



# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Déardaoin, 10 Nollaig 2009.*  
*Thursday, 10 December 2009.*

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

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*Paidir.*  
*Prayer.*

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#### **Order of Business.**

**The Taoiseach:** It is proposed to take No. *a14*, motion re implementation of new powers of national parliaments under the Lisbon treaty; No. *41a*, financial motions by the Minister for Finance [2009], motion 5, resumed, to adjourn after the Leaders speeches and the order shall not resume thereafter; No. *a4*, Social Welfare and Pensions (No. 2) Bill 2009; Order for Second Stage, Second and Subsequent Stages. It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 4.45 p.m. tonight and business shall be interrupted not later than 11 p.m.; and the sitting shall be suspended from 5.30 p.m. to 6.15 p.m. today; (2) No. *a14* shall be decided without debate; (3) the following arrangements shall apply in regard to the resumed debate on No. *41a*: (i) the speech of the Taoiseach and of the leader of Fine Gael, the Labour Party, the Green Party and Sinn Féin, or a person nominated in his stead, who shall be called upon in that order, who may share their time, shall not exceed 40 minutes in each case; (ii) the speech of each other Member called upon, who may share their time, shall not exceed 30 minutes in each case; (4) the following arrangements shall apply in regard to No. *a4*: (i) the proceedings on Second Stage shall be taken today and shall, if not previously concluded, be brought to a conclusion at 1 p.m. tomorrow; (ii) the proceedings on Committee and Remaining Stages shall be taken tomorrow and shall, if not previously concluded, be brought to a conclusion at 6.30 p.m. on that day by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Social and Family Affairs; (5) the Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn

[The Taoiseach.]

not later than 6.30 p.m.; and the business to be transacted shall be announced on the Order of Business in accordance with Standing Order 26 on that day.

**An Ceann Comhairle:** There are five proposals to be put to the House today. Is the proposal that the Dáil shall sit later than 4.45 p.m. agreed to?

**Deputy Eamon Gilmore:** The Labour Party does not agree to any proposal on the Order of Business today because of the manner in which the Government is dealing with the budget debate and the arrangements for the Social Welfare and Pensions (No. 2) Bill.

We have just had probably the most severe budget in living memory. The least the people who are affected by that budget, those who are having their pay and various payments cut, including child benefit and family payments, are entitled to, is that the representatives they elect to Dáil Éireann are given an opportunity to express their opinion about the budget and to speak on it. The arrangements being proposed in the House effectively mean that the budget debate will end by lunch time today, less than 24 hours after the budget was announced. We have never had a situation before where the budget debate has been curtailed in that way.

Second, arrangements are being proposed for the Social Welfare and Pensions (No. 2) Bill that are for the political convenience and political cover of Government Deputies. Those arrangements to put through the Social Welfare and Pensions (No. 2) Bill by the weekend, which was only published a few hours ago, are to ensure that none of the Government Deputies wobble when they meet constituents who are affected by the provisions of the Bill.

Those arrangements have not happened by accident. I have been raising with the Taoiseach in the House since October first the date of the budget. It took me several weeks to get out of him that the Government was changing the normal date of the budget from the first week in December to the second week in December. I pointed out at the time that it would leave very little time for debate on the budget. I did not know then, nor did any of us, that the budget would be accompanied by two pieces of controversial legislation, a new social welfare Bill and a Bill to cut pay. It took me quite some time to get out of the Taoiseach also that a social welfare Bill would be published and when it would be published. What we have are arrangements that are designed to ensure that no supporter of the Government disappears from the voting lobby. They have been herded into the House this week and they will be got through the lobby before they get out on Friday evening.

Whatever excuse people have who are subject to a Whip, there are six Deputies who are not subject to a Whip, namely, Deputy Healy Rae, Deputy Lowry, Deputy Grealish, who declare themselves to be Independents, and Deputy McDaid, Deputy Devins and Deputy Scanlon, who tell us that they are no longer subject to the Whip. All of those Deputies are free to vote as they wish on those Bills but the arrangements that are being proposed in the House amount to a devious and undemocratic political device that is denying the right of Members of the House—

**Deputy Seán Power:** Deputy Gilmore is undermining his own argument.

**Deputy Timmy Dooley:** Which part of democracy does Deputy Gilmore not understand?

**Deputy Eamon Gilmore:** —to express their opinions. It is grossly unfair to the people we represent.

I am also somewhat surprised that the way in which the democracy of this House is being abused has not been commented upon by others.

**Deputy Timmy Dooley:** The media has let you down again Eamon.

**Deputy Caoimhghín Ó Caoláin:** Proposal No. 1 on the extension of time for a Thursday sitting is to accommodate the introduction of the Social Welfare and Pensions (No. 2) Bill. It is unprecedented that the Bill is following not only the budget debate but is coming immediately after the leaders' contributions and that the debate on the budget will be suspended to accommodate the Social Welfare and Pensions (No. 2) Bill today and tomorrow.

I agree with the previous speaker that this is all about ensuring Government Deputies, backbenchers in particular, do not find themselves under serious pressure over the weekend, take a fit of the jitters and become unable to sustain their support for the Social Welfare Bill measures in the subsequent week or post-Christmas. The Government is forcing ahead with the social welfare changes in legislation this week before even the substantive debate, outside the finance spokespersons and the party leaders, is under way on the measures announced in the House yesterday.

What are we looking at in regard to the social welfare Bill which is the critical mass of address today and tomorrow? Shamefully, we are looking at cuts in jobseeker's allowance, farm assist, pre-retirement allowance, supplementary welfare allowance, widow's and widower's pensions, deserted wives allowance, benefit schemes in regard to disability pension and invalidity pension—

**An Ceann Comhairle:** The Deputy is dissipating the leaders contributions.

**Deputy Caoimhghín Ó Caoláin:** —and, most disgracefully and most inexcusably, cuts to carers benefit and carer's allowance. These are among the range of cuts we are being asked to accommodate.

In a further proposition on the Order Paper, we are being asked to support the guillotining of Second Stage at 1 p.m. tomorrow and the Remaining Stages at 6.30 p.m. This is absolutely scandalous and it is not acceptable to this Deputy or to the other Sinn Féin Deputies and we will oppose each of these proposals.

**The Taoiseach:** The arrangements put in place are necessitated by the fact that two Bills must be enacted arising from the budget announcements by the Minister for Finance yesterday, including the social welfare Bill which, in the normal way, must be taken after every budget. Unfortunately in this instance, while we have been able to safeguard the real take home value of benefits, the financial situation is such that we must have a contribution from the social welfare budget next year, as we have to have from every other area of expenditure.

We have sought to do that in a way that is as fair as possible and by stabilising the deficit and safeguarding the value of payments on the basis that the decrease in the cost of living this year has been 6.5%. As I have said on several occasions, it is against a background of record increases and improvements in social welfare payments during budgetary cycles when there were resources beyond what are available currently.

We will still have spending of more than €21 billion on social welfare next year at a time when receipts this year will not exceed €30 billion to €32 billion. That is accepted and acknowledged by everybody as being unsustainable. In the interests of maintaining good support for people on fixed incomes and who require State support, it is incumbent on any responsible Government to take whatever steps are necessary to close the gap between what we are spending and what we are in receipt of from taxpayers in order that we can maintain a decent level of support into the longer term.

The budget debate will adjourn today after leaders have spoken and it will resume in the normal way when the Whips agree the Order of Business. It is normal to take the social welfare Bill over a two day period, as has been the case in the past. When I was asked a couple of weeks ago when it would be taken, I said it would be taken in a way that would ensure its

[The Taoiseach.]

enactment would be timely to allow for whatever changes decided on by Government. That has now come to pass.

We must also pursue a Bill in regard to public sector pay levels and it will be taken next week while the social welfare Bill will be taken this week. I assure Deputies that the Government and those who support it are four-square behind the need to make the corrections we are making in the medium term and the long-term interests of this country and in the interests of those recipients who depend on us to provide them with decent support in the social welfare code.

**An Ceann Comhairle:** Is the proposal that the Dáil shall sit later than 4.45 p.m. agreed to?

**Deputies:** No.

Question put: "That the Dáil shall sit later than 4.45 p.m."

The Dáil divided: Tá, 81; Níl, 75.

Tá

Ahern, Bertie.	Kitt, Tom.
Ahern, Dermot.	Lenihan, Conor.
Ahern, Michael.	Lowry, Michael.
Ahern, Noel.	McEllistrim, Thomas.
Andrews, Barry.	McGrath, Mattie.
Andrews, Chris.	McGuinness, John.
Ardagh, Seán.	Moloney, John.
Aylward, Bobby.	Moynihan, Michael.
Blaney, Niall.	Mulcahy, Michael.
Brady, Áine.	Nolan, M. J.
Brady, Cyprian.	Mansergh, Martin.
Brady, Johnny.	Martin, Micheál.
Browne, John.	Ó Cuív, Éamon.
Byrne, Thomas.	Ó Fearghaíl, Seán.
Calleary, Dara.	O'Brien, Darragh.
Carey, Pat.	O'Connor, Charlie.
Collins, Niall.	O'Dea, Willie.
Conlon, Margaret.	O'Donoghue, John.
Connick, Seán.	O'Flynn, Noel.
Coughlan, Mary.	O'Hanlon, Rory.
Cowen, Brian.	O'Keefe, Batt.
Cregan, John.	O'Keefe, Edward.
Cuffe, Ciarán.	O'Rourke, Mary.
Cullen, Martin.	O'Sullivan, Christy.
Curran, John.	Power, Peter.
Dempsey, Noel.	Power, Seán.
Devins, Jimmy.	Roche, Dick.
Dooley, Timmy.	Ryan, Eamon.
Fahey, Frank.	Sargent, Trevor.
Finneran, Michael.	Scanlon, Eamon.
Fitzpatrick, Michael.	Smith, Brendan.
Fleming, Seán.	Treacy, Noel.
Flynn, Beverley.	Wallace, Mary.
Gogarty, Paul.	White, Mary Alexandra.
Gormley, John.	Woods, Michael.
Grealish, Noel.	
Hanafin, Mary.	
Harney, Mary.	
Haughey, Seán.	
Healy-Rae, Jackie.	
Hector, Máire.	
Kelleher, Billy.	
Kelly, Peter.	
Kennedy, Michael.	
Killeen, Tony.	
Kitt, Michael P..	

Níl

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

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

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. a14, motion re implementation of new powers of national parliaments under the Lisbon treaty, without debate, agreed to?

**Deputy Enda Kenny:** There should be a debate about this as it is a very important element of the work to be done here. I know there was a report from the committees dealing with European affairs and European scrutiny and agreement on that but it is critical that the way this House deals effectively with the legislation coming in a river from Europe. For too long we have had so many examples of Ministers hiding behind directives blamed on Brussels when agreement was given by Ministers and officials from Ireland.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Enda Kenny:** We want to put an end to that. As the Taoiseach is well aware, the Lisbon treaty gives adequate notice to national governments of intentions to introduce legislation either by directive or regulation. This should be debated in the House and I would like

[Deputy Enda Kenny.]

to know the details of the extra resources that will be made available to the committees so the matters can be effectively scrutinised. We should not be in a position where a Minister can blame Brussels.

Having endorsed the Lisbon treaty, we can now be really effective in dealing with proposed legislation from Europe. This motion should not be passed without debate. It is fundamental and necessary that it should be debated.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Ruairí Quinn:** The passing of the Lisbon treaty referendum and the implementation of the new treaty provisions on 1 December has fundamentally transformed the relationship of this Parliament with the other 26 parliaments in the EU, the European Parliament and the Council of Ministers. It is a dramatic and fundamental constitutional change. I understand the reason this long and extensive motion, which I ask colleagues to read, is a temporary measure to get us to a position where we can deal with the issues referred to by the leader of the Fine Gael Party. I urge the Ceann Comhairle to take a direct and specific interest in this matter.

If the independence of this Parliament is to be recognised, as distinct from being an extension of the Executive, we must recognise this is not only a matter for another committee, as this will affect every Bill enacted by the House. Significantly, it will mean, for example, that the Tánaiste and Minister for Enterprise, Trade and Employment will be asked prior to attending a meeting of the Social Affairs Council what position she will take on behalf of the Irish Parliament on draft legislation. We have never had such a dialogue or relationship. We always have been presented with a *fait accompli* where legislation has been passed by the Council of Ministers and the European Parliament and we have to get on with it and put it into domestic legislation. It will, rightly, fundamentally change the relationship of this Parliament not only with the institutions of the Union but with all other national parliaments because if one third of national parliaments decide that draft legislation interferes with subsidiarity, they can put up the red card and refer it back.

I acknowledge and welcome what has been done on this matter by the Joint Oireachtas Committee on European Affairs but I ask the Ceann Comhairle, as the Speaker of the House, to undertake that there will be a comprehensive and detailed debate, as these provisions will change the working life of every Deputy and Senator. On the basis of an undertaking from the Ceann Comhairle, the Labour Party will agree to take the motion without debate in order that we can have a comprehensive debate in the future.

**An Ceann Comhairle:** I assure the Deputy these issues are being looked at.

**Deputy Alan Shatter:** Television is being looked at but not much has been achieved.

**Deputy Leo Varadkar:** It is under constant review.

**An Ceann Comhairle:** Deputy Ó Caoláin, without interruption.

**Deputy Caoimhghín Ó Caoláin:** While believing it is important the House is afforded an opportunity to address the measures relating to the new powers of national parliaments under the Lisbon Treaty and the need to ensure there is a full understanding of what is involved, which is neither exaggerated or made less of, and that the full information is open and not only understood in this House but beyond, we, in Sinn Féin, also support that either the Government commits now not to proceed on the motion without debate or, as the former speaker indicated,

that an undertaking is given that we will have an opportunity to address this measure in substantive form in this House.

**The Taoiseach:** With the entry into force of the Lisbon treaty on 1 December last, both Houses of the Oireachtas must be in a position to exercise their new responsibilities under the treaty, as outlined in the European Union Act 2009. While the Act sets out the role of the Houses, it is a matter for them to agree internal arrangements and rules for the exercise of that new role. To this end, the Joint Oireachtas Committees on European Scrutiny and European Affairs agreed on 8 December a joint report recommending these interim arrangements to enable the Houses to exercise these new powers without delay.

This is a technical motion, which provides for the implementation of the recommendations of the joint report until the adjournment of the Dáil for the summer recess next year. In the interim, the two committees will jointly conduct a detailed consultation process with a view to preparing a comprehensive report on the permanent structures and arrangements that should be put in place by the Houses of the Oireachtas. That then will inform the Committee on Procedures and Privileges in proposing the necessary changes to Standing Orders. A mirror motion is required in the Seanad.

With regard to Deputy Quinn's comments, it would be timely if, in the new year, we took an opportunity to have a debate in the House on these matters generally. Having been a member of the Joint Committee on European Affairs in the past, I take the point, particularly in the context of the changes in the Lisbon treaty and the role for national parliaments, that the Oireachtas must update itself regarding new arrangements, which will give a proper and appropriate role to our Parliament in considering legislation, and the powers national parliaments have under the treaty on whether legislative proposals can proceed at European Parliament level, which depend on the expressed wishes of national parliaments. All sides of the House have always subscribed to the principle of subsidiarity and we need to give effect to it in a practical way. With the agreement of the House, based on the joint committee report, we should take the motion without debate, as agreed, on the basis that we should, as part of the consultation process that will begin, have a plenary debate in the new year on where we go from here.

**An Ceann Comhairle:** Is the proposal agreed? Agreed. Is proposal No. 3 agreed? Agreed . Is proposal No. 4 agreed?

**Deputy Enda Kenny:** This is not agreed. Deputy Gilmore and others made the point about the Social Welfare Bill 2009, either before or after the budget debate concluded yesterday, that this is a Bill of real significance in which gross unfairness could have been avoided. In this Bill, the Government proposes to take €8.60 a week off a full-time carer looking after an Alzheimer's patient while allowing people to walk away with significant golden handshakes, which leave them with pensions of more than €100,000 without any cut. These are examples of gross unfairness. I do not accept that what the Taoiseach said about two-day debates in respect of social welfare should apply in this case.

I believe the Bill can be debated today but it should not be concluded tomorrow. We should debate it again on Tuesday or Wednesday when people have had time to consider the implications and the circumstances that will arise inevitably for household budgets in thousands of cases as a result of the Government yesterday putting through a budget to cut elements of social welfare. Fine Gael produced an alternative to the Government's €4 billion programme,



[Deputy Enda Kenny.]

which would have protected the vulnerable, carers, the disabled, the blind, pensioners and children while still achieving €4 billion in cuts.

**Deputies:** Hear, hear.

**Deputy Enda Kenny:** This is a Social Welfare Bill of gross, unwarranted and palpable unfairness and it should not be bulldozed through this evening and tomorrow and, for that reason, I reject what the Taoiseach proposes to do.

**Deputy Eamon Gilmore:** Last week the Opposition Whips were told the Social Welfare Bill would be taken on Tuesday and Wednesday of next week. During the week we began to hear, not from the Chief Whip but from Government backbenchers, that a different arrangement was planned, whereby the Bill would go through this week. That was to protect them from constituency fire over the weekend.

There is an alternative. As the Taoiseach said, two Bills must be enacted before the Christmas recess to give effect to the provisions of the budget — the Social Welfare Bill and the Bill on public sector pay.

Both Bills have been published. I suggest we take Second Stage of both Bills this week and Committee and Remaining Stages of both Bills next week. That way both Bills will be enacted prior to the Christmas recess but at least we will have an opportunity to have a proper Committee Stage debate. The irony is that under the rules of the House, the deadline for submitting amendments to the Social Welfare and Pensions (No. 2) Bill 2009 passed at 11 a.m. yesterday. The deadline passed before the Bill was published and the budget was announced. We can get over this if the Government is being genuine and this is not just about protecting people from fire over the weekend. We will agree arrangements to have Second Stage of both Bills this week with Committee and Remaining Stages of both Bills next week which would still get them through prior to Christmas. It is a more reasonable way of dealing with them.

**An Ceann Comhairle:** We have discretion in the matter of the amendments; it is not a huge obstacle.

**Deputy Caoimhghín Ó Caoláin:** The Bill described as the Social Welfare and Pensions (No. 2) Bill 2009 could be known as many things, quite obviously one of them is as an emigration Bill for those aged up to 24 who find themselves unemployed because that is exactly what it is. It is a recipe for emigration and encouragement for young people to leave these shores. It is not, as the Minister claimed yesterday, about keeping them close to the work ethic. Quite clearly, it is about dissuading them from remaining on these shores. It contains many other elements, as I indicated earlier. Quite disgracefully, in the list of cuts entailed in the Bill is a further cut of €36 per month from people providing essential care in the homes of countless thousands of Irish citizens. That is a shameful action on the part of the Government. The Bill is being rushed through today and tomorrow to facilitate the conscience and nerve of the backbenchers of Fianna Fáil and the Green Party. That is what it is all about.

**Deputy Arthur Morgan:** Dead right.

**Deputy Caoimhghín Ó Caoláin:** As I indicated earlier, if this is not done and dusted they will return here with a fit of the jitters.

**Deputy Martin Mansergh:** Rubbish.

**Deputy Caoimhghín Ó Caoláin:** They will lose their nerve and they will not be able to vote it through. That is what this is all about and make no mistake about it. We will not support it on the Order Paper and we will vehemently oppose its forced passage through the House. There is a real alternative and that alternative was spelled out to the Government several weeks ago in a carefully thought-through document properly costed by the Department of Finance and in consultation with the Commission on Taxation. It was a real set of proposals contained in the document *The Road To Recovery* prepared by Sinn Féin. The Government should have taken note of it.

**The Taoiseach:** In the past, we have taken the Stages of social welfare Bills on consecutive days. The Government wants to proceed and the country expects us to get on with implementing the decisions we have taken. We have the full support of the House this week, next week and every other week because it is what we have to do to ensure that we get the country back to recovery quickly.

**An Ceann Comhairle:** Is the proposal for dealing with No. *a4* agreed to?

The Dáil divided: Tá, 82; Níl, 71.

Tá

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

Kelleher, Billy.  
 Kelly, Peter.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.  
 Woods, Michael.

Nil

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

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

Question declared carried.

**Deputy Joan Burton:** At the end of his contribution on the budget and subsequently, the Minister for Finance confirmed that, in effect, he is planning to nationalise the banking system at some point in the new year. Will the Taoiseach indicate when the relevant legislation in this regard will be introduced and will he outline the format it will take? It appears we are going to commit a further €12 billion to the banking system, including €6 billion to a completely defunct Anglo Irish Bank. This means that the suffering people will be obliged to undergo in the coming years will be largely due to a broken banking system and a rescue mechanism which was not properly thought out by the two Brians, namely, the Taoiseach and his Minister for Finance.

**An Ceann Comhairle:** Deputy Burton is anticipating the further debate on the budget.

**Deputy Joan Burton:** When is the legislation necessary to nationalise the banks likely to come before the Dáil? Will time be made available for a debate on the position of the banks? The banks are not going to lend to the economy. In the absence of lending, there will not be any reflation rather there will be extremely deep deflation and a depression.

**An Ceann Comhairle:** The Deputy is trespassing into the debate on the budget, which is inappropriate at this point.

**Deputy Joan Burton:** I welcome the frankness of the Minister for Finance. However, I want to know when the legislation on the nationalisation of the banking system — which Fianna Fáil acknowledges is now required — will be brought before the Dáil.

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

**Deputy Joan Burton:** The Minister for Finance acknowledged that he will be obliged to take measures in respect of the nationalisation of the banks but that these were not contained in his Budget Statement. Will the Taoiseach indicate if the legislation in this regard will be introduced immediately after Christmas or will it be forthcoming at a later date? My question is perfectly legitimate.

**An Ceann Comhairle:** The obvious question relates to whether we are talking about legislation in this instance.

**Deputy Joan Burton:** The Minister referred to the matter yesterday in his Budget Statement.

**The Taoiseach:** To clarify, the Minister for Finance was asked a question last night in respect of the position on future recapitalisations. As in the past, the Government will be obliged to consider any proposal that emerges in due course. We have already made it clear that in the context of any future recapitalisation——

**Deputy Thomas P. Broughan:** That is why the budget is a farce. The Minister for Finance did not provide any figures.

**The Taoiseach:** Does the Deputy want to hear my answer?

**Deputy Thomas P. Broughan:** We want the facts.

**The Taoiseach:** Perhaps the Deputy and the Minister should have a chat about the matter.

**Deputy Thomas P. Broughan:** The Taoiseach can make his statement about——

**An Ceann Comhairle:** The Taoiseach, without interruption.

**Deputy Thomas P. Broughan:** What happened yesterday was farcical.

**The Taoiseach:** I am amazed by the Deputy's incapacity to listen to the answer to the question posed by his colleague. As I was saying, future recapitalisations will be considered as required. The Minister has already outlined the policy of the Government in respect of these matters, namely, that an ordinary shareholding will be taken by it in the event of any future recapitalisations.

**Deputy Joan Burton:** That is not a satisfactory answer.

**An Ceann Comhairle:** The Deputy will be able to make that point later.

**Deputy Joan Burton:** The €12 billion that will be necessary to recapitalise the banks puts the budget figures——

**An Ceann Comhairle:** Deputy Burton is being extremely unfair to other Deputies.

**Deputy Joan Burton:** Widows are going to lose €8.30 per week for the sake of Anglo Irish Bank and Irish Nationwide.

**Deputy Noel Dempsey:** Rubbish.

**Deputy Joan Burton:** We deserve to be provided with figures in respect of that.

**An Ceann Comhairle:** This is the Order of Business, not the debate on the budget.

**Deputy Joan Burton:** The budget is listed on the Order Paper.

**An Ceann Comhairle:** The debate on it will continue shortly with the contributions of the various party leaders.

**Deputy Joan Burton:** Part of the budget, namely, the money required to recapitalise the banks, is missing. We need those figures. The arithmetic of this matter relates to the €8.30 per week that will be docked from widows as opposed to the €12 million that is to be invested in Anglo Irish Bank and Irish Nationwide.

**An Ceann Comhairle:** There will be ample opportunity to articulate those points later.

**Deputy Joan Burton:** We deserve an answer in respect of this matter.

**Deputy Fergus O'Dowd:** I wish to ask two questions, the first of which relates to reports in today's newspapers to the effect that the Tánaiste and Minister for Enterprise, Trade and Employment has been informed there could be up to 1,000 compulsory redundancies in Aer Lingus. Will the Taoiseach instruct the directors appointed by the Government to the board of Aer Lingus to ensure that the national interest will be protected at all times? If these compulsory redundancies proceed, they will devastate the company and the services operating from Dublin, Cork and other airports.

In the context of the criminal justice (public order)(amendment) Bill, a constituent of mine, the Ceann Comhairle and the Minister for Justice, Equality and Law Reform was recently imprisoned for not possessing a dog licence. That is an appallingly Dickensian punishment to visit on a person.

**An Ceann Comhairle:** I am allowing the Deputy a great deal of latitude. However, the matter to which he refers would be better raised on the Adjournment.

**Deputy Fergus O'Dowd:** Yes, but I am raising it now. The Fines Bill should be fast-tracked and passed as quickly as possible so that people who do not possess dog licences or TV licences will not be imprisoned.

**An Ceann Comhairle:** Is there promised legislation?

**Deputy Fergus O'Dowd:** The Fines Bill is currently on Committee Stage.

**Deputy Deirdre Clune:** The issue relating to 1,065 job losses at Aer Lingus is extremely serious.

**An Ceann Comhairle:** That matter would be better raised on the Adjournment or as a parliamentary question.

**Deputy Deirdre Clune:** I submitted a request to raise it on the Adjournment and I hope the Ceann Comhairle will grant that request. This is an extremely serious issue. Some 1,065 cabin crew, ground staff and pilots who work for Aer Lingus stand to lose their jobs.

**An Ceann Comhairle:** There is no promised legislation in this area.

**Deputy Deirdre Clune:** These job losses will have an impact on connectivity. Will the Taoiseach indicate what the Minister for Transport has done in the context of instructing the Government-appointed members of the board of Aer Lingus to ensure that vital connection services from this island nation will not be affected?

**Deputy Thomas P. Broughan:** On the same issue——

**An Ceann Comhairle:** The Deputy should raise the matter on the Adjournment or submit a parliamentary question. There are so many ways in which this matter might be dealt with.

**Deputy Thomas P. Broughan:** Will the Tánaiste and Minister for Enterprise, Trade and Employment ensure that the National Implementation Body will begin negotiations with the Irish Airline Pilots Association, IALPA, SIPTU, IMPACT and the other trade unions in order to ensure that this disaster is avoided? Some 4,000 jobs are at stake. The Taoiseach would want to begin being concerned about jobs. The budget did not contain anything in respect of job creation.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Thomas P. Broughan:** What was perpetrated yesterday was a complete fraud. The Minister for Finance did not supply figures with the budget.

**An Ceann Comhairle:** The House will be sitting tomorrow and next week and the Deputy can raise this matter on the Adjournment or as a parliamentary question.

**The Taoiseach:** As this is an important issue, I wish to comment. We noted the statements by the CEO of Aer Lingus last week in respect of the company's transformation plan. As the Deputies will be aware, the National Implementation Body has invited the management and unions at the company to avail of the services of the Labour Relations Commission with a view to agreeing the cost savings necessary to secure the viability of the airline. The Minister for Transport dealt with this matter on Question Time yesterday. The Government commends the efforts made by the parties to these discussions and regrets that, to date, overall agreement has appeared elusive.

The Tánaiste and Minister for Enterprise, Trade and Employment received a letter from the company on 7 December, outlining its proposal for collective redundancies involving up to 1,065 staff to take place between January 2010 and March 2011. This is a normal notification procedure which, under legislation, the company is required to undergo. The position could, of course, change in the event that agreement on the cost-cutting plan is reached in the interim.

Where possible, the Government would encourage the parties to redouble their efforts, with the aim of achieving the necessary cost savings, while also minimising the magnitude of job losses at the company. From all the information available, the Government is satisfied that a major restructuring of the group's cost base is essential if Aer Lingus is to survive. The cost base of Aer Lingus is seriously out of line with that of its competitors. Airlines throughout the world are either rationalising or going out of business as a result of the global economic downturn. The Government wishes to see a strong and viable Aer Lingus in the future. The cornerstones of Government aviation policy are competitiveness and connectivity. A viable Aer Lingus is key to ensuring the achievement of these objectives. The State's labour relations institutions are available to assist.

**Deputy Bernard J. Durkan:** A Bill to provide for the amendment of the Criminal Justice (Legal Aid) Act 1962 is on the Order Paper and is promised for 2010. Can the Taoiseach indicate if this likely to appear early in the next session or towards the end of the year?

With regard to the points raised by Deputies Kenny and Quinn about European legislation and how this will affect the operation of the House, another item of legislation promised is one to make amendments to existing fisheries Acts, to include the use of fisheries protection tools in an environmental context. I am not sure what that means. Suffice it to say, most Ministers have been most helpful when appearing before the Joint Committee on European Affairs. In particular I pay compliments to the Minister for Foreign Affairs and his predecessor. However, there is one exception. A particular Minister avoided appearing before the committee on a sensitive issue that had an effect on policy. It must be clearly indicated——

**An Ceann Comhairle:** We are trying to establish when these items of legislation will be brought before the House.

**Deputy Bernard J. Durkan:** We can have all the aspirations we like and make all the rules we want but unless they are adhered to by those whose responsibility it is to accede to the wishes of the European institutions and the national institutions, we are wasting our time.

The promised legislation to which I refer is the sea fisheries and maritime jurisdiction (amendment) Bill. I mention this because I am concerned about it. It affects the entire Common Fisheries Policy and we know how this has affected the country in the past.

The other promised legislation is the electricity (transfer of transmission assets) Bill, concerning the transfer of system assets from the ESB to EirGrid. What has happened at Cabinet level in respect of this Bill? I understand it has been discussed and overtures have been made to both parties likely to be affected. Can the Taoiseach indicate the position of this matter?

**The Taoiseach:** The amendment to the Criminal Justice (Legal Aid) Act will be taken in the first half of next year. We do not yet have a date for the sea fisheries and maritime jurisdiction (amendment) Bill. The electricity (transfer of transmission assets) Bill will be taken next year.

**Deputy Bernard J. Durkan:** What has taken place so far?

**The Taoiseach:** I am here to report on progress of the Bill. I cannot discuss what goes on at Cabinet meetings.

**Deputy Bernard J. Durkan:** Is there progress to report?

**The Taoiseach:** The Bill is expected next year.

**Deputy Bernard J. Durkan:** Not exactly an electrifying experience.

**Deputy Noel Dempsey:** Is the Deputy shocked?

**Deputy Pat Carey:** Deputy Durkan is a bright spark.

**The Taoiseach:** It depends how many volts he can take.

**Deputy Michael Ring:** I tabled a number of questions to the Department of Health and Children about the over-70s medical card. The office will not answer the telephone, elderly people are worried, the office dealing with the medical card was decentralised to Dublin and nobody can get an answer. Elderly people cannot get their medical cards renewed.

**An Ceann Comhairle:** Deputy Ring knows the Order of Business arrangements. Is the question directly related to promised legislation?

**Deputy Bernard J. Durkan:** It is.

**Deputy Michael Ring:** I have tabled parliamentary questions. I do not want to get into a row because it is not good for my health. Will the Minister for Health and Children talk to the HSE and get them to deal with the over-70s medical card and answer their telephones?

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Michael Ring:** Will I get a reply to my questions? The Minister for Health and Children tells me she has no responsibility for the questions. I know Professor Brendan Drumm is the real Minister for Health and Children but Deputy Harney is not prepared to do the job and people over 70 are waiting for their medical cards. They are worried, sick and frightened. Elderly people are coming into my clinic because they cannot get their medical cards renewed.

