Minister for Defence the cost of aid to civil power, aid to civil authority and non-emergency services in the years 2002 to 2009 inclusive; the full economic cost annually had it been charged; and if he will make a statement on the matter. [34754/09]

42. **Deputy Frank Feighan** asked the Minister for Defence his views on the recommendation in the Report of the Special Group on public service numbers and expenditure programmes that the full economic cost of aid to the civil power, aid to the civil authority and non-emergency services provided by the Defence Forces be charged to the relevant agency; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34789/09]

Minister for Defence (Deputy Willie O'Dea): I propose to take Question Nos. 28 and 42 together.

The assistance provided by the Defence Forces to both the civil power and civil authorities is wide and varied. The actual costs of all services provided have not been recorded separately to date. The compilation of such material on a retrospective basis would involve a disproportionate amount of time and work. Costs are recovered for services provided by the Defence Forces where there are existing agreements and arrangements between the parties.

Following a detailed formal agreement with the Irish Bankers Federation, which was signed on 11 May 2005, the banks pay the total actual costs incurred by the Defence Forces in the provision of cash escorts. The total cost in respect of the provision by the Defence Forces of

assistance to the Garda Síochána in protecting movements of cash for the years 2002 to 2009 is as follows:

Year	Total number of Escorts	Cost of Escorts
		€m
2002	2,516	6.87
2003	2,335	6.5
2004	2,425	7.5
2005	2,252	7.7
2006	2,264	8.5
2007	2,291	9.4
2008	2,210	9.5

The banks are charged for their proportion of the total escorts provided i.e. approx. 78%. The remainder relates to post office escorts which are not subject to charge as they come under State expenditure. Costs in respect of each 12 month period to end-December, are paid the following year on or before the 1 June. This is to allow for the compilation of returns from the brigades and allocation of costs following the year-end. The exact figures and total cost of the service for 2009 will not be available until Spring 2010.

Costs have also been recouped from civil authorities where the Defence Forces have in their role as aid to the civil authority provided assistance in the maintenance of essential services during industrial disputes. The total costs are as follows:

Name of Organisation	2002	2003	2004	Total
	€	€	€	€
Donegal County Council	16,702	9,530		26,232
Dublin City Council	7,608	3,949		11,557
Midland Health Board	459	27,530		27,989
South Eastern Health Board		11,224		11,224
Dept. of Justice, Equality and Law Reform			4,961	4,961
Totals	24,769	52,233	4,961	81,963

The Defence Forces have not been required to provide assistance in this manner since 2004.

Consideration of the recommendations arising from the report of the special group on public service numbers and expenditure programmes, and the decisions on all of the issues arising will be a matter for the Government. It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

Question No. 29 answered with Question No. 7.

Register of Electors.

30. **Deputy Deirdre Clune** asked the Minister for Defence his plans to provide an option of postal voting for members of the Reserve Defence Force in view of complaints from RDF members that due to Reserve commitments they were unable to vote in their local polling station in the recent referendum on the Lisbon treaty; and if he will make a statement on the matter. [34762/09]

Minister for Defence (Deputy Willie O’Dea): The Permanent Defence Force by virtue of the nature of their duties and the likelihood that they could be posted away from their home base or overseas for lengthy periods, have a particular need for postal voting. While members of the Reserve Defence Force play a valuable role in the military organisation, the same considerations do not apply to them.

I have been advised by the Military Authorities that the requisite flexibility was afforded to Reservists on voluntary training on 2 October 2009, the day of voting on the National Referendum on the Lisbon treaty, to exercise their constitutional right on the day.

The Electoral Act 1992 provides for postal voting in certain circumstances for personnel of the Reserve Defence Force. I have no plans to ask the Minister for the Environment, Heritage and Local Government, who has responsibility for electoral matters, to consider further extending the facility already provided for postal voting to members of the Reserve Defence Force.

PDFORRA Conference.

31. **Deputy Niall Collins** asked the Minister for Defence if he will report on his attendance and address to the PDFORRA annual delegate conference and his meeting with PDFORRA on 30 September 2009; and if he will make a statement on the matter. [34737/09]

Minister for Defence (Deputy Willie O’Dea): Yesterday 7 October 2009, I addressed the Annual Delegate Conference of the Permanent Defence Force Other Ranks Representative Association (PDFORRA). I sought to make my address relevant, positive and informative.

I addressed such diverse issues as the current budgetary situation, Defence expenditure and our overseas commitments. I emphasised that the Defence Forces, like all areas of the public service, must contribute towards the current challenges facing the country. I also emphasised that despite the current difficulties, I as Minister for Defence would put the strongest possible case at Government for continued funding and support to ensure that we continue to have a modern Defence Force capable of meeting the needs of Government and the public. The Deputy’s interest in my speech is appreciated and the full text can be accessed from the Department of Defence website — *www.defence.ie*.

At the request of PDFORRA I met with the Association’s General Secretary, Deputy General Secretary and President on 30 September last. I was accompanied by the Secretary General and Assistant Secretary of my Department, the Chief of Staff and Deputy Chief of Staff (Support). During the course of the meeting a broad range of issues were discussed including the Association’s involvement with the 27/7 Frontline Services Alliance.

Under the terms of the Defence (Amendment) Act, 1990 the Defence Force Representative Associations are prohibited from being associated with or affiliated to any trade unions or any other body without the consent of the Minister. The basis for the prohibition is that it would be inappropriate to apply the provision of the Industrial Relations Act 1990 to members of the Defence Forces. The taking of any form of industrial action is felt to be irreconcilable with military service. As has been done in the past, the Defence Forces may be called on to contribute to maintaining vital services in times of industrial action. The potential for serious difficulties could arise in these circumstances if the Association was affiliated to any such body.

The day-to-day work of the Association, on behalf of its members, continues through the formal Conciliation and Arbitration (C&A) machinery. A lot of work has been put into the development of representation. The provisions of the C&A scheme were not framed with a view to restricting the Association in any of its legitimate activities. On the contrary, the scheme has served to vindicate and protect the Association’s rights over the years and sustain represen-

tation in a manner that has met the needs of its members and the modernisation agenda of the Defence Forces.

At the meeting with PDFORRA the legislative provisions surrounding representation in the Defence Forces were outlined to the Association. I am pleased to note that having reflected on the situation, PDFORRA withdrew from the 24/7 Frontline Alliance and will pursue the interests of their members within the scope of the existing agreed procedures.

Defence Forces Strength.

32. **Deputy Seán Connick** asked the Minister for Defence the number of members of the Permanent Defence Force on 30 September 2009; if he expects this total to rise or fall before the end of 2009; and if he will make a statement on the matter. [34745/09]

50. **Deputy Bernard J. Durkan** asked the Minister for Defence the degree to which the strength of the Army, Navy and Air Corps is sufficient to meet requirements in view of the overseas commitments, current and proposed; if it is expected or intended to increase the numbers; and if he will make a statement on the matter. [34930/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 32 and 50 together.

I am advised by the Military Authorities that the strength of the Permanent Defence Force on 30 September 2009 was 10,081. This breaks as Army 8,231, Air Corps 812 and Naval Service 1,038. In the context of the Government decision on the implementation of savings measures and the reduced budgetary provision available for 2009, all recruitment was suspended. The moratorium on recruitment, promotion and acting appointments is a vital element in the Government’s approach to bringing public sector finances under control. I am keenly aware of the impact of these measures on the Permanent Defence Force in the light of the very high turnover rate that is part of any military organisation. I am in ongoing contact with my colleague, the Minister for Finance, regarding limited exceptions to the moratorium which are targeted at maintaining the operational capability and command arrangements of the Permanent Defence Force while meeting our obligations to contribute to the necessary public service economies.

I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government at home and overseas. I am keeping the situation under review with the Chief of Staff.

Question No. 33 answered with Question No. 17.

Overseas Missions.

34. **Deputy Jim O’Keeffe** asked the Minister for Defence the future of the Defence Forces in Chad; the length of time it is expected they will remain there; and if he will make a statement on the matter. [34693/09]

35. **Deputy Denis Naughten** asked the Minister for Defence if he is satisfied with the level of back-up support being provided to Irish troops in Chad; and if he will make a statement on the matter. [34694/09]

48. **Deputy Ciarán Lynch** asked the Minister for Defence his proposals in regard to participation in the Chad mission after March 2010 and to rationalise overseas commitments to a smaller number of key missions. [34853/09]

59. **Deputy Brian O'Shea** asked the Minister for Defence if his attention has been drawn to reports (details supplied) that female refugees from Darfur continue to be subjected to high levels of violence and rape despite the presence of the UN mission; and if he will make a statement on the matter. [34845/09]

61. **Deputy Terence Flanagan** asked the Minister for Defence his views on the recommendation in the report of the special group on public service numbers and expenditure programmes that Ireland end its participation in Chad in March 2010 and rationalise its overseas commitments to a smaller number of key missions; if it is intended to implement this recommendation; and if he will make a statement on the matter. [34793/09]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 34, 35, 48, 59 and 61 together.

Despite the current difficult economic circumstances, the Government continues to support and commit resources and personnel, wherever it can, to support peace, security and development in hotspots throughout the world.

Following on from Ireland's participation in the EU-led mission to Chad, the mandate of which expired on 14 March 2009, Ireland's initial commitment to the follow-on United Nations Mission in the Republic of Chad and the Central African Republic (MINURCAT) is for a period of one year to 14 March 2010.

Planned expenditure levels for my Department will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the report of the special group on public service numbers and expenditure programmes. Decisions on all of the issues arising, including continued participation in MINURCAT and in other overseas missions, will be a matter for the Government in the context of the Estimates. It would not be appropriate for me to comment further at this stage pending the outcome of the Estimate process.

I am satisfied that the required logistical support of Irish troops currently deployed as part of the MINURCAT Mission is being delivered in accordance with national standards. There are no concerns in relation to real life support for Irish troops at this time.

I am aware of *The Irish Times* article relating to a report by Amnesty International on violence against refugee women in eastern Chad. MINURCAT, which comprises civil, police and military components is authorised, inter alia, to take all necessary measures, within its capabilities and its area of operations in eastern Chad, in liaison with the Government of Chad, to contribute to protecting civilians in danger, particularly refugees and internally displaced persons.

The presence of UN troops in Chad since last March, following the take-over from the EU-led operation, continues to make a positive difference to the security environment. UN troops serving in Chad are contributing to creating a safer environment for civilians, in particular refugees and displaced people and have enabled the international humanitarian organisations and NGOs to continue to carry out their work safely.

The authorised strength of the military component of MINURCAT is 5,200 as provided for in UNSCR 1861 of 14 January 2009. However, as of 31 August 2009, the military component of MINURCAT comprises 2,389 personnel. The question of renewing calls on the UN Security Council to deploy the full force to Chad is a matter for my colleague, the Minister for Foreign Affairs.

Question No. 36 answered with Question No. 16.

Defence Forces Medical Services.

37. **Deputy Enda Kenny** asked the Minister for Defence the progress made in implementing the recommendations of the PA Consulting Group report on the Medical Services; if the representative associations have been consulted on the matter; and if he will make a statement on the matter. [34802/09]

Minister for Defence (Deputy Willie O’Dea): The PA report is an important milestone in addressing the challenges to the provision of medical services in the Defence Forces. Implementation will take time and commitment. This is being achieved in consultation with the representative associations. On receipt of the report in June this year, I asked that implementation of the recommendations proceed immediately. The PA report reviewed the medical services required for the Defence Forces in light of their roles and operations, assessed the current arrangements for the provision of medical services and proposed a model for future delivery of medical services. As the Deputy is aware the consultants have recommended a programme of major change. The high level recommendations include:

- A centralised command structure for the medical Corps.
- The creation of a medical services management and administrative function. This structure will provide strategic planning resource allocation and overall responsibility for the management and delivery of the medical service.
- The development of medical officer led care teams together with a re-focusing of medical staff on appropriate clinical tasks.
- The report also recommends steps leading to a reduction in the number of doctor interventions, medical assessments and better management of health services outsourcing.

The report reaffirms the need for a dedicated Medical Corps and addresses the challenges facing the Defence Forces in recruitment and retention of medical officers. The structure and systems recommended have been designed to meet the demands and needs of the modern Defence Forces at home and overseas and provide medical officers with a fulfilling and rewarding career.

The governance structure proposed in the report for the delivery of change in this area has been put in place. It consists of a high level steering group composed of senior military and civilian personnel. The role of the steering group is to provide planning guidance, clarify the approach to recommendations where required and ensure that the project is implemented effectively.

A dedicated programme group with civilian and military representatives to manage the delivery of a suite of projects is also working. It is progressing a number of the PA recommendations including the structure of the Medical Corps, the alignment of Defence Forces and Medical Corps strategies and the development of medical information systems. Preparatory work has also commenced on the recommendations on training and education, clinical issues and the centralised command structure.

Valuable consultation has occurred with the representative associations in the preparation of this report. The consultants had a number of meetings with the representative associations and received submissions from them. In addition the consultants conducted a workshop with the main stakeholders including the representative associations to update them on progress and to validate views on a number of issues.

[Deputy Willie O’Dea.]

Progress on the ongoing preparation of the implementation programme is being reported to the associations through the partnership medical sub group and through the normal C&A process. The associations will also be formally consulted on the implementation programme when it has been approved by the steering group. Any issues within the scope of representation can then be addressed through the C&A scheme.

Question No. 38 answered with Question No. 7.

Defence Forces Equipment.

39. **Deputy Willie Penrose** asked the Minister for Defence if he is satisfied that there is a sufficient Defence Force air intercept capability. [34860/09]

Minister for Defence (Deputy Willie O’Dea): The Pilatus PC9M trainer aircraft operated by the Air Corps has a limited air defensive capability appropriate to its turbo prop flight envelope. While it is not an interceptor aircraft, it could catch and intercept certain aircraft. Each aircraft has the capability to be fitted with two point 5 machine guns and two rocket launchers. In addition to the Air Corps capabilities the Defence Forces have a range of air defence capabilities. These air defence assets are related to the level of threat.

The main Radar capability of the Defence Forces used for the purpose of Air Defence is the Flycatcher Radar System. This equipment was procured in 2002 from the Dutch Armed Forces. It is used to carry out the Target Acquisition and Fire Control of the Bofors EL70 40 mm Air Defence Guns. Each radar unit is capable of controlling three Guns and its purpose is to provide an effective defence against airborne threats flying at low and very low level. The system has an operational range of up to 20 km. A crew of two or three operates the system. The complete Radar weighs about 6000 kg and is carried on a two-axle trailer. There are eight of these radars in service with the Defence Forces. The system is normally deployed for VIP visits, transits and summits.

The other main radar capability, also used for Air Defence, is the Giraffe G40 Radar; the Defence Forces have one system in service. This equipment was procured new from Ericssons of Sweden in 1986. It is used to exercise command and control over RBS 70 Surface to Air Missile Firing Units when deployed. It has an operational surveillance range of up to 40 km and an altitude ceiling of 15 km. It can be used to exercise command and control on up to 9 RBS 70 missile Firing Units.

The Equipment has a crew of four (Commander, Radar Operator, and two operators), and is mounted on a 6X6 MAN Truck. It is deployed regularly for VIP Visits/Transits and summits.

The assets available to the Defence Forces are related to the level of threat and are considered adequate and appropriate in this regard.

Defence Forces Recruitment.

40. **Deputy Dinny McGinley** asked the Minister for Defence if, in view of his statement to the Houses of the Oireachtas on 23 June 2009 that he had written to the Department of Finance, he has had a response to that correspondence; and if he will make a statement on the matter. [34809/09]

Minister for Defence (Deputy Willie O’Dea): In the context of the Government decision on the implementation of savings measures on public service numbers and the reduced budgetary provision available for 2009, recruitment to the Permanent Defence Forces has been suspended.

As I have already stated in the House I have made a submission to my colleague the Minister for Finance regarding the implications of the measures for the Permanent Defence Force. My focus is on the ongoing operational capability of the Defence Forces. The question of limited exceptions to the application of the measures arise in this regard.

Since my submission approval has been received for the following:

- The appointment, by promotion of a successor to the Director of Military Prosecutions who retired in July 2009,
- The filling of the post of Deputy Chief of Staff (Operations),
- The filling of two Brigadier General posts (1 in the Southern Brigade and the other a consequence of the filling of the Deputy Chief of Staff (Operations)),
- The holding of a Cadetship Competition for both the Army and Naval Service in 2009 from which a total of 42 cadetships will be awarded, thirty (30) Army and twelve (12) Naval Service. The competition is in progress and it is planned that successful applicants will commence their cadet training before the end of the year,
- For 42 acting up posts for the overseas contingent in CHAD and 20 acting up posts for the forthcoming deployment to Kosovo.

Furthermore the promotions of ten Non commissioned Officers whose promotions had been in progress prior to the Moratorium are in the process of being finalised.

While I have not yet received a detailed response to my submission I can confirm that my objective is to achieve the implementation of the Government decision on savings measures on public service numbers in a manner that gives protection to the operational capacity of the Defence Forces while meeting our obligations to contribute to the necessary public service economies.

Discussions on the outstanding issues raised in my submission to the Minister for Finance are ongoing.

Question 41 answered with Question No. 8.

Question No. 42 answered with Question No. 28.

Defence Forces Investigations.

43. **Deputy Seán Sherlock** asked the Minister for Defence if he has received the report of the investigation into the incident at Kilworth Camp, when a young officer was seriously injured in a training accident. [34857/09]

Minister for Defence (Deputy Willie O’Dea): The Formation Accident Investigation Team, which was established by the General Officer Commanding the Southern Brigade, to investigate the incident at Kilworth Camp range, has completed its report. The report is being examined at present by the relevant military authorities.

In accordance with Defence Forces Regulations, a Court of Inquiry was also established to investigate the incident. This investigation is ongoing.

Question No. 44 answered with Question No. 15.

Air Corps Recruitment.

45. **Deputy Jan O’Sullivan** asked the Minister for Defence the reason there was no recruitment requirement to recruit Air Corps cadets in 2008 and in 2009. [34859/09]

Minister for Defence (Deputy Willie O’Dea): The military authorities advised that in relation to the Air Corps in 2008 and 2009 there was no requirement to recruit Air Corps Cadets. This position is a function of the number of serving pilots, the number in training, the number of retirements and other anticipated departures.

Question No. 46 answered with Question No. 18.

Defence Forces Operations.

47. **Deputy Peter Kelly** asked the Minister for Defence the number of call outs made by the Army bomb disposal teams to date in 2009 on a county basis; the number of these call outs which turned out to be in response to hoax calls; the estimated average cost of each call out; and if he will make a statement on the matter. [34740/09]

Minister for Defence (Deputy Willie O’Dea): The primary responsibility for the maintenance of law and order rests with an Garda Síochána. The Defence Forces, pursuant to their role of rendering aid to the civil power, assist the Garda as required. Requests for aid to the civil power are normally made by a member of an Garda Síochána not below the rank of Inspector.

The Explosive Ordnance Disposal (EOD) Team respond when a request is made by an Garda Síochána, to the relevant Brigade, for assistance in dealing with a suspect device or for the removal of old ordnance.

The number of call outs made by EOD teams on a county basis for the period 1 January 2009 to 1 October 2009 is as follows:

County	Number of Callouts	Number of Hoaxes (included in the number of callouts)
Carlow	0	0
Cavan	0	0
Clare	2	0
Cork	5	1
Donegal	5	0
Dublin	104	68
Galway	4	0
Kerry	0	0
Kildare	0	0
Kilkenny	1	0
Laois	0	0
Leitrim	2	1
Limerick	4	0
Longford	2	0
Louth	4	0
Mayo	1	0
Meath	4	1
Monaghan	0	0
Offaly	0	0
Roscommon	0	0

County	Number of Callouts	Number of Hoaxes (included in the number of callouts)
Sligo	0	0
Tipperary	1	0
Waterford	0	0
Westmeath	7	0
Wexford	5	0
Wicklow	6	0
Total	157	71

The cost of each individual callout is not recorded separately however costs include: the salary and allowances of the team (i.e. one officer, one NCO and one driver), fuel for the distance travelled by the vehicle to and from the location of the incident and any ordnance used to dispose of the device.

Question No. 48 answered with Question No. 34.

Defence Forces Equipment.

49. **Deputy Niall Collins** asked the Minister for Defence when he expects the new RG32M light tactical armoured vehicles to enter service on peace keeping missions; the type and nature of the protective and defensive equipment that will be fitted on these vehicles; and if he will make a statement on the matter. [34736/09]

Minister for Defence (Deputy Willie O’Dea): A contract for the supply of 27 Light Tactical Armoured Vehicles to the Defence Forces was awarded to BAE Systems based in South Africa in December 2008. The contract followed on from a detailed tender competition, which was initiated in May 2008 and which concluded with the selection of the RG32M in November 2008.

The tender competition has allowed for the option to acquire up to another twenty-seven vehicles over the next few years to meet any further requirements, depending on the threat faced by the Defence Forces in operational deployments and following a detailed review of the vehicles in a deployment situation.

The intention is that the LTAV will complement the Mowag Armoured Personnel Carriers (APCs) in the conduct of conventional and Peace Support Operations and will fill a gap that exists between soft-skinned vehicles and the Mowag APCs. It is expected that delivery of the first batch of vehicles will take place towards the end of 2009 with the remainder of the vehicles being delivered in early 2010.

Before the vehicles enter service, crews will need to be comprehensively trained on the operation of the vehicles. The Defence Forces has designated training centres to develop these skills and on completion of acceptance trials, training will commence. The vehicles will be considered for deployment on specific Peace Support Operations as a force protection measure in the future once the capability has been fully developed within the Defence Forces.

The acquisition of the Light Tactical Armoured Vehicles is a top priority for the Defence Forces, given the extensive nature of their roles on overseas Peace Support Missions, the threat from improvised explosive devices and the potential for hostile fire in certain threat environments. Force protection remains a key issue in overseas peace support operations and it is very important that vehicles such as these are available to our personnel. The vehicles will have a high level of protection and mine defence capabilities and will be equipped with self defence weapon platforms.

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The purchase of the vehicles is in line with the commitment given in the Programme for Government to continue investment in modern equipment for Defence Forces Personnel and the obligations of the State to provide appropriate support and force protection assets to deployed personnel.

Question No. 50 answered with Question No. 32.

Ministerial Transport.

51. **Deputy Joe Costello** asked the Minister for Defence the action he will take in relation to the Ministerial Air Transport Service following the recommendation of the report of the special group on public service numbers and expenditure programmes that Departments be charged the full economic cost of this service in the interest of transparency and to provide opportunities for these services to be procured from private sector providers when this is more economical. [34851/09]

Minister for Defence (Deputy Willie O’Dea): Consideration of the recommendations arising from the report of the special group on public service numbers and expenditure programmes, and the decisions on all of the issues arising will be a matter for the Government, including the recommendation that Departments be charged the full economic cost of the Ministerial Air Transport Service.

It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

Defence Forces Regulations.

52. **Deputy Seán Sherlock** asked the Minister for Defence the number of positive results that have been obtained since the targeted drugs testing was introduced in April 2009. [34858/09]

Minister for Defence (Deputy Willie O’Dea): I amended the Defence Force Regulations to provide for Targeted Drug Testing (TDT) with effect from 11 March, 2009. Since the introduction of the amended regulatory procedures four members of the Defence Forces comprising two members of the PDF and two from the RDF have failed a Compulsory Random Drug Test. To date no members of the Defence Forces have failed a TDT.

The Irish Defence Forces policy on drug and substance abuse or misuse is based on the premise that unlawful possession, supply or use of a controlled drug is incompatible with membership of the Defence Forces and any member who tests positive may be removed from the Defence Forces.

The objective of Targeted Drugs Testing (TDT) is to ensure that an individual, who has tested positive for the presence of a controlled drug in a Compulsory Random Drug Test (CRDT) or TDT but who conditionally remains in service as a result of a decision of their Formation Commander, is performing his/her military duties devoid of the presence and/or influence of any controlled drug or substance. TDT involves the individual agreeing to submit to targeted drugs testing, in addition to the random selection process, for a period of up to 18 months.

Question No. 53 answered with Question No. 21.

Departmental Reports.

54. **Deputy Willie Penrose** asked the Minister for Defence if the report of the Governance

Committee within the Irish Red Cross, which is currently considering the governance organisational structures and electoral arrangements of the society, has reported. [34861/09]

Minister for Defence (Deputy Willie O’Dea): The Irish Red Cross Society is an autonomous charitable body with full powers to manage and administer its affairs through its governing body, the Central Council. I have no function in the day to day administration of the Irish Red Cross and, as such, I do not get involved in the day to day running of its affairs.

A range of issues relating to the governance, organisational structures, and electoral arrangements of the society are currently the subject of consideration by a governance committee within the society. That committee is expected to report to the executive committee and the Central Council before the end of this year.

The contents of the report will be subject to discussion between the Departments of Taoiseach, Foreign Affairs and Defence and the Irish Red Cross Society and the International Federation of Red Cross and Red Crescent Societies.

Question No. 55 answered with Question No. 18.

Question No. 56 answered with Question No. 16.

Defence Forces Representation.

57. **Deputy Charlie O’Connor** asked the Minister for Defence the legislation and regulations governing the operation of the system of representation within the Defence Forces; if he has satisfied himself that it is operating satisfactorily; and if he will make a statement on the matter. [34738/09]

Minister for Defence (Deputy Willie O’Dea): The Defence (Amendment) Act 1990 and Defence Force Regulations S6 provide for the establishment of representative associations for members of the Permanent Defence Force. Defence Force Regulations S7 provide for representation for members of the Reserve Defence Forces.

A scheme of Conciliation and Arbitration (C & A) for members of the Permanent Defence Force was established in 1993 and provides a formal mechanism for both RACO and PDFORRA to engage with the official side on matters which come within the scope of the scheme. Under the scheme, Conciliation Council meetings are held with each association on alternate months. In addition, a number of sub-committees have also been established and meet on a regular basis.

Both the associations and the official side have put a lot of work into the development of representation over the years. The provisions of the C & A scheme were not framed with a view to restricting RACO or PDFORRA in any of their legitimate activities. On the contrary, the scheme has served to vindicate and protect the associations rights over the years and sustain representation in a manner that has met the needs of their members and the modernisation agenda of the Defence Forces.

Regular meetings are also held with the Reserve Defence Force Representative Association. There is also day to day interaction between all associations and officials of my Department. I am satisfied that the existing arrangements are operating satisfactorily. These arrangements have been a source of benefit both to my Department and to the associations and have contributed to the successful modernisation of the Defence Forces.

Overseas Missions.

58. **Deputy Lucinda Creighton** asked the Minister for Defence the number of members of the Defence Force serving in Afghanistan; the person under whose command they are serving; the international mandate under which they are serving; and if he will make a statement on the matter. [34874/09]

64. **Deputy Lucinda Creighton** asked the Minister for Defence the role or mission of each member of the Defence Forces currently serving in Afghanistan; and if he will make a statement on the matter. [34735/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 58 and 64 together.

Ireland has participated in the International Security Assistance Force (ISAF) in Afghanistan since 5 July 2002, following the Government Decision of 2 July 2002, authorising the provision of seven members of the Permanent Defence Force for service with the force. Since then, the Government has reviewed and approved, on an annual basis, the continued participation by seven members of the Permanent Defence Force in ISAF.

On 20 December 2001, the UN Security Council unanimously adopted Resolution 1386 under Chapter VII of the UN Charter, authorising the establishment of an International Security Assistance Force (ISAF) in Afghanistan for six months. The role of the force is to assist the Interim Afghanistan Authority in the maintenance of security in Kabul and the surrounding areas. NATO assumed the lead in ISAF on 11 August 2003. In October 2003 the UN Security Council extended the authorisation of ISAF to cover all of Afghanistan. On 22 September 2008 the UN Security Council extended the current mandate until 12 October 2009 under Resolution 1833.

The seven Irish personnel, comprising four Officers and three Non Commissioned Officers, currently serving with the force are located in ISAF HQ, Kabul and work in staff appointments in planning and administrative roles. Irish personnel serving with ISAF come under the operational control of the Force Commander.

Question No. 59 answered with Question No. 34.

Question No. 60 answered with Question No. 8.

Question No. 61 answered with Question No. 34.

Army Barracks.

62. **Deputy Denis Naughten** asked the Minister for Defence the planned developments at Custume Barracks, Athlone, County Westmeath; and if he will make a statement on the matter. [34695/09]

Minister for Defence (Deputy Willie O’Dea): My Department is engaged in an on-going capital building programme designed to modernise and enhance the training, operational and accommodation facilities available to the Defence Forces both Permanent and Reserve. The programme focuses mainly on infrastructural projects comprising of the construction of new buildings and the refurbishment of existing buildings.

Projects in the Capital Programme are prioritised in terms of addressing the Defence Forces operational requirements taking into account the annual capital allocation for the on-going building programme.

In Custume Barracks, Athlone, a contract was recently placed to build a new gym and work is progressing on site. It is hoped that this project will be completed by mid 2010. It is also planned to provide new garaging and offices and have a major upgrade of the gas and water mains in the Barracks. It is anticipated that all of this work will be completed by the end of 2010. The cost of these works is approximately €3.5 million. My department is committed to continuing the capital programme in line with the available funds and the prioritised requirements of the Defence Forces.

Question No. 63 answered with Question No. 21.

Question No. 64 answered with Question No. 58.

Question No. 65 answered with Question No. 20.

Job Creation.

66. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of job losses and new jobs created by job creation agencies in County Louth by location for each year for the past five years; the amount of money invested in job creation; the amount of land zoned for employment by location in County Louth for each of these years; her plans to attract new employment to the county; and if she will make a statement on the matter. [34983/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The State Development agencies, IDA Ireland and Enterprise Ireland, and the Louth County Enterprise Board are responsible for job creation in County Louth.

Since 2005 and up to 31st August 2009, Enterprise Ireland has paid almost €9 million in grants to its client companies in County Louth. In the period from 2004 to 2008, IDA Ireland paid a total of €2,921,960 in grants to its client companies.

The Forfás Annual Employment Survey publishes details of job losses and gains in companies supported by IDA Ireland and Enterprise Ireland. Data is compiled on an annual basis and is aggregated at County level. It is therefore not possible to provide information for individual locations throughout the County. The number of jobs created by IDA Ireland and Enterprise Ireland supported companies in County Louth and subsequent job losses for each year from 2004 to 2008 is set out in the attached tabular statement.

In relation to the Louth County Enterprise Board, my Department does not collect or retain information on the number of specific job losses in CEB assisted companies at county or sub-county level. A breakdown of grants issued, projects assisted and net jobs created is also contained in the following tables. The figures in respect of net jobs are based on the Annual Survey of jobs in CEB sponsored companies, excluding jobs existing prior to CEB assistance. Data is collated on the yearly net increase or decrease in the number of full-time equivalent jobs created in CEB assisted companies. The figures in respect of net jobs created for 2009 will not be available until early 2010.

Enterprise Ireland has prepared a new recovery strategy to identify the actions that will be undertaken to help clients in 2009 and beyond. The agency has refocused its efforts on strength-

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ening and sustaining companies of strategic importance through a range of initiatives focused on the needs of their client base. In relation to County Louth, a new Enterprise Ireland funded Border Enterprise Development programme was launched in March 2009 in which mentoring, training, incubation space and Commercialisation of Research and Development funding will be available to successful projects. As part of the Enterprise Start Programme, Enterprise Ireland recently held an information session in Dundalk highlighting the supports available for potential entrepreneurs and a two-night workshop for entrepreneurs will be held in Dundalk in October 2009.

In addition to providing grant aid, IDA Ireland also provides a range of property solutions to client companies. In the period 2004 to 2008, IDA has invested a total of €31,491,518 on the purchase and development of suitable sites at various locations in County Louth.

Louth County Enterprise Board remains central in assisting many micro-enterprises in developing their growth potential and continues to be proactive in ensuring that available funds are targeted to maximize entrepreneurial development throughout 2009.

I am satisfied that the policies and initiatives being adopted by the State Development agencies and the Louth County Enterprise Board will continue to drive job creation in the County.

Enterprise Ireland Client Companies — Full Time Job Gains and Losses in County Louth

Year	2004	2005	2006	2007	2008
Jobs Gains	514	468	409	394	401
Jobs Losses	435	211	237	401	612

IDA Ireland supported companies — New Jobs Created and Jobs Lost

Year	2004	2005	2006	2007	2008
Jobs Gains	101	150	289	198	121
Jobs Losses	117	128	287	172	433

Louth County Enterprise Board — Grants, Projects and Net Jobs

Year	Grants Issued	Projects Assisted (Grants)	Net Jobs Created
	€		
2004	299,766.84	29	78
2005	223,325.28	41	220
2006	305,411.03	24	54
2007	216,188.75	28	-95
2008	236,617.00	17	14.5
2009 (to date)	62,154.90	11	Not yet available
Total	1,343,463.80	150	271.5

Company Closures.

67. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will intervene in the Labour Relation Commission to ensure that a company (details

supplied) will implement the redundancy payments to the workers of a company arising from the decision to cease production at the end of October 2009. [35006/09]

68. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will intervene in the Labour Relation Commission to ensure that a company (details supplied) will implement the redundancy payments to the workers of the company arising from the decision to cease production at the end of October 2009; and if she will make a statement on the matter. [35007/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I propose to take Questions Nos. 67 and 68 together.

I presume that the Deputy is referring the decision announced by Johnston Press to close the Kilkenny People Printing works.

I understand that the company announced the closure of its Kilkenny plant on 11 September, with the loss of 46 jobs. However, the company has not notified me of any planned redundancies pursuant to the Protection of Employment Act 1977 (as amended), which obliges a company to give the Minister for Enterprise, Trade & Employment written notice of “collective redundancy” proposals at the earliest opportunity and at least 30 days before the first dismissal takes effect.

Media reports in September stated that union representatives at the Kilkenny plant were in consultation with Johnston Press on redundancy terms for the 42 full-time staff and four part-time staff at the plant. In this case, I understand that neither the employee’s representatives nor the employer has referred the matter to the Labour Relations Commission’s Conciliation Service.

The services of the Labour Relations Commission are, of course, available to the parties, if required. If their own efforts have failed to resolve any issues in dispute, either party may ask the Labour Relations Commission to assist in resolving the matter.

Departmental Agencies.

69. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she or officials from her Department sought written consent from the Department of Finance for the retirement package agreed with the former director general of FÁS as is required under legislation; and if she will make a statement on the matter. [35012/09]

70. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she gave written or verbal consent to the former director general of FÁS to keep their company car as part of their retirement package; and if she will make a statement on the matter. [35015/09]

73. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if written or verbal threats of legal action were received by her or her Department officials from any source relating to the departure of the former director general of FÁS; and if she will make a statement on the matter. [35018/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 69, 70 and 73 together.

Officials from my Department sought and received written consent from the Department of Finance for the following severance arrangements for the former Director General of FÁS under Section 6(3) of the Labour Services Act 1987: superannuation benefits (Pension and

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Lump Sum) based on 40 years service, including added notional service; and an ex-gratia payment, equivalent to 6 months salary amounting to €111,243.50.

The issue of granting the former Director General the car he had been using for official purposes was a matter for the FAS Board to decide and this was approved by the Board.

An actual threat of legal action did not emerge in the light of how the negotiations advanced as they focused on the severance arrangements which might be provided to Mr Molloy in the event that he resigned voluntarily.

71. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she prepared a statement of support for the board of FÁS; the reason for not issuing such a statement; and if she will make a statement on the matter. [35016/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): A draft note was prepared in my Department in order to convey a desire to ensure an orderly transition to the new Board structure as provided for in the recently published Labour Services Amendment Bill, 2009. It was not issued as a press statement.

Legal Advices.

72. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the issues she sought legal advice on in 2009; and if she will make a statement on the matter. [35017/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I believe it is neither feasible nor prudent to disclose, by way of a general listing unrelated to any specific issue, the issues on which I, or my Department, have sought legal advice. If, however, the Deputy has a particular case in mind, he might table a Question on the matter and I will see whether I can provide specific information to him without prejudicing the administration of law or the prosecution of individual cases.

Question No. 73 answered with Question No. 69.

Departmental Staff.

74. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of vacant civil servant or public servant positions in her Department on 1 October 2009, and in the State bodies or organisations answerable to her; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35037/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The following tables outline the position on 1 October 2009 in relation to the number of vacant positions in my Department, the number of vacancies in all State bodies and organisations answerable to me; the grade and the average length of the vacancies in each case.

Posts vacated as a result of the Incentivised Scheme for Early Retirement and the special Incentivised Career Break Scheme do not represent vacancies and are, therefore, not included in the table above.

Departmental Vacancies

Grade	Number of vacancies	Length of vacancies	Application sought for exemption
Assistant Secretary	Nil	Nil	No
Principal Officer	1.0	3 months	Yes Sanction received
Assistant Principal Officer	2.6	5 months	No
Higher Executive Officer	4.8	14 months	No
Executive Officer	12.5	11 months	No
Staff Officer	3.0	6 months	No
Clerical Officer	7.5	9 months	No
Service Officer	1.0	5 months	No

Enterprise Ireland

Vacancies	Grade	Average length of vacancies	Application sought for exemption
9	1 Level F 3 Level E 5 Level D	4.1 months	Yes in all cases

IDA Ireland*

Vacancies	Grade	Average length of vacancies	Application sought for exemption
8	2 Level F 3 Level E 1 Level B 2 Graduate Trainee	3 months	No No No Yes

Shannon Development

Vacancies	Grade	Average length of vacancies	Application sought for exemption
2	E3 E4	3 months	No No

Forfás

Vacancies	Grade	Average length of vacancies	Application sought for exemption
16	3 Level A & B 1.5 Level C 6.5 Level D 2 Level E 3 Graduate Trainee	5 months 3 months 9 months 5 months 2 months	No in all cases

[Deputy Mary Coughlan.]

National Standards Authority of Ireland

Vacancies	Grade	Average length of vacancies	Application sought for exemption
15	4 Level B 2 Level C 1 Level E 3 T2 4 SSO 1 PSO	11 months 6 months 4 months 8 months 2 months 6 months	No in all cases

County and City Enterprise Boards

Vacancies	Grade	Average length of vacancies	Application sought for exemption
7	3 CEO 1 Assistant CEO 3 Business Advisors	10 months	No in all cases

The National Consumer Agency**

Vacancies	Grade	Average length of vacancies	Application sought for exemption
10	2 AP 3 HEO 3 EO 2 CO	4 months	Yes in all cases

The Competition Authority

Vacancies	Grade	Average length of vacancies	Application sought for exemption
9	1 Member 6 Case Officer 1 Detective Sergeant 1 CO	10 months 1-13 months 22 months 12 months	No Yes, 1 only No No

Irish Auditing and Accounting Supervisory Authority

Vacancies	Grade	Average length of vacancies	Application sought for exemption
3	1 Project Manager 1 Administrative Executive 1 Clerical support Officer	3 years	Yes No No

The Health and Safety Authority

Vacancies	Grade	Average length of vacancies	Application sought for exemption
1	1 Inspector Grade 1	3 weeks	No

FÁS

Vacancies	Grade	Average length of vacancies	Application sought for exemption
86.16	5 Grade 6 27 Grade 8 27.16 Grade 10 27 Grade 11	7-8 months	Yes in the case of 4 Grade 10 posts No in all other cases

*IDA Ireland has two staff members returning from Career Break in October 2009.

**The Department of Finance has agreed to the filling of these vacancies by redeployment of staff from other Government departments and agencies.

***Science Foundation Ireland and the Personal Injuries Assessment Board have indicated that they have no vacancies at this time.

InterTradeIreland

The moratorium on recruitment does not apply to the North South Bodies on the condition that the efficiency guidance agreed by Finance Ministers is applied.

Small Business Forum.

75. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the recommendations of the Small Business Forum which have been implemented by her; the progress made in implementing other recommendations; and if she will make a statement on the matter. [35060/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Third Progress Report on the Implementation of the Small Business Forum's recommendations was published on my Department's Website on 10 December 2007. This Report sets out in detail the substantial progress made on implementing the key recommendations since the SBF Report's publication in May 2006.

In the intervening period, Government has continued to implement outstanding elements of the SBF recommendations and to address additional concerns of SMEs in response to changing economic circumstances.

While identifying a number of key issues facing the SME sector, the Small Business Forum placed a particular emphasis on the environment for conducting business in Ireland and on access to finance for SMEs. Government focus has been on actions to sustain a positive business environment, including the proper functioning of the banking system, allied with specific targeted supports for SMEs through the enterprise development agencies.

In particular developments in the financial sector and wider economy during the intervening period broadened the concerns for SMEs in relation to gaining access to finance and bank credit. My Department has held regular meetings with the representative bodies of the SME sector and other stakeholders in relation to issues impacting on the sector and established the Roundtable on Access to Bank Credit and subsequently the Credit Supply Clearing Group to specifically deal with access to bank credit issues.

[Deputy Mary Coughlan.]

The Government has focused on creating a fit for purpose banking system and taken actions to sustain the banks and facilitate the flow of credit to the wider economy. The Bank Guarantee Scheme, the Banks' Recapitalisation Scheme, the nationalisation of Anglo Irish Bank and the publication of legislation regarding the establishment of the National Assets Management Agency were all aimed at this.

Under the Recapitalisation Scheme additional measures were introduced to support SMEs including a commitment to increase lending capacity to SMEs by 10%, the establishment of a €100m environmental and clean energy innovation fund by each bank, the contribution of a further €15m by each bank to new or existing seed capital funds, the introduction of the banks' Code of Conduct on Business Lending to SMEs, and the undertaking of an Independent Review of Bank Credit.

In the context of access to finance, Irish Banks have drawn down European Investment Bank (EIB) funding for loans for SMEs. In 2009, the EIB made €300m available to Bank of Ireland, Allied Irish Banks and Ulster Bank for onward lending to SMEs carrying out investment projects. This was additional to €50m previously made available to Bank of Scotland Ireland through its UK parent.

Within my own Department, the enterprise development agencies such as Enterprise Ireland, FÁS and the County and City Enterprise Boards have continued to assist enterprises through their grant and advisory schemes. Significant allocations were made in my Department's Estimates for 2008 and 2009 to sustain the work of the development agencies. The €100m Enterprise Stabilisation Fund and the €250m Employment Subsidy Scheme are additional measures to make funding available to assist SMEs through the current difficulties.

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

Since the Third SBF Progress Report, the Finance Act 2008 introduced specific measures to benefit SMEs. VAT Registration Turnover Thresholds were further increased — for the second successive year — from 1 May 2008, to €37,500 for services and to €75,000 for goods respectively. Small companies are now permitted to calculate their Preliminary Corporation Tax payments based on 100% of the prior-period tax liability if their tax liability for the prior period did not exceed a certain threshold. This threshold was increased to €200,000. This was effective for preliminary tax payment dates arising after 5 December 2007. · New companies, which do not expect their tax liability for the first year to exceed €200,000, are no longer obliged to pay preliminary tax in that first year. This was effective for preliminary tax payment dates arising after 5 December 2007.

A second edition of the Small Business in Ireland Report was published by the Central Statistics Office in May 2008. This Report improves data availability and presents a comprehensive analysis of the contribution of small business to the Irish economy. Recommendations previously implemented continue in force and progress has also been made in other areas addressed by the Small Business Forum.

As I announced last week, I intend to re-convene the Small Business Forum to gain its assessment and views on the impact of the current economic situation on the needs of the SME sector as it positions itself for recovery. The SBF will also consider the new arrangements now necessary for ongoing structured dialogue between policy makers and stakeholders in the sector

to ensure a continued common understanding of all the issues and the potential means of address. This meeting of the Small Business Forum will take place in the coming weeks.

Business Regulation Forum.

76. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the recommendations of the Business Regulation Forum which have been implemented by her; the progress made in implementing other recommendations; and if she will make a statement on the matter. [35061/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): In April 2007 the Business Regulation Forum made one recommendation: that an administrative burden reduction programme for business should be initiated in Ireland. The programme was to have the following characteristics: (a) a prioritised approach should be adopted i.e. the heaviest burdens should be reduced first; (b) the Standard Cost Model should be used to measure the prioritised administrative burdens; (c) there should be a target; and (d) there should be a clear time-frame for delivery.

In March 2008 the Government set a 25% target to reduce administrative burdens on business arising from regulations by 2012. My Department is currently coordinating the project across Government.

Departmental Expenditure.

77. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 86 of 24 June 2009, the position regarding this issue; and if she will make a statement on the matter. [35078/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The total 2009 allocation of €16.595m of Departmental funding of Skillnets Ltd. activity has been drawn down in full. Disbursement of grant aid and relevant communications with individual networks are operational matters for Skillnets Ltd. in which I have no function.