**An Ceann Comhairle:** There are so many other ways Deputy Ring can raise this matter.

**Deputy Bernard J. Durkan:** There is no other way. Every Member has the same experience.

**Deputy Michael Ring:** It is an attack on the elderly.

**Deputy Kieran O'Donnell:** It is not just the over-70s.

**Deputy Bernard J. Durkan:** It is disgraceful.

**Deputy Joe Costello:** We all have that experience and we would like to see something done about it.

My question concerns EU legislation. Two directives must be transposed into domestic legislation. One is the floods directive, which requires the Government and all other member states to conduct a flood risk assessment. The second is the services directive, which relates to major issues that have implications for workers and working conditions in this country. The Government proposes to transpose both by statutory instrument. These are issues with major implications for the country. We referred earlier to a motion to conduct interim matters regarding the Lisbon treaty. Unless we can deal with these matters in the proper fashion, whereby they come to the floor of the House, we are renegeing on the new powers provided by the Lisbon treaty. Can these important issues be dealt with in the coming year by being brought to the floor of this House and debated properly as a normal item of legislation rather than the line Minister signing this into law without any debate or any democratic right of this House? This makes a mockery of what the Lisbon treaty stands for.

**An Ceann Comhairle:** Has primary or secondary legislation been promised in this area?

**Deputy Ruairí Quinn:** Yes.

**The Taoiseach:** The whole purpose of the committee system is to enable Deputies, though membership of the committees, to focus in greater detail than would be possible in plenary session of the Dáil on issues that arise.

**Deputy Joe Costello:** There will be no plenary session.



**The Taoiseach:** Directives require national implementation and it is a matter for each Government to decide in what way and how it will implement these directives.

**Deputy Joe Costello:** Is not, it is a matter for the Parliament.

**Deputy Micheál Martin:** Deputy Costello is wasting time.

**The Taoiseach:** I am not allowed to answer. There is no point.

**An Ceann Comhairle:** We will move on.

**Deputy Joe Costello:** The Taoiseach has misrepresented the situation.

**The Taoiseach:** I am not allowed to answer. Every time I stand up I am interrupted. It is a racket. I am not doing it anymore.

**Deputy Joe Costello:** Since 1 December, it is a matter for national Parliaments, not for the national Government, in respect of European Union directives. Proposals have been made on this matter.

**An Ceann Comhairle:** We must find an other way to get more information on this.

**Deputy Eamon Gilmore:** This is the first post-budget strike. The Taoiseach is refusing to answer questions.

**The Taoiseach:** It will be more than one day.

**Deputy Eamon Gilmore:** We can arrange that.

**An Ceann Comhairle:** We can come back to this issue at a later stage.

**Deputy Joe Costello:** I would like an answer to my question. Instead of allowing the Minister to put the directive in the library, through statutory instrument, I specifically asked the Taoiseach to allow for both directives to be brought to the floor of this House in the New Year. There are very important implications for our domestic legislation.

**An Ceann Comhairle:** I suggest tabling a parliamentary question.

**Deputy Ruairí Quinn:** He will not get an answer.

**Deputy Joe Costello:** This is a question about legislation. This is European legislation that we must transpose into domestic legislation. This should not be done by the Minister. The Minister should not be entitled to do this under the Lisbon treaty. It should be done by the full Parliament, not by a statutory instrument being placed in the Oireachtas Library without debate or discussion. I seek a commitment from the Taoiseach that he will respect democracy in these matters.

**The Taoiseach:** We had a discussion earlier on the Order of Business about the need for a debate in this House in the new year examining the procedures that arise from the joint report. We have just unanimously approved the technical motion for this a few minutes ago. That is where we can have the debate.

**Deputy Joe Costello:** These are too important.

## **Implementation of new powers of national Parliaments under the Lisbon treaty: Motion.**

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

That Dáil Éireann

— having regard to—

(a) the Resolution of Dáil Éireann of 8th October 2009, approving the terms of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community,

(b) the provisions of the European Union Act, 2009 ('the Act'), and

(c) the Joint Report of the Joint Committees on European Affairs and European Scrutiny on *Implementation of the Lisbon Treaty: Interim arrangements on the enhanced role of the Houses of the Oireachtas*,

— pending the outcome of the review referred to in paragraph (f) of this Resolution, and

— notwithstanding anything contained in the Orders of the Dáil of 23rd October, 2007, establishing the Joint Committees on European Affairs, European Scrutiny and Justice, Equality, Defence and Women's Rights,

hereby resolves that the following arrangements shall apply until the adjournment of the Dáil for the summer recess 2010:

(a) the detailed work to support the role of Dáil Éireann under section 7 of the Act shall be undertaken by the appropriate Select Committees appointed by Dáil Éireann, as outlined in paragraphs (b) to (e) of this Resolution, which shall, in the interests of efficiency, work jointly with their Seanad counterparts in carrying out their responsibilities under this Resolution, subject to the sole discretion of the Select Committees appointed by each House to resolve to act independently;

(b) all draft legislative acts transmitted to the Dáil shall stand referred to the Select Committee on European Scrutiny, which shall have responsibility for considering whether draft legislative acts are in compliance with the principle of subsidiarity under section 7(3) of the Act, subject to the following:

(i) in forming a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity, the Committee shall consult with the Joint Committee on European Affairs, and such other Committee(s) and stakeholders as the Committee sees fit;

(ii) where the Committee is of the opinion that a draft legislative act is in breach of the principle of subsidiarity, it shall submit a reasoned opinion to this effect by way of report which shall be laid before the Dáil;

(iii) where a report has been laid by the Committee under paragraph (b)(ii), the Chairman shall forthwith table a motion thereon under section 7(3) of the Act, which shall be given priority on the Order Paper;

(iv) where the Dáil approves the motion referred to in paragraph (b)(iii), the Ceann Comhairle shall send a copy of the Resolution, together with a copy of the report referred

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to in paragraph (b)(ii), to the Presidents of the European Parliament, the Council and the Commission; and

(v) four members of the Select Committee shall constitute a quorum for the purpose of considering business comprehended by this paragraph;

(c) the Select Committee on European Affairs shall have responsibility for considering such notifications as may be referred to it by Dáil Éireann under section 7(1) of the Act, subject to the following:

(i) in considering such notifications, the Committee shall consult with such other Committee(s) and stakeholders as the Committee sees fit;

(ii) where the Committee is opposed to the decision to which the notification refers, the Committee shall lay a report to this effect before the Dáil;

(iii) where a report has been laid by the Committee under paragraph (c)(ii), the Chairman shall forthwith table a motion thereon under section 7(1) of the Act, which shall be given priority on the Order Paper;

(iv) where the Dáil approves the motion referred to in paragraph (c)(iii), the Ceann Comhairle shall send a copy of the Resolution, together with a copy of the report referred to in paragraph (c)(ii), to the President of the European Council; and

(v) where the Committee is not opposed to the decision to which the notification refers, the Committee shall send a Message to this effect to the Dáil;

(d) the Select Committee on Justice, Equality, Defence and Women's Rights shall have responsibility for considering such notifications as may be referred to it by Dáil Éireann under section 7(2) of the Act, subject to the following:

(i) in considering such notifications, the Committee shall consult with the Joint Committees on European Affairs and European Scrutiny, such other Committee(s) and stakeholders as the Committee sees fit;

(ii) where the Committee is opposed to the decision to which the notification refers, the Committee shall lay a report to this effect before the Dáil;

(iii) where a report has been laid by the Committee under paragraph (d)(ii), the Chairman shall forthwith table a motion thereon under section 7(2) of the Act, which shall be given priority on the Order Paper;

(iv) where the Dáil approves the motion referred to in paragraph (d)(iii), the Ceann Comhairle shall send a copy of the Resolution, together with a copy of the report referred to in paragraph (d)(ii), to the Council; and

(v) where the Committee is not opposed to the decision to which the notification refers, the Committee shall send a Message to this effect to the Dáil;

(e) the Select Committees on European Affairs and European Scrutiny shall each have power to consider whether an act of an institution of the European Union infringes the principle of subsidiarity under section 7(4) of the Act, subject to the following:

(i) in considering whether an act of an institution of the European Union infringes the principle of subsidiarity, the Committee shall consult with such other Committee(s) and stakeholders as the Committee sees fit;

(ii) where either Committee is of the opinion that an act of an institution of the European Union infringes the principle of subsidiarity and wishes that proceedings seeking a review of the act concerned be brought to the Court of Justice of the European Union, the Committee shall lay a report to this effect before the Dáil;

(iii) where a report has been laid by the Committee under paragraph (e)(ii), the Chairman shall forthwith table a motion thereon under section 7(4) of the Act, which shall be given priority on the Order Paper;

(iv) where the Dáil approves the motion referred to in paragraph (e)(iii), the Ceann Comhairle shall send a copy of the Resolution, together with a copy of the report referred to in paragraph (e)(ii), to the Minister for Foreign Affairs; and

(f) the Joint Committee on European Affairs and the Joint Committee on European Scrutiny shall review the operation of the interim arrangements at paragraphs (a) to (e) of this Resolution and shall jointly report thereon (and on such related matters as the Committees think fit) to Dáil Éireann within six months, whereupon the Committee on Procedure and Privileges shall recommend to the Dáil such amendments to the Standing Orders of Dáil Éireann and the Orders of Reference of Committees as may be required.”

Question put and agreed to.

### **Financial Resolution No. 5: General (Resumed).**

Debate resumed on the following motion:

(1) THAT the Value-Added Tax Act 1972 (No. 22 of 1972) be amended

(a) in section 1

(i) by inserting the following definition after the definition of “assignment”:

“‘auction scheme’ has the meaning assigned to it by section 10B”,

and

(ii) in paragraph (b) of the definition of ‘taxable dealer’, by substituting “including a means of transport and agricultural machinery” for “other than a means of transport”,

(b) in section 10A—

(i) in subsection (1), in the definition of ‘second-hand goods’, by substituting “including means of transport (within the meaning of section 12B) and agricultural machinery (within the meaning of section 12C), purchased or acquired on or after 1 January 2010, but not including” for “other than means of transport, agricultural machinery (within the meaning of section 12C),”, and

(ii) in subsection (13), by inserting “However, where an accountable person acquires a means of transport to which the margin scheme has been applied and that person subsequently supplies that means of transport, the provisions of this subsection shall not apply to that supply but the provisions of section 12B(10) shall apply to that supply.” after “that supply.”,

(c) in section 10B(10), by inserting “However, where an accountable person acquires a means of transport to which the auction scheme has been applied and that person subsequently supplies that means of transport, the provisions of this subsection shall not apply to that supply but the provisions of section 12B(10) shall apply to that supply.” after “that supply.”,

(d) in section 12B

(i) by deleting the proviso to subsection (4), and

(ii) by inserting the following subsections after subsection (11)

“(12) (a) Subject to paragraph (b), where a taxable dealer purchases or acquires a means of transport referred to in subsection (2) in the period from 1 January 2010 to 30 June 2010 (in this subsection referred to as the ‘transitional period’) the amount of residual tax referred to in subsection (4) which that taxable dealer is entitled to deduct shall be restricted to

(i) 40 per cent of the residual tax in the case of a means of transport purchased or acquired in the taxable period beginning on 1 January 2010,

(ii) 30 per cent of the residual tax in the case of a means of transport purchased or acquired in the taxable period beginning on 1 March 2010, and

(iii) 20 per cent of the residual tax in the case of a means of transport purchased or acquired in the taxable period beginning on 1 May 2010.

(b) The entitlement to restricted residual tax as provided for in paragraph (a) applies only on the occasion of the first purchase or acquisition by a taxable dealer of a means of transport referred to in subsection (2) which occurs on or after 1 January 2010, and does not apply to any subsequent purchase or acquisition of that means of transport by that or any other taxable dealer.

(c) Where a taxable dealer purchased or acquired a means of transport referred to in subsection (2) prior to 1 January 2010 and during the transitional period supplies that means of transport to another taxable dealer, the supplier shall indicate on the invoice in respect of that supply that the special scheme as provided for by this section has been applied and that restricted residual tax only is applicable.

(d) Where a taxable dealer purchased or acquired a means of transport referred to in subsection (2) prior to 1 January 2010 and during the transitional period supplies that means of transport to a taxable person other than another taxable dealer, the supplier shall indicate on the invoice in respect of that supply that the special scheme as provided for by this section has been applied and that the invoice does not give the right to deduct the tax chargeable on that supply.

(e) Where a taxable dealer opts to apply the margin scheme or applies the auction scheme to the supply of a means of transport referred to in subsection (2) which that dealer purchased or acquired on or after 1 January 2010, the supplier shall indicate on the invoice in respect of that supply that the margin scheme or the auction scheme, as appropriate, has been applied and no residual tax is applicable.

(f) Where during the transitional period a taxable dealer purchases or acquires a means of transport referred to in subsection (2) from a person other than another taxable dealer

(i) the taxable dealer shall take all reasonable steps to establish whether or not the means of transport was acquired during the transitional period by that person from another taxable dealer (in this paragraph referred to as a ‘motor trader’), and

(ii) if that person acquired the means of transport from a motor trader during the transitional period, the taxable dealer shall take all reasonable steps to establish whether or not restricted residual tax as provided for in paragraph (a) was deductible by that motor trader or any other taxable dealer in relation to the means of transport.

(13) This section does not apply to a means of transport purchased or acquired on or after 1 July 2010.”

(e) in section 12C

(i) by deleting subsection (4), and

(ii) by inserting the following subsections after subsection (5):

“(6) (a) Subject to paragraph (b), where a taxable dealer purchases or acquires from a flat-rate farmer or a person referred to in subsection (1A) agricultural machinery in the period from 1 January 2010 to 30 June 2010 (in this subsection referred to as the ‘transitional period’) the amount of residual tax referred to in subsection (3) which that taxable dealer is entitled to deduct shall be restricted to

(i) 40 per cent of the residual tax in the case of agricultural machinery purchased or acquired in the taxable period beginning on 1 January 2010,

(ii) 30 per cent of the residual tax in the case of agricultural machinery purchased or acquired in the taxable period beginning on 1 March 2010, and

(iii) 20 per cent of the residual tax in the case of agricultural machinery purchased or acquired in the taxable period beginning on 1 May 2010.

(b) The entitlement to restricted residual tax as provided for in paragraph (a) applies only on the occasion of the first purchase or acquisition by a taxable dealer of agricultural machinery which occurs on or after 1 January 2010, and does not apply to any subsequent purchase or acquisition of that agricultural machinery by that or any other taxable dealer.

(c) Where during the transitional period a taxable dealer purchases or acquires agricultural machinery from a flat-rate farmer or a person referred to in subsection (1A)

(i) the taxable dealer shall take all reasonable steps to establish whether or not the agricultural machinery was acquired in the transitional period by that flat-rate farmer or that person from another taxable dealer (in this paragraph referred to as an ‘agricultural machinery trader’), and

(ii) if that flat-rate farmer or that person acquired the means of transport from an agricultural machinery trader during the transitional period, the taxable dealer shall take all reasonable steps to establish whether or not restricted residual tax as provided for in paragraph (a) was deductible by that agricultural machinery trader or any other taxable dealer in relation to the agricultural machinery.

(7) This section does not apply to agricultural machinery purchased or acquired on or after 1 July 2010.”

(f) in section 16, by inserting the following subsections after subsection (5):

“(6) Every taxable dealer to whom section 12B or 12C applies shall, in addition to records to be kept in accordance with any other provision of this section and regulations, keep a record of the following information, namely

(a) the name and address of each person from whom such taxable dealer purchased or acquired a means of transport or, as the case may be, agricultural machinery in the period from 1 January 2010 to 30 June 2010 in relation to which such taxable dealer deducted residual tax in accordance with section 12B or 12C, as the case may be,

(b) the date on which such means of transport or agricultural machinery was so purchased or acquired,

(c) the amount of such residual tax so deducted in relation to each such means of transport or agricultural machinery, and

(d) the vehicle registration number of each such means of transport or, as the case may be, details of the make, model and, where appropriate, the year of manufacture, the engine number and registration number of each such agricultural machine.

(7) A taxable dealer to whom section 12B or 12C applies, shall, on receipt of a notice in writing to that effect by an officer of the Revenue Commissioners, furnish to that officer within the time specified in the notice (which shall not be less than 21 days from the date of the notice), or to such other officer of the Revenue Commissioners as may be specified in the notice, a copy of the information required to be kept by the taxable dealer under subsection (6).”,

and

(g) in section 26, by inserting the following subsection after subsection (3B):

“(3C) A person who fails to comply with a notice issued under section 16(7) shall be liable to a penalty of €4,000.”.

(2) THAT this Resolution shall have effect as on and from 1 January 2010.

(3) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

**An Ceann Comhairle:** The speeches of the Taoiseach and of the Leaders of Fine Gael, the Labour Party, the Green Party and Sinn Féin, or persons nominated in their stead, who shall be called upon in that order and who may share their time, shall not exceed 40 minutes in each case. I call on the Taoiseach to speak.

**The Taoiseach:** In anticipation of having to leave to attend a meeting of the European Council I may not be able to do all Leaders the courtesy of listening to their speeches because of the length of time we had to give to the Order of Business. I apologise in advance.

**Deputy Enda Kenny:** Will the Taoiseach give our regards to the members of the Council?

**The Taoiseach:** I will of course but I wanted to make that clear in case anyone misunderstood my reason for leaving.

**Deputy Enda Kenny:** We understand that.

**The Taoiseach:** This country has to address probably the biggest challenge to its economic independence it has ever had to face, even though this is now in the context of our membership of the EU and the Eurozone. The budget will demonstrate to ourselves and to others that we are succeeding in mastering the challenge. It is no time for half-measures, evasion or long-fingering. While others can suggest and propose, or oppose, the Government has the responsibility with the support of the Dáil for taking the measures that the public interest requires at this time.

Even in these most difficult financial circumstances, we need to keep moving forward, and to provide a targeted stimulus to support and create employment. There are many projects and programmes under way or near completion that will improve our competitiveness and quality of life in the years ahead. We also need to open up new areas of enterprise and jobs in the smart economy.

Fairness is a key criterion of the corrective measures. The main burden of adjustment has to be borne by those who are in a better position to bear it, even if some contribution is sought from most sectors of society. Over a number of years now, particularly since 2004, the income tax system has been made steadily more progressive. Ireland can come through these testing times, strengthened for the future, having absorbed the lessons of the unexpected full-scale crisis, both domestic and global, that we have had to face. Realism and solidarity, qualities which exist in abundance among our people, will help us through the difficult times, and renew our confidence for the future.

The Irish economy has been particularly badly affected by the present crisis, and is going through an adjustment of a magnitude that has few modern international parallels among developed countries. We will have lost more than 10% of our national income in a two-year period. In a relatively short time, we have gone from a thriving economy with budget surpluses regarded as a model to a sharply contracting economy that has opened up unsustainable budget deficits. Even though we prudently put a lot of money into the National Pension Reserve Fund, and reduced the national debt to a low level, we did not have the safety margins we imagined. Competitiveness was eroded, and with the international loss of confidence resulting from the banking crisis and our vulnerability at the end of a construction boom, suddenly a huge gap opened up at frightening speed in 2008 and early 2009 between what we spend and what we borrow. Now for every €30 of income, we are spending more than €50. That has to stop. We have to stabilise it, we have to correct it, and we have no time to waste.

Our tax revenues have fallen back sharply to 2003 levels. This means that next year, if we did nothing, we would have a deficit in the region of €22 billion in our public finances. To bridge this gap, we are borrowing more than €400 million per week and that clearly cannot continue. The choice that confronted us in this budget is that, if we take the correct policy choices, we can emerge from recession, despite its breadth and severity. If we tried to duck the choices, to wait it out, or to postpone the pain, it would be worse in the long run. In any case, the loss of confidence in that approach might be such, that decisions would be rapidly taken out of our hands. Even if that did not happen, the pain would be prolonged, and it could be the 2020s, before Ireland saw any gain.

Our strategy over the coming years is to bring back expenditure to 2006-07 levels. As the world economy recovers and demand for our exports increases, there will be more people in jobs, and our tax revenues will rise. This combination of cutting expenditure and increasing revenue has the aim of restoring our deficit to a sustainable level by 2013. In order for this strategy to work, we must take resolute action to increase Ireland's international competitiveness. Since the crisis erupted 18 months ago, we had to make adjustments amounting to €8



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billion. Inevitably, out of short-term necessity, at least half of them came from raising taxes and levies. Next year, 2010, we are making adjustments of €4 billion. In 2011, an improvement on our last April's forecasts, reductions of €3 billion will be required.

Acting decisively now will bolster confidence in our capacity to climb out of the crisis. Our actions in the budget are already improving international perceptions of Ireland, and will help us continue to attract the investment on which we depend. Equally important, it will help bring back domestic consumers' confidence that we are getting on top of the problem — increasing consumption and helping to create jobs again. Our recovery will be also underpinned by the recent enactment of the NAMA legislation. This Oireachtas debate was the most extensive and intense I have seen over a quarter of a century in national politics. We are now among the first countries in the world to address impaired assets systematically, and to make the banks face up to the scale of their problems.

This budget is one of the most crucial steps on our road map to recovery. It is not an ordinary budget in ordinary times. On the scales it is nothing less than our whole economic future. Confidence is the gold standard in today's global economy, as we can see, if we look about us. Whether we like it or not, we have to show the international markets that we are capable of getting our economy back on track, and our fiscal house in order. This budget is a defining moment for Ireland. However, it does involve decisions, which for obvious reasons will be unwelcome to many people around the country.

As the Minister stated yesterday, this budget has three key objectives: to stabilise the deficit in a fair way; to protect those worst hit by the recession; and to stimulate the sectors of the economy that will lead to additional and sustained employment. Reducing our deficit, curtailing expenditure and restoring balance to the public finances will not come easy. This budget is difficult for everyone but these steps must be taken, and taken now. It would certainly not be fair to saddle future generations, our children, with more debt burdens, even assuming the markets would grant us that latitude.

I am acutely aware of the difficulty and the pain cuts will cause people, but Government has had to take these decisions so that we can move forward again. We do this, not because we want to, but because we must. The Government's approach in framing this budget was guided by a number of questions, such as, is it necessary, is it fair, and will it assist recovery? The answer in each case is, yes.

I have seen with my own eyes what happens when a Government tries to put off necessary action. I entered Dáil Éireann in 1984, at a time when the public finances were under similar strain to that being experienced today. The Government of the day had initially planned to phase out the deficit in a four-year period, but soon backtracked. The result was that by the time that Government's term came to an end in early 1987 the budget deficit was as high as it had been four years previously. Delaying recovery is just spreading the pain over many more years. We did that in the 1980s and the short-term unemployed became long-term unemployed; there was a lost generation. To repeat that would be the most unfair policy of all.

Membership of the Eurozone limits our options for making the adjustment. We cannot devalue our currency, which would conveniently disguise a loss of real income. Instead, the logic of the single currency compels a country overtly to reduce its costs, including incomes, to restore competitiveness. As against that, the value and purchasing power of money will hold. The only difference between keeping the same nominal income in devalued money and income reduced by the same real amount in a strong currency is psychological. We have had many periods of falling incomes before, but we have yet to adjust to the more transparent way it is

now happening. The Consumer Price Index, the cost of living, has fallen by 6.6% in the 12 months to October. There also has been a large fall in construction costs, which is reflected in lower tender prices under the capital programme and housing costs. The reductions in this budget are part of this general adjustment. Social welfare, public service pay, professional fees, public spending and capital allocations are being brought closer into line with the new level of prices.

It is tempting to claim that all our problems can be solved simply by increasing taxes on the wealthy, without the need for contributions from others, or expenditure cutbacks. It ignores the reality that taxes on higher earners have been increased very substantially over the past year. As my record as Minister for Finance will show, I am a strong supporter of a progressive system of taxation. It is estimated at present that the top 4% of earners pay some 48% of income tax, while half of income earners will pay no income tax, although they may pay the income levy. The top marginal tax rate is 52%. To raise, for example, an extra €1 billion from high earners would mean the marginal rate would have to rise to more than 65%, a level it last stood at in the mid-1980s. As experience has shown, such a move would be counterproductive. All of the available evidence suggests that high marginal tax rates will discourage high-skilled workers from remaining in Ireland, as well as discouraging high-skilled workers from locating here in the first place. It is not a good policy.

While we are committed to broadening the tax base, the Commission on Taxation has independently established that there is no pot of gold through the curtailment or abolition of tax reliefs and incentives. Nevertheless, we have raised the minimum threshold for the effective rates of income tax for top earners from 20% to 30%, on top of which come PRSI and levies, and this will yield an additional €55 million in 2010.

We have also decided on an annual domicile levy of €200,000 on non-resident Irish nationals with substantial worldwide income and valuable assets here to ensure they make a substantial non-discretionary contribution to the Exchequer, particularly at a time when everyone in the country is so hard-pressed. Past experience here and the international evidence are clear. Economies recover more quickly from a fiscal crisis by cutting expenditure rather than increasing taxes.

Three years ago, Ireland could boast full employment. The most recent live register figures show there are now more than 423,000 of our citizens without full-time jobs. We must do everything we can to stop this trend and reverse it. The Department of Enterprise, Trade and Employment will spend more than €900 million in 2010 protecting jobs and providing training and activation supports, and more than €200 million in enterprise supports through IDA, Enterprise Ireland and other agencies, making a total package of €1.1 billion.

We will directly and indirectly support approximately 80,000 jobs through the employment subsidy scheme. Through the social welfare system, we are helping more than 73,000 people to maintain part-time jobs or casual work, at a cost of well over €600 million. Altogether, this comprehensive package will enable 180,000 individuals to receive training or supports in 2010.

A key goal of this budget is to put Ireland firmly on the road to recovery. Within the financial constraints we face, we are providing for a stimulus which will create job opportunities and lay the foundations for developing the smart economy. This stimulus contains the following parts: a €40 billion investment over the next six years in infrastructure that will provide jobs and support economic growth — at 5% of GNP, this is twice the European average; a €6.4 billion spend next year to support more than 60,000 jobs; a national energy-efficiency retrofit programme and tax incentives for energy efficiency, creating 5,000 jobs next year; a car scrappage

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scheme and tax incentives for electric and hybrid vehicles which will support up to 2,000 jobs; reductions in excise duties on alcohol and lower VAT to assist hotels, catering and the retail sector; support for a marketing drive and investment in visitor attractions in the tourism sector; assisting agriculture and forestry; retaining a pro-enterprise tax policy; continuing to invest in research and development, science and technology; and measures to get credit flowing to support businesses and jobs.

The Government's framework for sustainable economic renewal has the objective of creating a smart, high-productivity economy. Increasing productivity is the key building block for economic growth. A key driver of enhanced productivity is investment in infrastructure that stimulates the economy and improves the competitiveness of Irish business. Investments in infrastructure support employment and stimulate economic activity. There is still a strong pipeline, with projects being completed and coming on stream over the next couple of years.

The Government has revised its capital programme, and will invest close to €40 billion between now and 2016 to enable a return to robust economic growth over the medium term and advance the goals of the smart economy framework. We are prioritising projects with the most immediate positive impact on the economy and employment which also lay the foundations for sustainable growth. Next year, the level of public capital investment — at about 5% of GNP — will be proportionately the highest capital investment programme in the EU.

Our consistent approach over many years has been to prioritise the social benefits of investing in our social infrastructure as well. Despite the difficult economic circumstances we face, we are committed to continuing to invest in areas such as health, education, public transport, housing and urban regeneration as part of our overall approach to serve people's needs. Investment projects will include more than €500 million on school building and maintenance and more than €800 million on local authority housing, including special needs accommodation and the retrofitting of public housing. Some €625 million is being invested in key public transport projects such as the Luas extension to Cherrywood in South Dublin, phase 1 of the western rail corridor, the completion of the Kildare route and phase 1 of the Navan line.

At nearly €500 million, the investment in our health infrastructure next year will achieve continued, sustained improvements in the quality of our health services despite the ongoing budgetary adjustment we have to make in current economic circumstances. It will enable us to continue projects already under way and to start a number of new ones, including the development of the new, single national paediatric hospital as a key priority; the development of substantial additional radiotherapy capacity as part of the national cancer control programme; the construction of critical care facilities in the Mid Western Regional Hospital in Limerick; the opening of a new accident and emergency department in Drogheda and the construction of new ward accommodation during 2010——

**Deputy Enda Kenny:** And some in Kenmare as well.

**The Taoiseach:** ——equipping and operation of new cardiac and renal facilities in Cork University Hospital; the planning of a new facility at Sligo General Hospital, using the public private partnership funding model, to include a new surgical department, intensive care unit and other developments; the major development of a new Mater adult teaching hospital; St. Vincent's phase 2 development, including new cystic fibrosis facilities; the upgrading of paediatric critical care facilities at Crumlin Hospital; the planned upgrading or replacement of many facilities, including many public long-stay nursing homes and community hospitals, such as Kenmare community hospital——

**A Deputy:** Good man, Jackie.

**Deputy Tom Hayes:** What about Tullamore?

**The Taoiseach:** —Loughrea, Navan, Fairview, Farnlea and Ballincollig in Cork—

**Deputy Caoimhghín Ó Caoláin:** There is no mention of Monaghan.

**The Taoiseach:** —and the development of new primary care centres through lease arrangements to include Kinnegad, Moate, Gorey, Waterford, Carlow, Callan and Trim early in 2010, with a further 37 centres during the remainder of the year.

**Deputy James Reilly:** More dreams.

**The Taoiseach:** All of these developments will support new services and better patient care, at the highest international standards, and continue the progress we are making in improving outcomes for patients.

Other key investment priorities will be science, technology and innovation, the promotion of environmental sustainability and the implementation of green enterprise initiatives. All of these initiatives will help to drive productivity improvements. Within this envelope, we are reallocating funds to provide an immediate stimulus in several key areas.

A new national energy retrofit programme will create an efficiency fund to stimulate investments in energy efficiency and greenhouse gas mitigation. We are allocating €130 million for energy efficiency programmes in 2010. The scheme will also focus on providing information, via the utilities, to all households on the possibilities of reducing their building energy rating, BER. This way, the grant investment will leverage further investment from higher-income households. The carbon tax will provide a further incentive, as will the impact of an improved BER on house values. This will, in time, allow more funds to be targeted at fuel poor households and the elderly. Some €90 million will be allocated directly to the programme in 2010 with a substantial proportion of the funds ring-fenced for those suffering from fuel poverty. This will be augmented by approximately €125 million in private investment. We expect this to result in 60,000 homes and several hundred commercial and public sector buildings being upgraded in 2010.

The programme will provide an estimated economic dividend of more than €400 million net benefit to the economy in 2010; an employment dividend of around 5,000 jobs next year; a health dividend in that warmer homes will reduce deaths and illness from cardiovascular and respiratory diseases, which have a particularly negative effect on the elderly; a fuel poverty reduction dividend; and an environmental dividend of CO<sub>2</sub> savings of 115,000 tonnes per annum, which will assist Ireland in meeting its greenhouse gas reduction targets. In addition, a scheme of accelerated capital allowances for energy efficient equipment is being enhanced. This will improve energy efficiency and help companies under competitive pressure, such as food and drink, retailing and distribution businesses.

We have introduced a 12-month car scrappage scheme from January 2010. Subject to conditions, VRT relief of up to €1,500 per new car purchased will be made available under the scheme, where a car of 10 years or over is scrapped. It is estimated that this will safeguard approximately 2,000 jobs and provide a net benefit to the State in terms of tax revenue and reduced social welfare of between €30 million and €100 million. Moreover, it will provide a significant net environmental dividend in terms of reduced CO<sub>2</sub> emissions, assisting Ireland to meet its international obligations regarding climate change.

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To assist the retail sector in competing with the sterling area, we are reducing excise duties on alcohol and are reversing the 0.5% increase in VAT imposed in October 2008. The British Government has confirmed that it will raise its VAT rate by 2.5% from January next.

The tourism sector, which is employment intensive, has been under great pressure as a result of the global downturn. Investment in visitor attractions will be increased three-fold to €22 million, and the overall tourism budget is being increased in 2010 to enable a marketing drive to increase tourist numbers and revenue by 3%.

We continue to be committed to the agriculture sector as a vital part of the economy. We have made a large investment in agricultural infrastructure through the farm waste management scheme. We are committed to supporting an environmentally-friendly agriculture sector, and are in discussions with the European Commission with a view to introducing a new five-year agri-environmental scheme. We have re-allocated €50 million for this scheme. We are also providing €120 million for forestry and bio-energy.

Central to our smart economy vision is that Ireland will become an innovation hub, a country that is an attractive home for innovative multinationals as well as being an incubation environment for the best entrepreneurs at home, from Europe and further afield. We must get more for less across all sectors of the economy, public and private.

We are continuing to invest heavily in research and development and are establishing a single funding stream for the strategy for science, technology and innovation to maximise the efficiency and focus of our investment and ensure that Ireland's effort is strategically targeted on those areas where we can achieve greatest impact, including through close alignment with industry needs and a strong commercialisation effort.

As a first step, it will involve combining the funds currently administered by Science Foundation Ireland, research funds administered by the HEA, the research funding of the HRB and, as appropriate, funds related to research calls of sectoral Departments. We will retain and enhance the significant incentives we introduced in the past two years in research and development and the intellectual property environment. We have committed to retaining the 12.5% corporation tax rate and we are extending to new company start-ups in 2010 the three-year corporate and capital tax exemption.

We are retaining the patent royalty exemption, which is an important support for research and development intensive indigenous and multinational companies. The Government looks forward to receiving the report of the innovation taskforce on its recommendations in regard to further measures for creating a positive environment for entrepreneurship, innovation and intellectual property and the Minister for Finance has committed to considering these in the context of the Finance Bill.

We are establishing a credit review system to ensure a flow of credit from the banks to support healthy Irish businesses and jobs. In a small open, economy like ours, we must trade to thrive. That is how we will protect existing jobs and create new jobs. The Government will continue to support the enterprise sector as it adjusts to the severe competitive pressures it currently faces, in particular, from currency movements against our main trading partner, Britain.

Much of our effort in the past year has been on stabilising the economy, with short-term measures to help business survive and support those who lose their jobs. We have already introduced a range of measures to support firms through the crisis including the enterprise stabilisation fund, the temporary employment subsidy scheme and interventions to apply downward pressure to energy costs. We are also introducing a new employer PRSI exemption for

new employees, which will reduce the cost of creating new jobs, helping to get the economy moving again.

This budget is the start of a new phase where we begin to create sustainable jobs as the global economy begins to pick-up. Last week, we published a report showing how we could create 80,000 new jobs in green enterprise in the coming years. It contains proposals for green enterprise zones, renewable energy and a green IFSC. The innovation taskforce is developing ideas for job creation by making Ireland the best location in Europe to start a high potential innovative company.

We already have one of the best concentrations of high-tech multinationals in Ireland. Our plan is to incentivise them to invest further in high-value research and development areas, and in the convergence of technologies that provide well-paid jobs that will stay in Ireland. We will publish a new action plan on trade and investment early in 2010, prioritising our links with new and fast-growing markets in Asia and elsewhere. We will continue to pursue new opportunities in international services, including financial services. Following the budget, through the Cabinet committee on economic renewal, I will drive forward our efforts in all these sectors, ensuring that all Ministers, Departments and agencies prioritise these opportunities so we can get people back to work as quickly as possible.

The recent floods have further underlined the necessity of building better flood defences, where appropriate, and undertaking other non-structural measures to mitigate the risk of flooding. An increased allocation of €50 million has been provided, so that planned works in a number of towns can be completed, new risks addressed and better warning systems put in place, with a particular focus on some of the worst affected areas, including Cork, Galway and the Shannon, Lee and Liffey river catchment areas

**Deputy Tom Hayes:** Where is Clonmel in that list?

**The Taoiseach:** The second and third phases for Clonmel are due to start in March of next year thanks to the Minister of State, Deputy Mansergh. I will ask the Minister of State to keep the Deputy informed.

Another element of stimulus is to the housing market with not only the extension of mortgage interest relief for those who brought in 2004, 2005 and 2006 when the market was at its peak, but the incentive to buy a house in the next two years for anyone still anxious to avail of mortgage interest relief before it is abolished in seven years' time.

This budget has been framed at a very difficult time for Irish families. I fully understand the needs of those who depend on social welfare, and the Government has done its utmost to protect the most vulnerable people in our society. The reductions in many social welfare payments are a regrettable but necessary part of this adjustment. The reason we are reducing payment rates is to ensure that we have a sustainable welfare system which can continue to protect the most vulnerable. A State that is insolvent would be of no support to those who rely on it for their incomes.

Reductions in pay and welfare payments must be seen in the context of falls in prices. The CPI fell by 6.6% in the 12 months to October. In 2010, we expect the CPI to fall by 0.8%. Year-on-year, food is down by 6%, energy by 11% and clothing and footwear by 13%. The reduction in social welfare payment rates is less than the fall in prices. The value of the payments in people's pockets will, if anything, be higher than it was previously.

The support provided by the Irish State to those on welfare is one of the best in Europe. In recent times, there have been record increases in the level of social welfare. Welfare rates have doubled since 2000. In the past 12 years, we have increased pension rates by almost 120%,

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unemployment benefit by almost 130% and child benefit payments by more than 330%. It is worth pointing out, over the same 12 years, the cost of living has increased by less than 40%. In the same period, Government also extended coverage, removed barriers and increased entitlements such that the level and extent of social support payments has been transformed beyond recognition.

Given that social welfare accounts for about one-third of all day-to-day spending, reductions in this area had to be found. The scale of savings required from public expenditure as a whole means that savings in the welfare bill are unavoidable. What is most important now is that we can sustain a strong welfare system into the future. If we do not cut back slightly, there might have to be more drastic cuts in the future.

Bearing in mind that we increased welfare rates by around 3% in Budget 2009, the net reduction is minus 1.1%. This brings social welfare back to around 2008 levels. However, the cost of living has come down by around 6% in the past year, and is back at what it was at the beginning of 2007. Child benefit is back to 2006 levels. Therefore, the changes we have made have ensured that, viewed over a three year period, the spending power of people who received welfare and-or child benefit remains broadly stable.

We have not touched the State pension. Older people do not have the same option of going back to work to supplement their income. They have worked all their lives and should not have to rely on their children to live in dignity.

Our tax revenues are at 2003 levels but we have left welfare rates at 2008 levels so, in cutting back on spending, we are still prioritising those on the lowest incomes.

Turning to broader issues, in the past year, I have made it clear that I would wish to continue the positive relationships with the social partners, which played a central role in our economic and social progress over the past 20 years. Good progress was made in developing a framework last January which set out shared perspectives on how the present crisis should be approached.

It is disappointing, but not wholly surprising, that it has not been possible to continue the pattern of wide-ranging partnership agreements we have seen in recent years, given the scale of the challenges and the speed of the economic and social deterioration which has overtaken the country. I would not rush to conclude that the social partnership model is dead, because we have failed to reach a formal agreement on this occasion.

There continues to be a social partnership agreement in place in Towards 2016, which sets out the medium to long-term objectives and principles for economic and social development. There is scope for that agreement to continue to shape the process of social dialogue, which inevitably will continue between the Government and the social partners, just as it characterises the overall European way of doing business, both at the level of the European Union and within individual member states.

The strenuous efforts made last week to conclude a pay agreement in the public service did not, regrettably, result in success. This was not for lack of effort or good faith on the part of the participants. I set out in the House on Wednesday, 2 December, the criteria which would have to be met if agreement were to be reached. Unfortunately, these were not met, not least because the certainty about the scale and permanence of the measures in reducing the cost of the public service pay bill were not sufficiently clear given the need to demonstrate that the measures taken in the budget would represent clear and structural change. However, I welcome the fact that the talks were marked by an acceptance of the need and the capacity to generate significant reductions in the public service pay bill in 2010.

It is also significant that the negotiators were able to identify agreed approaches to effecting change and increasing productivity in the various sectors of the public service. Ultimately, it is only through real and lasting change based on constant renewal, redesigning how we do our business, applying to the full the potential of new technology and challenging accepted ways of working and organisational structures that those who work in the public service will be able to sustain their standard of living. Unless public service workers demonstrate the same productivity growth as their private sector counterparts, inevitably incomes will fall behind over time. The surest route to secure and stable income levels, and to avoiding future pressures for further reductions is the embracing of change. Greater flexibility and new ways of doing our business should not threaten us; on the contrary, it should provide confidence and assurance about the viability of employment and living standards in the public service for the future.

For that reason, while recognising that the current situation of breakdown is an unhappy one and that we do not have an agreed basis for moving forward, I would urge public servants and their unions to reflect on the potential to build on the progress made last week, and to recognise the direct and immediate benefit of a positive approach to public service reform that liberates the talents of those who work in the public service, secures their incomes into the future, and provides a more efficient service for our citizens. Dialogue on this basis is the best way to deal with concerns about pay and conditions for the future.

I acknowledge and welcome the fact that both Opposition parties have put forward budget proposals. In particular, I am glad that they agreed with the Government on the need for a €4 billion adjustment in 2010. However, both parties differ sharply on how to make up the €4 billion.

**Deputy Caoimhghín Ó Caoláin:** On a point of order. There are three Opposition parties in this House. I note the Taoiseach continues only to refer to two.

**The Taoiseach:** My apologies. However, both parties, in this respect, based on what I am talking about, differ sharply on how to make up the €4 billion. Fine Gael want headline salary cuts imposed on the public sector. The Labour Party is strongly opposed to such a measure. The Labour Party also wants to see an extra €2.3 billion in taxes in a full year. Fine Gael tell us that it is not possible to tax the way to recovery. As they were on the banks, the two Opposition parties are fundamentally divided on how to stabilise the public finances.

**Deputy James Reilly:** That is according to the Taoiseach.

**The Taoiseach:** This is at the core of the issue facing us.

*(Interruptions).*

**The Taoiseach:** We need quick decisive action to put our public finances back on track. It is unclear whether — even in Government — the Opposition parties would be able to agree a coherent and credible economic policy for the country.

**Deputy Ruairí Quinn:** Could anybody to any worse?

**The Taoiseach:** We do not want a repeat of the 1980s with the necessary action being deferred.

**Deputy James Reilly:** The Government has failed.

**The Taoiseach:** The Fine Gael assertion that it is not possible to tax the way to recovery is an empty mantra, given that the party proposes large hikes in employee PRSI to fund reductions in



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employer PRSI, and extending the health levy to incomes over €13,000, which is the same as a tax increase.

**Deputy Kieran O'Donnell:** The Government cannot bluff its way out.

**The Taoiseach:** The Labour Party advocates a new top rate of tax which would mean an effective marginal rate of 59%, which is a reversion to the failed policies of a more socialist past.

Over the next two years we will be spending over €100 billion in this country. Money will be invested in providing services from health to education to enterprise and jobs. We still have 1.8 million people at work — developing industries, producing the exports and services which will make our nation thrive.

External confidence in Ireland is returning. It is that same confidence that Intel has shown in investing more in Ireland through its Open Lab initiative a fortnight ago. It is that same confidence shown by those who invest in our capacity as a country by buying our Government bonds. They would not be buying these if they did not have confidence in our capacity to recover and did not believe we possess the will to do so.

At the Global Conference in Farmleigh, speaker after speaker expressed confidence in Ireland to trade her way out of this recession. These were not starry-eyed returned emigrants; they were hard-nosed business people who have seen the ebbs and flows of economies all over the world. We live in a competitive global environment but we also should not forget that our Irishness gives us a distinct selling point in the world today. With an Irish Diaspora of over 80 million people claiming Irish descent, we have a natural worldwide network to tap into. We have experienced people who have dealt at the highest level of business internationally and built companies, developed products and opened markets the world over.

We must support these people now as they are the ones who will create the jobs we need to get our country moving again. We have the ability to turn the corner. The older people among us will have seen many ups and downs in their lifetime and know that, for all our difficulties, the vast majority of us are much better off today. With appropriate adjustment and proper appreciation, new opportunities and new ways of working, we have the assets and the ability to spring back and to move forward again. The economic and social progress we have made is something to be proud of. Our collective job is to restore momentum with the stimulus to go forward on a new and sounder footing.

**Deputies:** Hear, hear.

**Deputy Paul Kehoe:** No cheers, not even a clap.

**Deputy Enda Kenny:** I wish to share time with Deputy Kieran O'Donnell.

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

**Deputy Enda Kenny:** At the end of his response the Taoiseach said that we have the ability to turn the corner. The Minister for Finance assumes we have already turned the corner, according to his dissertation yesterday.

The budget may or may not contain all the answers to our economic problems but it has the appearance of an honest and credible attempt to meet the country's need, that is, to kick-start the restoration of stability, opportunity and competitiveness. Nevertheless, Deputy Richard Bruton's accusation that the Government has leaned too heavily on a set of tax increases rather than concentrating on cutting the costs of running Government could yet prove correct. In such volatile times, nobody can be certain that the Government has found the complete solution to

the crisis in the public finances. Nevertheless we now have a number of things we did not have last week. We have a five-year plan for economic recovery, a strategy to clean up the banks and a firm declaration of intent for public service reform.

We can only hope we will be able to look back on the Supplementary Budget of April 2009 as the first step in our recovery from economic disaster. That was the view of the editorial of the *Irish Independent* on the budget on 8 April 2009. That editorial set out the pious platitudes, the hopes and aspirations of the Government through the Minister for Finance on that date. All of these criteria have failed in the intervening period. If we were to believe all the Taoiseach has said we should go home and hope for the best.

The budget is one of figures and is not for people. It is a budget of necessity and not of choice. It is a budget of desperation, not of conviction. This a budget for an election day but like St. Augustine being made pure, it is a case of not just yet. A political choice was made by Fianna Fáil and the Green Party, backed by the Independent Members, in the hope that the fallout from the budget would pass over and that in 12 to 15 months, or some time within the next 100 weeks, they might have an opportunity to be judged by the people. Just as the Minister is unsure about having turned the corner I am equally sure that when the Government faces the wrath of the electorate in the next 100 weeks it will get its answer in no uncertain terms.

The background to this budget had been well set out and we should not forget why we have arrived at yesterday's decision. We have arrived at it because the three amigos, former Taoiseach, Deputy Bertie Ahern, the Taoiseach, Deputy Brian Cowen, and the Minister for Finance, Deputy Brian Lenihan, ignored all the warnings set out in recent years about the direction in which this country was heading, about the way we were heading down the slippery slope of putting all our eggs in one basket, and that a day of judgment would come followed by a day of necessity to make decisions. The good thing about this budget is that the main Opposition parties, the Fine Gael Party, the Labour Party and to a lesser extent Sinn Féin, now absent, did set out and agree on the broad parameters of the requirement for cuts in current spending of €4 billion.

The point made by the Minister for Finance in his pre-budget outlook was that the advice from the IMF, the OECD, the ESRI and every independent commentator was that it would be far better to deal with the deficit in the public finances by current spending cuts rather than taxation. What did the Minister do? He imposed €6 billion worth of tax on people's pockets last April with a consequential loss of €8,000 million in revenue up to the end of the year. He also got it wrong in respect of VAT which he reversed following persistent pressure from ourselves and others. His projections, and those of the Taoiseach when Minister for Finance, were wrong despite the fact that he had all the evidence from the Central Bank, the Office of the Financial Regulator and the Department of Finance that to proceed down that road was fraught with danger.

This budget neither deals with nor answers the questions of fairness, jobs or competitiveness. The Achilles heel of the Government is not just contained in yesterday's projections but is to do with Anglo Irish Bank. This is the fundamentally weak spot. I do not agree with the Taoiseach that the extent of €4 billion, €5 billion or €6 billion which he will come back looking for next year for recapitalisation of Anglo Irish Bank is a separate matter from actions taken yesterday. This is real money from the pockets of real taxpayers and it is going down a black hole. The problem is that the golden circle is still complete. While people are imprisoned in America we still have no evidence of any prosecution pending here——

**Deputy James Reilly:** For Ireland's Madoff.

**Deputy Enda Kenny:** —either from reports of the Director of Corporate Enforcement or the fraud squad or anybody else. It is worse when it transpires that in some cases the developers were the bankers themselves. The circle is very complete here. Yet the Taoiseach expects to come back to the Irish taxpayer as a separate entity as if it is not money out of their pockets and say, “Sorry, but we need another €4 billion, €5 billion or €6 billion to bail out Anglo Irish Bank”. That is the Achilles heel.

The other leg will be NAMA. I listened last night to the Minister for Finance speaking on RTE television and talking about nationalisation. The reason for setting up NAMA was to prevent nationalisation and now massive transfers of resources of wealth are being transferred to speculators and bond investors in these banks. It may well be that the Government may be faced with having to implement nationalisation. If that is the case, it is a catastrophic failure on the part of the Minister for Finance. In a small number of cases it appears as if the developers themselves are also bankers. I am getting reports every week of the extent of rolled up interest from Anglo Irish Bank that in some cases is up to €300,000 per week. I wonder if the Taoiseach appreciates how a person who is a full-time carer looking after a person with Alzheimer’s and who will have €8.60 cut off their weekly payment feels about this. This is where the unfairness is and where this budget does not measure up from top to bottom. Those at the top have walked away scot free, as in the case of Mr. Neary and Mr. Molloy, with pensions of €100,000 or more, untouched, while the people who clean out the Taoiseach’s offices — as has been pointed out today — take their 5% cut as the case may be.

**Deputy Dinny McGinley:** Worse than Zimbabwe.

**Deputy Enda Kenny:** The choices being made yesterday had to be made. The good aspect about this discourse is the Fine Gael Party, in accepting the parameters of €4 billion, set out a very different alternative strategy and a very different kind of budget where those vulnerable people, the carers, the disabled, the blind, the widows, the pensioners and the children, were protected and those in the other area of welfare who are available and able to work and willing to work, will be provided with challenges and training opportunities and jobs.

The Taoiseach has made a clear political choice. He may believe that the private sector which represents 60% of taxpayers, may feel that they have been left untouched by this budget simply because there is no increase in income tax. The levies now appear to be permanent and they will become permanent because the Taoiseach has not put in sufficient stimulus to create jobs in the way the Fine Gael Party presented its alternative budget. The difference between the two approaches is that the Fine Gael alternative budget was much fairer towards those working in the public service, particularly those at the lower end of the public service where every single one of the 55,000 employees working for less than €30,000 would have no cut and with proportionate cuts above that. The Minister’s budget means that those on the lowest wages, earning the minimum wage, are now being forced to take the same proportion as the deception brought in by Ministers when they say they are taking a 15% cut in their own salaries to share the pain and to show leadership. This morning on radio the Minister for Social and Family Affairs said it would formalise a legal agreement of Ministers taking pay cuts of 15% when in reality this is only a 5% cut.

This is budget is a blunt instrument. It is about figures and not about people. There is to be only a 1% reduction in the administration budgets of most Departments and the FÁS budget has actually increased. This is evidence of retrenching within all Departments, a regrouping, a case of getting back to the basics of self-defence in different Departments. Over the past four months, Ministers were working in parallel lines as to what contribution they were being required to make in order to meet this demand for a cut of €4 billion, to see what they could lop off and what could not be lopped off under any circumstances, without any view as to how

they would get the country back to work, of how jobs could be created and how we can trade our way out of this mess the Government has led us into. They have arrived at the same conclusion which Fine Gael has been preaching for the past five years, that they cannot tax their way out of it and that we must trade our way back. A jobs stimulus package must be implemented. It is not just a case of lowering the price of drink or such like.

The Taoiseach could have used a broader and fairer approach. In respect of the public service he could have decided last April to promise to look at the question of effective reform in order to bring about a leaner, more efficient public service and the delivery of that service. Fine Gael will see to it that managers down the line are given the responsibility and the opportunity to account for and be rewarded for what they do and if they wish to be transferred to whatever Departments might need them. The Taoiseach did not do this and he now has a sullen, deeply resentful public service. I do not believe that a rash of strikes will solve anything but there are people who are very vociferous on this issue.

Deep down within the public service there is now a realisation and an understanding that the structure of social partnership, inadequate though it was in many respects, is now dead and buried so far as Fianna Fáil, the Greens and the Independents are concerned. The retrenchment taking place in every Department is clearly seen as an act of self-defence, of regrouping and a hope that the difficult days will pass.

The message being sent abroad will be accepted by the international markets because it is about figures and not about people. It is not about fairness or otherwise. The Taoiseach has used a blunt instrument to reach a saving of €4 billion and this will be accepted by the international markets. What the Fine Gael Party proposed was so much stronger in the context of the private sector because it provided more stimulus for job creation, for young people, for those who have jobs and for those employers who want to hold on to those employees and for the rewarding of new initiatives and opportunities to create new jobs.

This is the way we will get out of this situation, not by talking about the Irish diaspora who are emigrants from our country and will work in Canada, America and Australia and Britain, like 100 nurses from the western region who have recently received letters of relocation to Whipps Cross Hospital and the Royal Berkshire Hospital in London and other places in Britain. The taxpayers have paid €90,000 to train each of those nurses and they will be giving their services abroad. There is no one to beat the quality, compassion and capacity of an Irish nurse and this is with due respect to other nationalities, yet they are being sent abroad because the Government presides over a health system which the Taoiseach knows does not deliver efficiency either for the patient or in terms of value for money. The system works very well once one is inside it but all the problems are associated with getting into the system.

I disagree with the view expressed in *The Irish Times* today that this budget is above sectoral politics. When we all talk about accountability and transparency then I say, good luck to the people in Kenmare. The leopard has not changed his spots. In this regard the former Taoiseach, Deputy Bertie Ahern, said in effect, "We get in here and we stay in here and we do whatever we have to do to stay in here and I will write whatever cheque I have to write for banks and I will do whatever I have to do to keep this going". The community hospital could be in Kenmare, Sneem, Barraduff, Killorglin, Dingle or it could be in Dundalk, Cashel, Monaghan or wherever else. What the Taoiseach has done in the middle of the deepest recession this wonderful democracy has ever experienced, an economic crisis caused by his party, is send his Whip up the steps to speak to the Independents and do secret deals. This is about politics and it is the reason I disagree with the Taoiseach that it is above sectoral politics or local interests. In one way the Taoiseach has not changed because this is about holding on to the Independents

[Deputy Enda Kenny.]

who, as we all know, are always on the plank waiting for a bigger ferry to come by as it sails to cleaner waters and ready to choose when to jump.

**Deputy Dinny McGinley:** It is known as pork barrel politics in America.

**Deputy Enda Kenny:** With no stimulus provided, the real problem is the lack of credit from banks to businesses. Mr. Sheehy from Allied Irish Banks informed the Joint Committee on Finance and the Public Service that when his bank receives the bonds from the National Asset Management Agency it will not translate them into credit for business. Since the deposit guarantee was introduced, the Minister for Finance, Deputy Brian Lenihan, has told us we are deeply embedded in the banking sector and he will see to it that the banks deliver credit to business. This is not happening. Day after day, Deputies, including those opposite, are receiving evidence that shopkeepers are unable to secure credit or overdraft facilities and in many cases are having cheque books withdrawn simply because they came close to their overdraft limit. This is not the way our country should be.

A credit assessment procedure is being introduced under which people will be told they may be entitled to obtain credit from a bank but there is no guarantee they will get it. The timescale for introducing the measure means many thousands of businesses which are hanging on by their fingernails will go to the wall. I know of umpteen cases of solvent businesses which have never owed one bob and whose applications will not even be sent into the local bank manager.

There is no leverage on the banks. Ten more shops will close down every day. The belated decision to reverse the VAT increase, a measure the Fine Gael Party campaigned for, is welcome but is too little, too late. The Government had an opportunity to implement the reduction before Christmas. I do not know whether Deputy Perry heard a woman from Sligo speaking on radio this morning about how she made a saving of €500 by travelling to Enniskillen to do her shopping. People are not travelling across the Border to buy drink but to purchase a range of other goods, from prescriptions and medicines to baby products.

**Deputy Joan Burton:** The greatest savings are made on nappies.

**Deputy Enda Kenny:** If the Taoiseach does not get down to business and talk to his British counterparts about levelling the playing pitch, the surge in cross-Border shopping will continue.

Six weeks ago, my party stated that whatever else the Government does, it should not tamper with the universality of child benefit. Every other country in Europe has an in-built mechanism in the tax system to address the cost of raising families. Ireland does not have such a mechanism. Child benefit is of major importance to many mothers. The Government has made a serious mistake in reducing it.

I am reminded of a comment made by Deputy Connaughton, whose antennae are sharper than those of most other people, that there are many mean husbands in this country and some mothers must ask their husbands for every cent they spend in managing their household budgets. Implicit in this is a recognition of the value of paying child benefit directly to mothers. The benefit is not abused. What the Government has done is wrong and will come back to haunt it. The reduction in child benefit for children who need it is a mistake.

What message does the decision to reduce the carer's allowance by €8.60 send out to full-time carers? The message is that the work of people in full-time caring positions is not valued by the State. If carers did not have love and respect for their kith and kin, the people for whom they are caring would be in State institutions at ten times the cost. They provide full-time care for family members in their homes because of their love of family. The Government has sent

out a message, through the Minister for Social and Family Affairs, that it does not value this care or the work carers do, which saves the State hundreds of millions of euro every year.

The Government has made a direct attack on the public service as a result of which public servants will hold a deep sense of resentment.

The Fine Gael Party proposed a real stimulus through the establishment of a new economic recovery authority under which progress would be made on water, broadband, green energy, a smart grid, etc. More than 105,000 jobs would be created in the coming years in Cavan, Monaghan, Dublin, Louth, Cork and elsewhere for young people, engineers, tradesmen, graphic designers and manufacturers of all types of products. This is the type of stimulus we need and it is not evident in the budget.

The Government may be pandering to the private sector on the basis that income tax has not been increased but the fact remains that levies are here to stay and the economic stimulus is not what it should be.

I note the local government fund will be cut by 12.5% and road maintenance funding cut by 10%. While the road safety plans issued by the Road Safety Authority are very good, we will find that, with no money available in local authorities, there will be serious accidents and the county road structure will deteriorate at enormous cost. If the reduction in the local government fund is not recompensed no local authority will be able to balance its budget. The Government may have done this for political reasons given that the Fine Gael Party controls many local authorities or because the Minister for Transport, speaking on behalf of the Government, indicated that county and town councils will be abolished. I do not know if that is official Government policy.

I listen to people speak of wonderful advances being made in technology and what the Government is doing for schools. Am I to hear shouts of acclamation from across the hills when a laptop arrives in a local school? Schools will be given laptops even though a broadband service may not be available. As they used to say in country and western music, the day Big Tom came to town was a day to remember. In this case, we are all supposed to say the day the laptop arrived in the school was absolutely wonderful.

Training courses must be dealt with. With respect, many of the young people, particularly young men between the ages of 18 and 23 years, who are attending training courses have serious literacy and numeracy problems. Providing training courses will not sort out their problems. My advice, which is given constructively, is that the Government should arrange an aggressive series of educational courses running over 12 weeks and with classes limited to 14 for this category of young people with an identified educational problem. Young teachers should be employed to take the courses which should come under the management of FÁS. This approach would be much more beneficial than placing these young people on useless training courses when there are serious problems with their literacy and numeracy capacity.

I note €3 million has been allocated for a referendum on children's rights. While I support this measure, I suggest the Government accept the Bill introduced by Deputy Shatter on behalf of the Fine Gael Party and use the opportunity, at no extra cost, to have a simultaneous referendum on the matter of judicial pay to avoid having judges deemed an elite group and remove pressure on them to reduce pay as a consequence of not being subject to a normal pay decrease.

The Government should have increased mortgage interest relief, as Fine Gael proposed, for people who bought houses from 2004 onwards and are now in negative equity. These people have a real problem and will come under even greater pressure when interest rates increase next year as the German and French economies grow. If one job in a household is lost, couples

[Deputy Enda Kenny.]

will not be able to pay their mortgage. The problem for those who want to buy new houses is not mortgage interest relief but access to credit.

There is no sense of equity in the budget. It is a blunt instrument which was born out of desperation and a failure to agree public service reform. There is no stimulus in this for the jobs we need, there is no sense of capacity to reform or have a more effective public service. The Taoiseach will not get it now because he destroyed the goodwill of the leadership of the entire public sector. The private sector will not get the stimulus it should.

The Taoiseach had a glorious opportunity to bring about a situation inside five years whereby people would think of this country as energetic, vibrant and one that will climb to the top of the ladder again in terms of health, education, efficiency of public service, delivery of jobs and a place where people would wish to be. This should be a country of real vibrancy and energy which can climb back to the top but I do not believe the Taoiseach will be able to do this. He has wasted a glorious opportunity. When the people cast their verdict in due course, they will give a savage verdict on this Government of Fianna Fáil and the Green Party. It has been the worst Government in the history of the State as far as I am concerned.

**Deputy Andrew Doyle:** Hear, hear.

**Deputy Kieran O'Donnell:** I put on record that we are debating what is probably the most important budget in the history of the State, but we are not holding a proper debate. Many Members wish to contribute but the debate will finish in a short period. From speaking to my colleagues I am aware they are frustrated. We were elected to represent people. In his speech, the Taoiseach made reference to NAMA and the benefit of the long debate on that legislation but I do not see the benefit of a short debate on the budget. This budget is probably the most divisive ever and it will be cruel on young families and the vulnerable. The Taoiseach referred to the Government approach on framing this budget and that it was guided by three questions. It seems the Government puts everything in the form of three questions. It must be the magic number.

I will address the three questions, the first of which was whether this was necessary. It is necessary because the Taoiseach has made it so. He ran the country into the ground. Before the last election, when the Taoiseach served as the Minister for Finance he informed the people that the economy was fine. He is trying to do the same now and the message is that the business has been done and there is no problem, but he should be honest with the people. He should inform them we are in a major financial crisis. However, we must be fair with people as well.

A person who cares for an individual came to my clinic in the past two or three days. The person for whom he cares gets eleven prescriptions per week. They will now cost an additional €5.50 per week, which is the bones of almost €300 per year. Will such people begin to make decisions such as that they cannot afford to get these prescriptions? Will they end up in hospital with a cost to the health services? There is a complete lack of joined-up thinking.

I refer to the position of a widow. The Taoiseach made reference to the fact that he understood. How can he understand that when someone has lost a spouse——

**The Taoiseach:** It is difficult.

**Deputy Kieran O'Donnell:** ——the cost of living does not go down. The Government will take €8.30 per week from a widow or widower. This shows a complete lack of understanding and that the Government is completely out of touch. We all agree there was a need for €4 billion of savings but the problem is the way in which it was done.

Another question put by the Taoiseach was whether the budget is fair. It is not fair. Let us consider the issue in terms of the public sector. Regardless of income, public servants will be paid 5% less straight off. There are 55,000 people in the public sector earning €30,000 or less. When the banks were handing out mortgages it was said these people were gilt edged and many such young couples have 100% mortgages they can ill-afford. They have taken a significant drop in income.

We seek fairness and our party agreed there was a need for public sector reform. We considered savings of €1.2 billion. However, we proposed the first €30,000 of income for a public servant would be exempt and that it would be graduated thereafter. If someone earned €40,000, only €10,000 of their income would be subject to a pay cut. That is fair whereas this is grossly unfair, shows a lack of understanding and it is divisive.

Will the Taoiseach put on record what exactly happened at the pay talks? Why were there talks over several weeks but five days before this critical budget, the Taoiseach walked out from them? The problem is the Taoiseach is eroding trust and to govern properly, one must have trust. The Government has suddenly produced a public sector pay cut that hits everyone from the first euro. Not only that, the Government had the cheek to state that Ministers would take a 15% pay cut. They will take a 5% cut but workers in the public sector will be subject to a 5% pay cut and further cuts thereafter. The Taoiseach did not refer to the cut from pension levy they took previously. If we group these together it is clear the Taoiseach should have referred to a pay cut of up to 10% or 12%. He did not do so, but the members of the Government calculated it this way for themselves. We need honesty and proper, effective joined-up thinking. We do not need a Government stumbling from crisis to crisis and basically engaged in spinning. The key point is this budget is not fair.

The third question put by the Taoiseach was whether the budget would assist recovery. It will not. The fiscal stimulus consists of reducing the excise duty on alcohol and a change to the VAT rate. I repeat that there is nothing in that. The Taoiseach referred to the employers' PRSI exemption for taking on new employees. It is welcome but what about those currently struggling to retain existing employees? Why did the Taoiseach not consider our proposal to cut the lower rate of PRSI by a half, to 8.5% for an employer, and to cut the top rate by 2%? That would have cut costs for employers while retaining the minimum wage for employees. However, there is no joined-up thinking. It appears the Government has carried out a book keeping exercise with no thoughts of bringing the economy out of recession.