All publicly funded training programmes for those in work are currently being reviewed in the context of the 2010 estimates process. It is not possible in advance of the completion of the estimates process, culminating in Budget day announcements by the Minister for Finance, to give any commitment to continued funding for any existing programme or to particular levels of any such funding.

Job Creation.

78. **Deputy Michael McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will respond to correspondence (details supplied) regarding employment activation measures. [35090/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The various activation measures announced in the Supplementary Budget include the provision of various training initiatives that are designed to provide portable and transferable skills in a range of areas that will increase participants' employability throughout all sectors of industry. The initiatives seek, where possible, to provide accredited training programmes that are recognized by the National Framework of Qualifications (NFQ). This pursuit is consistent with the long-term objective of the National Skills Strategy which has highlighted a need to upskill, by 2020, some 500,000 workers by at least one level on the NFQ.

[Deputy Mary Coughlan.]

A key element of the Government's labour market activation strategy is the maintaining people's closeness to the labour market. Keeping people as close to the labour market while they are unemployed will enable them to access employment opportunities more readily and ease their transition back into the labour market.

To respond to the numbers of unemployed I have increased the capacity of the job search services within FÁS from 6,500 to 12,250 persons per month. This brings the total number of places for referrals by the Department of Social and Family Affairs to 147,000 per year.

My Department has through the significant redeployment of resources substantially increased the number of activation training and work experience places it funds through FÁS to over 130,000. This is a considerable accomplishment given that it is almost double the 66,000 places, which were available at the end of last year.

The majority of the additional places provided are delivered under the FÁS Training Initiatives Strategy, which delivers occupation-specific skills training to unemployed people. These courses are delivered in a variety of methods including short courses, evening courses, on-line and blended learning courses. Since the start of 2009 the Government has quadrupled to 92,000 the number of places on training courses under the FÁS Training Initiatives Strategy.

A number of new training programmes for those who have lost their jobs in the construction sector have been introduced by FÁS. These new courses are aimed at helping those in construction to convert or upgrade their skills to take advantage of the new wave of green and clean-tech opportunities coming on-stream nationally. During 2009 FÁS expect to train 1,720 people through Gas, Renewable Energy and Sustainable Energy courses this year more than double 2008 and expects this trend to continue into 2010. Other courses in development are Passive Houses (A rated buildings), Wind Turbine Installation. FÁS is also planning on expanding the range of courses in this area next year to include design courses, passive houses, mechanical and civil works (micro-generation), management in a sustainable environment and a large (> 50kW) wind turbine suite of courses.

Several new activation measures have also been launched. These include a Work Placement Programme for those who are unemployed, including graduates. Specific training programmes for those on short time work and a programme to enable the unemployed participate in third level courses on a part time basis.

The Government recently announced the Employment Subsidy Scheme (Temporary), which aims to help employees retain their jobs and employers their skilled workforce in these uncertain times. The scheme will support up to 27,400 jobs. The scheme will apply to vulnerable but viable companies in the manufacturing or internationally traded service sectors that are currently engaged in exporting

FÁS also continues to deliver an extensive range of training through its network of Training Centres and contracted training providers to its clients who comprise jobseekers, job changers, redundant persons, school leavers and disadvantaged persons with an emphasis on training for the unemployed. It also provides a range of services in co-operation with different community groups that focus on the integration/re-integration into the labour market of long-term unemployed and other marginalised people.

Higher Education Grants.

79. **Deputy George Lee** asked the Tánaiste and Minister for Enterprise, Trade and Employment the training options available for unemployed people with third level qualifications; the reason third level courses are ineligible to be funded under the technical employment support

grant; her plans to make third level courses eligible to be funded under the technical employment support grant; and if she will make a statement on the matter. [35104/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):

FÁS has increased the range of training options available to unemployed persons including those with a 3rd level qualification to assist their re-entry into the labour market. Courses, such as Specific Skills Training and Traineeships which lead to major awards on the National Framework of Qualifications continue to be offered. FÁS also offers a number of Short Courses (typically 2 modules) as well as Evening Courses, On-Line Courses and Blended Learning Courses which usually lead to component certification and/or industry recognised certification.

Significant numbers of unemployed persons, including those with a 3rd level qualification, continue to participate on the above training options. For example in 2008, 27% of participants on SST courses had a 3rd level qualification as had 23% of those on Traineeships. The choice of course follows a guidance interview and agreement of a Career Action Plan where the applicant in conjunction with the FÁS Employment Services Officer (ESO) deems the course appropriate to their career and employment aspirations.

Some new courses are proving popular with those with a 3rd level qualification. These include Management Development programmes at Level 6, 7 and 8, Three-Dimensional CAD for redundant architects, Start your Own Business for a variety of redundant professionals, 'Green' technology courses for those who worked in the construction industry, as well as an Entrepreneurial Skills Programme for redundant workers in Financial Services.

FÁS is also in the process of rolling out a very successful programme called 'Executive/Professional Networking and Support Programme into all FÁS regions to provide support, information and networking to redundant executives, professionals and senior technicians. Typical participants include CEOs, MDs, Architects, Solicitors, HR Managers, IT Project Managers, Senior Technicians and Financial Services Consultants. Most have a 3rd level qualification. The programme will support participants to identify new strategies and develop new skills to meet the changing demands of the labour market, to re-engage quickly with the market place in either a full or part-time capacity, or make a change in career direction or commence a business start up.

The Department of Social and Family Affairs (DSFA:) administers a Back to Education Allowance (BTEA) scheme for unemployed people, lone parents and people with disabilities who are getting certain payment from DSFA. The allowance can be paid to people who wish to do or take second or third level courses of education. From the 1st May 2009, to qualify for the third level option, the length of time a person must be getting a qualifying social welfare payment was reduced from 12 months to 9 months in line with the National Employment Action Plan when recommended by a Facilitator from DSFA. The Department of Education and Science (co-funded by the Department of Enterprise, Trade and Employment): has put in place a programme for the provision of third level places for Jobseekers. 1,000 part-time post-graduate third-level places and a further 1,500 part-time undergraduate college places are available for jobseekers. Successful applicants to the scheme will be entitled to continue to receive a DSFA payment and there will be no tuition fees for these programmes

The Technical Employment Support Grant (TESG) is used where a FÁS Employment Services Officer meets a jobseeker and during the course of a guidance interview, identifies that the jobseeker has a support need to enter/re-enter the labour market, and that this need cannot be met by FÁS directly or any other state provider, within a reasonable timeframe or at a location convenient to the jobseeker.

[Deputy Mary Coughlan.]

The following client groups are eligible at present for support under Technical Employment Support Grant (TESG): Jobseekers that are considered to be distant from the labour market e.g. homeless people, ex-prisoners, members of the Traveller community and people made redundant with low skills; Ex-Job Initiative participants or current participants who wish to explore alternative training/employment options; Employment Action Plan (EAP) jobseekers; and People with a Disability.

The Technical Employment Support Grant has a limited budget which is focused on short term interventions. It is not the intention of this fund to support full time or part time third level programmes. However FÁS is currently reviewing the feasibility of supporting short term upskilling programmes which may be provided by third level institutions.

Ministerial Travel.

80. **Deputy John O'Mahony** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of foreign visits undertaken by her and her Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if she will provide the information in tabular form; and if she will make a statement on the matter. [35113/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): It has not been possible in the time available to compile all the information requested in regard to the number and location of foreign visits and the composition of travelling parties. I have therefore arranged to have the information prepared and will communicate this to the Deputy.

In relation to the costs, as I pointed out to the House, on 6 October, the information available is limited by the level at which details are recorded on my Department's financial systems.

It is not practicable, therefore, to provide details of the cost of each individual Ministerial overseas travel engagement. However, the table below provides, as far as the information is available, the total identifiable cost related to foreign travel undertaken by all Ministers and Ministers of State at my Department for each year since 2007.

Total cost related to foreign travel undertaken by Ministers and Ministers of State at the Department of Enterprise, Trade and Employment 2007-2009

Year	Total Cost
	€
2007	146,980.61
2008	184,369.39
2009 (to date)	43,907.26

Departmental Agencies.

81. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has received a report into an organisation (details supplied); and if she will make a statement on the matter. [35156/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I understand from FÁS that an audit was initiated by its Internal Audit Department in 2008 in response to a request from local management regarding aspects of the assessment process carried out by an external contractor.

FÁS is dealing with the findings of the Audit Report including a revision of the relevant procedures, the enhancement of the contract used when dealing with external contractors and the development of a protocol to allow appropriate sanctions to be taken against external contractors. The relevant external certifying bodies have been informed of the audit findings. In addition, where necessary, FÁS clients are re-assessed to ensure the integrity of the certification process.

Departmental Expenditure.

82. **Deputy John O'Mahony** asked the Minister for Finance the cost of printing polling cards for the Lisbon treaty referendum held on 2 October 2009; and if he will make a statement on the matter. [34998/09]

83. **Deputy John O'Mahony** asked the Minister for Finance the cost of sending out polling cards for the Lisbon treaty referendum held on 2 October 2009; and if he will make a statement on the matter. [34999/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 82 and 83 together.

I am informed that the cost of producing the combined polling card plus the statement for the information of voters for the Lisbon Referendum held on 2 October 2009 amounted to €290,081.56. While my Department has not yet been invoiced by An Post for the delivery of this document to every voter, it is estimated that postal charges will amount to some €2m.

Social Welfare Benefits.

84. **Deputy Joanna Tuffy** asked the Minister for Finance if he will make provisions for homeowners who find themselves in a situation in which either they or their spouse or partner are out of work and are unable to meet their mortgage repayments and consequently may face repossession of their properties by the lending institutions; and if he will make a statement on the matter. [34997/09]

Minister for Finance (Deputy Brian Lenihan): It is a particular priority of the Government to ensure as much as possible that difficulties in relation to mortgage arrears do not result in legal proceedings for home repossession. Home repossession should be and generally is the last resort for the lender and the preferred method of dealing with arrears cases should be early intervention.

There are a number of important initiatives in place at this time to assist consumers who have fallen into debt or are in danger of falling into debt.

In terms of ensuring that people can continue to afford their mortgages the Government provides support for payment of mortgages under the Mortgage Interest Supplement Scheme. This scheme is administered by the Community Welfare Service of the Health Service Executive on behalf of the Department of Social and Family Affairs. It provides assistance where the mortgage relates to a person's principal private residence. Furthermore, people in debt or in danger of getting into debt can avail of the services of the Money Advice and Budgeting Service (MABS). This is a national, free, confidential and independent service. The Irish Banking Federation (IBF) and the Money Advice and Budgeting Service recently agreed an Operational Protocol on consumer debt. The Operational Protocol will enable MABS and the IBF to con-

[Deputy Brian Lenihan.]

tinue to work together effectively when dealing with debt problems of personal debtors who approach the MABS Service for assistance.

The Financial Regulator's Consumer Protection Code sets out requirements that a regulated entity must contact the consumer as soon as it becomes aware that a mortgage account is in arrears and that it must have in place a procedure for handling accounts in arrears.

The Financial Regulator also has in place a Code of Conduct on Mortgage Arrears. This Code applies to mortgage lending activities to consumers in respect of their principal private residence in the State and is mandatory for all mortgage lenders registered with the Financial Regulator. Under the code where a borrower is in difficulty the lender has to make every reasonable effort to agree an alternative repayment schedule and the lender has to give consideration on a case-by-case basis to alternatives such as deferral of payments, extending the term of the mortgage, changing the type of mortgage, or capitalising arrears and interest. Obviously cases will arise where the arrears situations persist despite newly agreed changes in repayment schedules. The Code provides that where the arrears situation persists, the lender may reserve the right to enforce the mortgage agreement. However, it must wait at least six months from the time arrears first arise before applying to the courts to commence enforcement of any legal action on repossession of a borrower's primary residence.

Furthermore, as part of their recapitalisation scheme, AIB and Bank of Ireland will not commence court proceedings for repossession of a principal private residence until after 12 months of arrears appearing where the customer continues to co-operate with the banks.

Tax Code.

85. **Deputy Phil Hogan** asked the Minister for Finance if it is the policy of the Revenue Commissioners not to prosecute financial institutions in certain circumstances in which an institution incorrectly terminates a customer attachment order; and if he will make a statement on the matter. [35008/09]

Minister for Finance (Deputy Brian Lenihan): The Revenue Commissioners are empowered under section 1002 of the Taxes Consolidation Act 1997 to attach monies due from third parties (including financial institutions) to a taxpayer in discharge of that taxpayer's unpaid tax debt to Revenue. That section sets out clear and specific obligations on a third party served with a Notice of Attachment. It also provides a comprehensive framework for the institution of appropriate proceedings by Revenue where there is a failure by any party to comply with the specific obligations that follow the serving of a Notice of Attachment by Revenue.

I am advised by the Revenue Commissioners that it is their policy to invoke the necessary legislative sanctions where there is a failure by a third party to comply with the obligations set out under s1002 of the Taxes Consolidation Act.

Departmental Agencies.

86. **Deputy Leo Varadkar** asked the Minister for Finance if he gave his written or verbal consent to the financial package agreed with the former director general of FÁS; if his consent included keeping the taxpayer-funded company car; and if he will make a statement on the matter. [35013/09]

Minister for Finance (Deputy Brian Lenihan): The severance package agreed on behalf of the former Director General of FAS was submitted to my Department by the Department of

Enterprise, Trade and Employment. My Department issued its consent, on the basis that it was an exceptional case and that the Department of Enterprise, Trade and Employment was satisfied that the terms of the package were appropriate in the circumstances. I was advised orally by my officials about the final package and having confirmed that it was within the guidelines I did not object to the terms.

My Department's consent to the company car being given the former Director General as part of the package agreed with him was not required and did not therefore form part of my Department's consent. I have dealt with the position in relation to the retention of a company car by a chief executive on retirement in my reply to the Deputy in Parliamentary Question No. 87.

87. **Deputy Leo Varadkar** asked the Minister for Finance the rules and regulations as distributed by his Department concerning directors of semi-State agencies keeping company cars as part of a retirement package; and if he will make a statement on the matter. [35014/09]

Minister for Finance (Deputy Brian Lenihan): The position in relation to the retention of a company car by a chief executive on retirement is dependent on the terms and conditions specified in the individual's contract of employment and any other relevant provisions in the body's establishment legislation.

In 2006, the Department of Finance wrote to all Government Departments circulating a template employment contract for chief executives in non-commercial state-sponsored bodies. This was intended as a guide to State Bodies and Government Departments in the preparation of contracts. The template provides that, where a car is supplied, the chief executive shall comply with all regulations laid down by the Agency from time to time with respect to company cars, and on the termination of appointment the chief executive shall return the company car to the Agency. Different provisions may apply in the case of contracts entered into before the issue of the template contract.

Departmental Staff.

88. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35039/09]

Minister for Finance (Deputy Brian Lenihan): The authorised staffing number (whole-time equivalent) in my Department on 1 October 2009 was 647.50. The total number of staff serving (whole-time equivalent) on the 27 March 2009 (the date of issue of the Department of Finance letter advising Departments and Offices of the moratorium) was 608.61. Serving numbers at 1 October were 581.53. Prioritisation of resource allocation in my Department, including the management of vacancies, is carried out on an ongoing basis with reference to the Department's business needs at any given time, the level of expenditure available from which to meet those commitments and the recommendations of the Report of the Special Group on Public Sector Numbers and Expenditure.

In relation to the Offices under the aegis of my Department, I have been advised the following is the position:

[Deputy Brian Lenihan.]

	No. Serving on 1 March 2009 (WTE)	No. Serving on 1 October 2009 (WTE)
Commission for Public Service Appointments	11.80	9.60
Public Appointments Service	144.51	123.66
Revenue Commissioners	6,611.00	6,357.00
State Laboratory	95.95	94.35
Valuation Office	162.00	156.00

WTE = Whole-time equivalent.

Given the overall numbers involved, and the fact that organisations are constantly managing their resources and vacancies, which will include the necessity to re-allocate, or reconfigure work areas and posts, it would not be possible to accurately reflect the duration of vacant posts.

I have also been advised by the Revenue Commissioner that they are involved in ongoing discussions with the Department of Finance about its staffing needs in the context of its projected staffing levels at the end of 2009 and the Report of the Special Group on Public Sector Numbers and Expenditure.

OPW is currently compiling the information required by the Deputy and will forward details directly to the deputy as soon as possible.

Ministerial Travel.

89. **Deputy John O'Mahony** asked the Minister for Finance the number of foreign visits undertaken by him or his Minister of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35115/09]

Minister for Finance (Deputy Brian Lenihan): In the time available to answer the question, it has not been possible to compile the information sought by the Deputy. However, the information will be compiled shortly and forwarded to the Deputy as soon as possible.

Departmental Agencies.

90. **Deputy Joan Burton** asked the Minister for Finance if he has issued guidelines in respect of expenses for board directors and senior executives at State boards and agencies; when such guidelines were issued and updated; the substance of said guidelines; the State bodies, enterprises or semi-State entities to which said guidelines were issued; if he will issue updated guidelines in view of recent revelations in this regard; and if he will make a statement on the matter. [35125/09]

Minister for Finance (Deputy Brian Lenihan): I presume the Deputy is referring to guidelines in relation to foreign travel.

My Department issued updated guidelines on foreign travel on 1 July 2009. These supersede instructions issued previously.

These guidelines were issued to all Government Departments. In addition to staff of Departments, the guidelines apply to all bodies and agencies under the aegis of Departments. The updated guidelines on travel are available on my Department's website at <http://www.finance.gov.ie>.

The instructions to Departments stated that the guidelines should be brought to the attention of such bodies in writing and that reassurance about compliance with the guidelines should be sought as part of the annual reporting procedure between the Chairperson of the State body and the relevant Minister prescribed in the Code of Practice for the Governance of State Bodies.

The Code of Practice which was updated in May 2009 reinforces and makes clear the policy and states that non-commercial state bodies should comply in all respects with the circulars issued from time to time by the Department of Finance regarding travel and subsistence, and that commercial bodies should be cognisant of the need to achieve economy and efficiency in expenditure on official travel. It also states that Boards of State bodies that incur significant annual expenditure on foreign travel by members of the staff or the Board should put appropriate procedures in place to monitor, report and enforce the relevant rules and requirements.

Preschool Services.

91. **Deputy Niall Collins** asked the Minister for Health and Children if a person (details supplied) in County Limerick can avail of free pre-school service; and if she will make a statement on the matter. [34973/09]

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 free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which is being introduced in January 2010

The age range in which children will qualify for the scheme in January 2010 is between 3 years 7 months and 4 years 10 months on the 1st January. Exceptions to the upper age limit will be considered where a child cannot start primary school until s/he is more than 5 years 6 months of age, due to either being assessed by the Health Service Executive (HSE) as being developmentally delayed or having a physical or sensory disability which prevents the child from availing of age-appropriate education. In such cases, the pre-school year relevant to such children will be taken as their qualifying year.

To apply for an exemption to be made on either of these grounds, a letter should be forwarded to the Childcare Directorate in my Office stating the reasons for the exception sought. The letter should be accompanied by a copy of the child's birth certificate, details of his or her Personal Public Service (PPS) number and the name and address of the pre-school service in which s/he will be enrolled. In addition, the letter should be accompanied either by a supporting assessment report from the HSE or, where relevant, by a letter from the Principal of the local primary school confirming the age admissions policy applied.

Given the timeframe available before the introduction of the first period of free pre-school provision in January next, it is accepted that not all parents will have had time to apply for and receive an assessment report in advance of this date. To accommodate parents in this position, a professional assessment other than from the HSE may be accepted. This would not include assessments provided, for example, by a General Practitioner.

Medical Cards.

92. **Deputy Catherine Byrne** asked the Minister for Health and Children when a decision will be made on an application for a medical card by a person (details supplied); and if she will make a statement on the matter. [34976/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services.

93. **Deputy John O'Mahony** asked the Minister for Health and Children the number of operations cancelled at University College Galway to date in 2009; and if she will make a statement on the matter. [34977/09]

94. **Deputy John O'Mahony** asked the Minister for Health and Children the number of operations cancelled at Roscommon General Hospital to date in 2009; and if she will make a statement on the matter. [34978/09]

95. **Deputy John O'Mahony** asked the Minister for Health and Children the number of operations cancelled at Sligo General Hospital to date in 2009; and if she will make a statement on the matter. [34979/09]

96. **Deputy John O'Mahony** asked the Minister for Health and Children the number of operations cancelled at Mayo General Hospital to date in 2009; and if she will make a statement on the matter. [34980/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 93 to 96, inclusive, together.

As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards.

97. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of medical card and general practitioner visit card applications received for counties Louth and Meath to date in 2009; the number granted to date under each category; the number of cards cancelled or withdrawn for each county; the reason for same; and if she will make a statement on the matter. [34982/09]

Minister for Health and Children (Deputy Mary Harney): The information sought by the Deputy is not provided by the Health Service Executive to my Department as a matter of routine. Therefore, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

98. **Deputy Finian McGrath** asked the Minister for Health and Children if the case of a person (details supplied) will be supported. [34985/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

National Treatment Purchase Fund.

99. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding an admission date for an operation in respect of a person (details supplied) in County Kildare; if they will be covered under the National Treatment Purchase Fund; and if she will make a statement on the matter. [34991/09]

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.

The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Health Service Staff.

100. **Deputy Phil Hogan** asked the Minister for Health and Children if an appeals procedure is in operation regarding decisions reached arising from mediation under the provisions of the Health Act 2004; if so, if this procedure is available; the terms of this procedure; and if she will make a statement on the matter. [35009/09]

101. **Deputy Phil Hogan** asked the Minister for Health and Children if she will confirm that the mediation provision under the Health Act 2004 regarding the location of new staff positions is still currently active and in operation; and if she will make a statement on the matter. [35010/09]

102. **Deputy Phil Hogan** asked the Minister for Health and Children the number of individual interventions made to the mediator under the provisions of the Health Act 2004; the grade and post of each individual that made an intervention; the dates of final agreement regarding each individual mediation; the cost to the Exchequer associated with each such intervention; and if she will make a statement on the matter. [35011/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 100 to 102, inclusive, together.