I refer to NAMA. The Taoiseach remarked that he took a systematic view in terms of dealing with the banking crisis and that the Government was dealing with the banks. However, the former chief executive of AIB was before the Oireachtas Joint Committee on Finance and the Public Services last week and stated NAMA would make no difference. He also stated AIB would not use the NAMA bonds to access cheaper funds from the ECB to provide a stimulus to the economy. The Taoiseach, the Minister for Finance and their colleagues, came out and sold NAMA to the public as a fiscal stimulus that would get credit flowing. They stated they would make the banks face up to the scale of their problems but it is a case of the tail wagging the dog. There has been no change to top management or the practices of the banks.

We have travelled throughout the country with Deputy Enda Kenny to meet business people. The diaspora are very welcome but the people who will get the economy going are the small business people throughout the country, the person who employes two, three or four people. Many such people cannot take out of their businesses what is necessary to pay their employees. They wish to keep people in employment, to stay alive and they seek supports for existing employees which is not being provided.



[Deputy Kieran O'Donnell.]

The Taoiseach referred to tourism. One of the greatest issues in tourism at present is the travel tax. It did not yield any great income for the Exchequer but the Government did not see fit to remove it. Such countries as Holland realised the error of its way and removed it. The problem with bringing the economy out of recession is that it must be considered in a strategic way. One cannot sell a line to the effect that the troubled waters have passed. 2010 will be a very difficult year for people. We must give people hope but we must also give them a sound basis in terms of policy, to deal with the cost for employers for existing employees as well as new employees.

The Taoiseach referred to reducing the VAT rate, which is welcome but it should not have been increased. Once again, the same mistakes have been repeated. The VAT rate was increased. There is a rule in business that one never increases prices when business is going badly but the Government did that in the previous budget. The logic of that defies description. Now that the Government is reversing the decision, the change will not be effected until 1 January. That gives consumers and retailers no possibility to benefit from the change in the Christmas period. We suggested that the lower rate of VAT should be reduced. That would not be as costly as reducing the top rate and hugely labour-intensive businesses once again would provide a stimulus.

How can the Taoiseach use the words “fairness” and “understanding” in the context of taking €8.30 from widows and people on invalidity pensions and €8.20 from carers? The drug refund scheme has been increased by approximately 40% to €120 since I became a Deputy in 2007. The most vulnerable are affected. Once again, the Government has gone for the easy targets.

I accept that everyone has to pay his or her fair share. An anomaly exists currently in the PRSI ceiling for employees. If one is currently employed and earning €75,000 or less, one pays 4% PRSI on the full income, but if one earns more than €75,000, one pays no employee's PRSI on income above that amount. Why did the Government not see fit to reduce that anomaly and make the higher earners pay their fair share to get the economy moving again?

The Taoiseach made a threat in terms of the public sector in his speech in the context of further pay cuts. The Minister for Social and Family Affairs referred on the radio this morning to further pay cuts for the public service. The Taoiseach should be mindful of the old adage that one catches more flies with honey. Bully boy tactics and pulling out of talks five days in advance of the budget does not inspire confidence. We need to spread the load and get everyone working together. A coherent plan is required to move the economy forward but the budget is sorely lacking in that respect.

If we were allowed to have a proper budget debate we would be able to consider the budget provisions in greater detail. The devil is always in the detail. I note that the Government has introduced cuts across a raft of areas. Deputy Kenny has referred to the local government fund and the roads budget. In my constituency of Limerick a significant cut has been made to the housing budget, it is down from €1.1 billion to €800 million. The Minister of State, Deputy Finneran, is aware of that.

**Deputy Michael Finneran:** There was an increase.

**Deputy Kieran O'Donnell:** I question whether the regeneration of Limerick is under threat. The biggest problem is lack of joined-up thinking and a coherent plan which should be focused on jobs. The Taoiseach is well aware that the ESRI has stated that more than half of our general Government deficit is caused by unemployment. If we are to come out of the recession we must ensure that we retain existing jobs. It is difficult to reconcile the Taoiseach's statement

that we have turned the corner when we will have 75,000 extra people on the live register next year. Unemployment in 2010 has been projected to be 13% and 12% in 2011. It is important to be honest and upright with people. The Taoiseach should tell it as it is to ensure that trust is retained. The problem with the budget is that the Taoiseach has done neither.

Young families are travelling the length of this country to go to the North because Pampers and baby food are significantly cheaper there, yet the Government is taking €16 from child benefit. That is the one payment that goes directly and exclusively to the mother and it is used for children's clothing and extra costs. While fathers are also important, mothers are the focal point for child rearing.

The Government has got it wrong. It has not allowed time for proper debate and subverted democracy in this House. We should have had time in the House to go through the budget. If the Taoiseach wants to hear our views he should extend the debate on the budget and allow every Member of the House to have an input to what is probably the most critical budget. Does the budget satisfy the Taoiseach's three tests? Is it fair? No, it is not. Is it necessary? Yes, but because of the Government's mistakes. Will it lead to recovery? Absolutely not, because it gives no proper stimulus in terms of retaining jobs, which is what the budget should have been about. The Government has missed an opportunity.

**Deputy Eamon Gilmore:** I wish to share time with Deputies Higgins and Quinn.

**An Ceann Comhairle:** On what basis?

**Deputy Eamon Gilmore:** I will take 20 minutes to 25 minutes and the balance can be shared between both Deputies.

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

**Deputy Eamon Gilmore:** I agree with one thing the Minister for Finance said yesterday, namely, that the late Senator Ted Kennedy was one of the best friends this country ever had. I am pleased that his memory is to be honoured, but Ted Kennedy's name should not have been invoked to dignify a budget that flies in the face of everything that he worked for and fought for.

**Deputies:** Hear, hear.

**Deputy Eamon Gilmore:** Ted Kennedy spent his entire life trying to get a decent health service for the people he represented. The biggest cut in any of area in the budget is to health services. Ted Kennedy was a man who fought for the poor. He said the poor may be out of political fashion but they are not without human needs. He would never have supported measures that take money from the blind, carers, widows and people who have lost their jobs.

Ted Kennedy was a champion of public servants. He always spoke with pride and with respect of firefighters, police officers, teachers and local authority workers. I wonder what he would have thought of the campaign that was successfully conducted by Fianna Fáil for the past 12 months to denigrate abuse, belittle and demean the people who work in our schools and hospitals. I was saddened over the weekend when a hospital worker told me how she had to meet an abusive tirade from a drunken lout on a night out when she was described as a parasite. The same drunken lout now probably has something to cheer about from this budget given the reduction in the price of alcohol. All of that was done to harden public opinion against public servants to justify the cuts in pay that were announced yesterday, including the savage cuts in the pay of the lowest paid workers in the public service. The budget owes more to the thinking of Ronald Reagan than it does to the thinking of Ted Kennedy.

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Eamon Gilmore:** It is a disgrace. The budget is built on bad economics and bad politics and delivered by a broken Government. It will divide the country not unite it. It will destroy jobs not create them, and it will push hundreds of thousands of families deeper into poverty.

Every family is today paying the price for 12 years of incompetent, reckless, dishonest Government by Fianna Fáil and the wealthy interests that backed the party, but some families are paying much more than others. The people who pay for everything must pay again. The wealthy, greedy and feckless have again been protected. The feathers in their nests have been barely ruffled. The macro-economics of this budget were never in doubt. There was support in this House and across political parties for an adjustment of €4 billion. However, choices had to be made. What were the choices made by Fianna Fáil? A Minister will now take a smaller pay cut than an executive officer in his or her Department. The public servant on €50,000 loses at least 4% of after tax income while the banker on ten times that, €500,000, loses nothing at all.

The meagre payments for widows, the blind, carers and people on disability are hammered. A family with two children under six years of age could lose €1,380. Widows of working age will take a cut of €641, including the Christmas payment. A couple on invalidity pension suffers a cut of €1,100. Carer's benefit is cut by €648 per annum. Blind pensioner couples could lose up to €1,455. The cost of drugs for families will go up €240 per year. However, a mere 1% of the adjustment comes from the highest earners in the land, if we ever see it. Children are hit three times in this budget. Child benefit is cut. The early childhood supplement is abolished and for children whose families are on social welfare, the Christmas payment is gone. Earnest lectures on price statistics will not feed a hungry child or clothe him or her for school.

This budget was written by the silver spoon wing of a Cabinet that does not have the first notion of what it is to live on a widow's pension or to live in a house where the father has no work. There are cuts here that break new ground in political stupidity. When one cuts payments for Youthreach and similar schemes, one cuts off some of the most troubled young people in our society. Sadly, the price one will pay will be measured in units of €107,000 — the cost of a place in St. Patrick's institution.

Why has this been done? It has been done because Fianna Fáil has brought the economy to its knees. It was handed a fast growing competitive economy, driven by exports, creating jobs and with a budget surplus. It turned it into a property bubble which has come crashing down on all our heads.

In the past two years, 250,000 people have been put onto the dole queue. Fianna Fáil has created one of the longest and deepest recessions in the developed world since the Second World War. Fianna Fáil has created a structural deficit in the economy which, on its own figures, requires total corrections of €19.5 billion to put right. It has mortgaged our children's future through its gross incompetence in handling of the banking crisis — a crisis that was of its own making. There is a blanket guarantee wider than any other, exposing the taxpayer to €440 billion in liabilities. NAMA, a millstone round the necks of a generation, has created a debt of €12,000 for every man woman and child living in Ireland today. Last night the Minister for Finance finally acknowledged what the Labour Party told him all through last year, that is, that the banks would have to be nationalised. That should have been done upfront in the beginning rather than doing it now by default and probably at greater cost to the public and our economy.

Fianna Fáil has sparked a new wave of emigration. Once again this Christmas, we will witness the scenes of heartbreak and loss at airports and ferry ports as the cream of a generation depart these shores and their families are left behind to live with the void. Some 40,000 people are expected to leave Ireland next year. This is what the silver spoon wing of the Cabinet has brought on the heads of the sons and daughters of honest people who pay for everything and qualify for nothing.

That was the Ireland we should have left behind. That is the Ireland that does that not have to be but always when one puts Fianna Fáil in charge, it will buy votes until there is no money left. Twice in a generation, Fianna Fáil has brought this country to ruin. It is never the wealthy or the greedy who are forced to carry the can. For Fianna Fáil now to describe itself as a republican party is almost grotesque.

This budget is based not on national unity or common purpose or social solidarity but on division, conflict and greed. Fianna Fáil has turned its back on the people and on its own traditions. Seán Lemass believed in public service and in a strong State sector in the Irish economy. Fianna Fáil is no longer the party of Lemass. Fianna Fáil is the Celtic Tories. This budget is a Tory dream come to life. Hammer public services, attack public servants, kick the poor and let the wealthy and the influential off scot free. The ideology that got us into this mess is running riot again.

It could, and should, have been very different. The Government had the opportunity to secure a national agreement to deal with the economic disaster that it created. The Labour Party proposed and would have supported a national agreement to deal with the fiscal crisis and the jobs crisis in a coherent and comprehensive way. We proposed a set of five principles on which an agreement for national recovery could be based, namely, a coherent jobs strategy, protection for the family home, a negotiated reduction in the public sector pay bill of €1.3 billion, a fair budget and a guarantee of industrial peace. Just as we supported the Government on Lisbon because it was right for the country, so too did we support a reduction in the deficit of €4 billion in this budget. We did so because we put the national interest first and it is important that, as a country, we demonstrate a collective commitment to dealing with this disaster even if it was of Fianna Fáil's making.

As is clear now, there would also have been support from the trade unions for a national agreement of this kind. We know now that there was an opportunity for major public sector reforms — measures I have been calling for since the spring of this year and which I have called for directly in addressing trade union conferences. Fundamental shifts in the terms and conditions of employment would have given the Government the tools it needed to rebuild and reform our public services.

However, the Government spurned all that. Whether it was a heave, a coup or a split, all of this was thrown away for short-term political purposes. The system of national pay agreements which Fianna Fáil has lauded for so long is dead. The Taoiseach saying he will re-engage on the transformational agenda is wishful thinking because he has dismissed from the negotiating room those with whom he needs to engage. An unprecedented opportunity for reform has been lost. A signal has been sent to the outside world that Ireland is a house divided against itself. A system of industrial relations that worked well for 22 years has been discarded.

By this time next year, inflation will have returned to the European and Irish economies. That will trigger a round of private and public sector pay claims that there is now no machinery to address. There are many who will cheer that development. Some believe that national agreements were beyond repair while others believe that leadership is measured by a willingness to impose pain on others and that real leadership is measured by a willingness to impose it on the weak. Those voices, the pain brigade, know little of history and care less for the future.

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The people who are sent away from the bargaining table now will return only on their own terms because beggar-my-neighbour economics will get one good headlines in the short term but it will store up trouble in the medium term and will undermine confidence in our capacity, as a country, to manage our way through this crisis.

There is a broader agenda here and it is a low pay one. People on low pay in the public sector have taken a severe hit. Young unemployed people have had their benefits cut in half. The next target will be the national minimum wage. These moves are intended to drive down wages at the lower end of the labour market. Rather than train people and support them in finding new skills, Fianna Fáil is creating a new cohort of working poor. A young graduate will jump at a job that pays the minimum wage and a person on €40,000 could find himself or herself replaced by two people with master's degrees who will cost their employer less.

Fianna Fáil had the opportunity of national unity and it blew it. The Labour Party set out how this budget could have been balanced and fair. Instead of cutting child benefit to save €123 million, Fianna Fáil could have made modest changes to capital taxes. Instead of cutting welfare payments to people of working age, Fianna Fáil could have abolished all of the property schemes. Instead of cutting maternity benefit for new mothers to save €11 million, Fianna Fáil could have abolished any one of several minor reliefs.

Instead, Fianna Fáil reverted to the beggar-my-neighbour strategy. The idea that if one isolates one or two groups in society, if one targets them and blackguards them, if one denigrates them day after day, then one can load the problem onto them and others can avoid carrying their share of the load. For the past 12 months, therefore, there has been an unparalleled campaign of abuse and denigration targeted at nurses, teachers, council workers and ambulance drivers. For more than a year, it has been as though it was these people — servants of the people — who caused the economic crisis. It was not Fianna Fáil or the property developers that this budget did not touch. It was certainly not the bankers.

There is a certain irony in the measures announced to cut the long-term costs of public pensions when we consider that the pension fund has already been handed over to the banks. The rich and privileged of Irish society have circled the wagons and Fianna Fáil has ridden to the rescue. They got NAMA and in return the voices of privilege have been out in force. These are the stockbroker economists who do not mention the bank that owns them or the bonds they trade and the tax consultants who do not mention their rich clients. In the run up to this budget we have had a queue of such people at the national microphone — bankers' lackeys, most of them telling us that "you cannot tax the rich — sure they do not have a bob — and it is all the fault of the teacher, the garda, the council road sweeper".

The alternative was to bring forward a budget that contained a fair balance between expenditure cuts and revenue-enhancing measures. It would be a budget based on the principle that those who have the most must contribute the most. The Government refused to do that. It constantly tells us that it is basing the budget strategy on international evidence to the effect that successful fiscal adjustments are expenditure-based.

We can consider the international evidence to which Fianna Fáil is wedded. I tend to agree with Dr. Garret FitzGerald, who has said that the conclusions to which the Government is wedded are generalisations that do not apply to Ireland's case. A paper published by the European Commission last year tends to agree. It indicates that the Government's line is the conventional wisdom but it also states: "More recent studies, focusing on country cases, provide evidence that both expenditure and revenue-based consolidation can be successful." In other words, international evidence is fine if it is leavened with a dose of reality and some basic common sense.

Such common sense was set out by Jens Henriksonn, a key figure in solving Sweden's budget crisis in the 1990s. In an essay for the Bruegal Institute he writes: "If a consolidation package consists of both tax increases and expenditure cuts the distributional effect can be fair." Fairness is not a luxury or an optional extra; it is the glue that keeps a society together in a crisis. This budget is manifestly unfair as it targets the poor, public servants and children. It lets the bankers, the property speculators and the Fianna Fáil backers off the hook.

This is a financial emergency yet even during the Emergency of the Second World War it was possible to introduce child benefit to promote social solidarity. Child benefit is the only payment through which the State recognises the cost of bringing up children in our society. It is a payment that does not produce poverty traps because it is paid irrespective of a person's employment status. It is the closest this country has ever come to treating all the children of the nation equally.

The biggest gap in this budget is an absence of a coherent jobs strategy. Time and again I have made the point that the banking, budgetary and jobs crises are interlinked. We must deal with them all in a coherent manner. Fianna Fáil has been so fixated with the banks and the budget that it has utterly neglected the jobs crisis. The measures introduced yesterday are nothing more than a laughable fig leaf. They are a series of *ad hoc* concessions to the pleading of special interests. There is no strategy here to promote the knowledge economy or even the smart economy, only the smart alec economy.

It is necessary to make a major budgetary adjustment to deal with the Fianna Fáil deficit. We will never get out of this crisis until we start to create more jobs. We cannot cut our way out of a deficit and we must grow the revenue line as well. We must lower the cost of this Government's failures — the cost of unemployment.

The cost-benefit analysis here is easy as every person off the dole is one fewer person being supported by social welfare and one more person paying into the Exchequer. In our pre-budget statement, Labour identified adjustments totalling €5.8 billion, which would allow for the €4 billion adjustment in the budget deficit while at the same time creating a jobs fund of at least €1.15 billion. Labour's jobs fund would be a key component in a broader strategy to deal with the jobs crisis. Labour's objective is to retool the Irish economy, wean it off its dependence on property and return to export-led growth.

This country can be a leader in the global knowledge economy if we take the necessary steps now to support that change. There are four actions we must take immediately to make this change a reality. First, we must create a structure of enterprise supports that are both wide and deep. As the world economy begins to recover, new opportunities will open up for Irish business. There is a new and deep pool of entrepreneurial talent in Ireland that we have to support, whether it is a new start-up, an expansion programme or a university research spin-off. We must strengthen the framework of supports available to Irish companies.

Second, we have to do the same for people. It is simply economically and socially unworkable to have more than 400,000 people on the live register, with more to come next year. We must find the means and resources to give these people opportunities to train, learn and gain work experience. The sums of money involved are not great and Labour has shown how it can be done.

Third, we need a strategy for investment in infrastructure and companies. We need a new national development plan to match more limited resources to strategic priorities. The Government says it has done a review but we need more than that. We need a new, costed, rigorously-evaluated plan. We need to ensure that we are meeting the needs of the knowledge economy. Labour has proposed the establishment of a State investment bank to assist in the financing of

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public investment and we have to ensure there is adequate growth capital for firms with ideas that need financial support to grow.

Fourth, we need sectoral strategies to deliver jobs. Not everyone can or will be employed in a software firm or a high-tech start-up. We must ensure that job opportunities are opened up across a range of skills and across the regions. I welcome the initiatives on tourism, and I will keep an open mind on what is being proposed for the food sector.

We need strategies that will build comparative advantage on the back of our natural strengths in sectors such as clean technology, food and the creative industries. The native creativity and genius of the Irish people is not just a cultural asset, it is an economic asset. In the UK, creative industries employ as many people as financial services.

Above all, we must rebuild confidence in this economy. The Minister has spoken much about confidence, and well he might because he destroyed it along with the other three horsemen of economic collapse, Professor Ahern, Commissioner McCreevy and the Taoiseach, Deputy Brian Cowen. The collapse in confidence in the Irish economy is both domestic and international. Following the disastrous handling of the banking crisis, Irish Government debt now costs 140 basis points more than the equivalent debt in Germany and at home, the savings ratio has rocketed.

The ERSI estimates that the savings ratio, which in 2007 was 2.3%, will exceed 11% in 2009 and 2010. That is the equivalent of taking some €9 billion out of the economy. If we are to restore confidence, we must do more than just attack the poor. We must reassure families that their home will be safe, there must be greater protection for homeowners, real action to clear out the banks and a firm determination to ensure a flow of credit to business.

The real confidence building measure that the country needs is the one the Taoiseach will not grant us — a change of Government. This Government is broken beyond repair. It is led by a Taoiseach who has been fatally undermined by his Minister for Finance. In the Taoiseach's contribution he spoke of a €3 billion adjustment next year but the Minister for Finance spoke of a €2 billion adjustment in his budget speech. The Taoiseach then has the audacity to suggest there are differences in approach between Fine Gael and Labour when the present Government does not appear to even be on song in what the target is for 2011.

This Government will limp on and will inflict more and more damage as it does so. The Irish economy and the Irish people need a fresh start and a new direction. They need a Government that will put jobs and people at the heart of economic policy, and which will make the hard decisions on spending but make the right decisions on jobs. Fianna Fáil cannot do that as it does not have the moral authority, the imagination or the wit. This budget is a disgrace and so is this Government.

Nothing sums up this budget more than the tawdry proposal to take money from the blind. There are Government Deputies who will return home this weekend after voting for the social welfare Bill and tell their constituents that they did not have any choice in doing so because they were under the Whip. Six Deputies are not under a whip and they have an individual choice to make. Deputy Healy-Rae has a choice to make tomorrow. Does he support taking money from widows? Deputy Lowry has to decide whether he supports taking money from the blind. Deputy Grealish has to decide whether he supports taking money from carers. Deputy McDaid has to decide whether he supports taking money from people with disabilities. Deputies Devins and Scanlan have to decide whether they support taking €1 billion from the health service and if they do, will the people of Sligo ever see the cancer and other services that are being lost in their local hospital?

**Deputy Michael D. Higgins:** The Labour Party's alternative budget was based on fairness and solidarity, it was practical and it was active. In meeting all those criteria, what was being proposed could have achieved enormous, widespread public acceptance. That would be different from what we heard yesterday, which was about politics. The Government was well served by those commentators who, for the past few weeks, followed the Mrs. Thatcher recipe, TINA, "There is no alternative", and therefore, we got a shabby discourse, a limited analysis and a suggestion of inevitability that was to be visited upon us. Very little was left to expectation. There is an alternative to TINA, which might be uncomfortable to mention for some Members. It is TARA, "There are radical alternatives".

However, the discourse was incapable of a radical alternative. For example, former Taoiseach, Deputy Bertie Ahern, frequently spoke about his task force on citizenship. This was an opportunity for citizenship. One could in the midst of, and emerging from, a recession define "citizenship" in terms of a floor below which people should not be allowed to fall but that did not happen. The Government could have examined issues of redistribution. Instead of any concept of redistribution and a political economy that would include macroeconomics, which were beyond fiscal adjustment, we got a tawdry notion that certain steps were the only steps and these had to be taken and we got a disgraceful suggestion that, somehow or other, the entire population had created the problem. In more recent weeks, one could not speak at all about how we came to be here. It was as if the position we are in was not the position to which we had been delivered by Fianna Fáil Ministers, those in charge of regulation who failed us and wrecked public trust and those who damaged Ireland's reputation abroad and for which ordinary taxpayers now have to pay more taxes to service interest rates that are above the norm. These are truths and to seek to avoid them was quite scandalous.

The Taoiseach stated that he has been in the House since 1984 but I have been here since 1981. Since then I have spoken about the consequences of inventing the depeopled economy. This refers to the economy as a system where the people do not matter, the blind do not matter, the disabled do not matter or the graduates without jobs do not matter. Suddenly it is all the young people's fault and they are failures before they emigrate but it is not a failure of the economy. That limited thinking is not practical, moral or of any value in getting out of where we are.

On 26 March 2009, a long time after I entered the House, I asked the Minister for Finance in Parliamentary Question No. 89 what proposals he had for gathering income from wealth. He replied: "I have been informed that no general research has been carried out over the past ten years by either the Department of Finance or the Revenue Commissioners regarding the extent and breakdown of wealth as opposed to income". That was always the case. Opposition to a wealth tax in the old days was not to the yield but to what it would reveal.

Yesterday, it was suggested in regard to the tax breaks, for example, that somehow or other, we have just come to our present position like it was an attack of the 'flu. In 2004 annual tax reliefs cost us €8.4 billion, which equated to 22% of total taxation. That is the year my colleague, Deputy Burton, Labour Party spokesperson on finance, raised the issue of 48 people having a tax rate of less than 5%. The Minister announced yesterday that he has made significant progress because the effective tax rate of those who are at the top of the heap will move 20.45% to 30% but there has been no clawback from those who accumulated and transferred wealth during the McCreevy years. In addition, of those who availed of such tax breaks in recent years, 66% were on incomes of more than €200,000 and 77% were on more than €100,000. Tax breaks were then provided for car parks, spas, health clinics and so on. Those who had money were forking it in to avail of these different tax breaks. In one year, €8.5 billion was invested in property abroad. Are any of these people paying for this so-called adjustment, which is, in fact, a gross management of the economy? Are any of them facing such an adjust-



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ment in the name of citizenship, to use the former Taoiseach's phrase, in order that, for example, those who were quickest and deepest into the trough might pay a fair share in getting us into a new concept?

I am sick and tired of people being described as "economists" on television and radio in a public service broadcasting system that does not offer economic alternatives but rather goes along with the drift of the inevitable. What kind of analysis is made by those who are involved in this? When it all quietens down, the suggestion that one should say to the most vulnerable and broken, the widows and children and so on that they must pay for all this because it has to be is bad thinking.

I mentioned economics. It is fascinating when someone from the right wing school, the paradigm that has failed us, comes on television and the subtitle used in the interview is "economist", whereas when someone with the same qualifications offering an equal agenda comes on, the name of a trade union is used as the subtitle. It is as if we have a high priesthood of failure. The same people who could not analyse the property bubble or speak about the Government's dependency on one source of revenue are precisely the people who now say the poorest of the poor must be among those who are pushed to the front to pay for our adjustment.

What a tragedy it is that this recession is not being used to build citizenship and to foster an active politics that would put all the mechanisms for job creation and task forces into the green economy and the creative economy; that instead of cutting carer's allowance would recognise carers at work; that would do a deal with the public service unions and the private sector to share work, create new employment and discuss the working day; and that would have a decent society instead of a society that is deep into a drink problem. One could do all those things for citizenship but the high priesthood of the commentariat, no more than the Minister for Finance, do not have the moral courage, the ability or the commitment to speak about a genuine alternative, the Labour Party's alternative, which was fair, effective, active and in solidarity and it could have offered hope.

**Deputy Ruairí Quinn:** I have been in the House for quite some time and I have listened to various speeches on various occasions in good times and in bad. One word was missing from yesterday's speech by the Minister for Finance and this morning's speech by the Taoiseach. It is a simple Anglo-Saxon word and it is the word "sorry". Not once has Fianna Fáil said to itself, to the nation or to the Members of this House, "Sorry, we screwed up". They do not do apologies in Fianna Fáil but if they did it would be a start. Yes, we have screwed up. Yes, this country has screwed up and some people are more responsible for it than others. The start of a recovery that would embrace the principles of citizenship, to which my friend and colleague, Deputy Michael D. Higgins referred and which was once a mantra for the former Taoiseach, would be fixed

We will get out of this crisis. We will not get out of it the way the Labour Party wants to get out of it. We will not get out of it as quickly as Fianna Fáil thinks we will get out of it. We will carry for the rest of their lives people who will be the walking wounded because of the damage done to them. I am thinking in particular of the type of person referred to by Deputy Eamon Gilmore, such as a person who, because of a broken home, is looking for a second chance at education in a Youthreach programme. That will now be denied. All of the research shows that such a person will cost the Government, me and the taxpayer far more money when he or she ends up in prison than the miserable amount of saving that cutting the Youthreach programme will achieve. This is not even to count in the cost of the damage to such people, their partners and perhaps to their children.

International surveys show that equal societies are fairer societies.

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Ruairí Quinn:** International surveys also show that equal societies are healthier societies and are more competitive. Consider the competitive economies in Finland and Scandinavia. Yes, they are high-tax economies and that is their choice. However, they are also much fairer societies and are more deeply competitive than ours.

I want to say to Fianna Fáil that the exercise in censorship being undertaken in this debate is without precedent. When will we be able to go through the Book of Estimates and ask Ministers what it means?

**Deputies:** Hear, hear.

**Deputy Ruairí Quinn:** What exactly is the impact of this? Why has the Minister for Education and Science, Deputy Batt O’Keeffe, decided to leave the primary and secondary sectors relatively untouched but to impose a 4% cut on the third level sector? We hear speeches about the smart economy, the knowledge economy, investing in third level education and trying to get a cohort of those coming out of secondary schools into third level. In most cases, this is appealing to a generation whose parents never went to third level and who are frightened of it because they do not know it, never experienced it and are scared of taking on debt and borrowing to put their children into that world of experience which they never had. However, we are imposing a 4% cut on third level education. It seems quite arbitrary but I have had only a chance to glimpse at one section. I suspect my colleagues could only do the same for the sections for which they have responsibility.

I welcomed one aspect of the speech made by the Minister yesterday. At last the Government will deal with the tax exiles. The phrase “tax exiles” does them an honour they do not deserve. They are not exiles, they are tax fugitives.

**Deputy Michael D. Higgins:** That is it.

**Deputy Ruairí Quinn:** I find it hard to reconcile what the Minister, Deputy Brian Lenihan, stated yesterday with what I saw in the newspapers some weeks ago about the President of this Republic attending a function hosted by a tax fugitive. What type of message on citizenship did that send out?

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** He provided €30 million funding on that day.

**Deputy Ruairí Quinn:** We all could provide charities of our choice if we had designer taxes. That is outrageous.

**Deputy Kathleen Lynch:** He did not pay tax.

**Acting Chairman (Deputy Charlie O’Connor):** Deputy Quinn without interruption.

**Deputy Willie Penrose:** One thing about Michael O’Leary is that he stays here and pays his tax.

**Deputy Ruairí Quinn:** Absolutely. They are not tax exiles, they are tax fugitives.

**Deputy Kathleen Lynch:** Dodgers.

**Deputy Ruairí Quinn:** When we see the legislation, and I note the presence in the Chamber of a senior official of the Department of Finance, I will invite the Department to consider the

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following because it will be very interesting to see how the detail of that provision is written. It will be hard to impose and assess. I suggest the simple additional requirement to the legislation that any tax fugitives who wish to renew their passports, which are EU passports and are of great benefit, would have to do what a taxi driver seeking a licence has to do, namely, provide a tax clearance certificate. It is very simple and is used all the time by the Department of Finance for contractors trying to get jobs of one type or another.

I would like to discuss many other matters but time prevents me from doing so. The House will have to find a way of scrutinising in detail the impact of the damage that this budget will do to so many sectors of our economy. How that is to be done I do not know. Today's business was ordered in such a way that after the leaders of the various parties have spoken the debate will end and will not be resumed. That is an insult to every Deputy elected to the House and who has something to say from their experience and constituency. We will have to find time to bring Ministers before committees to explain how precisely matters will impact on the delivery of services.

There are alternatives put forward by this side of the House.

**Deputy Michael D. Higgins:** Yes.

**Deputy Ruairí Quinn:** To the Fianna Fáil and Green Party Members present I state that I know they will not hold an election soon but they could start by saying they are sorry that they screwed up, that they will try to fix it as best they can and that they will take advice when they like it from this side of the House. They receive constructive advice from this side of the House that never in its congenital life did Fianna Fáil offer when it was on this side of the House.

**Deputy Liz McManus:** Hear, hear.

**Deputy Ruairí Quinn:** The Taoiseach spoke about how he came to the House in 1984. I remember 1984 and I remember the man who sat where the leader of the Fine Gael Party now sits, one Deputy Haughey. All we got was abuse and fantasy from a power-hungry party whose only objective was to get to the other side of the House and use the position of power. We now know that was Mr. Haughey's motivation as it is in the public domain. The House has been blessed with the constructive contributions of this side of the House to the Fianna Fáil Party and the Government. I am sorry they have not had the courage, generosity or decency to acknowledge them and implement some of them.

**Deputy Liz McManus:** Hear, hear.

**Acting Chairman:** The next slot is for Sinn Féin and there are 40 minutes in the slot.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understood it would pass to this side of the House after the Labour Party slot.

**Acting Chairman:** I apologise to the Minister, my instructions were incorrect.

**Deputy Caoimhghín Ó Caoláin:** Sinn Féin understands and accepts the change.

**Acting Chairman:** The Minister has 40 minutes which will be followed by the Sinn Féin slot.

**Deputy John Gormley:** I will share time with the Minister for Energy, Communications, and Natural Resources, Deputy Eamon Ryan and Deputy Ciarán Cuffe.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy John Gormley:** I welcome the opportunity of contributing to this debate on the budget as leader of the Green Party and as Minister for the Environment, Heritage and Local Government. As leader of the Green Party I want to take this opportunity to set out my party's position on budget 2010. There is no doubt that this budget is very tough but the Green Party worked hard with our partners in Government to ensure it was fair. I believe that taken in the round people will find that it is fair under the circumstances.

Nobody comes into public life to cut the pay of public sector workers. Nobody comes into public life to reduce welfare payments. However, given the scale of the public pay and welfare spending, there was no other option. This is about our future prosperity and independence. My colleagues in the Green Party are in politics to tell people the truth. We believe that is far more important than chasing short-term popularity. The truth is that there is no easy option to fix our current crisis.

In this budget we have succeeded in protecting pensioners and education services, including reversing cuts from last year as well as providing a stimulus for jobs in the green economy. I have stated on many occasions in the House that we must take on board the harsh lessons of the 1980s, for which the people paid so dearly. It is incumbent on us to learn from what occurred at that time. We must take swift, harsh measures to ensure this recession does not continue for the next decade or more.

I am proud that the tax increases introduced in recent budgets have been extremely progressive in effect. A single person earning €25,000 now pays €500 more in tax and levies than in 2008. However, the additional taxes and levies imposed on those earning €250,000 amount to almost €17,000 or 33 times the contribution of a person on €25,000. I am encouraged by that.

The budget increases the minimum effective rate of tax paid by the rich to 30%, in addition to PRSI, the health levy and the income levy. This will be the minimum paid by high earners, regardless of any reliefs claimed. We have dealt with some of the tax shelters and we must continue our work in this regard. The budget also tackles the issue of tax exiles or, as Deputy Quinn referred to them, tax fugitives. I agree with that description. We will introduce measures which will impose on all Irish nationals and domiciled individuals whose worldwide income exceeds €1 million and whose Irish-located capital is greater than €5 million a requirement to pay, regardless of where they are tax resident, an Irish domicile levy of €200,000 per annum.

The introduction of the carbon levy is a very important step forward for this country in the context of tackling climate change. In the week before Government leaders from across the globe gather in Copenhagen, Ireland is sending out a clear message that it can and will play its part in the battle against climate change. Placing a price on carbon will encourage people to make the switch, be it to lower emission vehicles or improving the energy efficiency of their homes, in order to avoid additional costs. By placing a price on carbon we will also be raising revenue. The latter will be channelled into making our economy and society more energy efficient. Furthermore, by placing a price on carbon we will be encouraging a more competitive economy, reducing our reliance on imported fuels and retaining more money in that economy.

Next year the Government will invest €130 million in insulation for more than 100,000 homes across the country. Some €76 million of this will be ring-fenced for low income families. Fuel allowances for those on social welfare will be increased next autumn by 11% in order to ensure that the levy does not impact upon them. This money will also enable the Government to cut other taxes and promote the economy. Without this extra money we would not be able to provide a PRSI exemption for employers who take people off of the dole queues or to reduce the VAT rate. That is completely in line with recommendations from independent expert groups such as the ESRI and Comhar, the Sustainable Development Council.

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This budget is also about offering hope. Over 15,000 jobs have already been created in the green economy since the Green Party entered Government. The budget shows that the stimulus is in the green economy. We will provide the jobs of the future as we fight climate change. In that context, there will be 3,000 jobs per annum for two years in water metering, 5,000 jobs will be sustained and created in the water services investment programme and 6,000 jobs will be sustained and created in home insulation.

I will now comment on some specific aspects of my Department's Estimate. I will concentrate on the principal sectors within the Department's very broad remit. The provision of €508 million for investment in water services infrastructure in 2010 maintains the high level of financial support for this sector. There is no reduction in capital spending here and this reflects the priority the Government attaches to preserving and protecting our water resources as a key element of our environment. Meeting EU standards for drinking water and wastewater treatment is a critical objective and we must continue to invest in new infrastructure that will ensure ongoing support for the economy.

My Department is putting in place a range of measures to ensure that this money will be spent to best effect. Local authorities recently completed comprehensive assessments to determine the key water services projects that should be pursued in their areas during the next three years in order to meet prioritised environmental and economic objectives. These assessments will inform the next water services investment programme — for the period 2010-2012 — which I will be publishing early next year.

The new programme will outline the projects to progress to construction over the next three years and those that will advance through the planning process. While medium to longer term planning on major schemes will continue, there will be a new emphasis on contracts which deliver on infrastructure that is needed during the next two years. In addition, water conservation works will be fully integrated into the new programme to address, where practicable, network leakages in preference to expanding infrastructure provision.

In line with the requirements of the water framework directive, river basin management plans will be completed in the first quarter of 2010. This important work will provide for the first time a complete picture of all of the 4,000 water bodies in the State — their water quality status, the pressures they face and the measures necessary to secure an improvement in quality in accordance with the requirements of the directive. These new management plans will form a key input to the development of the national water services programme and will also identify measures required in other sectors to improve water quality.

There is no doubt that investment in water infrastructure will remain a high priority. The question arises, however, as to how we both assess the real demand for water services and how we fund those services. The Minister for Finance referred to this yesterday. I wish to inform the House that I will be bringing forward proposals, as a matter of priority, for the installation of water meters in households. This will give effect to the commitment in the renewed programme for Government to introduce charging for domestic water use in a way that is fair, significantly reduces waste and is easily applied. Households will be allocated a free basic allowance, with charging only for water use in excess of this allowance.

Metered charges are a common feature in nearly all developed countries and help to provide water users with an understanding of the economic value of what is becoming an increasingly expensive resource. While average water consumption per person in Ireland is difficult to estimate accurately in the absence of metering, our average consumption levels are believed to be higher than in countries where water services are metered. Metering of domestic water use will

serve to promote more efficient use of water and will allow consumers the opportunity to reduce usage levels and thereby their costs.

The recently reported results on the levels of unaccounted for water across all local authorities highlights the critical need for enhanced management of our water services. The metering of domestic connections will contribute to greater water conservation by facilitating enhanced network management by local authorities. It will also enable improved leakage detection and reduction in leaks in the local authority water distribution systems and in households' internal pipes. That is why I want a stronger emphasis to be placed on conservation works by local authorities under the new water services investment programme. My Department will now put in place arrangements for the procurement and the installation of meters to commence as soon as possible. We will also be examining the scope to apply smart metering technology in delivering this commitment.

Severe flooding occurred in many parts of the country recently and the damage and distress this has caused has been widespread. I saw the impact on people when I visited various locations. The House will agree that all of the agencies at local level — local authorities, An Garda Síochána, the Health Service Executive, voluntary agencies and the Defence Forces — collaborated very well to limit the effects on individuals whose lives may have been put at risk or who might have been exposed to serious hardship. Local authorities have been using the procedures set out in A Framework for Major Emergency Management, which enables the relevant agencies to initiate and co-ordinate the response to the flooding. We must consider if there are improvements to be made. In that context, I am arranging for a review of the operation of the framework to see if any such improvements are necessary.

Local authorities have incurred exceptional additional and unforeseen costs as a result of their response to the flooding. As a result, I have decided to make some additional financial assistance available to affected authorities this year. My Department is in contact with those authorities and we will be making funding contributions this year. I expect that a sum in excess of €10 million will be available for this purpose. This money will be additional to that announced by the Minister for Finance when introducing the budget. As regards flood impacts on water services infrastructure, my Department has contacted the relevant authorities to ascertain the damage ensuing from the severe flooding, including damage to water services infrastructure.

We may have to examine the need for capital works and we will have regard to this in the new water services programme to be finalised early next year. The Government appreciates the prompt and constructive response to the recent flooding by the local authorities and other agencies. The challenge is to ensure that we take steps to minimise flood risk in future development. We have issued guidelines to local authorities on flood risk management aimed at ensuring a more consistent, rigorous and systematic approach to flood risk identification, assessment and management within the planning system. These guidelines provide that development in areas at risk of flooding, particularly flood plains, should generally be avoided. We will invest extra money in flood protection. These are necessary capital works.

In terms of housing, my Department's capital resources are being scaled back for 2010 but we are overcoming this with innovative restructuring of the social housing investment programme. This restructuring has been under way for more than a year and it involves a progressive shift from acquisition and construction towards more market based delivery mechanisms, foremost among which is the long-term leasing initiative announced by the Minister of State, Deputy Finneran.

While it is fair to say that the shift in emphasis is being accelerated by the current economic and financial climate, it is a shift my Department has been developing for some time on the

[Deputy John Gormley.]

basis that it is the right approach from a policy perspective. For some time we have been working towards the development of a system of graduated and flexible housing supports to meet the varying needs at the different stages of the life cycle. If we are to achieve this, a homogenous social housing stock, where the response to housing need automatically means a house for life, will not fit the bill. Through expanded roll-out of long-term leasing arrangements, as well as a total Exchequer provision for housing of more than €1.1 billion in current and capital finance — a substantial amount in the circumstances — I anticipate we will deliver 9,000 new social housing units in 2010.

The year 2010 will also see the beginning of a major series of changes to local government. A new mayor of Dublin will be directly elected in 2010. The mayor will bring about tangible beneficial changes across the spectrum of local government activity in Dublin, including for the region's competitiveness and overall economic wellbeing. Local government is an important shaper of the economic environment. Just as better leadership, accountability and decision-making will improve the performance of a business entity, the same dynamics will apply to the governance of the Dublin region. The result will be a stronger economy in Dublin and a positive spill-over effect for the whole country. I will present my legislative proposals in the coming weeks to provide for the election of the mayor.

Beyond Dublin, I will publish the White Paper on local government early in the New Year. The White Paper will complement the changes in Dublin by setting out Government policy on local government across the country. Again, better leadership and improved accountability are fundamental concepts that have informed the policies that will be set out in the White Paper. I look forward to its publication and to implementing the Government's policies.

There are significant financial challenges facing central and local government over the coming years resulting from the downturn in the economic cycle. Our goal must be to ensure that we work together to deal with the current economic challenges and ensure that we are in a good position to take advantage of the opportunities presented by the economy as it recovers during the period ahead. For 2010, however, the local government sector must play its part by curtailing expenditure to the highest priorities in common with the approach of central Government.

While I will continue to support local authorities next year through significant general purpose grants from the local government fund towards the cost of providing day to day services, it must be recognised that the financial pressures we face at the centre will have an impact on the grant allocations I will make to individual authorities. The Government must make savings in its expenditure programmes and the Exchequer contribution to the fund is not immune. Notwithstanding this, I am confident that local authorities will have the necessary resources to continue to provide the essential services for householders and the business community alike.

In light of the current challenging environment for business, I have urged local authorities to continue to exercise the necessary restraint in setting increases in commercial rates and local charges. It is important that every opportunity be given to the business sector to remain competitive as a sound business sector is vital as part of the life blood of local communities. Local authorities have responded positively in 2009 in moderating rate increases on commercial ratepayers and next year will be no less challenging for the business sector. Local authorities will demonstrate the same restraint in 2010.

Local government plays a key role in the social, economic and environmental development of this country. It provides a range of services critical to communities and business at local level and is responsible for an overall spend of some €11 billion. Half of this funding comes from Exchequer sources with the remainder being financed from a variety of local charges

including the rates paid by commercial business. Given the difficulties faced by the Exchequer and local businesses as well as the need to minimise charges generally, it is essential that local authorities provide the very best value for money possible and continuing to contribute to economic recovery. To further this efficiency objective, I have decided to establish a special group to undertake a new independent efficiency review of local authorities. The group will examine the cost base of local authorities and advance a new efficiency drive to achieve greater value for money, best use of resources, eliminate inefficiencies and contribute to the national requirement to address the imbalance in the public finances. The group will take account of Government policy on local government reform and measures already in train in the context of the transforming public service agenda. The group will be asked to complete its work by mid-2010.

The group will be chaired by Mr. Pat McLoughlin, who was a member of the special group on public service numbers and expenditure programmes. Mr. McLoughlin is a health sector business consultant with a range of business interests in the sector. Until early 2006 Mr. McLoughlin served as the deputy chief executive of the HSE and national director. Mr. McLoughlin is currently CEO of Irish Payment Services Organisation.

I have acknowledged that this is a tough budget but I insist that, under the circumstances, it is fair. My colleagues in the Green Party and my colleagues in the Department of the Environment, Heritage and Local Government, are determined that we will face the upcoming challenges and we will not try to under state them. We will continue to work for a better and more prosperous, more sustainable Ireland. The harsh actions in this budget will bear fruit. It will bring a signal of hope to our young people that they have a future in Ireland. It will send our EU counterparts and international investors a strong signal that we are open for business. We have important work to do and we will get on with it.

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have a sense that the nation is battered and bruised but not beaten. If there was one line in yesterday's speech that gave people hope and lifted their spirits, it was that the worst is over, if I am quoting the Minister correctly. We need a sense of where we are going and of hope. The debate can change. There was a strong sense of the country being terrified until yesterday and I would hate to see us slip into thinking that economic stabilisation has occurred and that it is the end in itself. That is not the goal. The Government must provide financial stability but it is not the end or the purpose. We must do more than that. There must be a sense of vision of what the stability serves and how we work from that. That is important in the debate that continues next week and into the new year on where the country is going. We are at a moment of profound change in the history of the nation, the world and the nature of the globalised market system that has been consistent for the past 30 years. It has changed utterly in the past year. We must develop a different sense of where the nation is going in respect of this new and evolving world.

I will set out my thoughts on how the budget fits into where we are going. What we might call the new republic that we must create must have a number of characteristics. It has to be enterprising. We must take on some of the thinking that has been around for the past 30 years.

*2 o'clock* I am old enough to remember the Telesis report which stated that we should start to rely on our natural resources, not on foreign direct investment. The Culliton report in the 1990s and the enterprise strategy group five or six years ago repeated that advice. We are at a moment when we must start to do that. We continue to be a good centre for international companies but we have evolved and grown sufficiently, and have enough skills to start to be enterprising in our own right, and to trade internationally on the back of those skills.



[Deputy Eamon Ryan.]

I understand the Sinn Féin Members' fears about emigration. I fully agree with them but we should have the confidence now, when it is difficult to emigrate, to stay and develop businesses here, rather than look for alternatives. That has to be our goal and our overriding ambition. We will keep our people at home and create the work opportunities here rather than seeing emigration as an alternative.

**Deputy Kieran O'Donnell:** Where is that in the budget?

**Deputy Eamon Ryan:** That is not the vision or plan of this Government. We need to be enterprising.

Last week at a meeting I heard Enterprise Ireland say that in the past year it has had 70 high potential start-up companies on its books. If half a dozen of those go from high potential to reality, which I believe they will, those companies will create the jobs. It is happening. Irishmen and women are being enterprising and creative and we have set the conditions for that by setting up research grants and research and development tax systems to help those companies succeed.

**Deputy Kieran O'Donnell:** What about the existing companies?

**Deputy Eamon Ryan:** We must be enterprising. This Government has put the mechanisms in place to make that happen.

I agree with my colleagues in the Labour Party that we have to be equal and with Ruairí Quinn when he says a more equal society is more competitive, successful and cohesive one. A rational analysis of the past two years would show how this Government has amended the tax system to tax those at the high end of the scale and to cut out the reliefs that were part of the property bubble problem. It has happened. We will push it to the nth degree that does not damage our other goal of creating an enterprising society.

On a more profound note, one of the egalitarian questions raised in this budget was whether to cut services. That was a prospect to which I say no. It is better for us to manage our affairs here, taking some of the hard decisions on pay and social welfare to protect the services that are integral to an equal society. To the parent whose son or daughter is going to a special needs school this morning it was important to be able to say that those schools stay open and that in fact we have provided an additional 28 psychologists because that is important for our equal society. I am not sure that the IMF would make a similar call. We are willing to make those hard calls to ensure that those schools stay open and that where teachers are needed they are provided.

**Deputy Kieran O'Donnell:** What about the carers?

**Deputy Eamon Ryan:** Yes to the carers. When it comes to health services——

**Deputy Aengus Ó Snodaigh:** The money has not been provided.

**Deputy Eamon Ryan:** ——which form a huge part of our budget we have made the hard call. It is difficult.

**Deputy Aengus Ó Snodaigh:** The money for services is not being provided.

**Deputy Eamon Ryan:** I have received e-mails from dentists, doctors and others around the country rightly saying that we have cut their incomes in a way that is not fair. We did that on

the basis that we keep our health services open so that everyone here has an equal right to the health services they are due.

**Deputy Kieran O'Donnell:** How much is the Government giving the services?

**Deputy Aengus Ó Snodaigh:** There are no equal rights.

**Deputy Eamon Ryan:** I can understand the anger and upset of the gardaí who have to take a cut in a difficult time. An equal society means that an older person, who might be scared at home at night because someone is acting in an anti-social way, can ring the gardaí at any hour and make sure they arrive. That is a basic essential service that we must keep as we manage our budget. This Government made a call to keep the services we built up when we were wealthy. That is behind the decisions in the renewed programme for Government and in this budget.

We need to be enterprising, equal and green. If we are creating a new and different republic it must be in tune with what is happening in this world. The defining issue is that we are living beyond the means of the planet to sustain life. We must act quickly and firmly to bring our country into tune with nature and live within its means. That will help us to be enterprising. There is a stimulus in our green economy. It is happening, it is real. We are going into tens of thousands of homes to help people lead warmer, healthier and more economically efficient lives.

There is real development occurring in a new digital economy here. My Department is committed to this by putting a new broadband infrastructure into schools, using new fibre optic networks, based on some of the technology coming out of our new enterprising companies. They will provide a hundredfold increase in energy efficiency and the power of communications. It is being built and designed here and we are investing in it in this budget. They are the three things we need to do and we tried to do in this budget, support enterprise, create a more equal society and turn ourselves green. It is a very broad perspective.

We are at the point of change. The first 30 or 40 years of this country were marked by the nation founders; I have seen nation builders, my parents and my generation, who built a very successful society on that foundation. We need a new nation now. We need leadership in the political system and across our country. That comes from a sense of purpose. That is what we need to start debating. We need to move on from this concentration on the budget as one of fear or cutbacks.

**Deputy Kieran O'Donnell:** It is a matter of real people's lives.

**Deputy Eamon Ryan:** They are difficult but we must come out for our people with a sense of where we want to go and what we want to do. Every section of society has a role. Those farmers dealing with the difficult floods, caused by climate change, need a sense that they have a role. They are the front line of a green economy. As they go into forestry and high value and low-emission food crops, which we do have, they can benefit from that green vision.

Our party has always said that one does not measure success by economic standards alone. The parent who is juggling a job and childrearing should be at the centre of the front line services that we all talk about. We need to support and protect such parents.

**Deputy Kieran O'Donnell:** How does the Minister justify the cut in child benefit?

**Deputy Eamon Ryan:** It was difficult but I say to the parent that we had to do that to make sure that the teachers were available for her children. That was the decision we had to make.

**Deputy Kieran O'Donnell:** The Government could have made other choices.

**Deputy Eamon Ryan:** We also have to work with our unions. I do not believe partnership is dead. We will work better as a nation, for the evolution that we must achieve, when we work together. We need to work with our unions and our business people to make that happen. This budget does not address one constituency over another. It gives us an economic stimulus to work towards a new society.

**Deputy Arthur Morgan:** That is fairyland.

**Deputy Ciarán Cuffe:** Deputy Gilmore stated earlier that this Government does not have the moral authority, imagination or wit to tackle the challenges that face Ireland. I disagree with him because I believe that moral authority comes from leadership and direction rather than criticism from the sidelines. It comes from implementing policies that have been talked about for years, rather than talking about what should be done, implementing policies that tackle climate change, reforming our banking system, and not only tackling the flooding that has affected so much of the country in the past few weeks but also tackling its causes, the flood defences and the proper planning policies that Fine Gael does not have the conviction to implement in local authorities around this land.

This Government has the moral authority and the well-grounded optimism rather than the cynicism of the Opposition. It has the imagination to create the new jobs in energy, agriculture, transport and construction that this green budget will incentivise. It has the imagination because it has new ideas in the form of environmental improvements and efficiencies in using money wisely. It has the imagination to fund education that came from the transformed programme for Government we agreed two months ago. Imagination will help us get through this but not if we put off making fundamental reforms and fail to tackle work practices that are past their sell-by date. The Government has the wit to get credit flowing again so businesses can create new jobs. It has the wit to propose directly elected mayors in our major cities who will drive the knowledge economy. It has the wit to provide grants that give warmer homes and save money. The Government has the moral authority, the imagination and the wit to help us get through this. I take issue with Deputy Gilmore's criticism of what we are doing, not only within the budget but in the programme for Government.

Recently, I asked the Minister for Finance a parliamentary question on servicing our national debt. At a time when many commentators are saying we should not have a short, sharp shock, but should move matters out over many years, it is worth reflecting for a moment on what the cost of servicing our national debt will be unless we take decisive action. This year, we will spend €3.9 billion servicing the national debt, and this will rise to almost €6 billion next year. If we do not make the kind of adjustments that are proposed in the budget before us, this will rise to €9.1 billion by 2013. In other words, it will more than double over a four-year period.

I take issue with Mr. David Begg when he says we should stretch this out for several years. The only thing that will stop us going down the route of Japan's stalled economy for ten years, or from repeating the 1980s, is taking tough steps now that will get us through to the far side of our stalled economy, that will make those new jobs happen. This will involve pain but it will be a pain that will get us through to the far side and create new jobs that will fire up our economy in the future. Those commenting on the challenges before us have to face up to this very real difficulty that lies before us today.

Throughout so many sectors of the budget, we see incentives that have a Green footprint which are helping us to get through this. I repeat the point made by the Minister, Deputy Eamon Ryan, that we are protecting education against what could have been draconian cuts. It is crucial that we invest in young people and give them the kind of teaching and assistance

in their formative years that gives them possibilities and opportunities later on. The vast bulk of our teachers are doing trojan work in providing a decent future for our young people. It is right that we protect education and continue to upgrade our school programme to provide new schools and for refurbishment of existing schools so that our children, one of our most vulnerable resources, are protected, encouraged and nurtured. This is a crucial part of getting us through the challenge that is with us at present.

We have to face up to the banking crisis, the jobs crisis and the fiscal crisis, as Deputy Gilmore pointed out. The policies within this budget will get us through to the far side, although it will not be easy. There is no magical new dawn that will come in a week, a month or a couple of months. However, we need to get our finances in order and stop borrowing enormous amounts of money so that money can be better spent on policing our streets, educating our children and allowing businesses to employ more people again through the changes we are making to PRSI. The real jobs that will come through this next period will mostly come from the private sector and from the export-led economy. They will come from small and medium size businesses that are beginning, even in difficult times, to employ more people and find their way through. The kind of work our city and county enterprise boards is engaged in and the kind of training policies we have put in place through this budget are part of the ingredients that will get us through this.

As an example of the kind of initiatives that will help us, I noted recently that over the Christmas recess work will be done in Leinster House to replace gas boilers with biomass boilers. This is a good symbol of the kind of changes needed in the economy. Instead of burning Russian gas, we will use Irish wood to contribute to the heat and, hopefully, light that comes through this Chamber. It is a good example of creating jobs in Ireland, reducing carbon emissions and contributing to the kind of initiatives that are required over the next ten days in Copenhagen as world leaders gather to tackle climate change. It is grounded in reality, in employment, not in the kind of heckling and positioning that came from the Fine Gael and Labour Party benches last night when we debated carbon tax. This is transformational; it is real; it is creating jobs and it will get us through the tough times.

The budget is part of a coherent approach to tackling the huge challenges confronting Ireland at present. It is a time of enormous debate, coupled with the existential crisis we face with recent reports on child abuse. If we can make the reforms in society that can make us proud again in the social sphere and the economic sphere, we can get through this. This is the first step in creating a new Ireland that will create employment, see us through and make us proud again.

**Deputy Caoimhghín Ó Caoláin:** Last night, the gulf between Government Deputies and those who elected them grew wider than ever before. The people looked on with horror as the members of Fianna Fáil and the Green Party applauded a savage budget that attacks the poor, the low-paid and the medium income earners. It was a budget cobbled together by economic illiterates.

**Deputy Paul Gogarty:** I was not clapping.

**Deputy Caoimhghín Ó Caoláin:** I am glad that has been noted.

The Minister, Deputy Lenihan's, speech must rank as one of the greatest examples of self-delusion we have ever had to listen to. Either that or he is deeply cynical. Certainly, he is trying to delude the Irish people. He told us we are "on the road to economic recovery". Who does he think he is kidding? Like a First World War general, the Minister told us the worst is over and that this is "the last big push". I was expecting him to say it will all be over by Christmas. If it is the last big push, we know who he's sending over the top — the low paid workers and their families, the social welfare recipients, the carers and the young unemployed.

[Deputy Caoimhghín Ó Caoláin.]

The Fianna Fáil backbenchers last week staged a mock revolt over the talks with the public service unions. However, there will be no revolt when they troop through the lobbies tomorrow to support cuts to the welfare payments of the most vulnerable sections of our society. The Fianna Fáil backbenchers must surely be the greatest shower of hypocrites that ever sat on those benches. Their only hope now is to try to hang together and pray they are not plunged into an early general election, when many of them may hang separately.

The sheep will be driven willingly through the voting lobbies tomorrow. Then, at the weekend, they will go home and bleat to their constituents that they had no choice, that there was no other way, that the public purse was empty and that we all have to bear the pain. Shame on them all; shame on their followers in the Green Party. Shame on them for what they are doing to those who depend on social welfare. They have cut a swathe through social welfare benefit schemes and assistance schemes. Jobseekers allowance, farm assist, pre-retirement, supplementary welfare allowance — all cut. Widows and widowers pensions cut. Deserted wife's benefit cut. One parent family payment cut. Disablement pension and invalidity pension cut, as well as the disability allowance and blind pension.

Quite disgracefully and inexcusably this budget cuts both carer's benefit and carer's allowance. They are taking €8.20 and €8.50 respectively per week out of the pockets of people who are caring for elderly and/or disabled relatives in their homes. People on disability allowance will lose €8.30 per week. These are the facts.

The person on carer's allowance will be out of pocket by €34 per month or €408 per annum. The Carers Association has quite rightly pointed out that carers are the only social welfare recipients who have to work for their payment by providing full time care in the home to elderly, sick and disabled people.

It has been estimated that 161,000 family carers provide more than 3.7 million hours of unpaid care each week, contributing more than €2.5 billion to the Irish economy each year. The 40,883 family carers providing full-time care — more than the 39,000 nurses employed by the HSE — contribute €1.6 billion to the economy. This cut is the thanks that carers get. The Minister Deputy Lenihan claims the overriding objective of the budget has been to “strive for fairness”. Fairness how are you?

Where is the fairness in the savage cuts to social welfare support for young unemployed people? This budget cuts jobseekers allowance for 20 and 21 year old new applicants from €204 to €100 per week and to €150 per week for those between 22 and 24. This is a further attack on young people who are facing the ordeal of the dole queue. It follows the April budget's slashing of jobseekers allowance for 18 and 19 year old people.

Who are these young people? These are the children who did their junior certificate between 2001 and 2007 at the height of the Celtic tiger and their leaving certificate between 2006 and 2009 as it was coming to an end. They were told they were being educated in a knowledge economy and that if they worked for the best academic results they would reap rich rewards in a State with full employment. Now, however, thanks to the disastrous policies and gross mismanagement of Fianna Fáil-led governments, they are being thrown on the unemployment scrap-heap.

In the past two years the numbers of young people unemployed under the age of 25 has soared by 173%. We have the second highest level of unemployment among 18-24 year old males in western Europe at 26.5%, more than twice the State unemployment rate of 12.5%

It is 25 years since Thatcher was on the rampage in Britain but here in the Fianna Fáil-Green budget of 2010 we find Thatcherism alive and well. The Minister tells us the purpose of his

cuts to young people's dole is "to encourage them to stay close to the labour market". I am sorry the Green Deputies have left the House, because the Minister for the Environment, Heritage and Local Government, the leader of the party, a few moments ago told us that it would "bring a signal of hope to our young people that they will have a future in Ireland." What future?

The Minister for Finance claims that the experience of the 1980s was that the welfare system "was out of step with labour costs in the rest of the economy" and "trapped people in protracted joblessness". That type of Thatcherite thinking was wrong then and it is wrong now. It translates as saying that we should not pay the jobless any more than the barest subsistence or they will not want to work.

The same mentality is displayed in the decision to slash the dole to €150 per week for anyone where "job offers or activation measures have been refused". What kind of job offers, what kind of activation measures? There can be many legitimate reasons a person would not take up a particular offer.

There was no real recognition in this budget of the catastrophe of unemployment. There are 423,400 people on the live register in this State, an increase of more than 146,000 in one year. There has been an increase of 63% in those applying for jobseekers allowance since December 2008 but where is the jobs strategy in this budget? There is none. There is a rag bag of mainly training measures amounting to a paltry €136 million. It is an insult.

Let us be real about this. The Government does not prioritise fighting unemployment because it represents the greedy in our society. The greedy have always secretly welcomed a high rate of unemployment because it allows them to hold workers to ransom. The message is simple: accept lower wages and poorer conditions or get out, there are plenty more out there waiting in line.

What of people who are in work? This budget attacks low and modest income families by imposing a 5% across-the-board cut in the wages of workers in the public service earning under €30,000 per year and 7.5% on earnings between €30,000 and €70,000. These public service workers, who make up the single largest bloc of public service employees, are amongst those who will be hit the hardest by this budget.

This budget crucifies those families on modest incomes. They are now bearing the brunt of pay cuts and the disgraceful cut to child benefit. A family with three children loses nearly €50 per month. Many such families have just one pay packet coming into the household and have to meet exorbitant mortgage payments out of that single income.

The cut to child benefit is an attack on children and an attack on families. Net child care costs in this State are 45% of the average wage compared to 16% -17% in EU and OECD states. Child care costs account for 30% of family income in this State as against 12.5% in EU and OECD countries. Over the past decade when people called for a real State child care strategy with proper infrastructure and places that were affordable and accessible to all who needed them, we were told that we had the most generous child benefit system and that this was how child care would be funded.

Once again it is those families bringing in wages and struggling to make ends meet who will be hit hardest. Their child benefit will be cut and if they are above the income threshold they will receive no family income supplement to compensate. It is these same families and others like them who will be hit by the increase in the threshold for the drugs payment scheme, meaning they now have to pay more every month for medicines.

To justify its cuts to pay and social welfare, the Government claims that the cost of living has gone down but this is not the case for the majority of people, especially for struggling

[Deputy Caoimhghín Ó Caoláin.]

families. This year prices went up for a range of essential items such as electricity, gas, bus fares, child care, primary education and hospital services.

In her health Estimates statement, the Minister for Health and Children claims that planned reductions in the drugs bill in 2010 will save €141 million in addition to €133 million saved this year. Such savings could and should have been made long ago and more savings can be made through reduction in price and wider use of generic drugs and the establishment of a State wholesale distributor, as Sinn Féin has long advocated. Why then does the Minister choose to target medical card holders with her prescription charge of up to €10 per month? This charge undermines the General Medical Services and the long term illness scheme. Once established it will remain in place to be increased year on year at the expense of those who rely on our public health system.

The budget has dealt a further blow to the already struggling public health system. The two-tier public private system is hugely costly in terms of inequality and the poorer health outcomes it entails and its inefficiency in using public money to subsidise the private health care industry. Privatised health care will not be affected by this budget. It will still be pampered but the public system will continue to deteriorate. The budget takes €106 million out of current expenditure in the HSE on the so-called economies and reduces capital spending by a further €37 million.

The funding for mental health is too little too late. It is typical of the mismanagement by this Government and the HSE that they have waited until the total collapse of property prices to try to sell the properties of former psychiatric institutions. We have yet to see how much this will realise and when.