There is no provision for a mediation process contained in the Health Act 2004. However, arising from the establishment of the HSE and following an agreement with IMPACT, there was an option for certain former senior health board personnel, who did not obtain posts in the new HSE structure, to avail of a mediation process. The Department of Finance sanctioned the application, on an administrative basis, of public service superannuation “abolition of office” type terms where this was recommended by the independent mediator. This sanction was subject to the following conditions: it applied only to relevant posts at or above Director function; and the posts in question would be abolished with a corresponding reduction in the HSE’s employment ceiling. The Department of Finance sanction was initially capped at 10 cases and, subsequently, to a maximum of 33. Since July 2007, specific sanction must be sought from the Department of Finance for each person availing of the scheme. A total of 22 people have exited the system under this arrangement to date. I refer the Deputy to my reply to Parliamentary Question 34344/09 on 6 October 2009, which provided information on cases processed since June 2006, including costs. As far as my Department is aware, there are only a small number of outstanding cases which would remain to be considered.

Since operational responsibility for the mediation process rests with the HSE. I have accordingly referred the Deputy’s questions to the Executive for attention and direct reply to him.

Nursing Home Subventions.

103. **Deputy Tom Hayes** asked the Minister for Health and Children when the nursing home support scheme will be implemented. [35020/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The Minister announced on Monday that the Nursing Homes Support Scheme will commence on the 27th October 2009. The legislation providing for the scheme was signed into law on the 1st July 2009. Certain sections of the Act were commenced on the 3rd July to enable the National

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Treatment Purchase Fund to immediately begin price negotiations with private nursing homes. This work, which must be completed before the scheme can commence, is almost concluded.

As of the 5th October, the new care representative appointment process has commenced. This allows people to apply to the Circuit Court for appointment as a care representative where they wish to apply for the Nursing Home Loan on behalf of an applicant with reduced capacity.

In addition, the application form and information booklet for the scheme are now available to the public and may be obtained from the HSE. This will enable people to familiarise themselves with the application form and process, gather necessary information and generally prepare themselves so that they are ready to apply on the 27th October when the scheme is introduced.

Medical Cards.

104. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding a medical card application in respect of a person (details supplied) in County Limerick. [35022/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Community Care.

105. **Deputy Brian O’Shea** asked the Minister for Health and Children the number of community welfare officers employed in the Waterford Community Services on 31 December 2007; the number currently employed; if community welfare officers on long term sick leave or maternity leave are being replaced; and if she will make a statement on the matter. [35026/09]

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.

106. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow; if they will be seen; and if she will make a statement on the matter. [35028/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue, it has been referred to the HSE for direct reply.

Vaccination Programme.

107. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children her views on concerns expressed, both in the United States and in Britain, at the mercury content in the planned swine flu vaccine, same to be employed here; her reason for not following the lead given in the United States where a mercury free version of the vaccination is being produced that will be specifically targeted at pregnant women and younger children; and if she will make a statement on the matter. [35030/09]

Minister for Health and Children (Deputy Mary Harney): The mercury-containing compound in vaccines is thiomersal which is used as a preservative to prevent bacterial or fungal contamination of multi-dose vials of the H1N1 vaccine.

The Committee for Medicinal Products for Human Use at the European Medicines Agency has evaluated the scientific evidence in relation to the safety of thiomersal and has concluded that immunisation with vaccines containing thiomersal continues to offer benefits to the general population, including pregnant women and children. This is the agreed position for use of the vaccines within the EU. In Ireland the National Immunisation Advisory Committee has advised that there are no concerns with regards to the safety of thiomersal and vaccines containing thiomersal can be used for both adults and children.

Departmental Staff.

108. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of vacant civil servant or public servant positions in her Department on 1 October 2009, and in the State bodies or organisations answerable to her; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35041/09]

Minister for Health and Children (Deputy Mary Harney): The Department of Finance directed that with effect from 27th March 2009 to the end of 2010 no public service post, however arising, may be filled by recruitment, promotion, nor payment of an allowance for the performance of duties at a higher grade. Any exemptions to this principle require the prior sanction of the Minister for Finance. Since the introduction of the moratorium on staffing to 1st October 2009 the following staff (wholtime equivalents) have left my Department.

Grade	Number (WTE)
Principal Officer	2.00
Assistant Principal Officer	6.00
Higher Executive Officer	7.30
Administrative Officer	1.00
Executive Officer	9.20
Staff Officer	1.50
Clerical Officer	7.03
Other	4.60
Total	38.63

The figures above do not include (i) staff movement resulting from the Government's Decentralisation Programme or (ii) staff appointed to support the Minister/Ministers of State whose contracts expired when the relevant Minister/Minister of State ceased to hold office or (iii) one staff member who was employed on a temporary basis under the WAM programme.

No applications have been made to the Department of Finance requesting exemptions from the moratorium on staffing in relation to the vacancies arising as a result of staff leaving the Department. The vacancies generated have been managed through the re-organisation of work and re-allocation of work among remaining staff. Further staff, especially at Principal Officer and Assistant Principal Officer levels will retire over the coming weeks.

The information relating to the agencies that come under the aegis of my Department is currently being collated and will be forwarded to the Deputy as soon as it is available.

Health Services.

109. **Deputy Ulick Burke** asked the Minister for Health and Children the reason an appli-

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cation for additional home care hours in respect of a person (details supplied) in County Galway has been refused; and if she will make a statement on the matter. [35047/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards.

110. **Deputy John Perry** asked the Minister for Health and Children if she will ensure that a person (details supplied) in County Sligo will be awarded a medical card. [35050/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Service Staff.

111. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a matter (details supplied); and if she will make a statement on the matter. [35051/09]

Minister for Health and Children (Deputy Mary Harney): Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services.

112. **Deputy Jack Wall** asked the Minister for Health and Children the availability of maternity services to EU families residing here as in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35052/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards.

113. **Deputy Paul Connaughton** asked the Minister for Health and Children when a decision will be made on a medical card review in the case of a person (details supplied) in County Galway; and if she will make a statement on the matter. [35065/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services.

114. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if the results of tests will be made available in respect of a person (details supplied) in County Louth; and if she will make a statement on the matter. [35077/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue it has been referred to the Health Service Executive for direct reply.

Health Service Allowances.

115. **Deputy Michael Creed** asked the Minister for Health and Children if she will reconsider an appeal against a decision to refuse the back to school clothing and footwear allowance to a person (details supplied) in County Cork in view of the fact that their average weekly income over the past three months is less than the income threshold for this allowance; and if she will make a statement on the matter. [35087/09]

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.

Legislative Programme.

116. **Deputy Michael McGrath** asked the Minister for Health and Children if she will respond to a matter (details supplied). [35092/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Bill, 2009, which is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption, has passed through the Seanad and I am actively seeking time for its progression in the current Dáil session. I firmly believe that legislation and, specifically, the regime of the Hague Convention, provides an assurance for individual children, their families, and the State that appropriate procedures have been followed and that the adoption was affected in the best interests of the child. This applies in the case of adoptions from Russia, and other countries who have not, as yet, ratified the Hague Convention, and would seem unlikely to do so in the immediate future. Only adoptions effected before the commencement of the Act can be registered on the Register of Inter-Country Adoptions to be established under the Bill.

Medical Cards.

117. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding a medical card application by a person (details supplied) in County Cork. [35106/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Ministerial Travel.

118. **Deputy John O’Mahony** asked the Minister for Health and Children the number of foreign visits undertaken by her and her Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if she will provide the information in tabular form; and if she will make a statement on the matter. [35117/09]

Minister for Health and Children (Deputy Mary Harney): The information requested by the Deputy is not readily available in the format requested. My Department is collating the information at present and I will respond directly to the Deputy as soon as it is available.

Hospital Waiting Lists.

119. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath, admitted to the neurosurgical department at Beaumont Hospital, Dublin; if same can be expedited; and if she will make a statement on the matter. [35122/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service issue it has been referred to the Health Service Executive for direct reply.

Health Service Staff.

120. **Deputy James Reilly** asked the Minister for Health and Children the composition and terms of reference the committee established by the Health Service Executive and the State Claims Agency to consider the greater role of mediation in medical negligence cases; when it was established; when it is expected to report; and if she will make a statement on the matter. [35131/09]

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.

Inter-Country Adoptions.

121. **Deputy Frank Feighan** asked the Minister for Health and Children the position regarding the adoption agreement with Vietnam. [35155/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): In late August, I was made aware of two significant reports regarding child welfare, protection and adoption in Vietnam. The issues referred to in these two reports are of concern to the Government especially since they confirm anecdotal reports that have been aired in the past. Firstly, the Vietnamese Ministry of Labour, Invalids and Social Affairs, with technical assistance from UNICEF in Vietnam, published a report known as the ‘MoLISA Report’ entitled “*Creating a protective environment for children in Vietnam: An assessment of child protection laws and policies, especially children in special circumstances in Vietnam*”. The MoLISA report found that, *inter alia*:

- there are no detailed principles or criteria to guide the assessment in Vietnam of prospective guardians, foster parents or substitute families for orphans;
- there is no framework for the systematic, professional assessment of orphans and abandoned children to determine what type of placement would be in their best interest, and to ensure that they are matched with the most appropriate alternative family;
- there is no clear requirement that decisions about alternative care be based on the child’s best interest;
- there is no clear statement in law that international adoptions shall be used only as a last resort, once all options for placement within the country have been considered;
- there are no systematic procedures for ensuring that all efforts are made to find a suitable domestic family before consideration of international options;
- there is no requirement that birth parents be given counselling and be clearly informed of the consequences of adoption prior to giving consent.

The Report contains a series of recommendations including, the need to:

- reform the institutional care of orphaned and abandoned children in Vietnam;
- provide counselling to birth parents prior to giving consent to adoption;
- intensify preparations for accession to the Hague Convention on inter-country adoption;

- centralise authority to consider and approve inter-country adoptions, and
- stipulate that international adoptions may be considered only after all other options have been explored and, also, that the child cannot be placed into foster care or with a family or cannot, in any suitable manner, be cared for in Vietnam.

In addition to the MoLISA Report, I have recently received, in draft form, the report of an examination of inter-country adoption in Vietnam carried out by the International Social Services (ISS) — a UN-affiliated organisation. The report was jointly commissioned by UNICEF and the Vietnamese Ministry of Justice and seeks, inter alia, to “*identify and address problems in both domestic and inter-country adoption processes with a view to assisting Vietnam in its preparations to ratify the Hague Convention*”.

I will be considering these two reports jointly. These reports go to the heart of the matter in relation to concerns with inter-country adoption in Vietnam. I would be failing in my duty to protect children if I did not acknowledge and consider the content of these reports extremely carefully before deciding on an appropriate response.

Air Services.

122. **Deputy Joan Burton** asked the Minister for Transport if his attention has been drawn to the arrangements with respect to perquisites gifted to executives and former executives, board members and former board members at Aer Lingus, for example free flights; the executives and former executives, board members and former board members who are currently entitled to avail of said perquisites; his plans to use his position as chief shareholder in Aer Lingus to effect change in this regard; and if he will make a statement on the matter. [35126/09]

Minister for Transport (Deputy Noel Dempsey): This issue is a matter for the Board and management of the Company. However, I understand that arrangements with respect to perquisites gifted to executives and former executives of the airline are being actively reviewed by the Company.

Departmental Staff.

123. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35044/09]

Minister for Transport (Deputy Noel Dempsey): The current authorised complement of staff in my Department is 550. This is subject to a review by the Department of Finance in response to the Report of the Special Group on Public Service Numbers and Expenditure Programmes. Based on the existing authorised complement there are 18.42 vacancies in my Department. Vacancies have arisen on a staggered basis since the moratorium on promotion and recruitment was introduced on 27 March 2009. Further vacancies will arise following the departure of staff whose applications for early retirement or career break have been approved. As the closing date for the early retirement scheme has been extended to 16 October 2009, further applications may be received.

Of the positions that are now vacant and those that are expected to fall vacant, sanction has been sought from the Department of Finance for an exception to the moratorium in respect of 1 Assistant Secretary and 2 Principal Officer posts. The Department has also requested approval for some of the potential vacancies arising at Principal Officer level to be filled by

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redeployment. With regard to the State bodies under the aegis of my Department I should first of all state that the moratorium does not apply to commercial bodies. For the non-commercial State bodies the latest information provided to my Department suggests that the position in relation to vacancies is as follows: National Roads Authority — 5 vacancies Railway Safety Commission — 2 vacancies Medical Bureau of Road Safety — 2 vacancies.

No application has been made to date for an exception to the moratorium in respect of these vacancies.

However, in anticipation of prospective vacancies arising from staff on contract, an application has been made for an exception for 22 contract posts in the Road Safety Authority and for 6 contract posts in the Commission for Aviation Regulation.

The grades involved are as follows:

Road Safety Authority

Grade	Number
Assistant Principal	3
Higher Executive Officer	3
Executive Officer	2
Clerical Officer	3
Senior Vehicle Inspector	1
Vehicle Inspectors	10

Commission for Aviation Regulation

Grade	Number
Clerical Officer equiv.	3
Principal Officer equiv.	1
Assistant Principal equiv.	2

Rail Network.

124. **Deputy Michael Ring** asked the Minister for Transport the position regarding a project (details supplied); if the project is going according to the timeframe initially set out; if same is going ahead as planned; and if he will make a statement on the matter. [35084/09]

Minister for Transport (Deputy Noel Dempsey): Work is continuing on the first phase of the Western Rail Corridor, from Ennis to Athenry, and the line is on target to be completed by the end of the year. The Government has previously decided to reopen phases 2 (Athenry-Tuam) and 3 (Tuam-Claremorris) of the corridor under Transport 21, my Department's investment framework for the years 2006-2015.

The immediate next step, following completion of phase 1, will be for Iarnród Éireann to undertake a detailed evaluation of phases 2 and 3 with a view to arriving at precise costs to undertake the works. I am committed to progress planning on the Western Rail Corridor. The current funding environment is very difficult and it will not be possible to progress all the projects in Transport 21 in accordance with the ambitious timescale envisioned at its launch. Nevertheless, I am seeking to progress planning of projects such as the Western Rail Corridor

phases 2 and 3, to ensure that we are in a position to move speedily to construction when financial circumstances permit.

The Government will be reflecting on the McCarthy Report's recommendations over the months ahead. Decisions on implementation will rest with the Government and Dáil Éireann, including in the context of preparing the Budget for 2010 and later years. The Government has referred the Report for analysis and comment by the Oireachtas Committee on Finance and General Affairs prior to the Budget in December.

Ministerial Travel.

125. **Deputy John O'Mahony** asked the Minister for Transport the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35120/09]

Minister for Transport (Deputy Noel Dempsey): The information sought by the Deputy is being compiled and will be provided to him as soon as it is available.

Garda Investigations.

126. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform the number of gardaí, by rank, assigned to the Anglo Irish Bank Investigation; the number of these gardaí which have previous experience in investigating fraud; the number of which had been assigned to general duties only prior to being assigned to this investigation; and if he will make a statement on the matter. [35004/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that seventeen members of An Garda Síochána, comprising one Detective Superintendent, two Detective Inspectors, two Detective Sergeants, two Sergeants, five Detective Gardaí and five Gardaí, are at present allocated to the investigation referred to by the Deputy. Ten of these are drawn from the Garda Bureau of Fraud Investigation, and the remaining seven have been seconded specifically for this investigation.

I am further informed that all members of An Garda Síochána allocated to this investigation have extensive previous experience in the investigation of fraud related offences. The investigation also involves experienced investigators from the Office of the Director of Corporate Enforcement.

Departmental Staff.

127. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35042/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My Department and bodies under its aegis employ some 25,000 staff, including civil servants, members of An Garda Síochána, Prison Officers and the Judiciary. In March 2009, the Government introduced a moratorium on the filling of vacancies in the public service, either by way of recruitment or promotion. Subsequently, the Government introduced an Incentivised Scheme of Early Retirement (ISER) and an Incentivised Career Break Scheme (ICBS). Taken together, these

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Schemes are exerting downward pressure on numbers in the public service, including in my Department and its Agencies.

Given the size and complexity of the Justice and Equality Sector, my Department's focus is on ensuring that key posts that are essential to the functioning of the Sector are filled. To that end, I have already secured exemptions in respect of key positions, including in An Garda Síochána, the Equality Authority, and the Irish Prison Service. The Deputy can be assured that where vacancies arise that are critical to the functioning of the Justice and Equality Sector, I will continue to seek exemptions to the moratorium.

Proposed Legislation.

128. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will clarify a matter (details supplied). [35053/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Equality Acts provide that it is an offence to discriminate against a person for employment purposes or in the provision of goods and services on the basis of gender, marital status, family status, sexual orientation, religious belief, age, disability, race or membership of the Traveller community. The Civil Partnership Bill 2009 amends the Equality Acts to extend this protection to civil partnership status by replacing the marital status ground with the new ground of civil status. The Bill does not contain any exemption from the obligation not to discriminate on the basis of religious belief or otherwise. With respect to freedom of conscience, I refer the Deputy to the details of my response to Parliamentary Question No. 749 of 6 October 2009.

Crime Levels.

129. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform if he will provide the crime detection rate for the new Kildare garda division for the years 2004, 2005, 2006, 2007 and 2008. [35070/09]

130. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform if he will provide the headline crime statistics for the new Kildare garda division for 2004, 2005, 2006, 2007 and 2008 and for the first six months in 2009. [35071/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 129 and 130 together.

The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

131. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of convictions in each of the years 2002, 2003, 2004, 2005, 2007, 2008 and to date in 2009 for offences under Section 1 of the Criminal Law (Amendment) Act 1935, Section 2 of the Criminal Law (Amendment) Act 1935, Section 2 of the Criminal Law (Sexual Offences) Act 2006, Section 3 of the Criminal Law (Sexual Offences) Act 2006, Section 14 of Criminal Law (Amendment) Act 1935 and Section 2(2) (i) of the Criminal Law (Rape) (Amendment) Act 1990 (as amended by section 37 of the Sex Offenders Act, 2001 in tabular form; and if he will make a statement on the matter. [35088/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to her.

Ministerial Travel.

132. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35118/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is provided from May 2008 — when I was appointed Minister for Justice, Equality and Law Reform — to date. As Minister for Justice, Equality and Law Reform I have travelled abroad on nine occasions, seven of which were for the purpose of attending EU Justice and Home Affairs Ministerial Councils. On the other two occasions I travelled to Oslo to sign on behalf of Ireland the international Convention on Cluster Munitions and to Rome for discussions with my Italian counterpart and other senior officials on matters of mutual interest in the justice and home affairs area such as law enforcement, immigration and the incarceration and rehabilitation of prisoners.

To date the cost, including flight, travel and subsistence expenses, accommodation and other related expenditure, to my Department associated with my attendance at meetings outside the State in the period covered is €5,877. In line with normal practice I am generally accompanied on official foreign travel by my Private Secretary, Press Advisor and other relevant Departmental officials as appropriate.

In the same period the Minister of State, Conor Lenihan, T.D., when Minister for Integration, travelled abroad on official Government business on ten occasions. On eight of these occasions Minister Lenihan travelled abroad — Paris (x2), Kiev, Tanzania, The Hague, Vichy, New York, and Nigeria — to participate in international integration and migration conferences and to meet with Ministerial counterparts, senior officials and other foreign organisations as part of his responsibilities as Minister for Integration. On two occasions Minister Lenihan represented me at EU Justice and Home Affairs Ministerial Councils.

The cost, including flight (mainly commercial), travel and subsistence expenses, accommodation and other related expenditure, to my Department associated with Minister Conor Lenihan's attendance at meetings outside the State in the period covered was €27,774. On official foreign travel Minister Lenihan was generally accompanied by his Private Secretary and other relevant Departmental officials as appropriate.

My Department has incurred no costs related to official foreign travel by Ministers of State John Curran, T.D., John Moloney, T.D., and Barry Andrews, T.D., since their appointment as Ministers of State at the Department of Justice, Equality and Law Reform.

Visa Applications.

133. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for family reunification in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35133/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Based on the information provided by the Deputy, my Department has no record of a visa application for the person referred to.

Citizenship Applications.

134. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [35134/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in June 2006.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 24 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course. The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks.

There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Asylum Applications.

135. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a review will be undertaken regarding an application for residency in the case of a person (details supplied) in County Dublin who submitted documentation to his Department regarding the serious threat to their life on their return to their homeland; and if he will make a statement on the matter. [35135/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 527 of Thursday, 9 July, 2009, in this matter. The position in the State of the person concerned is as set out in that Reply.

Deportation Orders.

136. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will revoke a deportation order in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [35136/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 31 March 2006 on her own behalf and on behalf of her two children. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. The person concerned was informed, by letter dated 16 June 2007, that the Minister proposed to make Deportation Orders in respect of her and her children. She was given three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended), to be exercised within 15 working days. Namely, to leave the State voluntarily, to consent to the making of

Deportation Orders or to make representations to the Minister setting out the reasons why she and her children should be allowed to remain temporarily in the State i.e. why she should not be deported.

This communication also advised the person concerned of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations. Following consideration of the information submitted, the application was refused. The person concerned and her legal representative were notified of this decision by letter dated 24 August 2009.

Her case was then examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on her behalf by her legal representative for permission to remain in the State. On 22 September 2009, I refused permission to remain temporarily in the State and instead signed Deportation Orders in respect of her and her children. Notice of these orders was served by registered post requiring the person concerned and her children to leave the State by 9 October 2009 or failing that, present themselves at the Garda National Immigration Bureau (GNIB) 13-14 Burgh Quay, Dublin 2 on 9 October 2009 in order to make travel arrangements for their removal from the State.

I am satisfied that the applications made by the person concerned for asylum, for temporary leave to remain in the State and for Subsidiary Protection, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport her and her children is justified. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the GNIB.

Asylum Applications.

137. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [35137/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 16 June 2006. 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 and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 15 February 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why 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).

On 14 September 2007, the person concerned submitted an application for re-admittance to the asylum process, in accordance with the provisions of Section 17(7) of the Refugee Act, 1996 (as amended). Following consideration of this application, a decision was taken to refuse

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the application and the person concerned was notified of this decision by letter dated 27 June 2008. The person concerned has submitted an application for Subsidiary Protection in the State and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

138. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for leave to remain in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35138/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 11 April 2007. 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 and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 27 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why 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). Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

139. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the asylum and residency status in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [35139/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is currently no application pending in my Department in the case of the persons whose details were supplied. If an application for asylum has been made by the persons concerned, the Deputy should note that it is not the practice to comment in detail on individual asylum applications.

140. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for leave to remain and residency in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [35140/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 283 of Tuesday, 28 April, 2009 and the written Reply to that Question.

The person concerned applied for asylum on 22 December 2004. 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 and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 21 March 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

141. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for leave to remain in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [35141/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 23 April 2004. 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 and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 22 November 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Departmental Staff.

142. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the number of vacant

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civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35040/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The table sets out the number of posts in my Department that were vacant on 1 October 2009 and had previously been filled by officers at the grade indicated.

Grade	Number of vacancies on 1 October 2009
Assistant Secretary and equivalent	4
Principal Officer, Counsellor and equivalent	6
Professional Grades	2
Assistant Principal, First Secretary and equivalent	11
Higher Executive Officer, Third Secretary and equivalent	4
Executive Officer and equivalent	6
Staff Officer and equivalent	1
Clerical Officer and equivalent	15.5
Cleaners	2
Total	51.5

The average duration of these vacancies, up to 1 October 2009, is six months.

Two applications were made for derogations from the public service recruitment and promotions moratorium. One related to a specialised post in the ICT Unit of the Department, a unit which is central to its business needs. The application is currently being considered by the Department of Finance. The other related to the recruitment of additional staff for the Passport Office during the peak season and was partially approved.

My Department is also exploring, with the Department of Finance, the possibility of recruiting a limited number of Third Secretaries from the panel formed as a result of the 2008 open competition run by the Public Appointments Service.

Ministerial Travel.

143. **Deputy John O'Mahony** asked the Minister for Foreign Affairs the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35116/09]

Minister for Foreign Affairs (Deputy Micheál Martin): In regard to official travel overseas, undertaken by me, in my capacity as Minister for Foreign Affairs, I have included below in tabular form a detailed breakdown of the costs incurred on accommodation and commercial flights for each trip; the number of accompanying officials; and the purpose of each trip. As the Deputy will appreciate, the role of Minister for Foreign Affairs includes an obligation to undertake, in the national interest, a significant amount of official travel overseas.

It has not been possible in the time available to provide this level of detail, in regard to travel undertaken by my predecessor or for the five Ministers of State who have served in this

Department since 2007. However, I have provided as much detail as possible on annual travel costs and also provided a list of the trips undertaken by them.

My Department is fully compliant with the Department of Finance guidelines on foreign travel. My Department also operates its own detailed internal travel guidelines and practises which ensure cost effective travel practises, both in Headquarters and throughout our network of 75 diplomatic missions abroad. The central aim of the Departmental travel policy, which applies to both Ministers and officials, is to minimise official travel costs and to achieve value for money for expenditure necessarily incurred, consistent with the effective discharge of official duties.

Minister for Foreign Affairs Travel Costs 2007-2009

	2007	2008	2009 (January–June)
	€	€	€
<i>Airfares</i>			
Minister Ahern	8,092	18,738	
Minister Martin		4,875	2,896
Total:	8,092	23,614	2,896
<i>Accommodation</i>			
Minister Ahern	9,517	5,271	
Minister Martin		8,010	4,358
Total:	9,517	13,280	4,358
<i>Subsistence</i>			
Minister Ahern	4,975	1,942	
Minister Martin		3,928	1,802
Total:	4,975	5,870	1,802
Overall Total:	22,584	42,764	9,056

Ministers of State

Travel Costs 2007-2009

	2007	2008	2009 (January–August)
	€	€	€
<i>Airfares</i>			
MOS Conor Lenihan T.D.	2,340		
MOS Michael Kitt T.D.	7,750	10,918	
MOS Peter Power T.D.		26,260	19,020
MOS Dick Roche T.D.	17,087	19,669	8,101
MOS Noel Treacy T.D.	4,736		
<i>Accommodation</i>			
MOS Conor Lenihan T.D.			
MOS Michael Kitt T.D.			
MOS Peter Power T.D.			
MOS Dick Roche T.D.	1,272	7,758	647

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	2007	2008	2009 (January–August)
	€	€	€
MOS Noel Treacy T.D.	736		
<i>Subsistence</i>			
MOS Conor Lenihan T.D.	903		
MOS Michael Kitt T.D.	1,077	880	
MOS Peter Power T.D.		3,714	3,001
MOS Dick Roche T.D.	1,499	6,145	1,709
MOS Noel Treacy T.D.	1,598		

- It should be noted that MOS Dick Roche is also a Minister of State at the Department of the Taoiseach and that other travel costs may be a charge on that Department.
- It should also be noted that Ministers of State generally do not use the Government Jet and avail of scheduled flights in most instances.

Travel by Minister Dermot Ahern January 2007 – April 2008

Date	Destination	Purpose of Trip
<i>2007</i>		
January 30-2 Feb	Travelled to Palestine, Israel, Egypt, Lebanon	Ministerial meetings relating to the Middle East Peace Process/UNIFIL
February 4	Travelled to Wales	Meeting with Secretary of State Peter Hain
February 12	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
March 8-9	Travelled to Brussels	The Minister met his EU colleagues for the European Council
March 14-16	Travelled to Washington	St. Patrick's Day Events
April 23	Travelled to Luxembourg	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
June 18	Travelled to Luxembourg	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
June 21-22	Travelled to Brussels	The Minister met his EU colleagues for the European Council
July 19-20	Travelled to Italy	Visit to UN Humanitarian Relief Depot in Brindisi/Meeting with Senior WFP Executives, WFO HQ Rome
September 07-08	Travelled to Portugal	The Minister met his EU colleagues for the Gymnich Informal Ministerial EU Council
September 13-16	Travelled to France (Bordeaux)	Hosted trade dinner on behalf of Enterprise Ireland, met Mayor of Bordeaux and hosted reception for Irish community on LE Eithne.
September 21-22	Travelled to France (Paris)	Accompanied Taoiseach to meeting with President Sarkozy, also attended official opening of Library at the Irish college in Paris.
September 30-October 4	Travelled to New York, USA	Attendance at United Nations General Assembly
October 8	Travelled to London	Meeting with Foreign Secretary Miliband and hosted Annual Dion Committee Reception for Irish Community
October 15	Travelled to Luxembourg	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).

Date	Destination	Purpose of Trip
October 18-19	Travelled to Portugal	The Minister met his EU colleagues for the Gymnich Informal Ministerial EU Council
November 6-9	Travelled to Balkans – Sarajevo, Belgrade & Pristina	Met with Western Balkans Government Officials and Irish members of the armed Forces
November 13-16	Travelled to Sudan & Chad	Attended talks on the situation on Darfur and met Irish troops in Chad
November 19	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
November 22-25	Travelled to Italy (Bobbio & Rome)	Conferral of freedom of the city of Bobbio on the Minister
November 27-December 1	Travelled to Japan	Meeting with Japanese FM
December 10	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
December 13-14	Travelled to Portugal/Brussels	Reform Treaty Signature Ceremony/European Council
<i>2008</i>		
January 28	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
February 18-22	Travelled to Brussels and onward to Dili	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC) and then travelled to Irish Aid meetings in Timor Leste .
March 10	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
March 13-14	Travelled to Brussels	Attended European Council
March 14-22	Travelled to Argentina	St. Patrick's Day Events
March 28-29	Travelled to Slovenia	The Minister met his EU colleagues for the Gymnich Informal Ministerial EU Council
April 22-25	Travelled to Kenya	To meet with new government and NGOs involved in development aid.
April 29-May 1	Travelled to US	Taoiseach's address to Congress & Washington Programme

Travel by Minister of State Dick Roche, June 2007 – September 2009

Date	Destination	Purpose of Trip
<i>2007</i>		
June 17-18th	Travelled to Luxembourg	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
July 22-23th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
September 2-3th	Travelled to Brussels	The Minister met his EU colleagues for the EU Neighbourhood Policy Conference
September 24-28th	Travelled to New York	Attended annual meeting of United Nations General Assembly
November 5-6th	Travelled to Lisbon	Euro-Med Conference
November 19-23rd	Travelled to Brussels/Singapore	I.E.A. Brussels/EU-ASEAN Conference
November 28-29th	Travelled to Madrid	OSCE Ministerial

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Date	Destination	Purpose of Trip
<i>2008</i>		
January 28th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
February 1-2nd	Travelled to Paris	HEC Europe Symposium
February 26-27th	Travelled to Germany	Accompanied President McAleese on her visit to Germany
March 10-19th	Travelled to China	St Patrick's Day events
April 9-10th	Travelled to Brussels	The Minister met his EU colleagues for Reform Treaty meeting.
April 30th	Travelled to Prague	To address the Czech Senate
June 15-16th	Travelled to Luxembourg	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
July 2-5th	Travelled to Quebec	400th Anniversary of Quebec
July 12-14th	Travelled to Brest and Paris	Informal meeting of EU Affairs Ministers/Ministerial Summit – Barcelona Process
July 17-18th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
September 7-8th	Travelled to Berlin	Addressed the annual conference of Ambassadors of Germany
September 17-18th	Travelled to Paris	EU-Central Asia Forum
September 22-23rd	Travelled to Brussels	Meeting with the President of the EU Parliament
October 15-16th	Travelled to Brussels	Attended European Council
November 9-11th	Travelled to Brussels and Paris	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC) then travelled to Paris to represent Ireland at WWI anniversary Ceremony
November 20-21st	Travelled to Paris	Euro Barometer Conference
November 24-25th	Travelled to Prague	Bi-lateral meetings re Lisbon Treaty
December 3-5th	Travelled to Paris/Helsinki/Brussels	Climate Change Conference/ OSCE Ministerial/Lisbon Treaty
December 8-9th	Travelled to Riga	Bi-lateral meetings re Lisbon Treaty
<i>2009</i>		
January 7-8th	Travelled to Prague	The Minister met his EU colleagues for the Gymnich Informal Ministerial EU Council
February 22-23rd	Travelled to Brussels	Meeting with Hungarian State Secretary for EU Affairs
February 26th	Travelled to Brussels	Meeting with Graham Watson MEP
March 1-2nd	Travelled to Prague	Meeting on EU enlargement – 5 years on
March 5-6th	Travelled to Brussels	Addressed Centre European Policy Studies (CEPS)
March 27-28th	Travelled to Prague	The Minister met his EU colleagues for the Gymnich Informal Ministerial EU Council
April 1-2nd	Travelled to Prague	Addressed International Conference – Czech Presidency of the EU
April 15-17th	Travelled to Brussels and Helsinki	A EU meeting for Ministers for EU Affairs
May 3-4th	Travelled to Berlin	EU Meeting re. Lisbon Treaty
May 12th	Travelled to Madrid	Council of Europe Ministerial
May 18th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC)
June 27-28th	Travelled to Corfu	OSCE Informal

Date	Destination	Purpose of Trip
July 9-10th	Travelled to Croatia	Attended a conference in Croatia Summit 2009; : Europe's Strategic Imperative: Energy, Investment, and Development' Croatia Summit
July 27th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC).
September 9-10th	Travelled to Poland	Economic forum
September 14th	Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC)

Travel by Minister of State Noel Treacy, January 2007 to March 2007

Date	Destination	Purpose of Trip
<i>2007</i>		
January 9th	Travelled to Brussels	Attended meeting to mark new status of Irish language in the EU
January 17-18th	Travelled to Berlin via Dusseldorf due to weather conditions	Communicating Europe Conference
January 21-22nd	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC)
January 24-26th	Travelled to Paris/Madrid	Special Meeting on Lebanon/meeting on Constitutional Treaty
March 4-5th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council (GAERC)
March 14-15th	Travelled to Nurembourg	EU ASEAN meeting

Travel by Minister of State Peter Power, May 2008 – September 2009

Date	Destination	Purpose of Trip
May 14-17th	Travelled to Lima, Peru	EU-LAC summit
May 26-27th	Travelled to Belgium, Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council/Development
June 20-25th	Travelled to Lilongwe, Malawi	Visit Irish Aid funded projects
July 20-23rd	Travelled to Geneva	WTO – Doha Development Round Ministerial Meeting
August 13th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council/Development
September 2nd-5th	Travelled to Ghana	4th OECD/DAC High Level Forum in Accra, Ghana
September 21-25th	Travelled to New York	UN summit on the Millennium Development Goals
September 28-30th	Travelled to Bordeaux	Meeting of EU Development Ministers
November 10-11th	Travelled to Brussels	The Minister met his EU colleagues for the General Affairs and External Relations Council/Development
November 17-18th	Travelled to London	Minister addressed the Commonwealth Parliamentary Association Conference on Scrutinising Aid Effectiveness.
November 28-December 1st	Travelled to Qatar, Doha	Attend the Doha Conference on Financing for Development
January 25-27th 2009	Travel to Madrid	High level meeting on Food Security
January 27-30th	Travel to Prague	Meeting of EU Development Ministers
February 15-20th	Travelled to Ethiopia	Visit to Irish Aid funded programmes

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Date	Destination	Purpose of Trip
March 12-15th	Travelled to Birmingham	Representing Government at St Patrick's Day events
March 23-24th	Travelled to Paris	OECD DAC Peer Review of Ireland
March 30-31st	Travelled to The Hague	Addressed International Conference on Afghanistan: A comprehensive strategy in a regional context.
April 24-27th	Travelled to Washington	Ministerial meeting during spring session of the World Bank & IMF
May 13th	Travelled to Prague	Attend the EU-Rio Group Ministerial Meeting in place of Minister Martin.
May 18-19th	Travelled to Brussels	EU Ministers Development GAERC
June 23-26th	Travelled to New York	Addressed the United Nations development conference on the World Financial and Economic Crisis
July 6-11th	Travelled to Tanzania	Visit to Irish Aid funded programmes
September 24-28th	Travelled to New York	Deliver Ireland address to UN General Assembly; address Nuclear Test Ban Conference; address 'Partnering for Food and Security' hosted by US Secretary of State and UN Secretary General; speak at Consulate Irish-American community event.

Travel by Minister of State Mr Michael Kitt, July 2007 – April 2008

Date	Destination	Purpose of Trip
July 18th-20th	Rome, Italy	Visit and meetings at United Nations Humanitarian Response Depot.
September 20th-23rd	Madeira, Portugal	Meeting of EU Development Ministers
September 24th-28th	Maputo, Mozambique	Visit Irish Aid funded projects in Mozambique
November 18th-20th	Brussels, Belgium	GAERC Meeting
December 8th-9th	Lisbon, Portugal	EU Africa Summit
December 9th-10th	Brussels, Belgium	GAERC Meeting
December 16th-17th	Paris, France	Donor Conference on Palestine
January 13-18th 2008	Travelled to South Africa/Tanzania/Mozambique	Accompanying An Taoiseach on official visit
February 17-18th	Travelled to Slovenia	Conference on "Challenges of EU27 development policy" in Brno.
March 14-17th	Travelled to Glasgow, Scotland	Representing Government at St Patrick's Day events
April 22-24th	Travelled to New York	Meetings with heads of United Nations development agencies

Travel by Minister of State Mr Conor Lenihan, January 2007 – June 2007

Date	Destination	Purpose of Trip
March 13-14th	Petersburgh, Germany	Meeting of EU Development Ministers
March 16-20th	Edinburgh, Scotland	Represent the Government in Scotland for St Patrick's Day
April 4th-5th	Paris, France	Meeting with the Organisation for Economic Cooperation & Development.

Minister Micheál Martin, Travel Details May 2008 – June 2009

	Hotel	Air Fares	Number in Delegation (not including Minister)
MAY 2008			
<p><i>Sunday 11</i> Travelled from Cork to Newcastle — Government Jet (Returned Newcastle to Baldonnel same day)</p> <p><i>Purpose of Trip:</i> Joint initiative was announced by the Department of Foreign Affairs and the FAI to create the post of FAI welfare officer to assist young Irish footballers playing with British Clubs. This highlighted Ireland's commitment to the Irish community in Britain, in particular younger members of that community.</p>	€	€	4
<p><i>Saturday 24</i> Travelled Baldonnel to Cardiff — (accompanied Taoiseach — Government Jet) (Returned Cardiff to Baldonnel same day)</p> <p><i>Purpose of Trip:</i> Opportunity to promote Irish-Welsh bilateral relations — accompanied Taoiseach and Minister for Arts, Sports and Tourism to meeting with Welsh First Minister, Mr. Rhodri Morgan. Matters discussed included economic issues, political developments in Northern Ireland and the role of education in promoting economic development.</p>			
<p><i>Monday 26</i> Travelled Cork to Brussels — Government Jet (Returned Brussels to Baldonnel same day) (Accompanied by Minister O'Dea and his delegation on return journey).</p> <p><i>Purpose of Trip:</i> The Minister met his EU colleagues for the May General Affairs and External Relations Council (GAERC). This meeting also involved a short joint session with Defence Ministers to review developments in EU security and defence policy.</p>			4
JUNE 2008			
<p><i>Tuesday 3</i> Travelled Cork to London — Government Jet (Returned London to Cork p.m.)</p> <p><i>Purpose of Trip:</i> Meeting at 10 Downing Street to discuss Northern Ireland issues. The Minister had detailed discussions with the British Government regarding the then difficulties within the Northern Ireland Executive. (Returned London to Cork to attend EU Lisbon treaty event with Taoiseach)</p> <p>Travelled Cork to Paris — Government Jet Overnight X 1</p> <p><i>Purpose of Trip:</i> The Minister met with his French counterpart, Bernard Kouchner to discuss EU issues.</p>	540.50		3
<p><i>Friday 6</i> Travelled Baldonnel to London — Government Jet (Returned London to Cork same day)</p> <p><i>Purpose of Trip:</i> High level political discussions regarding Northern Ireland issues with British Prime Minister, First Minister and Deputy First Minister.</p>			1
<p><i>Sunday 15</i> Travelled Cork to Luxembourg Cork/Ams/ Lux/Paris/Dublin: Air France Overnight X 1</p> <p><i>Purpose of Trip:</i> The Minister met his EU colleagues for the June GAERC. The priority issues for discussion were the outcome of the Lisbon Treaty Referendum in Ireland and the preparation of the European Council. Returned from Luxembourg via Paris to Dublin.</p>	621.00	937.36	5

[Deputy Micheál Martin.]

	Hotel	Air Fares	Number in Delegation (not including Minister)
	€	€	
<i>Thursday 19</i> Travelled from Baldonnel to Brussels — (accompanied Taoiseach — Government Jet) Overnight X 1	550.00		5
<i>Purpose of Trip:</i> The Minister and Taoiseach attended the European Council. The Minister met with his EU colleagues to discuss Kosovo, Cuba, Zimbabwe and Transatlantic Relations.			
<i>Friday 20</i> Returned Brussels to Baldonnel			
JULY 2008			
<i>Tuesday 8</i> Travelled Baldonnel to Cairo — Government Jet Overnight X 1 — Subsistence (8-11)	347		5
<i>Wednesday 9</i> Travelled Cairo to Tel Aviv — Govt Jet (Accommodation provided by Israeli Foreign Ministry)			
<i>Friday 11</i> Returned Tel Aviv to Baldonnel — Govt Jet			
<i>Purpose of Trip:</i> The visit to Israel and the Occupied Palestinian Territories provided a valuable opportunity to meet with senior political figures and to determine the extent of progress of peace talks under the Annapolis Process. It also allowed the Minister to assess, first-hand, the humanitarian and political situation in the West Bank.			
<i>Monday 21</i> Travelled Baldonnel to Brussels — Government Jet Overnight X 1	465		4
<i>Tuesday 22</i> Returned Brussels to Baldonnel			
<i>Purpose of Trip:</i> Meeting of all EU Foreign Ministers at the first General Affairs and External Relations Council (GAERC) of the French Presidency			
SEPTEMBER 2008			
<i>Monday 1</i> Travelled Baldonnel to Brussels — (accompanied Taoiseach — Government Jet) (Returned Brussels to Baldonnel the same day)			4
<i>Purpose of Trip:</i> The Minister attended an extraordinary European Council which was convened by the French Presidency to discuss developments in Georgia, future EU Actions there and the impact of events on Georgia on EU-Russia relations.			
<i>Friday 5</i> Travelled Cork to Paris — Government Jet Subsistence (5-7)			4
<i>Saturday 6</i> Overnight X 1 — Avignon Gymnich	308		
<i>Sunday 7</i> Returned Paris to Cork — Aer lingus Club travel X 2 (Government Jet unavailable/Economy flights booked at short notice)		717	

	Hotel	Air Fares	Number in Delegation (not including Minister)
	€	€	
<p><i>Purpose of Trip:</i> The Minister met with his EU colleagues for a broad ranging discussion, chaired by the French Presidency which focused on the Transatlantic Relationship and relations between Georgia and Russia, but also covered the Middle East, Afghanistan, Pakistan, Ukraine, Belarus, the European Security Strategy and the US-India deal. The Minister also had an opportunity to hold informal discussions with a number of EU partners regarding the Lisbon Treaty.</p>			
<p><i>Tuesday 23</i> Travelled Dublin to Washington — US Airlines Flight cost Dub/Wash/NY/Dub Overnight X 1 — Subsistence (23-30)</p>	316.69	3,220	5
<p><i>Wednesday 24</i> Travelled Washington to New York — US Airlines Overnight X 5</p>	1,744		
<p><i>Monday 29 — Tuesday 30</i> Return New York to Dublin — Continental Airlines</p> <p><i>Purpose of Trip:</i> The Minister visited New York in order to attend the annual Ministerial Week held in connection with the opening of the annual UN General Assembly Session. The visit provided an opportunity for the Minister to re-affirm Ireland's strong support for the UN and for reform of the Organisation in meetings with senior UN officials while he also delivered his first Address on behalf of Ireland to the General Assembly. The Minister, as is customary, also held bilateral meetings with a wide range of other countries.</p>			
OCTOBER 2008			
<p><i>Wednesday 1</i> Travelled Baldonnel to Paris — (accompanied Taoiseach — Government Jet) (Returned Paris to Baldonnel the same day)</p> <p><i>Purpose of Trip:</i> The Minister accompanied the Taoiseach for a meeting in Paris with President Sarkozy to discuss the Lisbon Treaty.</p>			1
<p><i>Monday 6</i> Travelled Cork to Brussels — Government Jet (Returned Brussels to Baldonnel the same day)</p> <p><i>Purpose of Trip:</i> The Minister addressed the European Parliament Committee on Constitutional Affairs. The Minister also met with President Barroso, MEPs and Commission Vice-President Wallström.</p>			5
<p><i>Monday 13</i> Travelled Cork to Luxembourg — Government Jet Returned Luxembourg to Baldonnel</p> <p><i>Purpose of Trip:</i> The Minister attended the fourth GAERC under the French Presidency of the Council of the European Union. The session on General Affairs concentrated on preparations for the European Council on 15 and 16 October. The External Relations session focused on the situation in Belarus, Uzbekistan Zimbabwe, Georgia and relations with Russia. The Minister met VP Wallstrom's and FM Martynov of the Republic of Belarus enmarge of the Council.</p>			5
<p><i>Wednesday 15</i> Travelled Baldonnel to Brussels — (accompanied Taoiseach — Government Jet) Overnight X 1 Subsistence (15-16)</p>	500.00		4
<p><i>Thursday 16</i> Returned Brussels to Baldonnel</p>			

[Deputy Micheál Martin.]

	Hotel	Air Fares	Number in Delegation (not including Minister)
	€	€	
<i>Purpose of Trip:</i> The Minister accompanied the Taoiseach to the European Council convened by the French Presidency to discuss the economic and financial crisis. Negotiations on the energy-climate package were also discussed ahead of the December European Council.			
<i>Tuesday 28</i> Travelled Cork to London — Government Jet (Returned London to Baldonnell the same day) <i>Purpose of Trip:</i> Minister attended meeting with Secretary of State, Woodward to assess difficulties with Northern Ireland			3
NOVEMBER 2008			
<i>Monday 3</i> Travelled Cork to Marseilles — Government Jet Subsistence (3-4)			7
<i>Tuesday 4</i> Returned Marseilles to Baldonnell <i>Purpose of Trip:</i> The Euro-Mediterranean Partnership, informally known as the Barcelona Process, following a Summit meeting convened by President Sarkozy in Paris on 13 July 2008, has now become the Union for the Mediterranean. The Minister participated in the first meeting of the Foreign Ministers of the Union for the Mediterranean. Participation in these meetings affords valuable opportunities for Ireland to develop contacts with many countries where we do not have resident diplomatic missions.			
<i>Wednesday 5</i> Travelled Baldonnell to London — Government Jet Overnight X 2 Subsistence (5-7)	1,167		7
<i>Friday 7</i> Returned London to Cork <i>Purpose of Trip:</i> Series of meeting held with senior British political figures including Secretary of State Woodward and the Shadow Foreign Secretary, William Hague. These meetings are held regularly with the aim of deepening cooperation on Northern Ireland and other bilateral issues. The visit also included several meetings with Irish community organisations such as: Cooperation Ireland, the Irish Post, Emigrant Services Advisory Committee, London Irish Centre and a visit to GAA Headquarters. During the visit the grants given under the Government Emigrant Support Programme were announced.			
<i>Sunday 9</i> Travelled Cork to Brussels — Government Jet Overnight X 1 <i>Purpose of Trip:</i> The Minister met EU colleagues and Minister for Defence for the fifth GAERC under the French Presidency of the Council of the European Union. The Minister also met the Foreign Minister of The Netherlands, Maxime Verhagen, and the Foreign Minister of Sweden, Carl Bildt, as part of the series of bilaterals on the Lisbon Treaty.	475.00		4
<i>Thursday 13</i> Travelled Baldonnell to Berlin — Government Jet (Returned Berlin to Cork the same day) <i>Purpose of Trip:</i> The Minister met German Foreign Minister Steinmeier The key purpose was to discuss the Lisbon Treaty.			5
<i>Wednesday 19</i> Travelled Baldonnell to Tbilisi — Government Jet (Accommodation provided by Georgian side)			6

	Hotel	Air Fares	Number in Delegation (not including Minister)
	€	€	
<p><i>Friday 21</i> Returned Tbilisi to Cork</p> <p><i>Purpose of Trip:</i> Meetings with Government of Georgia following conflict with Russia, August 2008; meet Irish monitors with EU monitoring mission; visit Irish Aid-funded orphanage and visit internally displaced families.</p>			
<p><i>Wednesday 26</i> Travelled Baldonnell to Paris — Government Jet (Returned Paris to Baldonnell the same day)</p> <p><i>Purpose of Trip:</i> The Minister met with senior French officials (representing the EU Presidency) to discuss the Lisbon Treaty. He was accompanied by the Attorney General.</p>			1
DECEMBER 2008			
<p><i>Friday 5</i> Travelled Baldonnell to Paris — (accompanied Taoiseach — Government Jet) Travelled Paris to Brussels (p.m.) Returned Brussels to Baldonnell</p> <p><i>Purpose of Trip:</i> The Minister accompanied the Taoiseach for meetings with President Sarkozy in Paris and President Barroso in Brussels in advance of the December European Council.</p>			1
<p><i>Sunday 7</i> Travelled Baldonnell to Brussels — Government Jet Overnight X 1</p> <p><i>Purpose of Trip:</i> The Minister met EU colleagues at the GAERC where the principal business was a discussion of the Presidency's draft European Council conclusions. The annual "enlargement package" of the Commission was also discussed. The Minister also met with HR/SG Solana to facilitate an exchange of views on the latest developments on the Lisbon Treaty. Following the GAERC the Minister also delivered an address to the EPC.</p>	475.00		6
<p><i>Thursday 11</i> Travelled Baldonnell to Brussels — (accompanied Taoiseach — Government Jet) Overnight X 1</p>			
<p><i>Friday 12</i> Returned Brussels to Baldonnell to Cork</p> <p><i>Purpose of Trip:</i> The Minister attended the last European Council of the French Presidency. The main focus was on the Lisbon Treaty, the energy-climate change package and the economic and financial crisis.</p>	500.00		4
<p><i>Tuesday 30</i> Travelled Cork to Paris — Government Jet (Returned Paris to Cork the same day)</p> <p><i>Purpose of Trip:</i> The Minister travelled to Paris in order to attend an emergency meeting of EU Foreign Ministers that convened in response to the Gaza crisis. At this meeting Foreign Ministers agreed on a joint statement calling for an immediate and permanent ceasefire to the hostilities. Ministers also discussed means of alleviating the humanitarian crisis in the Territory.</p>			2
JANUARY 2009			
<p><i>Sunday 25</i> Travelled Cork to Brussels — Government Jet Overnight X 1</p>	165.00		4
<p><i>Monday 26</i> Returned Brussels to Baldonnell</p>			

[Deputy Micheál Martin.]

	Hotel	Air Fares	Number in Delegation (not including Minister)
	€	€	
<i>Purpose of Trip:</i> The Minister met EU colleagues at the first GAERC under the Czech Presidency chaired by Mr. Vondra, the Czech Deputy Prime Minister. The Council was preceded by a coordination meeting on Sunday evening. This was followed by a dinner at which was attended by the EU Ministers, HR Solana and Commissioner Ferrero Waldner to discuss the Middle East.			
FEBRUARY 2009			
<i>Sunday 1</i> Travelled Cork to Damascus — Government Jet Overnight X 1 Subsistence (1 – 5 Feb.)	564.06		5
<i>Monday 2</i> Travelled Damascus to Beirut Overnight X 1			
<i>Tuesday 3</i> Travelled Beirut to Abu Dhabi (Travel and accommodation costs were met by Govt of UAE)	245.22		
<i>Thursday 5</i> Travelled Abu Dhabi to Dubai (by road) Returned Dubai to Cork <i>Purpose of Trip:</i> The visit to Damascus was an important opportunity to renew high-level political contacts with Syria and to assess the level of Syrian re-engagement in regional peace efforts. The visit to Lebanon, meanwhile, allowed the Minister to demonstrate the support of Ireland and the EU for the country's independence and sovereignty. The Minister was also able to meet with Irish personnel serving with the UNIFIL mission in the country. In both Syria and Lebanon the Minister had the opportunity to explore the scope for strengthened economic ties with both countries. As for the visit to the UAE, where the Minister accompanied the President on her official visit to the country, the Minister was able to formally announce the decision to open an Irish Embassy in Abu-Dhabi and to promote increased trade with the UAE.			
<i>Sunday 15</i> Travelled Baldonnell to Mexico — Government Jet Overnight X 2 Subsistence (15-20 Feb.)	867.81		5
<i>Tuesday 17</i> Travelled Mexico to Havana, Cuba (Cuban Foreign Ministry provided transport and paid for hotel accommodation)			
<i>Thursday 19/Friday 20</i> Returned Havana to Cork <i>Purpose of Trip:</i> The visit to Cuba — the first by an Irish Minister for Foreign Affairs — was undertaken with a view to developing bilateral relations, following the lifting of EU sanctions in June 2008. During the course of the visit a broad political dialogue was opened with the Cuban Foreign Minister, including on Human Rights issues. Further meetings were held to examine the potential for economic cooperation, particularly in the field of medicine, IT, tourism and other high-value areas. A future bilateral co-operation agreement was considered.			
<i>Monday 23</i> Travelled Cork to Brussels — Government Jet (Returned Brussels to Cork the same day) <i>Purpose of Trip:</i> The Minister met EU colleagues at the second GAERC under the Czech Presidency of the Council of the European Union. The session on General Affairs concentrated on the European Recovery Plan and the preparations for the Spring European Council of 19 and 20 March.			4

	Hotel	Air Fares	Number in Delegation (not including Minister)
MARCH 2009	€	€	
<i>Sunday 1</i> Travelled Cork to Sharm el Sheikh- Government Jet Overnight x1	413.64		4
<i>Monday 2</i> Returned Sharm el Sheikh to Baldonnel <i>Purpose of Trip:</i> This visit to Egypt allowed the Minister to attend the Gaza Reconstruction Conference, which addressed the reconstruction needs of Gaza following the destruction caused to the Territory in the conflict of December 2008-January 2009. The Minister addressed the Conference and announced additional Irish Aid funding of €2.5 million to the Palestinian people in order to meet immediate humanitarian needs and the long term recovery of Gaza itself			
<i>Saturday 14</i> Travelled Baldonnel to New York (Teterboro Airport) — (accompanied Taoiseach — Government Jet) Overnight x2	520.40		3
<i>Monday 16</i> Travelled New York to Washington (flight DL 5907) Overnight x2 Subsistence 14-18 March	443.34	292.31	
<i>Wednesday 18</i> Returned to Shannon <i>Purpose of Trip:</i> The Minister met with U.S. Secretary of State Hillary Clinton, several representatives of the U.S. Congress, representatives of the Irish community and members of the business community. He also joined An Taoiseach in a meeting with President Obama.			
<i>Thursday 19</i> Travelled Shannon to Brussels — (accompanied Taoiseach — Government Jet) Overnight x1	217.00		5
<i>Friday 20</i> Returned Brussels to Cork <i>Purpose of Trip:</i> The Minister accompanied the Taoiseach to the Spring European Council. The Minister met with his EU colleagues to discuss Sudan, the Middle East Peace Process, Guantanamo, Afghanistan and Pakistan.			
APRIL 2009			
<i>Sunday 5</i> Travelled Cork — Baldonnel — Prague — Government Jet Returned Prague to Baldonnel <i>Purpose of Trip:</i> The Minister travelled to Prague to attend the EU-US Summit.			2
<i>Wednesday 22</i> Travelled Baldonnel to London N'holt — Government Jet (Returned London H'Row to Baldonnel the same day) <i>Purpose of Trip:</i> The Minister met with the Secretary of State to discuss developments in relation to Northern Ireland.			5

[Deputy Micheál Martin.]

	Hotel	Air Fares	Number in Delegation (not including Minister)
	€	€	
<p><i>Monday 27</i> Travelled Cork to Luxembourg — Government Jet Returned Luxembourg to Baldonnel the same day</p> <p><i>Purpose of Trip:</i> The Minister met his EU colleagues for the April General Affairs and External Relations Council (GAERC). The main issues discussed were the Eastern Partnership Summit, the European Neighbourhood Policy, Burma and the Middle East Peace Process.</p>			4
MAY 2009			
<p><i>Wednesday 6</i> Travelled Dublin to New York (JFK) (Flight EI105) Overnight x2</p>			
<p><i>Friday 8</i> Returned New York to Shannon (Flight EI110)</p> <p><i>Purpose of Trip:</i> The Minister met with leading members of the Irish and business communities in the United States, the editorial board of the New York Times and launched the Senior Helpline USA (designed to improve outreach services for New York's elderly Irish community).</p>	495.67	2,603	4
JUNE 2009			
<p><i>Monday 8</i> Travelled Cork to London N'holt — Government Jet Returned London N'holt to Baldonnel</p> <p><i>Purpose of Trip:</i> The Minister travelled to London to meet Secretary of State Miliband, to discuss the Lisbon Treaty.</p>			6
<p><i>Friday 12</i> Travelled Baldonnel to Chobielin, Poland — Government Jet (Returned Chobielin to Cork the same day)</p> <p><i>Purpose of Trip:</i> Minister Martin visited Poland on the invitation of FM Sikorski. Issues discussed included the Lisbon Treaty, climate change, Afghanistan and the Eastern Partnership.</p>			4
<p><i>Sunday 14</i> Travelled Cork to Luxembourg — Government Jet Overnight x 1</p> <p><i>Monday 15</i> Returned Luxembourg to Baldonnel</p> <p><i>Purpose of Trip:</i> The Minister met his EU colleagues for the June General Affairs and External Relations Council (GAERC). The main topics discussed were preparations for the European Council, Afghanistan and Pakistan, and European Security.</p>	209.00		4
<p><i>Thursday 18</i> Travelled Baldonnel to Brussels — (accompanied Taoiseach — Government Jet) Overnight x1</p>	217.00		5
<p><i>Friday 19</i> Returned Brussels to Cork</p> <p><i>Purpose of Trip:</i> The Minister and Taoiseach attended the European Council. The Minister met with his EU colleagues to discuss Afghanistan and Pakistan, Burma, European Security, the Middle East Peace Process and Iran.</p>			

Departmental Staff.

144. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35034/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Currently there are 17 staff less than the authorised number serving in the Department including the National Archives. No application has been made to have any of these positions exempted from the moratorium. The position in relation to vacancies in the agencies under the aegis of the Department is set out below.

Organisation: National Gallery of Ireland — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Engineer Grade 1 (Keeper)	3 years	No
3	Engineer Grade II (AK I)	1 year	No
1	Engineer Grade III (AK II)	1 year	No
1	Executive Officer	2 years	No
1	Clerical Officer	3 weeks	No
3	Security Attendant	6 months	No

Organisation: National Museum of Ireland — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Science & Art Attendant	7 Months	No
1	Science & Art Attendant	6 Months	No
1	Science & Art Attendant	3 Months	No
2	Science & Art Attendant	1 Month	No
1	Education Officer (AK11)	6 Months	No
1	Cleaner	3 Months	No
1	Conservation Officer (AK11)	3 Month	No
1	Conservation Assistant (Technical Assistant)	3 Months	No
2	Education Assistants (Clerical Officers)	1 Month	No
1	Clerical Officer	19 Months	No
1	Executive Officer	5 Months	No
1	Documentation Assistant	11 Months	No
1	Retail Assistant	10 Months	No
<i>Suppressed Posts</i>			
3	Science & Art Attendant	16 Months	No
1	Internal Auditor (HEO) never recruited		No

[Deputy Martin Cullen.]

Organisation: National Library of Ireland — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Clerical Officer	5 months	No
1	Keeper	5 months	Yes
1	Assistant Keeper Grade II	5 months	Yes
1	Science & Arts Attendant	5 months	No
1	Higher Executive Officer	1 week	No

Organisation: Chester Beatty Library — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Assistant Keeper 1	2 months	Application in preparation
1	Attendant	2 days	No

Organisation: Arts Council — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Higher Executive Officer — Full-time post	13 months	No
1	Higher Executive Officer — Part-time post	3 months	No

Organisation: Irish Sports Council — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Clerical Officer	3 months	No

Organisation: Fáilte Ireland — Vacancies on 1 October 2009

No.	Grade	Length	Exemptions Applied For
1	Level 2	4 months	No
1	Level 2	2 months	Yes to cover maternity leave
1	Level 3	4 months	No
1	Level 3	1 month	No
1	Level 3	6 months	No
1	Level 4	6 months	No
1	Level 7	1 month	No
1	Level 7	5 months	No
1	Level 5	1 month	No

Ministerial Travel.

145. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009;

the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35108/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Since becoming Minister for Arts, Sport and Tourism in May 2008, I have undertaken the following foreign visits:

2008

Year	Location	No. People	Cost
			€
2008	Beijing/HongKong (Olympic Games 19 days)	4	*See below
2008	Kentucky (Tourism Ireland engagements 3 days)	3	3,975
2008	London (Tourism Ireland World Travel Market and London 2012 engagements 4 days)	5	8,463
2008	Brussels (Irish EU Cultural event — 2 days)	2	549
2008	London (Tourism Ireland engagement — 1 day)	2	945

2009

Year	Location	No. People	Cost
			€
2009	Houston / Miami (St Patrick's day schedule and International Cruise Liner Conference 5 days)	2	8,809
2009	New York (Culture Ireland/Tourism Ireland engagements 4 days)	2	7,404
2009	London (Sports NGB event 1day)	2	517

*In August 2008, I attended the Olympic Games in Beijing and Hong Kong for a period of 20 days (19 nights). The cost of the trip (delegation of 4) includes accommodation not organised by us at a cost of €33,070, with flights at €19,974, transport at €2,060 and subsistence expenses at €5,352.

Details of foreign visits undertaken by Minister of State Mansergh are being collated and will be forwarded to the Deputy later.

Departmental Staff.

146. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35035/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I set out the information requested by the Deputy in the appendix below regarding my Department and the information that has been provided to me by the bodies and agencies under the aegis of my Department.

I have provided the Deputy with the length of each vacancy for my Department and the bodies and agencies under the aegis of my Department.

	Number of Vacant Civil or Public Servant Positions	The Grade of each Vacancy	The Length of each Vacancy (Months)	Details of any application made to exempt a vacancy from embargo
Department of Community, Rural & Gaeltacht Affairs	0.2	Principal Officer	*	N/A
	0.2	Assistant Principal Officer	*	N/A
	1.5	Assistant Principal Officer	5	None
	0.5	Assistant Principal Officer	9	None
	1.0	Agricultural inspector	6	None
	1.0	Assistant Agricultural Inspector	0.5	None
	1.0	Placenames Officer	10	None
	1.0	Researcher**	5	Under consideration
	0.5	Employee Assistance Officer	60	None
	0.9683	Higher Executive Officer	*	N/A
	1.0	Higher Executive Officer	5	None
	1.0	Higher Executive Officer	1	None
	1.6366	Executive Officer	*	N/A
	1.0	Executive Officer	3	None
	2.2683	Clerical Officer	*	N/A
	1.0	Clerical Officer	3	None
1.0	Clerical Officer	2.5	None	
0.8	Clerical Officer	1	None	
	Total: 17.5732			
Office of the Commission of Charitable Donations and Bequests	1.0	Higher Executive Officer	3	None
An Choimisinéir Teanga	1.0	Clerical Officer	12	None

	Number of Vacant Civil or Public Servant Positions	The Grade of each Vacancy	The Length of each Vacancy (Months)	Details of any application made to exempt a vacancy from embargo
Waterways Ireland	1	Director	105	***
	1	Head of HR	39	
	1	Head of Administration	32	
	1	Administrator	16	
	1	Administrator	10	
	1	Administrator	21	
	1	Engineer	87	
	1	Engineer Technician	87	
	1	Engineer Technician	1	
	1	Foreman Grade 1	1	
	1	Foreman Grade 1	1	
	1	Foreman Grade 2	27	
	1	Foreman Grade 2	12	
	1	Chargehand	56	
	1	Senior ganger	12	
	1	Plant Operator A	10	
	1	Plant Operator A	5	
	1	Plant Operator B	5	
	1	Plant Operator B	4	
	1	Light Equipment Operator	3	
1	General Operative	17		
1	Boatman	47		
1	Boatman	7		
Western Development Commission	1	Principal Officer (Higher)	2.5	none

	Number of Vacant Civil or Public Servant Positions	The Grade of each Vacancy	The Length of each Vacancy (Months)	Details of any application made to exempt a vacancy from embargo
Údarás na Gaeltachta	1	Grade 1	23	none
	1	Grade 1	12	none
	1	Grade 1	7	none
	1	Grade 1	7	none
	1	Grade 1	5	none
	1	Grade 2	14	none
	1	Grade 3	6	While a case was made to the Department for this vacancy, this case was subsequently withdrawn by An tÚdarás.
	1	Grade 3	1	none
	1	Grade 4	22	none
	1	Grade 4	3	none
<i>An Foras Teanga, comprising: Ulster-Scots Agency</i>	1	Equivalent to Deputy Principal Northern Ireland Civil Service (Belfast based)	24	***
	1	Equivalent to Staff Officer Northern Ireland Civil Service (Belfast based)	24	
Foras na Gaeilge	1	Principal Officer	12	***
	1	Assistant Principal Officer	12	
	1	Assistant Principal Officer	9	
	1	Higher Executive Officer	36	
	1	Higher Executive Officer	12	
	1	Higher Executive Officer	9	
	1	Higher Executive Officer	9	
	1	Executive Officer	24	
	1	Executive Officer	12	
	1	Clerical Officer	18	
	1	Engineer Grade 2	36	
	1	Engineer Grade 3	24	
	1	Engineer Grade 3	12	
	1	Engineer Grade 3	12	
	1	Engineer Grade 3	12	
1	Engineer Grade 3	6		

Community Development.

147. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if CLÁR funding will be awarded to a project (details supplied) in County Mayo; the reason funding has not been made available. [35082/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I can confirm to the Deputy that CLÁR funding was, in fact, approved for the project in question in August, 2008. Some of this funding was drawn down by Mayo County Council in August 2009, and that body may draw down the remainder as work progresses and further expenditure is incurred on the project.

Rail Services.

148. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the progress of a project (details supplied); and if he will make a statement on the matter. [35085/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, the proposed re-opening of the Western Rail Corridor on a phased basis was announced in 2005 by my colleague, Noel Dempsey T.D. Minister for Transport, as part of Transport 21.

I understand that work is continuing on the first phase of the Corridor, from Ennis to Athenry and this is on target to be completed by the end of the year. As part of the support for WRC, my own Department has provided funding of €3.5m towards line clearance work between Claremorris and Collooney.

Ministerial Travel.

149. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35110/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The annual cost, including relevant flights, subsistence and other expenses paid, of overseas travel in my official capacity as Minister for the years 2007, 2008 and 2009 (to date) is set out in Table 1. The primary purpose of each trip and the number of people who traveled is also indicated. Similar information in regard to the Ministers of State at my Department for the years 2007, 2008 and 2009 (to date) is set out in Table 2.