With the recruitment embargo still in place, with nurses still in short supply and now going to be paid less, with trolleys and chairs still clogging our hospital corridors, with our primary care system still not properly developed and with hospital services continuing to be centralised we are in for another winter and many more winters of health care misery thanks to this Government.

One of the headings under so-called economies for the HSE is transport. In my home county people rely more than ever on HSE-provided transport since the closure of acute services in Monaghan General Hospital last July. That need will become even greater in the north east with the impending threatened closure of acute services at the Louth County Hospital in Dundalk. Yet we are told that transport is going to be cut. It is an outrage in a region which in recent weeks has seen its already totally inadequate hospital infrastructure further undermined with outbreaks of *C. difficile* in Our Lady of Lourdes Hospital in Drogheda and Our Lady's Hospital, Navan, resulting in the closure of scores of beds and the cancellation of operations and procedures.

I have a question for the Minister for Finance and the Minister for Health and Children. Will every Deputy who votes for social welfare cuts get a 40-bed hospital facility in his or her constituency? Good luck to the people of Kenmare but let us remember the hospitals across the State that have been closed or have lost or will lose key acute services due to the compliance of the self-same Government backbenchers in pushing through the health policies of this Government to the cost of their respective electorates. Shame on every one of them.

**Deputy Arthur Morgan:** It is scandalous.

**Deputy Caoimhghín Ó Caoláin:** The full extent of the health cutbacks in this budget will become clear in time and public patients will pay dearly for them.

I spoke earlier of the Government's oft-repeated claim that we are a knowledge economy. The Minister, Deputy Brian Lenihan, chose not to highlight in his speech the cuts of €200

million to education in 2010. It is an outrage that 27% has been cut from the budget for building, equipping and furnishing primary schools. Children will continue to be taught in dilapidated buildings and millions will continue to be wasted in rents for so-called temporary prefabricated accommodation.

Earlier this year the Government announced a €150 million programme for installing IT equipment in schools, but only those schools which have been newly developed or renovated. This cosy deal with the IT companies leaves all other schools out of the loop. The money should have been spent on providing school buildings for those who need them most, thus putting in place essential infrastructure and helping to provide employment in the construction sector.

The Government's claim to be protecting the vulnerable as well as encouraging people to educate themselves out of disadvantage is exposed as a lie when we see the cuts to student support grants, to allowances for VTOS and Youthreach, the removal of grants from recipients of Back to Education allowance, the 11% cut in alleviation of disadvantage measures to help people access third level and the 62% cut for the same purpose from the Dormant Accounts Fund. Of course teachers pay will be cut. So much for the knowledge economy that this Government likes to speak about.

This budget has been preceded by efforts throughout the past year to divide and conquer public sector and private sector workers. It has been aided, regrettably, by Fine Gael and Labour and by large sections of the media. The acceptance by the so-called main Opposition parties of a figure of €1.3 billion for the slashing of public service pay in 2010 was a major victory for the Government. Public service workers were demonised and the stage was set for the stage-managed collapse of the negotiations with the public service unions last week. The phoney revolt of the Fianna Fáil backbenchers was the trigger for the collapse and the field was clear for the Government to impose the pay cuts obtained in yesterday Budget Statement. Yes, the highest earners have been hit and rightly so, but the across-the-board 5% cut for low and modest income earners in the public service is wrong. Those earning top rates can give a great deal more.

Make no mistake, any ordinary workers in the private sector who were misled enough to think that they will benefit from this cut to the incomes of ordinary workers in the public sector are in for a shock. If the Government gets away with this attack on low and modest income earners in the public sector then the private sector will be next for an even worse hit. The next target will be the minimum wage and wages and conditions across the public and private sectors.

While ordinary workers and families have been hit hard the wealthy have been protected once again. This is a typical Fianna Fáil outlook in terms of economic need. There was no tax reform in this budget. There should have been a new third and top rate of tax at 48% for income in excess of €100,000 which would have raised €355 million. Standardising all discretionary tax relief would have raised €1.1 billion but the Government once again turned its back on that opportunity.

The Government has tried to convince us that the wealthy are now over-taxed. In 2007 the top 5% of households in the State held €320 billion in assets. That did not all vanish into thin air with the property price collapse. In 2008 1,447 people or 0.6% of all earners, took in approximately €3.459 billion between them. Most tellingly of all, more than 25% of the top 400 earners paid tax at a rate of less than 25%. The price of not introducing a wealth tax for the few is misery for many.

There were some tax changes. The carbon tax has been brought in as a revenue raising measure that once again will hit those least able to afford it, which is why Sinn Féin voted



[Deputy Caoimhghín Ó Caoláin.]

against it last night in this Chamber. We have been threatened with water charges. The Minister announced a metering system for every household in the State but he did not say how much this will cost before a cent is raised in water charges. The cost of introducing the metres will no doubt be huge and instead of wasting this money on metering and charging for a basic necessity, the Government should spend it on improving our water infrastructure and reducing the massive waste of water in existing systems.

The 21.5% VAT rate was reduced but by not nearly enough and should never have been increased in the last April's budget. The alcohol excise measures should help restore some balance in trade along the badly hit Border towns but this should be seen as a temporary expedient only. Much more needs to be done to help revive the economy of the Border region — and I mean on both sides of the Border. The only real solution will be tax and currency harmonisation on this island as a whole.

The real background to this budget, the herd of elephants, not just a single elephant, in the room, is the €54 billion of the people's money poured into NAMA to bail out banks and developers and to put future generations in debt. The Government's claim of needing to take €4 billion out of the economy to close the deficit and show fiscal prudence is a total contradiction when set against the €54 billion wasted on NAMA. Those young people not forced to emigrate by this Government will have to bear the burden of NAMA for years to come. NAMA and this budget, and further budgets ahead of us, are the legacy of the golden circle of conservative politicians, corrupt bankers and insatiable developers who have wrecked the Irish economy and it is the most vulnerable who are now once again being forced to pay.

The Minister for Finance, Deputy Brian Lenihan and the Taoiseach have tried to put a positive spin on this disgraceful budget. Unbelievably, the Minister invoked the community spirit of the people who rallied to the aid of those hit most by the recent catastrophic flooding. He has some neck, given the lack of urgency in the Government response to the flooding, the inadequate funding made available to deal with the aftermath, and above all, the fact that Government neglect left people across the country vulnerable to this flooding in the first place.

Also invoked by the Minister was the ancestry of the Kennedy family in County Wexford. This was appropriate but not in the way the Minister intended. His budget and his Government's policies are a recipe for the mass emigration of unemployed Irish youth. Last year he charged them €10 per head to leave the country when he introduced that charge for all those leaving our shores by air. This year he is making sure that Ireland is a cold house for jobless young people and that the door is wide open for them to get out.

There was and is an alternative to this disastrous budget. Sinn Féin presented that alternative in our pre-budget submission, *The Road to Recovery*. Central to that alternative is the provision of stimulus to the economy so that recovery can come about in the only way possible, through the provision of jobs. It is as simple as that. The provision of jobs through sustainable employment. We proposed a €3.218 billion economic stimulus package with a range of measures to get Ireland back to work. We proposed measures and savings amounting to €7.623 billion which would have protected those on low and modest incomes, social welfare recipients and public services. In contrast this anti-jobs budget will depress the Irish economy and worsen our economic woes. Our proposals are not for resting on a shelf. They are campaigning proposals and we will continue to advance them in the months ahead. We welcome the fact that people are fighting back against the disastrous policies of this Fianna Fáil and Green Party Government. People have been on the streets in the past year in unprecedented numbers in demonstrations, strikes and other forms of protest.

We need economic policies founded on fairness and with the ability to succeed in providing a decent livelihood and decent public services for all. Such policies also need to instil confidence. Sinn Féin is confident that the Irish people can emerge from this economic crisis and that we can build a fairer society and sustainable economy. Those are our goals, not only in respect of this State and this economy but for the economy of the island of Ireland as a single economic and political entity. To do that we must reject the policies on which this budget is based and get rid of the politically bankrupt Government which produced it. We demand a better, fairer way. We say to this Government, get out of office and give this country back its dignity, its right to work and its guarantee of fair opportunity for all who have been born on our shores.

### **Message from Seanad Éireann.**

**An Ceann Comhairle:** Seanad Éireann has passed the Statute Law Revision Bill 2009 without amendment.

### **Social Welfare and Pensions (No. 2) Bill 2009: Second Stage.**

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I move: “That the Bill be now read a Second Time.”

**Deputy Róisín Shortall:** I oppose that order. I wish to propose that we delete all the words after “That” and substitute the following:

Dáil Éireann declines to give a Second Reading to the Social Welfare and Pensions (No. 2) Bill 2009 having regard to the deliberate and calculated manner in which the Bill targets people on the lowest of incomes, including carers, widows, the blind, people with disabilities, the lone parents and the unemployed and the potential hardship likely to be created for many families by the across the board cut in child benefit payments provided for in this Bill.”.

**An Ceann Comhairle:** Is the Deputy proposing it as an amendment?

**Deputy Róisín Shortall:** I am opposing the order.

**An Ceann Comhairle:** It will be necessary to put the question in that case.

**Deputy Mary Hanafin:** The Deputy cannot oppose it at this stage.

**Deputy Róisín Shortall:** I am opposing the Order.

**Deputy Emmet Stagg:** We are not opposing the Order of Business.

**An Ceann Comhairle:** It is important to remember that this business was ordered this morning.

**Deputy Mary Hanafin:** My understanding was that it was ordered this morning on the Order of Business.

**An Ceann Comhairle:** A decision was taken on it this morning.

**Deputy Róisín Shortall:** The understanding was that it was scheduled this morning. We agreed to it being scheduled but the Minister is now proposing to move the Order for Second Stage and we are opposing that. The Minister has just moved the Order now and we are opposing that proposal.

**Deputy Mary Hanafin:** My understanding is that it was ordered this morning and that I am now proposing that it be read a Second Time.

**Deputy Róisín Shortall:** If that is the case, why is the Minister moving the order now?

**Deputy Mary Hanafin:** I am not moving the order now, I am proposing that it be read a Second Time.

**Deputy Róisín Shortall:** The Minister has just done so. We are opposing that.

**Deputy Mary Hanafin:** It was already ordered in the Order of Business this morning.

**An Ceann Comhairle:** The Minister is to proceed.

**Deputy Emmet Stagg:** On a point of order, this is an important matter. The correct procedure is the Minister moves the Order for Second Stage and after that is agreed, the Minister then continues on to Second Stage. If it is not agreed——

**An Ceann Comhairle:** The advice is the order was made this morning. It was decided on the Order of Business the proceedings for the day——

**Deputy Emmet Stagg:** It was not an order this morning but rather an agreed schedule.

**An Ceann Comhairle:** We are now proceeding with the Second Stage reading of the Bill.

**Deputy Emmet Stagg:** It was an agreed schedule this morning.

**An Ceann Comhairle:** Clearly the arrangements were that the Social Welfare and Pensions (No. 2 ) Bill 2009 was to immediately follow on the Leaders' statements on the financial motions.

**Deputy Emmet Stagg:** Which required that the Minister would move the order and we are entitled to oppose that order.

**Deputy Mary Hanafin:** Deputy Stagg is his party's Whip but as a former Government Chief Whip I am well aware of the fact that once a Bill is ordered in the morning it is ordered to be taken now but that any vote on the reading of the Bill or opposition to the Bill itself, will be taken at the end of the Bill, which of course I would anticipate the Opposition would want. The order has already been taken for this Bill.

**An Ceann Comhairle:** The position is that the proceedings on Second Stage shall be taken today and this was agreed on the Order of Business this morning.

**An Ceann Comhairle:** The proceedings on Second Stage shall be taken today. That was the order that was agreed this morning on the Order of Business. I call on the Minister to proceed with the Second Stage reading.

**Deputy Mary Hanafin:** This Bill will give legislative effect to the 2010 Budget Statement.

**Deputy Róisín Shortall:** On a point of order, it was proposed that we would have the Order for Second Stage, Second Stage and Subsequent Stages.

**An Ceann Comhairle:** No, the proceedings on Second Stage shall be taken today and shall, if not previously concluded, be brought to a conclusion at 1 p.m. tomorrow.

**Deputy Mary Hanafin:** The Deputies voted on that this morning.

**Deputy Emmet Stagg:** The Minister moved the Order for Second Stage and we oppose the order.

**Deputy John Moloney:** What is the point of having an Order of Business?

**An Ceann Comhairle:** The Minister moved the Second Reading. The order for the taking of the Bill was decided and agreed this morning.

**Deputy Mary Hanafin:** There was a division this morning.

**Deputy Emmet Stagg:** We oppose it.

**An Ceann Comhairle:** The time for opposition to the order was during the Order of Business.

**Deputy Emmet Stagg:** No, the time for opposition is when the Minister moves the Order for Second Stage.

**An Ceann Comhairle:** We must proceed in accordance with normal procedures in these circumstances. Will the Minister continue with the Second Stage reading?

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** This Bill will give legislative effect to the 2010 Budget Statement. As Minister for Social and Family Affairs, I am conscious of the needs of more than 400,000 people on the live register. I also fully understand that a wide range of other groups, such as people with disabilities, carers and pensioners, depend on the welfare budget for vital support. I assure the House that the Government, in the context of a tough budgetary environment, has done its utmost to protect the most vulnerable in society.

While I appreciate that the cuts we make in the welfare area will not be easy for people, I genuinely believe that if the Government does not take steps now to reduce overall public expenditure and restore stability to the public finances, we risk making the economic situation far worse for everyone, including welfare recipients, in the long term.

In 2010, €21.1 billion will be spent on social welfare. This is €676 million or 3.3% more than the expected final expenditure figure of €20.4 billion for 2009. The pre-budget outlook published by the Government last month estimated that if no changes were made to welfare payments in 2010, expenditure on welfare would be almost €22.3 billion next year. The Government is introducing cuts in welfare rates and schemes that will generate savings of €762 million in 2010 *vis-à-vis* the pre-budget estimate. This will reduce overall public expenditure and improve the financial incentive for jobseekers to take up work or training.

In doing so, we have avoided making any cuts in the State pension and fully protected more than 420,000 children in welfare dependent and low income families from cuts in child benefit. We have also ensured that cuts in weekly rates for those aged under 66 years are lower than the decreases in prices over the past year or thereabouts and the value of the euro for welfare recipients is better in real terms.

Before I detail the areas where changes are being made, I will first outline the supports being maintained at their current levels to provide reassurance to people who were concerned supports may have been cut. As I indicated, pensions and other payments to people aged more than 66 years, including payments for pensioners' dependent spouses who are aged under 66 years, are not being cut. This means more than 474,000 people aged over 66 years are being fully protected in the budget. Extra allowances which are paid to pensioners who live alone and those who are aged over 80 years will continue at their current rates. The household

[Deputy Mary Hanafin.]

benefits package, which includes the free television licence, electricity-gas allowance and telephone allowance, is also being fully maintained, as are the fuel allowances and free travel scheme.

The half rate carers allowance scheme will stay in place. The half rate illness benefit and jobseeker's benefit payments for widows or lone parents will also remain. The additional payments for lone parents and people with a disability who participate on community employment schemes are also being retained. The domiciliary care allowance, paid to parents and guardians of severely disabled or ill children under 16 years of age is not being cut. The value of the respite care grant is being maintained at €1,700 per annum. Funding for the 107 family resource centres and grants for counselling and mediation programmes are also being maintained. I mention these benefits because people were concerned that these elements would be hit in the budget. I am pleased we were in a position to maintain them at current levels.

**Deputy Emmet Stagg:** The Minister deserves to be heard by a larger gathering than this.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Deputy Mary Hanafin:** The main areas where reductions are being made are as follows. Child benefit is being cut by €16 per child per month for all children and full compensation is being provided to families who are dependent on welfare payments or receiving the family income supplement. It is important that the most vulnerable families are being protected from the cut in child benefit. The weekly rates of payment to those aged under 66 years are being reduced by about 4.1% or an average of €8.30 per week. Reduced rates of payments will apply to new jobseeker's allowance claimants aged 24 years and under who are not in training or education. Reduced rates will also apply to jobseekers of any age who unreasonably refuse offers of training or education. The treatment benefit scheme is also being limited in 2010 to free dental and optical examinations and the medical and surgical appliances scheme only.

Additional fraud and control savings of €33.3 million to give total savings of €533 million are being targeted for 2010, through enhanced targeting of particular schemes and the introduction of new anti-fraud powers provided for in the Bill. In addition, savings of €20 million are expected to result from reductions in the maximum rent levels for new or renewed rent supplement tenancies, while savings of €2 million are being made through restructuring of the regional support agencies that work with the family resource centres.

I propose to outline the details of these measures, starting with the changes being made to child benefit. As Deputies will be aware, between 2000 and 2009 the monthly rates of payment for child benefit increased from just €53.96 for the first child and €71.11 for the third and subsequent children to €166 and €203, respectively.

In the same period, overall expenditure on child benefit grew from €638 million to approximately €2,500 million each year. As a result, approximately 12% of gross social welfare spending in 2009 will be on child benefit. Currently more than 600,000 households receive child benefit in respect of 1.1 million children. A family with four children currently receives €738 per month, or €8,856 per year in child benefit, regardless of the parents' earnings from employment.

The Government is proud to have been able to deliver such significant increases in payments to families when the resources were available. However, in the current economic environment we simply cannot afford to keep spending at the same level as when our tax revenue was a good deal higher. In this context, we decided to reduce overall expenditure on child benefit.

**Deputy Róisín Shortall:** However, the Government decided to keep tax rates at the same level.

**Deputy Mary Hanafin:** In considering the various options to make savings in this area we were conscious that the payment can be an important source of income for all families for various reasons. Some families rely on it to buy basics such as food and clothes. For many women, it makes it possible for them to work outside the home by helping with child care costs and even for women in high income families, it may be the only money paid directly to them. The Government decided, therefore, against withdrawing child benefit completely from any family. We also decided against taxing the payment. Apart from the significant administrative complexities that taxing child benefit would involve, that proposal also has the major drawback that it would lead to a cut of up to 20% of the child benefit payment for tax units on the standard tax rate, and up to 41% of the payment for tax units on the higher tax rate, which would reduce its value to €100 from €166.

Given these elements, the 10% cut across the board is a fairer way to achieve the required savings, while protecting families who are dependent on welfare or in low income employment. To this end, the lower rate of child benefit, paid in respect of the first and second child, will be reduced by €16 to €150 per child per month. The higher rate of child benefit, which is paid in respect of subsequent children, will also be reduced by €16 to €187 per child per month.

Families with children dependent on social welfare will be fully compensated for the reduction in child benefit by getting an extra €3.80 per child per week in the qualified child increase paid with their main welfare payment. Approximately 363,300 children are expected to benefit from this measure. Families which currently receive a half rate qualified child increase because they have other household income, and are not totally dependent on welfare, will receive an extra €1.90 per child per week in welfare payments. Approximately 128,600 children are expected to benefit from this measure.

The family income supplement, FIS, income thresholds are also being increased by €6 per child per week to compensate low-income working families for the cuts in child benefit. This will translate into a weekly increase in FIS payments of €4 per child. Approximately 57,380 children are expected to benefit from this.

I appreciate cuts in child benefit will be difficult for some families. However, it should be recognised that the payment will remain very generous compared with other countries and that the Government is also making a substantial contribution towards child care provision, including the introduction of a free preschool year from January 2010.

The next area where cuts will be made is the weekly rates of payments to people aged under 66 years, which are being reduced by about 4.1% or an average of €8.30 per week. Proportionate decreases are also being made in payments for the qualified adult dependent spouse of the main welfare recipient. However, where a claimant is 66 years or more and has a qualified adult aged under 66 years, there will be no reduction in the rate of payment for the qualified adult.

During the past 12 years, the Government has delivered unprecedented increases in welfare rates. The jobseeker's allowance has increased by 129%, the disability allowance has increased by 129%, the carer's allowance for those aged under 66 has increased by 147% and the one parent family payment has increased by 129%. During the same period the cost of living has increased by 40%. Even throughout the economic difficulties of the past two years, the Government has done its best to prioritise social welfare. The 2008 budget provided for increases of between 3% and 3.8% in the basic payment rates at a time when inflation for 2009 was expected to be 2.5%. In reality, prices have dropped considerably this year. By October 2009, prices, as measured by the consumer price index, had fallen by 6.5% and are now forecast to drop by an average of 4.4% during 2009.

[Deputy Mary Hanafin.]

I appreciate it is important to consider not simply the overall change in the consumer price index but also the impact that this may have on different groups. A technical analysis carried out by the Department of Finance suggests that between October 2008 and October 2009 the consumer price index fell by approximately 3.25% for retired households, 5.75% for unemployed households and 7.5% for working households. Prices are falling by approximately 7.5% for the highest income groups and approximately 4% for the lowest. Therefore, while decreases in the cost of items such as mortgages and cars would naturally have had a greater impact on higher income families, the overall cost of living has also dropped for low income households in general. Significantly lower prices exist and the result is there is an opportunity to maintain people's spending power despite the reduction in welfare payments.

Consumer prices are back to February 2007 levels. However, after the 2010 budget the lowest weekly rate of payment for those aged between 25 and 66 years will be €10 higher than in 2007. Therefore, even after the budget changes we will achieve the commitment in the national action plan against poverty to maintain the real value of the lowest social welfare rate in 2007 terms. The consumer price index is expected to fall by another 0.8% in 2010.

The Government appreciates that reductions in rates will be difficult for people but we also know that if action is not taken now we put social welfare payments at greater risk in future. We have also been conscious of the need to avoid disincentives for people to move from welfare to work. At present, when basic welfare rates and secondary benefits such as the rent and mortgage interest supplements are taken into account, some families are financially better off on welfare than in low income employment. Long-term dependency on welfare is not good for these parents or for their children. The changes in welfare rates being made today will address some of these disincentives.

**Deputy Róisín Shortall:** The Minister could try to find some jobs for them.

**Deputy Mary Hanafin:** There will also be a reduction to €150 per week in the rate of job-seeker's allowance and supplementary welfare allowance payable to people who have unreasonably refused offers of training or education.

I wish to highlight how the family income supplement, FIS, can help low-income working families with children. It is a weekly tax-free payment available to married or unmarried employees with children, who work for 19 or more hours per week or 38 or more hours per fortnight. It is designed to give extra financial support to people in employment on low pay. To qualify for the payment, the net average weekly family income must be below a certain amount for a given family size. In 2010 the FIS income thresholds will be as follows: €506 per week net for a family with one child; €602 for a family with two children, equating to €31,304 net; €703 or €36,500 per annum for a family with three children; and €824 or €42,848 per annum for a family with four children. Higher thresholds apply for families with five children or more.

I emphasise these are net income figures, calculated after taxation. The level of FIS payment a family receives is equal to 60% of the difference between their net family income and the FIS income threshold which applies to their family. Given the level of the income thresholds, FIS can be of benefit to families whose income from employment is relatively good. However, it is of greatest benefit to those whose earnings are low.

For example, if a family has one parent working full time and the other works for 19 hours a week, both on the minimum wage, their net income from employment would be approximately €500 per week. If they have four children, the improvements we have made to FIS will have the result that from January they would now be entitled to a top-up payment of €194 per

week in addition to their wages, giving a combined net income from employment and the family income supplement of €694. Such people would also be entitled to child benefit of €155.53 per week.

I refer to the new arrangements being put in place for new jobseeker's allowance claimants aged 18 to 24 years. To incentivise young jobseekers to avail of education and training opportunities and to try to prevent them from becoming welfare dependent from a young age, changes are being made to the jobseeker's allowance. I emphasise that for new entrants, the rate of jobseeker's allowance will be reduced to €100 per week for 20 and 21 year olds and €150 per week for those aged between 22 and 24 years who are not in training or education.

**Deputy Aengus Ó Snodaigh:** How does the Minister expect them to survive on that?

**Deputy Mary Hanafin:** The basic rates of supplementary welfare allowance payable to new claimants aged 24 years and under is also being reduced to ensure jobseeker's allowance claimants affected by the above measure do not have recourse to a basic supplementary welfare allowance top-up, the net effect of which would be to negate the measure. The qualified adult rate for a spouse payable where the main claimant is aged 20 to 21 is also being reduced to €100 per week. The full adult rate of jobseeker's allowance will be paid to those who participate in a full-time Youthreach course for young early school leavers or a full-time course in a senior traveller training centre,——

**Deputy Aengus Ó Snodaigh:** They are all full already.

**Deputy Mary Hanafin:** ——qualify for the back to education allowance for pursuing a full-time second level course or post-leaving certificate-VTOS course, or participate in a full-time FÁS training course.

**Deputy Aengus Ó Snodaigh:** The courses are all oversubscribed.

**Deputy Róisín Shortall:** What will they do if they cannot get a place?

**Deputy Mary Hanafin:** A person in that category will be selected for the employment action plan after 53 days on the live register, and directed to FÁS for appropriate training, education and jobseeking interventions.

It is important to note that the following people will not be affected by the measure: existing claimants, young people with dependent children, those who have paid sufficient PRSI contributions to qualify for jobseeker's benefit, and people transferring to jobseeker's allowance immediately after exhausting their entitlement to jobseeker's benefit or those transferring from the disability allowance directly to jobseeker's allowance.

Where an existing jobseeker's allowance claimant aged 24 or under, being paid the full adult rate, gets a job and leaves the allowance but loses the job and ends up back on jobseeker's allowance within 12 months, he or she will be entitled to the full rate of up to €196 again, rather than €100 or €150 a week. If that was not done, there would be little incentive for those currently on jobseeker's allowance to take up offers of work. The rationale for the change is straightforward. Receiving the full adult rate of jobseeker's payment at a young age without a strong financial incentive to engage in education or training can lead to welfare dependency. It is considered particularly necessary to provide 20 to 21 year old jobseekers with a strong financial incentive to engage in education or training. It could be also argued that people aged 24 or under without child dependants do not need an income of €196 per week and that the current income differential between young jobseekers and third level students is not justifiable. The argument has been also made that people who have worked all their lives and who receive



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€196 per week should get more or that someone who has never worked should not get the same amount.

The new reduced jobseeker's allowance rate for 20 to 21 year olds amounts to €5,200 per annum and the reduced rate for 22 to 24 year olds amounts to €7,800 per annum. That is more than is payable to such young people if they attend college away from home. It is worth noting that the United Kingdom pays a reduced rate of just £50.95 per week to jobseekers aged 24 and under.

**Deputy Róisín Shortall:** What about other supports? That is disingenuous.

**Deputy Mary Hanafin:** Similar provisions relating to 18 and 19 year olds, introduced earlier this year, have been effective. The aim of the measure is to ensure that the short-term unemployed and the young unemployed do not become the long-term unemployed and the old unemployed.

**Deputy Aengus Ó Snodaigh:** That will happen only if there are no jobs or training for them.

**An Ceann Comhairle:** Please.

**Deputy Mary Hanafin:** The Government has also decided to limit the treatment benefit scheme, from next January, to the medical appliances scheme and the free examination elements of dental and optical benefits. The position will be reviewed annually after that.

As Deputies are aware, treatment benefits are paid to insured persons from the social insurance fund, SIF. Although the SIF has operated a surplus since 1996, that position began to change last year when expenditure had to be partially funded from the accumulated surplus. Expenditure continued to exceed PRSI and investment income to the fund this year and it is expected that the accumulated surplus will be completely exhausted in the first half of 2010. It is estimated that the Exchequer will be required to subvent the fund by approximately €1.2 billion next year.

The changes to the treatment benefit scheme will save €54 million next year. The effect of the limitation of the scheme provided for in the Bill is that the treatments previously available under the scheme will be limited to dental and optical examinations. The hearing aid scheme will be retained as is. However, approximately 2 million insured persons will continue to be covered for the annual free examination and hearing aids and more than 400,000 people are likely to claim a dental examination and 200,000 an optical examination in 2010.

Turning to the rent supplement scheme, the Government is determined to ensure that reductions in rent levels generally in the year to date result in savings for the taxpayer. The maximum level of rent supplement payable by the State will be reviewed early in 2010 on the basis of the latest data available on general trends in rental prices. The maximum rent limits payable will be then adjusted and new limits will apply in respect of all new tenancies or renewals of tenancy from April 2010. Based on current information available about decreases in rent levels since April, the Department expects the rent review to lead to savings of €20 million in 2010. With rent prices falling in general, it is vital that taxpayers money is not used to pay inflated prices to landlords.

The budget also provides for an increase in the target for control and fraud savings next year to €533 million across all of the Department's 50 schemes. That is €33.3 million more than the level of control savings planned for 2010 in the pre-budget outlook. The additional savings are being targeted on the non-contributory State pension, illness benefit and one-parent family payments. The increased target also takes account of new anti-fraud powers included in the

Bill which I will detail later. Welfare fraud is theft. It is a serious crime and the Department of Social and Family Affairs is doing everything possible to crack down on people who abuse the system.

**Deputy Róisín Shortall:** That is just not true.

**Deputy Mary Hanafin:** There are more than 600 staff working in areas related to control of fraud and abuse of the welfare system. Between January and the end of October this year, more than 600,000 individual claims were reviewed. The level of fraud on most schemes is very low. As reported by the Comptroller and Auditor General, the percentage of expenditure resulting from fraud identified in the Department's fraud and error surveys was 0% for pensioners, 0.1% for illness benefit, 0.8% for family income supplement, 1.8% for child benefit and 2.3% for disability allowance.

Nonetheless, the Department is conscious that in a small number of schemes, some groups of claimants present a higher risk than others and we have made changes to address that. For example, a number of individual surveys have highlighted a high level of risk that non-Irish nationals could claim welfare payments to which they are no longer entitled after they have left the State. Having identified that risk, the Department has sought to minimise it by removing the option to receive payments by electronic fund transfer, EFT, for new claimants of jobseeker payments. Claimants must attend in person at the post office each week thus confirming their continued residency in the country. Their claim is automatically suspended where two consecutive payments are not collected.

Targeted control measures have been also put in place for child benefit claims from non-Irish nationals and for other customer segments in schemes where any form of high risk has been identified. Since the Department started the cross-Border operations, the percentage year-on-year increase in people signing on for jobseeker's payments in virtually all of the Border offices has substantially reduced. Fraud detection systems have been also improved through data matches with organisations such as the Revenue Commissioners on commencement of employment data, the General Register Office on marriage and death information, and many other organisations including the Departments of Justice, Equality and Law Reform, the Environment, Heritage and Local Government, Education and Science and other State bodies. In addition, a data matching programme is now in place to ensure that relevant information available in one area of the Department of Social and Family Affairs is applied to all schemes.

I assure the House that the Department continues to prioritise using every available means to crack down on welfare fraud. It is correct, especially in the context of having to make cuts in social welfare, that we should accelerate our efforts in this area. The budget includes funding of €7 million to allow the roll-out of the new public service card to commence. The card will contain a photograph and signature and will help to combat fraud.

I wish to mention one other initiative focused on getting people back into work, namely, the employer jobs, PRSI, incentive scheme. Our main priority is to stabilise the finances to ensure we can protect existing jobs and get people off the live register and back into employment. In addition to the wide range of employment support initiatives already in place, a new jobs stimulus measure is being introduced in 2010. Under the employer jobs, PRSI, incentive scheme, where an employer creates a new job and takes on a person who has been unemployed for six months or more the employer will be fully exempted from the liability to pay PRSI for the first year of that employment. That will give employers an 8% to 10% saving on employment costs for each new job created. Full details of the initiative will be announced early in 2010 and will be included in the next social welfare Bill.

[Deputy Mary Hanafin.]

I will move on now to the main provisions of the Bill. Sections 3 and 4 and Schedules 1 and 2 provide for reductions ranging from €7.50 to €8.50 in the weekly personal rates of payments, excluding payments to recipients age 66 or over and recipients of invalidity pension age 65. Those sections also provide for reductions of between €5.50 and €5.90 in the weekly rate for qualified adults under age 66 and for an increase of €3.80 per week in the rate payable in respect of a qualified child, bringing the rate to €29.80 per week. Those changes take effect on different dates for different payments in the period 30 December 2009 to 8 January 2010.

Section 5 provides for an increase of €6 per week in all family income supplement, FIS, weekly earnings thresholds, effective from 1 January 2010.