Table 1: Minister 2007-2009 (to date)

Year	Destination	Purpose	Number in Ministerial party	Amount
2009	London	Attended Waterways Ireland (WI) exhibition at the London Boat Show with John Martin, CEO WI.	4	€ 1,291
	Cardiff	Attended British-Irish Council Summit Meeting.	2	321
	Australia	State Representative at St. Patrick's Day events; meeting with Australian Premier Kevin Rudd; meetings with NSW Minister Tony Kelly; meetings with IDA clients; attended Enterprise Ireland events; visits to Irish-Australian Welfare Bureaus.	3	16,898
	Canada	State Representative at the National Famine Commemoration events in Toronto and Quebec (also attended by Federal Minister Jim Prentice); visited Celtic Studies Department and delivered lecture on Great Famine in University of Toronto.	4	7,629
2008	London	Attended Waterways Ireland (WI) exhibition at the London Boat Show with Edwin Poots MLA, Minister for Culture, Arts and Leisure, and John Martin, CEO WI.	4	3,318
	Brussels	Meeting with EU Commissioner for Rural Development; attended Conference on Multilingualism.	7	3,414
	Boston, USA	Meetings with Department of Celtic Studies and Department of Celtic Languages & Literatures, Harvard University; delivered lecture on membership of European Union; attended event for Irish community in Boston; meetings with faculty and students in Boston College; visited Irish Centre in Canton.	3	13,040
	India	State Representative at St. Patrick's Day events; 400+ guests in Delhi and 850+ guests in Mumbai comprising Irish community, business and diplomatic guests; undertook range of interviews supporting Irish agencies (e.g. Tourism Ireland, IDA and Enterprise Ireland); visited projects funded by Irish Aid in slum areas.	4	15,760
	New York, USA	Delivered Barra Ó Donnabháin lecture in New York University; launch of Fulbright Irish Language Programme 2008-11 in Lehman College; visited NY Irish Arts Centre.	5	8,522
	Brussels	Meeting with EU Commissioner Fischer Boel.	5	1,811
	Milwaukee, USA	Meetings with Chancellor of University of Wisconsin Milwaukee and members of Faculty of Celtic Studies; speaker at Irish Fest Milwaukee; attended range of Irish promotional events; meeting with Mayor of Milwaukee and Chamber of Commerce; attended commemoration of Omagh bombing.	2	11,465

Year	Destination	Purpose	Number in Ministerial party	Amount
	Scotland	Meeting Scottish Government representatives, including Rt. Hon Mr. Alex Salmond, MSP, First Minister of Scotland, Linda Fabiani, MSP, Minister for Europe, External Affairs & Culture, Richard Lochhead, MSP, Cabinet Secretary for Rural Affairs & the Environment, John Swinney, MSP, Cabinet Secretary for Finance & Sustainable Growth; meetings with Rural Development Council, Inverness, Norman Gillies of Sabhal Mor Ostaig; Scottish National Access Forum/NGOs in relation to Rural Recreation and Walkways.	7	€ 7,242
	Isle of Man	Meeting with Hon Allan Bell MHK, Treasury Minister; visit to Tynwald; meeting regarding rural development issues chaired by Hon Phil Gawne, MHK; visit to Bunscoil (Manx language primary school); tour of Cregneash, including meeting with native Manx speakers.	4	2,030
	Boston/New York/Portland, USA	Guest of honour at 100 year celebration of the Mayo County Association; unveiling of plaque in honour of Éamon de Valera; visit to exhibition by Irish artist Joseph Walsh, attended inter-county football match in Gaelic Park; visited Catholic Memorial High school to meet students in Irish language programme; official opening of Maine Irish Heritage Centre; presentation with key to City by Mayor of Portland.	3	11,645
2007	London	Attended Waterways Ireland (WI) exhibition at the London Boat Show with CEO WI; launched new WI publication "Ireland: Waterways Map & Directory".	2	1,047
	Phoenix, USA	State Representative at St. Patrick's Day events in Phoenix; meeting with Bob Walkup, Mayor of Tucson; meeting with Office of Economic Development in University of Arizona; meeting with Irish Business Network; meeting with Mayor of Phoenix, Phil Gordon; tour of Irish Art Collection in Phoenix Art Museum; visit to Irish Cultural Centre.	5	30,929
	Bonn, Germany	Attended and gave lecture at the International Congress on Celtic Studies.	3	1,126
	Cleveland, USA	Guest of Honour at Mayo Society of Greater Cleveland; meeting with Mayo people living in Cleveland; radio interviews.	3	11,023

Table 2: Ministers of State 2007-2009 (to date)

Year	Destination	Purpose	Number in Ministerial party	Amount
2009	Vienna	Representing Irish Government at UN Commission on Narcotic Drugs.	3	€ 2,308
2008	London	Chairing British-Irish Council Ministerial Meeting on Drugs.	2	1,304
	Copenhagen Helsinki Vaasa, Finland	State Representative at St. Patrick's Day events. Meeting with Danish Health Board and visiting drugs projects in Copenhagen.	2	3,435
	Brussels	Meet on Civil Society involvement in regards to Drugs with representatives of the EU Commission.	2	477
2007	Chicago	Attending Irish Fest Milwaukee.	2	11,388

Social Welfare Benefits.

150. **Deputy James Bannon** asked the Minister for Social and Family Affairs her plans regarding twin and multiple births in relation to the cutbacks in child benefit as proposed by the Special Group on Public Service Numbers and Expenditure Programme; and if she will make a statement on the matter. [35079/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Child benefit is a monthly payment made in respect of qualified children to assist in the costs associated with child rearing. Currently the standard monthly rates of child benefit in respect of single births are €166.00 in respect of each of the first and second child and € 203.00 for the third and subsequent children. In addition, with regard to multiple births, parents of twins are paid child benefit at one and a half times the standard monthly rate for each qualified child. Child benefit is paid in respect of multiple births of triplets or more at double the normal monthly rate for each qualified child. Furthermore a special grant of €635.00 is paid in respect of multiple births at the birth and further grants of €635.00 when the children reach age 4 and 12 years.

As you will be aware, the rates of child benefit have increased significantly since 2001 having trebled for the first two children and increased by over 185% for the third and subsequent children.

Overall expenditure on child benefit has grown from just under €965 million in 2001 to nearly €2.5 billion in 2008 as a result of these increases and growth in the number of eligible children.

The Government was able to direct such substantial increases in financial support to all Irish families in recent years. However, given the scale of the current economic crisis, it is necessary to address all aspects of the public expenditure programmes, including social welfare programmes, so as to avoid excessive borrowing and to ensure that fairness exists in the allocation of resources. The report by the Special Group on Public Service Numbers and Expenditure Programmes recommended the introduction of a standard rate of Child Benefit for all children. This would have implications for households with three children or more as well as those with twins or other multiple births where rates per child which are higher than the standard are paid. Planned expenditure levels for my Department will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the report of the Special Group on Public Service Numbers and Expenditure Programmes, and the decisions on all of the issues arising will be a matter for the Government in the context of overall taxation policy and the prevailing social and economic environment. It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

151. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent allowance will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35151/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Rent Supplement is administered on behalf of the Department by the Community Welfare Service of the Health Service Executive (HSE) as part of the Supplementary Welfare Allowance scheme.

The Executive has advised that an application for rent supplement in this case was refused on the basis that the person concerned did not have a housing need as she had alternative accommodation available to her. The person concerned successfully appealed this decision to

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an appeals officer of the Executive and was notified of this decision by letter on 25th September 2009.

She was recently advised by a community welfare officer to seek suitable rented accommodation and was provided with the relevant application form for rent supplement. The Executive has advised that it has not yet received a completed application form from the person concerned.

Family Support Services.

152. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if a centre (details supplied) in County Louth, who operate under the auspices of the Family Support Agency, will continue to be supported; and if she will make a statement on the matter.

[34984/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The *Report of the Special Group on Public Service Numbers and Expenditure Programmes* made a range of recommendations relating to the Department of Social and Family Affairs including recommendations relating to the Family Support Agency and its programmes. The Department will consider, as part of the Estimates and budgetary process for 2010, the Report's recommendations and decisions on all of the issues arising will be a matter for Government. It would not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes.

Social Welfare Benefits.

153. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs the reason a child (details supplied) in Co Cork was refused the domiciliary care allowance. [35003/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In order to qualify for Domiciliary Care Allowance a child must have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time, so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

An application for Domiciliary Care Allowance was received by the Department on 16th July 2009. This application was referred to one of the Departments Medical Assessors who found that the child in question was not medically eligible for Domiciliary Care Allowance.

A letter issued to the person in question on 10th September 2009 where she was advised of the decision to refuse Domiciliary Care Allowance on medical grounds. 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. To date no request for review or appeal has been received.

Social Welfare Appeals.

154. **Deputy Tom Hayes** asked the Minister for Social and Family Affairs when a decision

will issue on a jobseeker's benefit appeal in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [35021/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the relevant Departmental papers and comments on the grounds of appeal in the case of the person concerned have been sought. When received, the appeal in question 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.

155. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs if she will give consideration to an application for disability allowance by a person (details supplied) in County Cork. [35029/09]

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 Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Departmental Staff.

156. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the number of vacant civil servant or public servant positions in her Department on 1 October 2009, and in the State bodies or organisations answerable to her; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35043/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Since early 2008, the Department has experienced significant pressure on customer services due mainly to the increase in the Live Register. In recognition of this pressure, the Government has approved an increase in the number of staff working in the Department.

In line with the Government moratorium on recruitment and promotion in the Civil Service, the additional staff have been sourced by the redeployment or lateral transfer of serving Civil Servants either within the Department or from other Government Departments. To facilitate this process, in July 2009, the Department of Finance implemented a staff levy on other Government Departments to allow for the filling of the additional posts approved and for the filling of vacancies in key customer areas.

To date, some 357 additional staff have been assigned to Local Offices, new Central Support Units and the Departments Inspectorate to specifically deal with the increase in claims for unemployment payments.

The following vacancies in the Agencies under the aegis of the Department have arisen since the moratorium on recruitment and promotion in the public service was introduced. No applications for exemptions from the moratorium have been made.

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Agency	Vacancies	Grade	Vacant since
Pensions Board	1	CO	August 2009
	0.5	AP	July 2009
Family Support Agency	1	AP	March 2009
	1	HEO	January 2009
Citizens Information Board	Nil		
Pensions Ombudsman	Nil		

Social Welfare Benefits.

157. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the position regarding a carer's allowance appeal in the case of a person (details supplied) in County Galway; and if she will make a statement on the matter. [35064/09]

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 6th October 2009 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the oral hearing. The Chief Appeals Officer will write to the Deputy when the appeal has been determined.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Ministerial Travel.

158. **Deputy John O'Mahony** asked the Minister for Social and Family Affairs the number of foreign visits undertaken by her and her Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35119/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Details of foreign travel undertaken by my predecessors and me for 2007, 2008 and to date in 2009 are set out in the following table:

Year	Location	Purpose of trip	Delegation (including Minister)	Full Delegation Costs
2009	Boston	Represent Irish Government at Funeral of Eunice Kennedy Shriver	1	€ 1,052
	Jonkoping, Sweden	EU meeting	2	2,035
	Vienna	Conference for Ministers of Family Affairs	2	1,694
	Stockholm	OECD Conference on Disability and Employment	2	2,278
	Philadelphia & Atlanta	St. Patrick's Day 2009	2	13,990
	Brussels	Meeting of Ministers for Employment and Social Affairs	2	478
	Prague	Parental Childcare & Employment Policy meeting	2	1,098

Year	Location	Purpose of trip	Delegation (including Minister)	Full Delegation Costs
2008	Paris	Meeting of Ministers during French Presidency of EU	2	€ 1,930
	Romania	Accompanying the President during State visit	2	578
	Brussels	Ministerial Council meeting for Employment, Social Policy and Health ministers	2	430
	Miami & Atlanta	St. Patrick's Day 2008	3	28,618
2007	Rome	St. Patrick's Day 2007	4	6,901

The totals shown include the cost of flights paid directly to the relevant travel company and the cost of accommodation paid directly to hotels and the expenses which are incurred by our Embassies and reimbursed to them by the Department.

Social Welfare Appeals.

159. **Deputy Ulick Burke** asked the Minister for Social and Family Affairs when a person (details supplied) in County Galway, who has been waiting since April 2009, will expect to be called for a medical examination by the chief medical appeals officer; and if she will make a statement on the matter. [35127/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that, following receipt of the grounds of appeal from the person concerned, the relevant Departmental papers and comments of the Department have been sought. 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.

160. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent support will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35152/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Health Service Executive has advised that according to its records, an application for rent supplement has not been received from the person concerned, at the address supplied by the Deputy.

It is open to the person concerned to contact his local community welfare officer with a view to making an application for rent supplement in respect of his new residence.

161. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent allowance will be awarded to a person (details supplied) in County Kildare who applied in July 2009; and if she will make a statement on the matter. [35153/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Rent Supplement is administered on behalf of the Department by the Community Welfare Service of the Health Service Executive as part of the Supplementary Welfare Allowance scheme.

The Health Service Executive has advised that income details were sought in respect of the partner of the person concerned. A decision will be made on the application for rent

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supplementation as soon as the person concerned provides the relevant information on household income.

Military Training.

162. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence if Irish soldiers have been involved in training Iraqi soldiers in the recent past in San Remo, Italy; the number of soldiers involved; and the mandate under which they were operating. [35031/09]

Minister for Defence (Deputy Willie O’Dea): The International Institute of Humanitarian Law, which has its headquarters in San Remo, Italy, was founded in 1970 as a private, independent and non-profit organisation with the primary objective of promoting the application, development and dissemination of International Humanitarian Law (IHL) in all its dimensions and to contribute to the safeguard and respect of human rights and fundamental freedoms throughout the world. Irish Defence Forces personnel have participated in the activities of the Institute since its foundation and have instructed on international courses conducted by the Institute.

In recent years the Institute has conducted courses on IHL specifically for Iraqi participants, both in San Remo and in Iraq. In November 2006 one (1) Irish officer instructed on such a course in San Remo, for 25 Iraqi civilian, police and military personnel on the subjects of Human Rights and the Rule of Law. To date no other Irish Defence Forces personnel have participated in the training of Iraqi personnel in San Remo.

Question No. 163 answered with Question No. 18.

Question No. 164 answered with Question No. 27.

Departmental Staff.

165. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35036/09]

Minister for Defence (Deputy Willie O’Dea): As at the 1 October 2009, there were 21 civil service vacancies in my Department and its agencies as follows:

Grade	Department	Civil Defence Board
Principal Officer	1	
Assistant Principal Officer	1	1
Higher Executive Officer	2	
Executive Officer	4	
Staff Officer	1	
Clerical Officer	9	
Services Officers/Attendants etc	2	
Total	20	1

The average length of vacancies is 5 months. My Department has not sought sanction to have any of these vacancies filled. In addition a total of 30 vacancies have arisen among civilian

employees of the Department (State Industrial Employees) since the Moratorium on Recruitment and Promotion in the Public Service was introduced. My Department has not sought sanction to have any of these vacancies filled.

Ministerial Travel.

166. **Deputy John O'Mahony** asked the Minister for Defence the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35111/09]

Minister for Defence (Deputy Willie O'Dea): The information requested is being compiled by my Department and will be forwarded to the Deputy as soon as possible.

Question No. 167 answered with Question No. 18.

Emergency Planning.

168. **Deputy Bernard J. Durkan** asked the Minister for Defence the role of the Defence Force in the event of a major emergency or terrorist attack; and if he will make a statement on the matter. [35143/09]

Minister for Defence (Deputy Willie O'Dea): Emergency planning in this country is developed on the “lead department” principle. This means that each department is responsible for planning for emergencies that fall within its area of responsibility. The Department of Justice, Equality and Law Reform is the lead government department in relation to national security related incidents (including terrorism).

The Government Task Force on Emergency Planning supports coordination of emergency planning across departments and key agencies. The Task Force, which I chair, meets on a regular basis and provides a forum for sharing information and keeping emergency planning high on the agenda of all government departments. At each meeting, An Garda Síochána and the Defence Forces provide an update of the security threat analysis. The last meeting of the Task Force was held on 30 September 2009.

The Framework for Major Emergency Management sets out a structure enabling the Principal Response Agencies (An Garda Síochána, the Health Service Executive and Local Authorities) to prepare for, and make a coordinated response to, major emergencies resulting from events such as fires, transport accidents, hazardous substance incidents and severe weather. The Major Emergency Plans which have been developed by local and regional authorities identify the procedures for requesting assistance from the Defence Forces. The involvement of the Defence Forces in responding to emergencies arises from requests for assistance from An Garda Síochána (aid to the civil power) or from other agencies of the State (aid to the civil authority). The role of the Defence Forces in these situations is dependent on the nature of the incident and the assistance requested.

The negotiation of prior agreed arrangements through Memoranda of Understanding (MOUs) and Service Level Agreements (SLAs) between the Department of Defence, the Defence Forces and relevant Government Departments continues to facilitate a planned and efficient response in emergency situations. SLAs have been agreed with a range of Departments in this regard and discussions are ongoing with other Government Departments and agencies regarding the developments of further SLAs.

Defence Forces Strength.

169. **Deputy Bernard J. Durkan** asked the Minister for Defence the number of female personnel in the Defence Force; the extent to which such numbers have fluctuated over the past five years; and if he will make a statement on the matter. [35144/09]

Minister for Defence (Deputy Willie O’Dea): The numbers of female personnel serving in the Defence Forces over the past five years and in 2009 to date by rank is set out in the tabular statement under:

Permanent Defence Force — Female Strength

	Officers	Non Commissioners Officers	Privates	Total
31/12/04	105	125	284	514
31/12/05	108	133	288	529
31/12/06	121	143	292	556
31/12/07	126	148	286	560
31/12/08	138	167	265	570
30/09/09	142	171	252	565

In the period 2004 to 31 December 2008 inclusive, the strength of female personnel in the Defence Forces grew from 514 on 31 December 2004 to 570 on 31 December 2008. This figure has fallen to 565 on 30 September 2009. Overall there is an increase of 9.9% in the number of females serving over the period 2004 to 30 September 2009. The Government is committed to a policy of equal opportunity for men and women throughout the Defence Forces and to the full participation by women in all aspects of Defence Forces activities. Unlike many other national armed forces, the Defence Forces have no restrictions as regards the assignment of men or women to the full range of operational and administrative duties. All promotions and career courses are open to both genders on merit.

Defence Forces Training.

170. **Deputy Bernard J. Durkan** asked the Minister for Defence if all Irish troops serving on peacekeeping or stabilisation missions have had opportunity to train with EU and UN personnel to achieve standards compatible with other troops on such missions; and if he will make a statement on the matter. [35145/09]

Minister for Defence (Deputy Willie O’Dea): The Defence Forces receive ongoing training to enable them to participate fully in UN, EU and other missions overseas. Troops selected for overseas service undergo a rigorous programme of training, designed to help them carry out their peacekeeping mission and to provide for their protection. Pre-deployment training is provided to members of the Permanent Defence Force and is updated on an ongoing basis in the light of any changes in the threat assessment or mission requirements.

The Defence Forces are also involved in interoperability training and technical developments in co-ordination with UN and EU partners. For example the Defence Forces took part in Exercise Illuminated Summer in Autumn 2007, as part of the main interoperability exercise, during Ireland’s membership of the Nordic Battlegroup 2008. The Defence Forces have also participated in a range of desktop and command post exercises based on realistic peacekeeping

scenarios. Defence Forces training is based on and updated in accordance with best practice international training standards.

Ireland, in common with other neutral EU Member States who are members of Partnership for Peace (PfP), participates in the PfP Planning and Review Process (PARP) mechanism for planning in relation to peace support operations. The scope of Ireland's involvement in PARP is focussed on enhancing interoperability so that Defence Forces personnel can operate efficiently and effectively in a multinational environment. I am satisfied that Defence Forces personnel serving overseas receive, and will continue to receive, the necessary training to enable them to carry out their duties in a professional manner.

Defence Forces Strength.

171. **Deputy Bernard J. Durkan** asked the Minister for Defence if the strength of the Naval Service is currently up to the required level; and if he will make a statement on the matter. [35146/09]

172. **Deputy Bernard J. Durkan** asked the Minister for Defence if the strength of the Air Corps is currently up to requirement at all levels; and if he will make a statement on the matter. [35147/09]

173. **Deputy Bernard J. Durkan** asked the Minister for Defence the current and required strength of the Permanent Defence Force; and if he will make a statement on the matter. [35148/09]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 171 to 173, inclusive, together.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. I am advised by the military authorities that on 30 September 2009, the most recent date for which figures are available, the actual total strength of the Permanent Defence Force was 10,081 comprising 812 Air Corps, 1,038 Naval Service and 8,231 Army personnel. In the context of the Government decision on the implementation of savings measures on public service numbers and the reduced budgetary provision available for 2009, all recruitment was suspended.

My focus at this point in time is on ensuring that the Defence Forces retain operational capability. I am acutely aware of the impact of the moratorium on the permanent Defence Force particularly in light of the very high turnover rate that is part of any military organisation. I am in ongoing contact with my colleague, the Minister for Finance regarding limited exceptions to the moratorium which are targeted at maintaining the operational capability and command arrangements of the Permanent Defence Force. I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government at home and overseas.

Defence Forces Equipment.

174. **Deputy Bernard J. Durkan** asked the Minister for Defence if sufficient resources are available to the Air Corps and Naval Service to provide sufficient surveillance to prevent drug trafficking; and if he will make a statement on the matter. [35149/09]

175. **Deputy Bernard J. Durkan** asked the Minister for Defence if he has satisfied himself that adequate resources are available to the Air Corps and Naval Service to ensure adequate coastal surveillance; and if he will make a statement on the matter. [35150/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 174 and 175 together.

The Naval Service provides the maritime element of the Defence Forces and has a general responsibility to meet contingent and actual maritime defence requirements. The Naval Service operates eight general purpose patrol ships. All eight ships are involved in coastal and offshore patrolling and surveillance for the State in that part of the seas where State jurisdiction applies. The primary day-to-day tasking of the Naval Service is to provide a fishery protection service in accordance with the State’s obligations as a member of the European Union. However, as the need arises, Naval Service vessels are deployed to other duties such as aid to the civil power, search and rescue or recovery, and drug interdiction operations.

The current Exclusive Fishery Limits extend to 200 miles offshore and cover an area of 132,000 nautical square miles. The Naval Service currently patrols the entire 200 mile limit and periodically patrols beyond these limits to protect specific fisheries. These patrols are carried out on a regular and frequent basis and are directed to all areas of Irish waters as necessary. The number of Patrol Vessels on patrol in Irish waters at any one time varies between three and eight. The Naval Service is committed to having at least three vessels on patrol within the Irish Exclusive Economic Zone at any one time. All vessels are multi-tasked in the sense that they also undertake general surveillance, security and other duties while on patrol. Naval Service patrols are complemented by assistance provided by the Air Corps. The Air Corps Maritime Squadron carries out aerial surveillance of our Exclusive Economic Zone using the two CASA maritime patrol aircraft.

The Irish Coast Guard has overall responsibility for the provision of maritime Search and Rescue services within the Irish Search and Rescue region. In accordance with the roles assigned to them by Government in the White Paper on Defence, the Defence Forces are committed to providing support to the civil authorities including in relation to Search and Rescue. In this regard, the Naval Service and Air Corps provide support to the Coast Guard as the need arises and within their available capability.

Responsibility for the prevention of drug trafficking rests primarily with the Customs Service of the Revenue Commissioners. Responsibility for the prevention of crime, including people trafficking, rests primarily with An Garda Síochána. However, the White Paper on Defence provides for a security role for the Naval Service and the Air Corps to assist and support the civil authorities in this important work.

Government measures to improve law enforcement in relation to drugs, including the establishment in 1993 of a Joint Task Force involving An Garda Síochána, the Customs Service and the Naval Service, have helped to maximise the effective use of Naval Service resources in combating drug trafficking. The Air Corps provide air support and, on occasion, carry the Customs National Drugs Team in an observational capacity for the purpose of monitoring vessels suspected of drug trafficking and other illegal activities. There is close co-operation between the civil authorities and the Naval Service and the Air Corps in discharging this important mission. I am satisfied that the Permanent Defence Force is fully resourced to meet all its operational requirements.

Water Quality.

176. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on his failure to follow through on his commitment to improve water quality around the coast in response to the June 2007 European Court of Justice shellfish waters ruling and on indications from the European Commission that new legal action will be taken against him. [35098/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The ruling in question refers to a case against Ireland in relation to the implementation of Directive 2006/113/EC on the quality of shellfish waters. Responsibility for this function transferred to my Department in November 2008. I am committed to improving water quality in all of our waters and I have strengthened the legislative framework considerably since taking office as well as providing significant exchequer funding under the Water Services Investment Programme.

In relation to shellfish waters specifically, I designated 49 new shellfish waters in February 2009, bringing the total number of designated waters to 63. In addition, a process has been put in place for the preparation of Pollution Reduction Programmes by the end of this year for each of the designated sites. These Programmes will set out specific actions to protect and improve, where necessary, the water quality in the designated waters.

Proposed Legislation.

177. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government if he will confirm his commitment to exclude registered hunt kennels from the Control of Dogs (Amendment) Act 1992; the input that was sought from people affected by the legislation; and if he will make a statement on the matter. [35019/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): 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 process has included discussions with a number of organisations, bodies, public agencies and interests active in the area. 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 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 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 activities, 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 in accordance with comprehensive and appropriate standards. Accordingly, I do not consider that this aspect of the legislative regime should cause difficulty to their members.

Departmental Staff.

178. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and

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Local Government the number of vacant civil servant or public servant positions in his Department on 1 October 2009, and in the State bodies or organisations answerable to him; the grade and the average duration of the vacancies; and if an application has been made to have these positions exempted from the public service recruitment and promotions embargo. [35038/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department's authorised non-industrial staffing level is 1,205 and the industrial permanent staffing level is 116. On 1 October, 2009 staffing levels for non-industrial staff were 77 less than the authorised number and 10 less at industrial level and all grades are affected.

My Department has restructured its Business Units in order to deliver on its key objectives and to comply with Government Policy on Public Sector Numbers. The Department has sought sanction from the Department of Finance to fill 6 posts, 3 of which require specialist scientific skills. The Department has also sought sanction for seasonal industrial staff for the National Parks and Reserves during the 2009 and 2010 peak visitor seasons.

Day to day staffing and operational matters are matters for the individual agencies concerned and information would not generally be available in my Department on the number of vacancies in an agency at any given time. Under the moratorium on promotions and recruitment, the sanction of the Minister for Finance is required to fill posts and in accordance with this policy my Department has sought the sanction of the Minister for Finance to fill a number of posts in agencies under my aegis.

Proposed Legislation.

179. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government his proposals for modernising the landlord and tenant contact that will be included in the Housing Bill 2008 which will strengthen the position of tenants of approved housing bodies. [35059/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Part 3 of the Housing (Miscellaneous Provisions) Act 2009 provides for a new scheme of incremental purchase, which will, among other things, enable approved housing bodies to sell new dwellings provided for the purposes of the scheme to tenants at a substantial discount. This Part of the Act will be brought into operation in the coming months.

In September 2009, my Department published, for consultation purposes, a consultancy report on a strategic review of the voluntary and co-operative housing sector, which will inform future policy with regard to funding arrangements and governance for the sector, including tenure and related matters.

180. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his plans to hold an election in 2010 for a directly elected mayor; the legislation he is preparing to introduce this new position; when he expects to introduce this legislation into the Houses of the Oireachtas; and if he will make a statement on the matter. [35074/09]

181. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the effect the imminent creation of a national transport regulator, which will take over from the Dublin Transport Authority, will have on his plans for the proposed directly

elected mayor of Dublin to chair the Dublin Transport Authority; and if he will make a statement on the matter. [35075/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 180 and 181 together.

My Department is currently drafting the necessary legislation to give effect to the Government's decision to introduce a Mayor of Dublin. Given my intention to hold mayoral elections next year it will be necessary to have the relevant legislation in place well in advance, and I will be bringing my proposals in this regard to Government in the coming weeks.

My Department is in ongoing contact with the Department of Transport concerning the Mayor's transport functions in Dublin in light of the legislation to change the Dublin Transport Authority into a National Transport Authority; final arrangements will be contained in the legislation on the Dublin Mayor.

Social and Affordable Housing.

182. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government if he plans to facilitate persons who purchased houses under the affordable housing scheme to re-mortgage their property as in the case of persons (details supplied) in County Cork. [35091/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question No. 1053 of 16 September 2009. The position is unchanged.

Waste Disposal.

183. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government when he will require uniformity from local authorities regarding construction and demolition waste where currently some authorities require a permit to move construction and demolition waste while other authorities do not; if his attention has been drawn to this problem; his views on whether it is unfair to allow this situation continue; and if he will make a statement on the matter. [35095/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Having regard to the definition of waste in Council Directive 2006/12/EC on waste (the framework waste Directive), section 4 of the Waste Management Act, 1996 defines waste as any substance or object belonging to a category of waste specified in the First Schedule of the Act or for the time being included in the European Waste Catalogue "which the holder discards or intends or is required to discard."

Construction and demolition material would be regarded as a waste if the holder discards or intends or is required to discard it, e.g. in the context of construction or development activity. In such circumstances waste collectors will need a waste permit under the Waste Management (Collection Permit) Regulations 2007, as amended. However, there are circumstances where the material might not be considered a waste, having regard to this definition.

The Office of Environmental Enforcement issued guidance — Aspects of Construction and Demolition Waste Regulation — in December 2008, which provides guidance on the legal framework covering the recovery or disposal of construction and demolition wastes in Ireland. It is directed at regulators and those undertaking site activities such as site owners, developers

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and C&D companies. It provides guidance on determining whether a material arising from a C&D activity is waste or not, the type of authorisation that applies and the classification of this material.

184. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government his plans to require local authorities to provide facilities for construction and demolition waste; if his attention has been drawn to the fact that some local authorities do not provide such facilities; and if he will make a statement on the matter. [35096/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): While the provision of waste facilities to meet the objectives of the relevant statutory waste management plan is primarily a matter for the local authorities, recycling, recovery or disposal of construction and demolition waste in accordance with statutory requirements is specifically the responsibility of the producer.

I am satisfied that Ireland has an adequate network of fully licensed or permitted recovery/disposal sites which meet our current recovery or disposal needs. In total there are approximately 51 EPA licensed landfill and soil recovery facilities. The majority of the EPA facilities are capable of accepting C&D waste. In addition, there are approximately 1,800 waste facilities permitted by the local authorities that are capable of taking the C&D material.

Water and Sewerage Schemes.

185. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on a matter (details supplied) in County Limerick. [35097/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The combined Dromcollogher, Hospital, Pallasgreen and Bruff Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007-2009.

Local authorities were asked in July to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. These assessments will form a key input to the development of the 2010 to 2012 Water Services Investment Programme, which it is anticipated will be published in early 2010. In conducting their assessments, local authorities have been asked to prioritise schemes and contracts for progression over the coming years based on key environmental and economic criteria.

Limerick County Council's Preliminary Report for this scheme will be considered further when the Council's assessment of needs is received taking into account the priority attached to the scheme by the Council.

Election Management System.

186. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the number of polling clerks and presiding officers employed to work on the Lisbon treaty referendum on 2 October 2009; and if he will make a statement on the matter. [35100/09]

187. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the number of polling clerks and presiding officers employed to work on the

Lisbon treaty referendum on 2 October 2009 who are in full-time employment; and if he will make a statement on the matter. [35101/09]

188. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the number of polling clerks and presiding officers employed to work on the Lisbon treaty referendum on 2 October 2009 who are in receipt of a pension; and if he will make a statement on the matter. [35102/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 186 to 188, inclusive, together.

The primary role of my Department in electoral matters is to provide an appropriate policy and legislative framework for a modern and efficient electoral system. Within this framework, local returning officers are responsible for all matters in connection with the actual conduct of elections and referenda, including the selection, appointment and training of polling station staff to take the poll on polling day in accordance with the relevant provisions of electoral law.

Ministerial Travel.

189. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35114/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested is currently being compiled and will be forwarded to the Deputy as soon as possible.

Electricity Generation.

190. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the amount spent on all aspects of the Flagford to Srananagh 220kv project since its inception. [34986/09]

191. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the amount the overrun is expected to be from the original estimates for the Flagford to Srananagh ESB project. [34987/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 190 and 191 together.

I have no statutory function regarding the construction of specific power lines or in relation to arrangements entered into with landowners by ESB networks and EirGrid. The matters raised are operational matters for the two State bodies with statutory responsibilities to deliver Ireland's transmission and distribution network infrastructure.

Telecommunications Services.

192. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the lack of broadband provision in County Sligo; his views on concerns that the national broadband scheme will not impact positively on broadband provision in County Sligo; if his further attention has been drawn to a local group which

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has applied for funding from his Department to conduct a survey of broadband needs for County Sligo, including the impact the national broadband scheme will have in the county; if he will fund this survey; if not, the reason for same; and if he will make a statement on the matter. [35086/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Final decisions on the Electoral Divisions (ED) to be included in the National Broadband Scheme (NBS) were taken following an extensive mapping exercise to identify those areas throughout the country where broadband services were not available. This involved gathering data from all service providers in the country detailing areas in which they provided a service. Where EDs were shown to be substantially served by existing service providers, they were excluded from the NBS. Of the 82 Electoral Districts in County Sligo, 27 were deemed to be within the NBS coverage area.

Officials from Sligo County Council have been in touch with my Department in relation to the issue of a survey of broadband services in County Sligo. My officials held a very positive meeting with a delegation from the Council earlier this week to discuss details surrounding a survey of broadband services throughout the county to be carried out on behalf of the Council. My Department has not received an application for funding of such a survey nor was it raised during the meeting with officials from the Council. Consideration of any such application would of course have to be informed by the availability of resources.

Ministerial Travel.

193. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35109/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available it has not been possible to collate the information requested by the Deputy. The information will be provided to the Deputy as soon as possible.

Grant Payments.

194. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the reason the single farm payment of a person (details supplied) in County Cork has not been issued; if he will ensure this payment is issued as soon as possible; and if he will make a statement on the matter. [34996/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2009 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 12 May 2009. Payments under the Disadvantaged Areas Scheme commenced on 22 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as outstanding issues are resolved. The application of the person named has been fully processed and the applicant has been paid his Disadvantaged Areas Scheme payment.

Pigmeat Recall Scheme.

195. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the funds paid to pork primary processors, to secondary processors, wholesalers and retailers as a result of the recall of pork and bacon products; and if he will make a statement on the matter. [35055/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To date a total of €69m has been paid to pigmeat processors under the Pigmeat Recall Scheme, €30m to primary processors and €39m to secondary processors. This includes some payments in respect of product supplied to retailers which was removed from shelves and destroyed immediately following the recall. However, no payments are being made directly to retailers or wholesalers — instead, the procedure has been for such entities to make their own claim against their suppliers, who in turn may submit a claim for consideration by the Department.

Grant Payments.

196. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when an application will be processed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [35093/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2009 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 30 April 2009. Payments under the Disadvantaged Areas Scheme commenced on 22 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments continue to issue as outstanding issues are resolved. The application of the person named has now been fully processed and payment will issue shortly.

Ministerial Travel.

197. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter. [35107/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The information requested is being compiled and will be made available as soon as possible.

Public Procurement Guidelines.

198. **Deputy Denis Naughten** asked the Minister for Education and Science the reason a contract (details supplied) did not go through the normal public procurement procedure; the further reason for the limited tender period; the value of the contract; and if he will make a statement on the matter. [34981/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The Education Centre in question is part of a network of twenty one full time and nine part time centres. As per the Education Act (1998) these centres are bodies corporate and each centre has a management committee which governs their day to day business. My Department does provide funding to the Education Centres and has provided the Centres with a set of Financial Guidelines which they use in their accounting procedures. In these Guidelines we have directed that in the case of

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tendering, the Management Committee must determine in advance the tendering procedure to be used in each case with reference to Public Procurement Guidelines.

The contract in this case was for under €5,000 and the Public Procurement Guidelines state that supplies and services for less than €5,000 in value can be purchased on the basis of verbal quotes from one or more competitive suppliers and that there are no prescribed time limits. The tender in this particular case was advertised in newspapers and on the Education Centre’s website and there was a period of three weeks for interested parties to apply.

Educational Disadvantage.

199. **Deputy Mary Upton** asked the Minister for Education and Science if he will make a statement on the withdrawal of funding to arts organisations funded by his Department (details supplied). [35001/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department fully appreciates the importance of arts and culture to children’s education and personal development. The arts help to promote a child’s self esteem and enjoyment of learning. They also provide an important vehicle for personal enrichment and cultural expression, as well as creating awareness and respect for other cultures. Working through the arts helps to nurture and develop cognitive, communicative, emotional, imaginative, aesthetic, social, and spiritual intelligences and skills. Learning through guided activity and discovery, with children as active agents in their own learning and enrichment, is a vital part of this process. This is why arts education, through Music, Visual Arts, and Drama, and of course, through language, forms an integral part of the primary curriculum.

Schools in DEIS are particularly aware of the importance of the arts in addressing disadvantage, and in promoting success in learning. Many schools in DEIS use the flexible budgets they receive to promote integrated links with community arts organisations and to offer enrichment programmes in support of the curriculum. The companies to which the Deputy refers are among a number of Theatre and Arts Groups that received funding from my Department over the last ten years to provide performances on relevant topics and drama/arts workshops in disadvantaged schools where the groups are located. This support was drawn from the Department’s educational disadvantage budget which is primarily focused on assisting schools in their efforts to cater for the specific educational needs of children from disadvantaged backgrounds. With the introduction of the DEIS (Delivering Equality of Opportunity in Schools) programme in 2006, significant additional capitation funding was made and continues to be made available to the 876 schools in DEIS. DEIS is designed to ensure that schools serving the most disadvantaged communities benefit from the maximum level of support available.

There is a need to focus targeted resources on the schools in most need and this approach is in line with the broad thrust of the recommendations of the Comptroller and Auditor General which are set out in his report on Primary Disadvantage of 2006, which recommended that the Department should focus its educational disadvantage measures on those schools serving the most disadvantaged communities. In light of the current economic downturn the Department’s focus is to retain mainstream resources on core interventions in schools. Support for the Theatre Groups is not consistent with this focus and such spending can not be regarded as a priority. While it is appreciated that the discontinuation of these resources will impact on the groups, given the extremely challenging economic circumstances, difficult decisions had to be made in order to contain public sector spending.

As the main focus of Social Inclusion measures is to retain resources in DEIS schools, these schools may at their discretion choose to use some of their additional disadvantaged capitation to avail of the services provided by the Theatre Groups.

Departmental Investigations.

200. **Deputy Phil Hogan** asked the Minister for Education and Science when an investigation will be concluded in respect of a matter (detail supplied): the reason for the delay; and if he will make a statement on the matter. [35005/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The inquiry to which the Deputy refers was established in February 2006 by my predecessor as Minister for Education and Science and relates to Kilkenny City Vocational School. The terms of reference are set out below.

I share the Deputy’s concerns regarding the delay in concluding this inquiry. In view of the time that has elapsed since the establishment of the inquiry, the inquiry officer has been requested to provide an interim report, as provided for under the Terms of Reference. The Inquiry Officer has recently informed my officials that he has concluded the taking of evidence from relevant persons, and he expects to be in a position to furnish an interim report to me by the end of this year.

Terms of Reference

I, Mary Hanafin T.D., Minister for Education and Science, in exercise of the powers conferred on me by section 105 of the Vocational Education Act 1930, hereby appoint Mr Torlach O’Connor, retired Assistant Chief Inspector of the Department of Education and Science, to—

- (a) carry out an inquiry into the performance by Ms Cathy McSorley, Principal of Kilkenny City Vocational School, of her duties as Principal of Kilkenny City Vocational School and such an inquiry shall include, but not necessarily be limited to, an inquiry into—
 - (i) the organisation and administration of that school in the area of human resource management,
 - (ii) the alleged failure of Ms McSorley to effectively apply the schools disciplinary policy,
 - (iii) the alleged engagement by Ms McSorley in the bullying of staff members of County Kilkenny Vocational Education Committee,
 - (iv) the alleged failure of Ms McSorley to comply with the lawful orders of the Vocational Education Committee as directed from time to time by the Chief Executive Officer,
 - (v) the administration of the school by Ms McSorley with regard to recording of the roll books in the school and the supervision of a foreign trip by the school in February 2001, and
 - (vi) the alleged payment by Ms McSorley to students enrolled in Kilkenny City Vocational School to attend such school.

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- (b) to report to me the outcome of the inquiry as speedily and in as efficient a manner as possible, having regard to the circumstances of the case,
- (c) to provide an interim report if requested by me to do so.

The terms of reference may be subject to such addition or amendment as I consider appropriate.

Signed this 20th day of February 2006

Mary Hanafin TD

Minister for Education and Science

Higher Education Grants.

201. **Deputy Brian O’Shea** asked the Minister for Education and Science the assistance he will provide to a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [35046/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the Local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down, in writing, by the assessing authority, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department.

No appeal has been submitted to date in this case.

Schools Building Projects.

202. **Deputy Brian Hayes** asked the Minister for Education and Science if he will make a statement regarding the outstanding moneys for a school (details supplied); the reason he refuses to release these moneys; and if he will make a statement on the matter. [35057/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The bulk of the funding due for payment under the terms of the contract between the school and the contractor for this project has issued to the school on foot of appropriate certification that certain works have been completed. However, to date, a final certificate, signed by the Consultant Architect, confirming satisfactory completion of the project has not been received in my Department from the school.

My Department is aware of the difficulties arising between the school and the building contractor in question that have delayed the satisfactory conclusion of this project. There has been considerable correspondence between the parties involved and my Department with a view to reaching a solution to the matter. When the outstanding issues are resolved and appropriate

certification supplied, my Department will be in a position to release the remaining funding on the project.

School Staffing.

203. **Deputy Richard Bruton** asked the Minister for Education and Science if his attention has been drawn to the fact that the loss of a teacher at a school (details supplied) in Dublin 3 has caused class sizes to rise from 26 to 32; the steps he will take to reduce class numbers; and if he will make a statement on the matter. [35072/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The budget measures will impact on individual schools in different ways depending on whether enrolment is rising or declining and the degree to which any one school has more teachers than it is entitled to under the allocation processes. In terms of the position at individual school level the key factor for determining the level of resources provided by my Department is the pupil enrolment at 30 September 2008.

The Deputy will be aware that my Department has published provisional information on the Department’s website about teacher allocations for 2009/10 school year. This was done as a first step at improving the level of information in the public domain about changes to the staffing allocations at both primary and post-primary level. The allocations are provisional at this stage and reflect the initial allocation position. The final position for any one school will depend on a number of other factors such as additional posts for schools that are developing rapidly and posts allocated as a result of the appeals processes. The operation of redeployment arrangements also impacts on the final position as a teacher can remain in his or her existing school where a suitable redeployment position does not exist. The final staffing position for all schools will therefore not be known until later in the autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and I remain committed to publishing updated information.

While the staffing schedule allocates on the basis of an average number of pupils each individual school decides on how to arrange its classes. Combined classes are a feature of the majority of schools in the country and this arrangement has no adverse implications for the quality of the education children receive.

In terms of class sizes 80% of primary pupils were in classes of less than 30 pupils during the last school year. With over 20,000 individual classes spread across all schools throughout the country there will inevitably be differences in individual class sizes. Some schools can have class sizes of greater than 28 but this is often because of a local decision by a school to use its teaching resources in order to have smaller numbers in other classes.

School Staff Recruitment.

204. **Deputy Brian Hayes** asked the Minister for Education and Science if his attention has been drawn to the fact that persons applying for teaching positions in certain secondary schools were asked personal questions about their religion at interview stage; if he will clarify the exact legal status of this arrangement; and if he will make a statement on the matter. [35089/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The recruitment and appointment of personnel to fill teaching posts is a matter for the Board of Management of each individual school.

Ministerial Travel.

205. **Deputy John O'Mahony** asked the Minister for Education and Science the number of foreign visits undertaken by him and his Ministers of State in 2007, 2008 and to date in 2009; the location of each; the number of people who travelled; the cost for each trip; if he will provide the information in tabular form; and if he will make a statement on the matter.
[35112/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The information requested by Deputy is currently being collated by my officials, but unfortunately it has not been possible to fully gather all the relevant data in the time available. I will reply directly to the Deputy as soon as the information has been fully collated.