Section 6 provides for a reduced personal rate of jobseeker's allowance of €100 per week for persons aged 20 and 21 years and €150 per week for persons aged 22 to 24, inclusive. It also provides for a reduced rate of €100 in respect of the qualified adult of a jobseeker's allowance recipient aged 20 and 21 where the couple do not have dependent children. These changes will apply to new claims for jobseeker's allowance made on or after 1 January 2010.

Section 7 provides for a reduction of €16 per month in the lower and higher rates of child benefit from 1 January 2010 bringing the rates to €150 and €187, respectively, per month.

**Deputy Emmet Stagg:** On a point of order, it would seem from examining the record of the House, that the Ceann Comhairle's ruling on a vote on the Order for Second Stage might be in error. We have looked at the precedents set by his predecessors on a number of occasions and they are very clear. The Order of Business for the day was exactly as it was today. The order simply stated that the business today shall be as follows. In regard to this matter, it states: "Order for Second Stage". That simply states what the business will be, that is, to make the Order for Second Stage. The order was not being made then. The Minister correctly moved it at the beginning of the business. The only situation in which a vote is not allowed is if the Bill has come from the Seanad when that order is not required.

There are several precedents. Perhaps the Ceann Comhairle should adjourn the House to examine them because it is a very serious matter. We might be wasting the time of the House by having a debate when it is not a proper one or not in order. The precedents go back to 1990, 1991 and 2003 and they are all very clear. The situation was exactly the same then as today where the Order of Business was passed in exactly the same form as it was today. On each occasion it was required, as it was today, that before Second Stage could begin, the Minister would move the Order for Second Stage. That was moved today and it was opposed. When it was opposed on these previous occasions, there was automatically a vote. I do not see how else it could be.

In order that we do not start this all over again tomorrow, I ask the Ceann Comhairle to look at this matter and have the Order for Second Stage put in place correctly, if a majority of the House so wishes.

**An Ceann Comhairle:** This morning on the Order of Business, when the order for the today was being decided, the Deputy will recollect that we had a number of matters to decide on. It was decided that the proceedings on Second Stage of the Social Welfare and Pensions (No. 2) Bill "shall be taken today and shall, if not previously concluded, be brought to a conclusion at 1 p.m. tomorrow". My recollection is that we had a vote on that.

**Deputy Emmet Stagg:** That is absolutely correct but we did not have any vote on the Order for Second Stage. That was not included.

**An Ceann Comhairle:** If we take a decision at 11 a.m. that we will proceed with the Second Stage Reading of the Social and Pensions (No. 2) Bill and if we decide a few hours later, for some other reason, we will not proceed with it, it seems to be contrary to good practice in the House. We will proceed.

**Deputy Emmet Stagg:** I need to press the case further because I believe the Ceann Comhairle is in error. We did not make an Order for Second Stage this morning. That is required to be done before Second Stage can be taken. There are precedents for this. In the short time available to me, I was able to find three clear precedents where this occurred. The only ruling counter to what I am arguing was where the Bill came the Seanad and the House had to accept it for Second Stage. However, that is not the case here.

The Minister is required and correctly moved the Order for Second Stage. The Ceann Comhairle asked if it was agreed and we said it was not agreed. That is the correct procedure. One cannot proceed to Second Stage without that order having been agreed. That order was not made during the Order of Business. Nothing resembling it was made nor was there any attempt to make it.

**An Ceann Comhairle:** We took a decision this morning that we would proceed with the Second Stage Reading today. It was timed to commence immediately after statements by the leaders of the various parties on the financial motions.

**Deputy Emmet Stagg:** That is what the Order of Business is for.

**An Ceann Comhairle:** We adhered to that particular arrangement. I advise the House that we will proceed with the Second Stage Reading.

**Deputy Emmet Stagg:** The Ceann Comhairle might as well suggest that Second Stage of the Bill, which was ordered this morning, will be taken automatically and that there will be no vote on it.

**Deputy Róisín Shortall:** And the Remaining Stages.

**Deputy Emmet Stagg:** That would be nonsense. What we did was set out a time——

**An Ceann Comhairle:** We are talking about the Second Stage Reading of the Bill, which is what we are at now. I invited the Minister to commence her Second Stage speech, which she did. She has nearly completed it.

**Deputy Emmet Stagg:** Before we reach the Second Stage of the Bill, it is required that the House make an Order for Second Stage. That was not done today. The Minister proposed it, the Ceann Comhairle asked if we agreed to and when we disagreed——

**An Ceann Comhairle:** We are going to have to proceed with the Second Stage Reading. This issue——

**Deputy Emmet Stagg:** This is a serious issue

**An Ceann Comhairle:** There are other issues which can be decided. The Deputy knows there are fora in the House to discuss these matters and to which he can bring——

**Deputy Emmet Stagg:** No. This is a matter——

**An Ceann Comhairle:** This is a matter on which we should proceed. We are proceeding with Second Stage.

**Deputy Emmet Stagg:** This is not a matter for any committee. It is a matter to be dealt with on the floor of this House. If he insists on, and persists with, it, the Ceann Comhairle's ruling would set a new precedent that there was no need for an Order for Second Stage. That is a requirement for any legislation going through this House.

The Minister quite rightly proposed the order. I am not suggesting the Ceann Comhairle is in any way biased but the only reason there was a ruling that it was not necessary was that somebody disagreed with it. That is what we are here for.

**An Ceann Comhairle:** The advice I am getting is that we are in order at this point in proceeding as we propose to do. I propose that we proceed with the debate.

**Deputy Emmet Stagg:** How can we be in order with the Second Stage——

**An Ceann Comhairle:** I am going to have to ask the Deputy to resume his seat. There are alternative ways to have this matter discussed.

**Deputy Emmet Stagg:** I am asking the Ceann Comhairle to adjourn the House for ten minutes so that this matter can be discussed and clarified.

**An Ceann Comhairle:** We are proceeding. The Minister almost finished her Second Stage speech and we should allow her to finish it.

**Deputy Emmet Stagg:** I do not believe her Second Stage speech is in order because there is no Order for Second Stage——

**Deputy Mary Hanafin:** It is.

**Deputy Emmet Stagg:** ——as the Ceann Comhairle did not allow it. In fact, the Ceann Comhairle was on his feet to call a vote on the matter.

**An Ceann Comhairle:** We are proceeding along the lines——

**Deputy Emmet Stagg:** We cannot proceed with the Second Stage of a Bill——

**An Ceann Comhairle:** ——that we will ask the Minister to proceed. I ask Deputy Stagg to resume his seat.

**Deputy Emmet Stagg:** I am very much in order by asking——

**An Ceann Comhairle:** The Deputy is not in order. He will disrupt the order of the House if he persists in what he is doing.

**Deputy Emmet Stagg:** I am making a very serious point of order about the procedure and the way the House should proceed. I am quite certain that the Ceann Comhairle erred in his earlier ruling. We are asking for that to be corrected.

**An Ceann Comhairle:** I will ask the Minister to proceed with her Second Stage speech. I will then call the spokespersons from Fine Gael, the Labour Party and Sinn Féin.

**Deputy Emmet Stagg:** That is not really dealing with the matter at hand. We have a situation where we are on Second Stage of a Bill without an order being made for Second Stage. The Ceann Comhairle cannot proceed.

**An Ceann Comhairle:** We decided on this matter this morning and the House is proceeding as of now. I call the Minister to proceed.

**Deputy Emmet Stagg:** I am making a point of order. I insist I am heard on it.

**An Ceann Comhairle:** There must be a point when a point of order is no longer one. We have long reached that.

**Deputy Emmet Stagg:** It is a point of order.

**An Ceann Comhairle:** We have gone past that point.

**Deputy Emmet Stagg:** Let me recap. This morning the Order of Business stated “that the Order of Business today shall be as follows ... No. a4, Social Welfare and Pensions (No. 2) Bill 2009, Order for Second Stage”. That is part of the business we must conduct today.

**An Ceann Comhairle:** Yes.

**Deputy Emmet Stagg:** It also lists Second and Remaining Stages. Is the Ceann Comhairle suggesting that Second Stage is automatic as well because we passed the Order of Business this morning? That would be absolute nonsense. The schedule is absolutely clear. I have here three precedents where votes were called on the Order for Second Stage. The only case where the Ceann Comhairle ruled it out of order was when the Bill did not originate in this House but in the Seanad. It is an important issue. It is very clear that is the case. I ask the Ceann Comhairle to adjourn the proceedings to have this matter clarified.

**An Ceann Comhairle:** No.

**Deputy Emmet Stagg:** We cannot allow proceedings to continue and to set a new precedent where there is no requirement for an Order for Second Stage of a Bill.

**An Ceann Comhairle:** We are not setting a precedent.

**Deputy Emmet Stagg:** That would be absolutely unprecedented. Could I therefore——

**An Ceann Comhairle:** We will be moving on to Question Time shortly. I am going to ask the Minister to complete her Second Stage speech. We can discuss the points the Deputy raised during Question Time. I ask Deputy Stagg to resume his seat.

**Deputy Emmet Stagg:** We are now proceeding——

**Deputy Mary Hanafin:** As the legislation has already commenced its Second Stage Reading——

**Deputy Emmet Stagg:** We have no authority to proceed.

**An Ceann Comhairle:** Deputy——

**Deputy Emmet Stagg:** There is no authority to proceed with Second Stage without an Order for Second Stage. There was none.

**An Ceann Comhairle:** The Deputy is causing serious disorder in the House and I ask him to resume his seat.

**Deputy Róisín Shortall:** We should adjourn to clarify the matter.

**Deputy Emmet Stagg:** It is not serious disorder.

**An Ceann Comhairle:** I ask the Deputy to resume his seat.

**Deputy Emmet Stagg:** Of course I will, when you ask me to.

**Deputy Seán Barrett:** On a point of order, I agree wholeheartedly with Deputy Stagg. We agreed this morning the taking of a Bill within a limited period of time. With every piece of legislation originating here, the Minister would move, "That Second Stage be taken now." It is a motion.

**An Ceann Comhairle:** We agreed this morning that the proceedings on Second Stage shall be taken today.

**Deputy Seán Barrett:** That is a different issue.

**An Ceann Comhairle:** It was decided this morning.

**Deputy Seán Barrett:** That is the ordering of business. To take Second Stage, a motion must be agreed. The Minister would move: "That Second Stage be taken now."

**An Ceann Comhairle:** I am advised that this does not relate to when the Bill is guillotined.

**Deputy Charles Flanagan:** It cannot be taken until the motion is agreed.

**Deputy Seán Barrett:** It is ridiculous. There must be a motion.

**An Ceann Comhairle:** I ask the Minister to proceed.

**Deputy Róisín Shortall:** On a point of order, you said a few minutes ago that once we have Question Time, you would clarify the matter.

**An Ceann Comhairle:** I ask the Minister to adjourn as we will proceed to Question Time.

**Deputy Mary Hanafin:** I will end my Second Stage speech when we return at 4.45 p.m.

Debate adjourned.

## **Ceisteanna — Questions.**

### **Priority Questions.**

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### **Criminal Prosecutions.**

1. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on whether it is necessary to introduce new legislation to facilitate prosecutions in view of the Garda investigation into the cover up of clerical child sexual abuse in 2002, referenced in the Murphy Commission Report, and the failure of investigators to refer a file to the Director of Public Prosecutions. [46445/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is important to recognise that the report of the commission describes the Garda investigation in 2002 as probably the most comprehensive Garda investigation into clerical sexual abuse ever undertaken in the State and as effective, co-ordinated and comprehensive. It resulted in a number of files

being sent to the Director of Public Prosecutions and, following his directions, people have appeared before the courts charged with serious offences. Some of these cases are ongoing.

I presume the Deputy's question refers specifically to that part of the report which is entitled "Misprision of Felony Investigation". The commission notes the difficulties, particularly of a legal kind, which surrounded that part of the Garda investigation. Following publication of the report, the Garda Commissioner asked an assistant commissioner, John O'Mahony, to examine the report's findings relating to the handling of complaints and investigations by church and State. After the Garda Commissioner has received the report of the assistant commissioner's examination, he will consult with the Director of Public Prosecutions as to what issues arise in the context of criminal liability.

It would be a disservice to the victims of abuse not to acknowledge the difficulties surrounding any such examination but I am satisfied that everything possible will be done to pursue this matter robustly and comprehensively. I am open to any suggestions the Deputy might have for new legislation to facilitate prosecutions but I am sure he appreciates that we cannot change our law to create criminal offences retrospectively. It is the case that developments in the law which took place after the events referred to in the report, particularly the offence of reckless endangerment in the Criminal Justice Act 2006, have considerably strengthened the law in this area.

**Deputy Charles Flanagan:** I welcome the comments made by the Minister in the immediate aftermath of the report's publication when he stated that nobody was above the law and appropriate investigations would take place with a view to criminal proceedings not only being issued but convictions being attained. In that context will the Minister outline to the House the difference between the current Garda investigation and the Garda investigation which took place following the broadcast of the television programme in 2002 entitled "Cardinal Sins"? The then Garda Commissioner appointed a 20-strong force to investigate matters at that time.

I put it to the Minister that perhaps the most important difference between the Murphy report and the previous Ryan and Ferns reports is that the fundamental basis of the Murphy report was not so much the sexual abuse but rather the cover-up and the manner in which the hierarchy was, in effect, given immunity by the Garda. What is the difference between this Garda investigation and the 2002 Garda investigation which really had no effect? The report indicates that the investigation in 2002 did not lead to any appreciable number of prosecutions.

**Deputy Dermot Ahern:** Many prosecutions of abusers have been taken and hardly a day goes by when cases are not brought up. That is not just for the Dublin area but across the country. The unit dealing with domestic violence and sexual crime that the Garda has set up has been very successful in that respect.

On the most recent announcement by the Garda Commissioner, my understanding having spoken to him on the matter is that this investigation will hone in on the issues relating to whether the State and church authorities in some way facilitated people in evading justice. As I commented at the launch of the report, we must be realistic about this. The law has changed, with a significant issue being the abolition of the offence of misprision of felony a number of years ago. Any change now made can only be prospective and not retrospective. There are difficulties in that respect.

The law has correctly moved on, particularly with the 2006 Act, where a reckless endangerment offence has been brought in as a result of a recommendation from the previous Ferns Report.



**An Leas-Cheann Comhairle:** Before he leaves the Visitors Gallery, I acknowledge Fr. Mal Sinnott, a sometime constituent of mine. We are delighted to see him not only in Leinster House but back in this country. I know the House would like to join me in those sentiments.

**Deputy Charles Flanagan:** I join the Leas-Cheann Comhairle in his remarks. Among the pieces of legislation available to the prosecuting authorities is section 7 of the Criminal Law Act 1997, which deals specifically with impeding the prosecution of someone guilty of an offence. How many such prosecutions have been brought under that legislation since 1997?

One of the few other options is the common law charge of perverting or obstructing the course of justice. How many prosecutions have been brought through this which deal with the concealing of information on the matter of sexual abuse?

**Deputy Dermot Ahern:** I do not have those figures but perhaps the Deputy could put down a separate question to get them. The Criminal Law Act 1997, which passed in March that year, abolished the distinction between felonies and misdemeanours. The commission reported that the vast majority of complaints regarding alleged offences were misdemeanours rather than felonies. To a certain extent the goalposts have changed because the law has moved on. Any prosecutions that might relate to before 1997 are fraught with the difficulty arising because the misprision of felonies offence has, in effect, been abolished. We must be realistic as time has moved on. Any chance for prosecution flowing from the O'Mahony report will be taken if possible.

**Deputy Charles Flanagan:** That detracts from the Minister's statement following the publication of the report and, in effect, renders it almost meaningless.

**Deputy Dermot Ahern:** I reject that because there were——

**Deputy Alan Shatter:** The Minister is ignoring the 1997 offence and he deliberately failed to refer to it then.

**Deputy Dermot Ahern:** Prosecutions are still being taken against many people.

**Deputy Charles Flanagan:** Not one file was sent to the DPP following the investigation in 2002.

**Deputy Dermot Ahern:** And the report clearly outlines the difficulties in that respect.

**Deputy Alan Shatter:** The new offence in the 1997 Act could have been used.

**An Leas-Cheann Comhairle:** Deputy Shatter may not intervene on Priority Questions.

**Deputy Alan Shatter:** The Minister is deliberately avoiding answering the question.

**Deputy Dermot Ahern:** I most certainly am not.

**Deputy Charles Flanagan:** I do not believe any prosecutions have been brought under that section.

### **Departmental Expenditure.**

2. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his views on the recommendations of the report of the Special Group on Public Service Numbers and Expenditure Programmes relating to his Department; the recommendations in this regard

which will be implemented during 2010; and if he will make a statement on the matter.  
[46387/09]

**Deputy Dermot Ahern:** The recommendations in the special group report, the McCarthy report, have been taken into account in the budget negotiations for 2010 for the justice sector. The proposed savings in the report in respect of the sector were €136.4 million. In monetary terms, a significant proportion of the recommendations — €84 million — related to reductions in payroll costs on items such as allowances payable to members of the Garda and the Prison Service.

In common with all Departments, there will be reductions in payroll-related provision in 2010 to take account of the reductions in payroll rates. Final figures in this respect for the justice sector will be published in the REV early next year. In addition to these payroll reductions, the budgets in a number of programme subheads have also been cut to deliver the savings required by Government. A number of these cuts are also in line with the recommendations of the McCarthy report. These amount to reductions of €6.92 million across a range of subheads, which include gender mainstreaming, graffiti removal operations, equality monitoring consultative committees, the European refugee fund and refugee integration. The McCarthy report recommended a total reduction of €5 million in respect of these items.

As the Deputy will be aware, further recommendations were made by the McCarthy report on structural reform and rationalisation across the justice and equality sector. Decisions in respect of many of these recommendations will be a matter for decision by Government in due course and expenditure reductions that may arise will be included in the budget for the sector in future years. In addition, for the sake of completeness, arising from administrative savings efficiencies, including a sector-wide approach to procurement, across the Vote group, savings of €10 million will be realised this year, including €3 million saved on foot of an 8% reduction in the cost of fees, goods and services in the sector. These will be incorporated into baseline budgetary figures for administrative subheads in subsequent years. I also indicated in my budget statement that I will introduce a new system of means testing for applications for criminal legal aid. This proposal is also in line with the McCarthy report recommendations.

**Deputy Pat Rabbitte:** I thank the Minister for his reply. I have been trying to get his reaction to the McCarthy report for some time and his position up to now has been that its recommendations were in the mix in the budgetary discussions. The budget has come and gone. The McCarthy report contains a huge wedge of proposals relating to his Department and I am not clear from his reply which of them he is taking on board and which he is not. It is manifest that the bulk of the savings in the Garda Vote are pay-related. Will the Minister put into effect any of the reforms suggested in the report? Other than the reference he made to programmes dealing with the abolition of graffiti and so on, none of the areas covered by the report was mentioned in the Minister's reply.

**Deputy Dermot Ahern:** The McCarthy report involved other people, unlike the claim on radio earlier. I never considered it to be gospel that we had to implement every suggestion made. If that was the case, we might as well have let Dr. McCarthy and whoever else was in the group deal with the Department. Ultimately, I am the person responsible to the Oireachtas regarding policy decisions and I will make such decisions. The Accounting Officer is responsible for spending. I will not implement a number of the recommendations in the McCarthy report, as I will find the money elsewhere. Even the Opposition spokespersons would not agree with them.

**Deputy Pat Rabbitte:** I did not imply the Minister is not the person responsible or that Dr. McCarthy is taking over from him. I did not comment on the merit of the proposals, as I am merely trying to elicit information from him regarding which recommendations he will implement and which ones he will not. I have not obtained that.

Given the main savings he has made relate to pay and, for example, Garda members are up in arms about their treatment in that regard and have threatened industrial action, does the Minister intend to intervene in the dispute? Does he intend to allow the ballot to go ahead? If so, how does he intend to respond to that?

**Deputy Dermot Ahern:** The McCarthy report made a number of suggestions regarding pay-roll costs not only in regard to the Garda but across the justice sector, as it did in other areas. The Government must bear those in mind but, ultimately, it has to make decisions, as I have to in regard to my own budget.

I have made my position clear on the Garda issue. The Government — and the Oireachtas — will agree that we cannot countenance gardaí going on strike. That would be an affront to democracy and that view is held by the wider public. I have been in touch with the Garda Commissioner regularly regarding the recent announcement by the Garda Representative Association, GRA, and I am aware of the discussions he has had with the GRA. I suggest strongly, as I did over the past few days, that the GRA should again reflect on its position in that its members are not being asked to take more pain than any other sector in society.

### **Crime Levels.**

3. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he has taken in recent months to decrease the likelihood of further tiger kidnappings. [46446/09]

**Deputy Dermot Ahern:** These so-called “tiger” kidnappings are among the most frightening and vicious crimes which could be committed against any individual. I am sure all Members will join me in condemning them outright. The investigation of crime is the operational responsibility of An Garda Síochána, and the Government continues to offer its fullest support to our Garda Commissioner and his officers in this regard. Regular meetings between An Garda Síochána and financial institutions are held to discuss bank security issues and, in particular, kidnapping prevention and response protocols. The confidential response procedures in place for dealing with such incidents are detailed and comprehensive. They typically include advice on personal security for staff members, advice on systems and processes for the conveyance, storage and dispersal of cash and, crucially, procedures to be followed where an employee is a target of criminal elements intent on exerting pressure to hand over cash.

The Deputy will be aware that the Garda Commissioner and I had a useful meeting with the chief executives of various financial institutions last month to discuss the threat of “tiger” kidnappings and to outline our concerns in this regard. However, it is crucial that the protocols in place are followed, and both the Garda Commissioner and I emphasised this to the banks at our meeting. I also met representatives of employees of financial institutions to hear their views and discuss what more can be done to ensure their safety. I assured them, as I assure the House, that An Garda Síochána’s absolute priority when responding to an incident of this kind is to ensure that no harm comes to the victims. I again stress that I do not underestimate the pressure under which people who are the victims of “tiger” kidnappings are placed.

The crucial message to understand is that it is in the interests of everyone, and in particular the staff in the financial institutions, that the agreed security protocols are observed. These are in place, first and foremost, to protect employees. It is important to recognise that only by

rendering such kidnapping attempts unsuccessful will we stop them happening and, thereby, protect innocent employees and their loved ones from being caught up in them in the future.

On the wider question of the large amount of cash in circulation in our society, I have discussed this matter with the Minister for Finance and he is establishing a new Government task force, on which my Department and An Garda Síochána will be represented, charged with devising a strategy to reduce the levels of cash in everyday use.

**Deputy Charles Flanagan:** Members and the wider public will be aware of the emergence of a clear pattern. “Tiger” kidnappings are occurring on a more frequent basis and are becoming progressively more violent. A pattern is emerging whereby in the immediate aftermath of such an horrendous occurrence, the Minister has a meeting with either the Garda Commissioner or the chief executives of the financial institutions, or both. Besides having a couple of hastily convened and highly publicised meetings, what is happening to avert tiger kidnappings and cash in transit and ATM theft? What counter-surveillance personnel training have bank staff received to ensure a certain awareness on their part of how to deal with such a situation? The protocols and codes of practice that the Minister mentioned, not only with regard to tiger kidnapping but also to cash in transit, have not seen real improvement. It is reported that in cases these protocols have been agreed but are not implemented.

We need an entire change of emphasis. We do not use appropriate smart technology. We do not use smart boxes for cash in transit. What we use in this jurisdiction for the conveyance of cash has been abandoned as obsolete and outmoded in other jurisdictions. However, here the Minister speaks about protocols, none of which are in place.

**Deputy Dermot Ahern:** It would be wrong and improper of me to go into detail on the type of surveillance and counter-surveillance training made available to the employees of banks and other financial institutions.

**Deputy Charles Flanagan:** I accept that.

**Deputy Dermot Ahern:** The banks and the Garda use best international practice in training, protocols and the smart technology. I have seen some caustic remarks in this respect but in my meetings with the banks what has come across very strongly is that the amount of cash in our society is way higher than in any other state in proportion to our population and it is something we must cure by taking it out of the system. I do not accept what Deputy Flanagan stated on the use of boxes. It is available to the banks and they have invested in this respect. However, on occasion, because of certain circumstances on any given day there may be a large amount of cash in a bank. With regard to an increase in this type of crime, the figures show that there were three attempts in 2005, nine attempts in 2006, four attempts in 2007 and 2008, and there have been five attempts this year. They have become more vicious and more targeted at lower level bank officials and I have stated this publically.

**Deputy Charles Flanagan:** I refute what the Minister stated about the use of modern smart technology. Recently, the private security industry purchased high-level security vans from Denmark. One sees them around town with left-hand drives. The reason they are coming here is because they are outdated and outmoded. There is no need for high-level security vans if the appropriate technology and computer chip is present to ensure the money is destroyed after the expiry of a certain time limit.

The type of training the Minister spoke about to the House does not appear to exist. The level of training that bank staff have in counter-surveillance is nil. Will he ensure at the next meeting with bank executives and the Garda Commissioner that he will seek an audit of the

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type of training available to banks, who gets it, where it is given and how it is given to ensure the risks are identified and bank personnel are trained. A problem exists because this is not happening and the Minister suggests that it is.

**Deputy Dermot Ahern:** My information is that it is. However, all of the training in the world will not cure a position where someone's family is put at risk. In fairness to the people in this area, no matter how well they would be trained it would depend on the person involved. Where the protocols on tiger kidnappings are adhered to there have been very significant successes. Where they have not been followed, and I do not state that as any criticism of the people involved, the incidents were completed to the benefit of the criminals. That is why we state that while the protocols exist to prevent it from happening again, their primary focus is the protection of staff.

### **Deportation Orders.**

4. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the removal of a child (details supplied) from his mother at Dublin Airport on 15 August 2009 and of the deportation to Nigeria of the child's mother on 1 September 2009; his views on whether it is appropriate that a four year old child never previously apart from his mother be taken from her in such circumstances at Dublin Airport and remain totally alone in this State under the care of the Health Service Executive; if consideration was given to the distress caused to the child and both the immediate and long-term damage to the child's welfare that may result; if his further attention has been drawn to the fact that the child is an Irish citizen born here on 21 August 2005 and that since the events at Dublin Airport, the child has had numerous social workers involved in considering his circumstances, has been cared for in a variety of placements at taxpayers' expense and subject to events that can only be harmful to the child; and if he will take immediate action to facilitate family reunification between the child and his mother by permitting her return here. [46388/09]

**Deputy Dermot Ahern:** The lady in question arrived in the State on 19 August 2005 and though her child was born in the State two days after her arrival, he is not an Irish citizen as he was born subsequent to the coming into force of the Irish Nationality and Citizenship Act 2004 in that neither of his parents was an Irish citizen nor had either parent been lawfully resident in the State for three of the four years before the child's birth. Two days later she applied for asylum and her son was included in this application meaning that any decision taken on her applied equally to her son.

The asylum application was refused both at first instance and on appeal. Arising from the refusal of the asylum application, the lady in question was notified, by letter dated 25 October 2005, that the Minister proposed to make deportation orders in respect of her and her son. Representations were submitted on behalf of the lady in question at that juncture.

Following consideration of those representations, deportation orders were signed in respect of mother and son on 23 November 2005 and notified to them by registered letter dated 29 November 2005. They failed to present to the GNIB as required on 5 November 2005 and were therefore classified as persons evading deportation.

On 16 August 2009, the mother and son were apprehended by officers of the GNIB at Dublin Airport. Following questioning by the immigration officer and checks on the relevant Garda database, they were identified as persons evading deportation.

At this point, the mother was arrested and detained and she was conveyed to the women's prison, Dochas Centre. As this prison did not have facilities for her son, and in accordance

with well-established procedures, the lady in question was given the option of putting her son voluntarily into the care of the Health Service Executive, HSE. She refused to voluntarily place her son in the care of the HSE and as a result the arresting garda was left with no option but to execute his powers under section 12 of the Child Care Act 1991 to secure appropriate care for the child.

In accordance with HSE procedures, that body sought and was granted an emergency care order on 17 August 2009, at which point the child was placed in the care of the HSE. An interim care order was subsequently granted on 24 August, valid until 21 September 2009.

Given that the lady in question and her son were the subject of extant deportation orders, arrangements were made to have them both repatriated to their country of origin by chartered flight on 1 September 2009. On this date an application was made by the HSE to have the interim care order lifted to allow the child to accompany his mother to their country of origin. This application was refused by the District Court and the child remained in the care of the HSE. As a result the lady in question was repatriated without her son.

Since her deportation on 1 September 2009, representatives of the GNIB have made sustained efforts to communicate with the lady in question, in order to facilitate the return of her son to her in the family's country of origin.

An application has now been received from the court appointed guardian *ad litem* of the child in question requesting that the deportation order in respect of his mother be revoked to allow her to re-enter the State to be reunited with him. This application, made under section 3(11) of the Immigration Act 1999 as amended, is under consideration at present and a decision will issue shortly.

**Deputy Alan Shatter:** Will the Minister tell the House what consideration of any nature was given by the Department or those operating under its aegis to the welfare of the child in the period between when the child was removed from the mother in Dublin Airport and the mother being deported on 1 September? When was it learned that the District Court had determined in the interests of the welfare of the child that he should not be deported? What consideration, if any, did the Minister give to the interests of the welfare of this child that the deportation of the mother be at least postponed?

In the context of the very solemn and magisterial speech the Minister delivered this day two weeks ago on the steps of Government Buildings on the launch of the Murphy commission report, when he stated that no agency or institution is above the law, did he give any consideration to the various obligations under the Child Care Act to ensure that any intervention in respect of a child is based on that child's welfare? Is he aware that, at great cost to the State, the child in question has been traumatised for four months by virtue of having four different sets of foster parents and three sets of social workers and has been the subject of five unplanned moves under the aegis of the HSE? Is he aware that the child is currently in the care of temporary foster parents?

Does the Minister accept that children of four do not make decisions to defy deportation orders? Does he also accept that it is utterly contrary to the interests or welfare of a child that he should be taken from his mother at Dublin Airport and that she be kept from him and then deported at a time when the Irish courts determined that it was contrary to the child's welfare that he should be deported? Does the Minister agree that there is a need for joined-up thinking and a coherent policy with regard to children in such circumstances?

**Deputy Dermot Ahern:** I accept that this is a difficult case and that, obviously, a child would not make a conscious decision to evade deportation. However, this child's mother evaded deportation for four years.

**Deputy Alan Shatter:** The Minister is punishing the child.

**Deputy Dermot Ahern:** The Department and the immigration service are often criticised by people in the Deputy's party. For example, on 3 December Deputy Naughten issued a press statement in which he criticised the Government on its performance in respect of completing cases relating to people making unfounded applications. The Deputy indicated that he wanted such cases completed quickly. In this instance, the decision was made quickly — within a number of months. Once the decision had been made, however, the mother evaded deportation. Since she was returned to her country of origin, several attempts have been made by officers of the Garda National Immigration Bureau, GNIB, to communicate with her. These officers provided the woman with their telephone numbers in order that she might contact them.

On 17 October, a member of the GNIB spoke by telephone with a woman who identified herself as the lady in question. She indicated that she did not want the child to be returned to her in her country of origin and refused to disclose her whereabouts. The member of the GNIB provided her with his personal telephone and e-mail address to assist her in making contact. No such contact has been made. Recent attempts to contact the woman by telephone have not been successful.

**Deputy Alan Shatter:** The Minister should outline the position in respect of the child.

**Deputy Dermot Ahern:** In the child's best interests, the HSE and the garda in question made the necessary arrangements to have the child taken into care. The Deputy's question indicates that this child is an Irish citizen but that is not the case.

**Deputy Alan Shatter:** I accept that. However, the Minister should tell us about the child's welfare.

**An Leas-Cheann Comhairle:** Deputy Shatter should cease interrupting. I will call him again.

**Deputy Alan Shatter:** The Minister is evading the issue. He should talk about the child, not the mother.

**An Leas-Cheann Comhairle:** The Deputy should not interrupt.

**Deputy Alan Shatter:** The Minister presented himself in heroic guise two weeks ago. The child is being traumatised by the State as a result of the conduct of its mother.

**An Leas-Cheann Comhairle:** I ask Deputy Shatter not to ignore the Chair. The normal procedure is that a Member is called and then stands to address the Parliament.

**Deputy Dermot Ahern:** The Deputy's question indicates that the child is an Irish citizen, born here on 21 August 2005. We passed a referendum in 2004, the result of which was the enactment of legislation which changed the position in respect of children born on the island of Ireland.

**Deputy Alan Shatter:** So that is the reason a child is being traumatised.

**Deputy Dermot Ahern:** The State will endeavour to cater for the best interests of the child to the greatest degree possible. However, I respectfully suggest that it would be in the child's best interests that he be returned to his mother in their country of origin.

**Deputy Alan Shatter:** Is the Minister aware that it is the view of the HSE and the courts that the welfare of the child is not consistent with the child being returned to Nigeria? Is he also aware that the reason the child remains in this jurisdiction is that the District Court is required to regard the welfare of the child as the paramount consideration and to make orders in the best interests of the child? Is the Minister suggesting that because this child is not an Irish citizen, he is someone of lesser needs and lesser rights who deserves to be traumatised on foot of the misconduct of his mother?

As matters stand in respect of this tragic case, this child, who had never been separate from his mother during the first four years of his life, is being required by the courts to remain in this country. Will the Minister, for humanitarian reasons, allow family reunification and, in these circumstances and for the child's safety, allow the mother to return here?

**Deputy Dermot Ahern:** There is no conflict between the HSE and the GNIB in respect of this matter. The fact is that——

**Deputy Alan Shatter:** Did the Minister receive a recommendation from the HSE to the effect that child should be sent to Nigeria? That answer is that he did not.

**Deputy Dermot Ahern:** ——it is in the best interests of the child that he be repatriated with his mother in their country of origin.

**Deputy Alan Shatter:** Did the HSE make a recommendation in that regard? The Minister is aware that the HSE made no such recommendation.

**Deputy Dermot Ahern:** The logical extension of what the Deputy suggests is that, in effect, we should drive a coach and four through the decision of the Irish people in the referendum of 2004.

**Deputy Alan Shatter:** I suggest that the Minister should not persecute a four year old child.

**Deputy Dermot Ahern:** Conditions were set out in legislation enacted subsequent to that referendum to the effect that children born on the island of Ireland do not necessarily have citizenship status.

**Deputy Alan Shatter:** The Minister is aware that the HSE does not want the child to be sent to Nigeria. He is providing his usual smug and evasive response.

**An Leas-Cheann Comhairle:** Ceist a cúig.

**Deputy Alan Shatter:** This is the man who two weeks ago pretended to be concerned about the welfare of children——

**Deputy Dermot Ahern:** Deputy Shatter is trying to have it both ways.

**An Leas-Cheann Comhairle:** Deputy Shatter should not shout down other Members and should certainly not——

**Deputy Alan Shatter:** ——in a disgraceful presentation delivered outside Government Buildings.

**Deputy Dermot Ahern:** Deputy Shatter——



**An Leas-Cheann Comhairle:** The Minister should resume his seat. Deputy Shatter will not abuse the House or shout down other Members. We are conducting parliamentary business and I hope we might do so in an orderly way.

**Deputy Alan Shatter:** On a point of order, the Minister finds it impossible not to have a smug grin on his face permanently.

**An Leas-Cheann Comhairle:** As the Deputy knows full well, that is not a point of order.

**Deputy Alan Shatter:** This matter relates to the welfare of a four year old child who has been left in limbo by the incompetent manner in which the Minister and his Department dealt with his tragic family situation.

**Deputy Pat Rabbitte:** I never accused the Minister in the way Deputy Shatter is doing.

**An Leas-Cheann Comhairle:** Deputy Shatter should have some regard for other Members.

### **International Agreements.**

5. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his views on whether the principles enshrined in the Schengen Agreement should apply here; his further views on whether the 32 county common travel area arrangement is not as comprehensive an instrument for free movement as the Schengen Agreement; if he will engage with the British Home Secretary and the Stormont Executive regarding this subject; and if he will make a statement on the matter. [46447/09]

**Deputy Dermot Ahern:** The Schengen Convention is an agreement among European states which allows for the abolition of systematic border controls between participating states. It also includes provisions for the development of enhanced co-operation in respect of law enforcement matters and judicial co-operation. There are currently 25 fully participating states comprising all EU member states, with the exception of Ireland, the United Kingdom, Cyprus, Romania and Bulgaria, and three non-EU states, namely, Iceland, Norway and Switzerland. Romania and Bulgaria aim to implement the agreement in 2011. Border posts have been removed between Schengen area states and a common Schengen visa allows tourist or visitor access to the area.

The Schengen Agreement was incorporated into the framework of the European Union under the Treaty of Amsterdam. The relevant protocol recognised that Ireland and the United Kingdom are not parties to the Schengen Agreement and made provision to allow those member states to accept some or all of its provisions at any time.

Ireland successfully applied to take part in certain elements of the Schengen Agreement. The activities in which Ireland applied to participate include police co-operation, mutual assistance in criminal matters, extradition and drugs co-operation. Ireland also applied to participate in related aspects of the Schengen information system, a European search database which assists member states' authorities in carrying out border checks and police and customs checks.

Ireland's application to participate in these specified articles of the agreement was approved by Council decision in 2002. In accordance with this decision, these provisions will come into effect only after a range of technical and legislative measures have been put in place and successfully evaluated by the Council. The measures which will enable Ireland to meet its Schengen requirements are currently being progressed.

Ireland has not, however, applied to participate in the Schengen arrangements to the extent that they deal with the abolition of border checks. This decision has been taken to maintain

the common travel area, CTA, with the United Kingdom which remains a priority for Ireland. The operation of the CTA facilitates nationals of the United Kingdom of Great Britain and Northern Ireland and Irish nationals moving around freely within it. Nationals of the European Union, as well as those of Iceland, Norway, Liechtenstein and Switzerland, enjoy extensive free movement rights as a matter of EU law. The operation of the CTA does not interfere with these rights.

*Additional information not given on the floor of the House.*

The CTA could not continue to operate if Ireland were to remove border checks with Schengen states generally while the United Kingdom did not do so. To do so would result in the Border with Northern Ireland becoming the border between the Schengen area and the United Kingdom.

In an EU context, many of the issues covered by the Schengen Agreement are discussed on an ongoing basis in the relevant Council formats by all EU member states, including Britain and Ireland. In addition, the immigration authorities of my Department maintain close contact with their counterparts in the United Kingdom on an ongoing basis in respect of issues arising in the operation of the CTA. Such issues may include matters relating to the detection of abuses of the CTA or more generally with regard to any new immigration measures pertaining to the visa and border systems that may have implications for the CTA.

I have no plans to raise the matter with the Home Secretary at present. However, I will raise any appropriate matter with the UK authorities, as required.

**Deputy Joe McHugh:** While I welcome certain aspects of collaboration under the framework of the Schengen Agreement and the common travel area agreed in 1987, things have changed in the past 22 years. I wish to focus on tourism. A tourist from China or India can apply for a multiple visa costing €50 within the 25 countries zone. We are putting ourselves at a considerable disadvantage, particularly in respect of all-island tourism. We aspire to targeting the Chinese and Indian markets but we must facilitate some form of harmonisation. Will the Minister consider some mechanism to facilitate all-island tourism for those from outside the European Union?

**Deputy Dermot Ahern:** Any Government would wish to bring as many tourists as possible to the island. We are not part of the Schengen Agreement, mainly because the UK is not part of it. If Ireland were to be party to the Schengen Agreement without the UK, this would mean border controls in the constituencies of Deputy McHugh and myself. He would not want us to have this because it would do away with free movement North and South as a result of the Single European Act, EU legislation and the reduction in violence on the island.

Regarding those coming from countries outside the countries nominated in the various items of legislation, the Immigration Act 2004 contains an order in respect of visas for 2009, setting out the classes of people required to obtain an entry visa. Those coming in from states outside the EU and the EEA are required to hold visas, as is required for most countries in the world. I do not see how we can change this because we are similar to most other countries. We must be conscious of what is happening across the water with our neighbouring island.

**Deputy Joe McHugh:** The thrust of my argument is to examine facilitation. I appreciate that we do not seek to interfere with the common travel area but the common travel area should not be the sacrificial lamb to get more movement to attract tourism. A tourist from outside the EU arriving in Belfast for an all-island tourism experience and travelling by train to Dublin via the Minister's constituency must apply for two visas. We should examine this difficulty. I ask

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the Minister to engage with his neighbours across the water and examine harmonisation for tourism.

**Deputy Dermot Ahern:** I have not been made aware that there are difficulties in this respect. I would hazard a guess that the Deputy should take this matter up with the Minister for Arts, Sport and Tourism. If there is anything we can do to facilitate more tourism, we will do so. We cannot allow our immigration and visa regime to be diluted as a result of changes made with the valid reason of bringing in tourists. We have found that people come to Ireland *mar dhea* for education and when *gardaí* visit the educational establishment there is no one there. That has happened in a number of instances. Any easing of the visa regime must be done strictly. It is for the Minister for Arts, Sport and Tourism to take up with my Department.

### Other Questions.

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#### Garda Deployment.

6. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform the number of community *gardaí* in each county; his views on expanding the number of community *gardaí* and expanding the role of community *gardaí* within the force; and if he will make a statement on the matter. [46253/09]

40. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he will take to improve rural policing; and if he will make a statement on the matter. [46121/09]

52. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to the implementation of the new Garda Síochána national model of community policing; the number of *gardaí* committed to community policing; and if he will make a statement on the matter. [46187/09]

**Deputy Dermot Ahern:** I propose to answer Questions Nos. 6, 40 and 52 together. I am informed by the Garda authorities that the number of *gardaí* assigned as dedicated community *gardaí* in each division, as of the latest date for which figures are available, is as set in the table I am circulating with this answer. The new Garda Síochána national model of community policing was launched earlier this year. One of the objectives of the new model is to re-invigorate and re-structure the community policing function within the Garda Síochána to deliver a consistent national structure to the community policing function, a more co-ordinated and efficient Garda service to the community and the spread of good practices and quality service in community policing on a national basis.

A national community policing office has been established within the Garda community relations section to develop and oversee the implementation programme. The model is being rolled out nationwide in line with an action plan for implementation. Training has already commenced in some districts and it is intended that every district officer throughout the country will take ownership of community policing within his or her area of responsibility. The Garda Síochána national model of community policing report is available on the Garda website [www.garda.ie](http://www.garda.ie). I attach a list of community police and where they are deployed.

## Community Gardaí

Division	Inspector	Sergeant	Garda	Total
D.M.R.S.C.	1	8	73	82
D.M.R.N.C.	8	14	160	182
D.M.R.N.	0	10	62	72
D.M.R.E.	0	3	36	39
D.M.R.S.	1	6	48	55
D.M.R.W.	0	9	78	87
Waterford	0	1	11	12
Wexford	0	3	19	22
Tipperary	0	6	16	22
Kilkenny/Carlow	0	5	38	43
Cork City	0	2	29	31
Cork North	0	0	2	2
Cork West	0	0	5	5
Kerry	0	1	7	8
Limerick	2	9	81	92
Donegal	0	2	15	17
Cavan/Monaghan	0	0	12	12
Sligo/Leitrim	0	5	18	23
Louth	0	2	10	12
Clare	0	1	8	9
Mayo	0	0	8	8
Galway	0	2	15	17
Roscommon / Longford	0	1	5	6
Westmeath	0	2	13	15
Meath	0	0	7	7
Kildare	0	4	13	17
Laois/Offaly	0	12	65	77
Wicklow	0	1	19	20
Total	12	109	873	994

**Deputy Joe Carey:** A successful community policing programme means that every person in every estate, town and village in the State would know the community garda. There are not enough community gardaí. I appreciate that the number of community gardaí has increased over the past number of years but I am asking the Minister to make community policing a key priority of Government, to increase the number of community police and to create a new rank of community garda so that gardaí can progress through the system as community gardaí.

**Deputy Dermot Ahern:** There are 994 community gardaí specifically designated within the overall complement of 14,600. They work in the community and I do not accept that they are not known in their communities. In my area, community gardaí are well-known to the people they serve. The reality is that every garda should be a community garda. It is important that gardaí are visible and known in the community. This facility is made available as much as possible. Community policing is a priority of the Government. It was a top priority in the police plan that is produced by the Garda Commissioner every year. This allows us to get across to gardaí that they should be visible and available on a daily basis to the community.

**Deputy Pat Rabbitte:** I welcome what the Minister said if he is serious about his reply. I welcome the new Garda Commissioner's commitment to a higher profile and significance for genuine community policing. Can the Minister assure the House that, in respect of the inevitable reduction in numbers in 2010, community gardaí will not be the first port of call when reductions are made? Will the belatedly growing infrastructure of community policing be allowed to continue rather than be taken as an easy target for reductions when they happen for reasons of retirement and cutbacks during 2010?

**Deputy Dermot Ahern:** With fewer resources in 2010 than we had in 2009, it will be a difficult year in respect of the overall budget and Garda numbers. I know Deputy Rabbitte will support me when I say that my number one priority is to ensure we have as many gardaí in the force as possible. My priority in the coming year is to keep Garda numbers as high as possible given that they now stand at 14,634. By the end of the year there will be 14,700, an all-time high. That number may reduce over the coming year but I hope that I will get the Deputy's support to ensure that, while there may be funding difficulties in the Department, I can concentrate my funding on keeping up the level of gardaí. Ultimately the question of how many are designated as community gardaí is a matter for the Commissioner. He and I formally launched the new model of community policing in Ballyfermot a few months ago. He is committed to keeping the number of dedicated community gardaí as high as possible.

**Deputy Pat Rabbitte:** The notion of a "dedicated" community police force is quite different from the kind of excuses that we have heard in recent years, including from senior policemen, who come out with answers such as "every policeman is a community policeman" and that kind of defensive, meaningless line when they know that is not what is intended by a dedicated community police force.

I did not hear the Minister respond to Deputy Carey's question about whether there ought not be a specified rank and career progression in the service for genuine community policemen.

**Deputy Dermot Ahern:** Under the model every district officer superintendent will take ownership of community policing in his or her district. A community policing team will be established in each district, headed up by a sergeant. Four deployment models were used, depending on the type of location. The models are based on four categories of district, namely a busy city centre, a suburban district, a large provincial town, and a rural one. Clear objectives will be set out such as high visibility in the community, ease of contact by members of the public, enhanced support for crime prevention strategies such as neighbourhood watch, community alert and business watch.

In response to Deputy Carey's point about a force within a force, that is a matter for the Garda Síochána. I have heard Members talk about that but it has not been proposed to me or to my Department. The designation of police is a matter for the Garda Commissioner not for me, nor should it be.

**Deputy Joe Carey:** One of the barriers to successful community policing is the frequency with which the gardaí are re-located. That needs to be addressed. One builds a link with a particular garda. I have nothing but praise for my local community garda, Dennis Collins, who covers Clarecastle and Ennis. It is great to be able to mention him here today.

**Deputy Dermot Ahern:** I hope the Commissioner is listening.

**Deputy Joe Carey:** If the garda had a longer assignment the community would have greater trust in him and he would have more local knowledge. Would the Minister take that issue up with the Commissioner?

**Deputy Dermot Ahern:** I agree that gardaí should be known in their areas but from another point of view they can sometimes be too well-known and become too embedded in a community and therefore not do their job to the fullest extent.

**Deputy Charles Flanagan:** They might be hanging around, as the Minister said last week at the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights.

**Deputy Dermot Ahern:** It is for the Commissioner to decide how best to allocate people. It should not be for me or Deputy Carey to determine. The general point can be made to him, and I think he recognises that there is a strong view that gardaí should not operate in the areas they come from or in which they live. To try to facilitate family life they operate in areas contiguous with those in which they reside. This is, however, a matter for the Commissioner to decide.

**Deputy Charles Flanagan:** All sides of the House agree on the importance of the community garda. I agree with Deputy Carey's suggestion that there be a dedicated rank but I welcome the Minister's comment about the type of activity of a community in which the garda is on the beat, in and of the community, engaging with its members.

The Minister said that there are approximately 900 dedicated or practising community gardaí. Has his Department, in conjunction with the Commissioner, set targets? We can improve that number. I would like to see a target of 12% or 12.5% by the end of next year or the following year. Will the Minister and the Commissioner commit to having a target for community gardaí? The feedback from communities is that the presence of community gardaí will foster and enhance the mutual trust and confidence between the gardaí and the public. I welcome the Minister's initiative.

**Deputy Dermot Ahern:** There are 994 community gardaí, six shy of 1,000.

**Deputy Charles Flanagan:** That is approximately 7%.

**Deputy Dermot Ahern:** That is a big enough percentage, but the greater the number dedicated as community gardaí, and in the various areas such as drugs, sexual assault and crime investigation, the fewer there are in other areas. It would be our desire to have more community gardaí but I do not want to tie the hands of Garda management by saying that it must reach a certain quota and thereafter all the other things must be done because that would not be fair. The increase in Garda numbers in recent years has given the Commissioner some headroom for community Garda numbers. I will raise it with him but I would not like to tie his hands.

### **Legislative Programme.**

7. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the progress made in respect of introducing a DNA database; and if he will make a statement on the matter. [46281/09]

**Deputy Dermot Ahern:** I expect to be in a position to seek Government approval for the publication of the Criminal Justice (Forensic Evidence and DNA Database System) Bill very shortly. A central element of the Bill will be the establishment of a DNA database system to aid the investigation of criminal offences and to assist in finding or identifying missing and unidentified persons including deceased persons. The database will not only provide the Garda Síochána with an enhanced intelligence resource, it will also lead to greater efficiency in the use of Garda time and resources. While the taking of bodily samples will be, primarily, a matter

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for the Garda Síochána, the Forensic Science Laboratory of my Department will have statutory responsibility for the establishment and operation of the database.

Although the database cannot be established until such time as the legislation is enacted, preparatory work has already commenced to ensure that there will be no undue delay. In particular, an implementation team, led at deputy director level, has been established in the Forensic Science Laboratory to plan for the introduction of the database. The extensive consultation that has taken place with the Garda Síochána and the Forensic Science Laboratory during the development of the Bill will also assist in ensuring that the database is established as quickly as possible.

**Deputy Charles Flanagan:** The Minister says “very shortly” but we have all heard that phrase before. I remind him that it is over five years since the Law Reform Commission published its report on the establishment of a DNA database. It is almost four years since January 2006 when the Minister’s predecessor, Michael McDowell stated that he had received Cabinet backing and approval to proceed to draft the legislation. The heads of the Bill were published in 2007 but we have not seen the Bill which I understand is included on the list for publication this term. What does the Minister mean by “very shortly”? Will this important Bill be published in the new year?

Will the Minister comment on the report by Professor Kopp——

**Deputy Pat Rabbitte:** Appropriately enough.

**Deputy Charles Flanagan:** He stated in quite stark terms the chronic underfunding of the process. He also said that he had evidence that some senior members of the Garda Síochána did not even bother sending samples for assessment or analysis because they knew it would not be done because of the shambolic current system. Notwithstanding the timescale, what is the position regarding the forensic science laboratory? Has the Minister the money for it? Will it proceed? A certain amount of money was set aside in 2009 which I understand has yet to be expended. Has the Minister ring-fenced that money for the laboratory for next year in tandem with the legislation?

**Deputy Dermot Ahern:** It is all good news. To answer his first question on the legislation, “very shortly” means next Tuesday, when I will bring the draft Bill to Government.

**Deputy Charles Flanagan:** Very good.

**Deputy Pat Rabbitte:** Easy now. The Minister has that smile again.

**Deputy Dermot Ahern:** We will publish the Bill very shortly thereafter, before the end of the year. The reason there has been a delay in this, particularly during my time, which is what I am directly responsible for, is due to the *Marper v. United Kingdom* case, in which judgment was given by the European Court of Human Rights in December 2008. This raised significant issues in regard to the right of privacy, including unjustified interference with the right to privacy, which we have taken into account and which required the Bill to be reconsidered. There are significant issues in privacy and human rights in regard to the DNA database. My press statement of yesterday referred to the fact that we have secured €4.1 million in the Estimates for 2010 for development of the DNA database, and this will be spent next year.

I do not accept what the Deputy said about under-resourcing. Current authorised numbers for the laboratory are 102.5 posts——

**Deputy Charles Flanagan:** The information is from Professor Kopp.

**Deputy Dermot Ahern:** —an increase of 30 posts since December 2006, so substantial numbers of new staff have been taken on in recent years. It is also the case that the OPW will proceed with the building of the forensic science laboratory, which is a purpose-built facility on available State land at Backweston campus in Leixlip, which is already the location for the State Laboratory and the Department of Agriculture, Fisheries and Food laboratory. The site, which is fully serviced, is considered suitable for a development of this type. The new laboratory will have the capacity to maintain and operate the proposed national database.

I understand the OPW has the money to commence in the not-too-distant future the tendering process for construction, and this will take place in early 2010. It is expected that the tendering process will take about six to seven months, so I would expect the forensic science laboratory would start on the Backweston site some time later in 2010. It is all good news.

**Deputy Charles Flanagan:** We are not absolutely sure of that. I wish to revert to the matter of the funding. In budget 2009, €18 million was allocated to upgrade the State forensic laboratory and the State pathology laboratory in advance of the Bill being passed. In the recent Estimates, however, my understanding is that the Minister announced he was delaying the capital works at the forensic laboratory to save €1.3 million. What exactly is the situation on the funding? While the Minister said the good news is that work will commence in 2010, when will it be completed and has he allocated sufficient funding to allow the completion and operation of the new facilities in tandem with completion of the legislation?

**Deputy Dermot Ahern:** We cannot have the database without the legislation. Preparatory work is being done and any money that was allocated earlier had to await the legislation. I explained the delay in the legislation because we needed to get it right in regard to the privacy and human rights issues. It is expected that we will be able to commence the forensic science laboratory in the second half of next year, provided the tendering process goes according to plan.

**Deputy Charles Flanagan:** That is not what I asked. Commencing is fine but what about the money?

**Deputy Pat Rabbitte:** Do the moneys not spent for 2009 go back to the Exchequer? Can the Minister explain roughly what amount of money he will have available for the project in 2010 and how far he thinks it will bring us in terms of the provision of that facility? Once the legislation is in place, how long does he envisage before the service will be on stream?

**Deputy Dermot Ahern:** The forensic science laboratory is currently in pretty difficult, cramped circumstances, although it has moved just this week to another location given that it has taken on extra staff in recent years. There is €4.1 million in my Estimate for 2010 in regard to the database, which is the responsibility of the Department of Justice, Equality and Law Reform. The responsibility for building the forensic science laboratory is the OPW's. I have checked with the OPW and it is a major priority on its list. I understand the OPW has the funding and it is intended to launch the tendering process in early 2010 with a view to completing that over six or seven months and hopefully beginning construction. I am not aware of how long the construction period will be but, obviously, the issue of the database can proceed provided we pass the legislation. I hope, I can get the co-operation of the House in that respect.

#### **Garda Reserve.**

8. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform the



[Deputy Olwyn Enright.]

number of garda reservists appointed to date; his views on the functioning of the programme; and if he will make a statement on the matter. [46273/09]

60. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Reserve recruited to date; the stations to which they have been allocated; the number of applicants for the reserve currently in training; if he is satisfied with the rate of recruitment; when he expects that the full complement of 1,500 will be in place; if restrictions have been placed on recruitment to the reserve arising from budgetary restrictions; and if he will make a statement on the matter. [46186/09]

**Deputy Dermot Ahern:** At 30 November 2009, there were 484 attested reserve gardaí and there are currently 171 reserve trainees. Details of the stations to which the reserve members were assigned are set out in the following table. The agreed programme for Government has set a target strength for the reserve at 10% of the full-time strength of the force. As the Garda Reserve depends on volunteers who undertake their training and other duties during their free time, it is difficult to predict how many people will commence training in any particular period. However, I assure the House that the Garda Commissioner is continuing to make every effort to reach the recruitment target. In that context, I point out that the moratorium on recruitment and appointments in the public service does not apply to the Garda Reserve, as members are volunteers and do not draw a salary.

Recruitment is ongoing and the Public Appointments Service, PAS, has received more than 1,700 expressions of interest to join the reserve in 2009. The PAS hold interviews on a rolling basis at a range of locations around the country. The ongoing public information campaign to recruit members to the Garda Reserve includes indoor and outdoor awareness raising campaigns and radio promotional interviews, nationally and locally.

The Government is strongly committed to development of the reserve. It has been a singularly successful initiative and I am confident that it will continue to flourish into the future.

Reserve Gardaí on 30/11/2009

Station	Total
Anglesea Street	11
Togher	7
Mayfield	5
Gurranabraher	9
Watercourse Rd.	3
Midleton	4
Mitchelstown	0
Fermoy	2
Mallow	0
Bandon	2
Cobh	1
Clonakilty	4
Macroom	2
Roxboro Road	1
Henry Street	15
Killarney	1
Tralee	3
Tipperary Town	2

Station	Total
Nenagh	1
Templemore	1
Clonmel	4
Cahir	3
Roscrea	3
Carrick-on-Suir	2
Thurles	1
Waterford	16
Tramore	2
Kilkenny	5
Carlow	6
New Ross	1
Wexford	2
Gorey	3
Enniscorthy	2
Bray	4
Arklow	1
Blessington	1
Wicklow	2
Baltinglass	2
Newbridge	4
Naas	2
Celbridge	1
Athy	3
Kildare	5
Tullamore	7
Birr	1
Portlaoise	3
Kells	2
Trim	2
Ashbourne	1
Navan	3
Mullingar	7
Athlone	3
Ennis	8
Tuam	3
Salthill	2
Galway	25
Castlebar	10
Westport	3
Swinford	1
Claremorris	1
Ballina	3
Longford	3
Roscommon	4
Drogheda	8
Ardee	2
Dundalk	5

[Deputy Dermot Ahern.]

Station	Total
Cavan Town	3
Monaghan Town	4
Sligo	6
Ballymote	1
Carrick On Shannon	2
Ballybofey	1
Buncrana	1
Letterkenny	10
Pearse St	20
Kevin St	6
Donnybrook	4
Irishtown	1
Kilmainham	4
Store St	7
Bridewell	5
Mountjoy	1
Fitzgibbon St	8
Clondalkin	6
Finglas	8
Lucan	8
Blanchardstown	20
Ballyfermot	4
Ronanstown	1
Santry	6
Raheny	4
Swords	5
Clontarf	4
Coolock	8
Ballymun	10
Balbriggan	5
Whitehall	2
Malahide	2
Howth	4
Crumlin	5
Sundrive Rd	2
Rathmines	4
Terenure	5
Tallaght	10
Rathfarnham	4
Dun Laoghaire	7
Dundrum	1
Shankill	1
Blackrock	6
Total	484

**Deputy Charles Flanagan:** In light of a previous question with reference to the numbers of community gardaí, I can understand why the Minister is most reluctant to engage in target setting. The targets set for the Garda Reserve are wholly out of line with the targets. The promises set by the Minister, Deputy McDowell, have certainly not been fulfilled and I do not detect any activity or enthusiasm on the part of the current Minister to have those targets effected.

Has it been brought to the Minister's attention that, for those Garda reservists who are engaging to very good effect in their community duties in assisting the Garda Síochána, there is a difficulty in regard to medical cover? An injury may be suffered in the course of one's duty but there does not appear to be the same arrangement for a member of the Garda Reserve as for a full member of the Garda Síochána, which is causing some difficulty. If it can be resolved, I urge the Minister to have it resolved.

**Deputy Dermot Ahern:** I am not aware of any difficulties in that respect. If the Deputy has particular information, he might bring it to my attention.

As they are members of the Garda Síochána, albeit reserves, I expect that all the normal back-up available to a normal garda would be available to the reserves. As always with an initiative, it will take some time. To be fair, while there originally had been some reluctance on the part of the main force to accept the reserve, it is now well embedded. When I go about my business, I always ask how they are doing and, to be fair, while there were suggestions that there was a reluctance to assist, that is not the case, they have integrated. It is a great initiative and one I want to support. While targets have been set, they will be met eventually and it will be for the betterment of the community that there are those who are prepared to work for virtually nothing in defence of their areas. We should compliment them on that.

It should be also publicly stated that there is a large number of non-Irish participating. I was in Templemore for the coming out of more than 100 Garda reserves and many of them were non-nationals, something I welcome.

**Deputy Pat Rabbitte:** Is there a formal protocol between the Garda Commissioner and the Garda representative organisation in respect of reservists or is their recruitment, functioning and integration done on the basis of tolerance?

**Deputy Dermot Ahern:** It is not done on the basis of tolerance. Under the Garda Síochána Act 2005, section 15(5) states that the range of powers and duties of the Garda reserve is a matter for the Commissioner of the Garda Síochána to determine. He has initially determined that the duties of the reserve members shall include station duty, other than care and custody of prisoners, communications room duty, including the monitoring of CCTV, foot patrol accompanied by a full member of the Garda Síochána, static security duty, Garda traffic check-point duties, accompanied by a full-time garda and duties at major events such as festivals and major sporting events.

**Deputy Pat Rabbitte:** The Minister misunderstood me. I know what the functions are, I asked if there is a formal protocol between the GRA and the commissioner about the functioning and integration of the reservists.

**Deputy Dermot Ahern:** I do not know. If there is, it is a matter for the Garda Commissioner, not for me.

#### **Prison Staff.**

9. **Deputy Noel J. Coonan** asked the Minister for Justice, Equality and Law Reform the

[Deputy Noel J. Coonan.]

number of prison officers that are serving in each prison here; the number of same that were serving in each prison in 2008 and 2007; and if he will make a statement on the matter.  
[46254/09]

**Deputy Dermot Ahern:** Current staffing levels and configurations for each of the prisons were established in the context of the change agreement reached with the Prison Officers Association in 2005. The agreement involved substantial changes to staff deployment, which could only be achieved over time. The staffing level for each prison was determined following an analysis of all the tasks that were required to run the individual prison. At present, staffing levels and configurations are quite close to what was envisaged when the agreement was reached with the Prison Officers Association.

The Deputy will appreciate that in a large organisation such as the Irish Prison Service, surpluses and shortfalls in staffing have to be managed on an ongoing basis and there will be short periods where staff levels are either under or above target levels. The staffing levels for each prison at the end of each year are set out in the table circulated with this answer.

In addition to the staff assigned to each of the prisons there are also staff assigned to a range of important support prison services. These include 145 staff assigned to the prison service escort corps, which is responsible for transporting prisoners between prisons and to courts, hospitals and other destinations, 157 staff assigned to the operational support group, which is responsible for security screening and security searching within prisons, 28 staff assigned to the building services division, which is responsible for building and maintenance, and 45 of other prison grade staff that are assigned to tasks related to training, procurement and logistics.

I have been informed by the Irish Prison Service that in November 2009, the number of staff serving in the prison service as a whole was 3,417. The equivalent figures in November 2008 were 3,506.5 and for November 2007 the staffing complement was 3,347.5.

Increases in staffing levels, where they occurred, have been related in the main to the opening of new additional prisoner accommodation at these prisons. This includes the opening of new prisoner accommodation at Loughan House and Shelton Abbey in 2008, and Castlereagh and Portlaoise in 2009. Other factors that have led to increases in staff numbers on a temporary basis include the practice of initially assigning new recruits to large Dublin prisons for a period before they, or more senior colleagues, are assigned elsewhere in the system. This has led to temporary increases in large Dublin prisons such as Mountjoy and Cloverhill at certain times.

The staffing levels in each prison are affected by a number of factors that include retirements, recruitment and transfers. During 2009, in particular, there was a significantly higher level of retirements than would be expected in a normal year. It is expected that by the end of 2009 that approximately 200 staff will have retired from the prison service. This has been offset by the recruitment of 122 recruit prison officers during 2009, which built on significant recruitment that took place in 2008.

For that reason, the prison service has been able to absorb the high levels of retirements during 2009 without an adverse impact on staffing levels.

**Deputy Charles Flanagan:** I am not sure about that.

**Deputy Dermot Ahern:** It is expected that retirements in 2010 will return to levels expected in a normal year of about 100. There are currently 42 recruit prison officers in training and they will be assigned to prisons in January 2010.

**Deputy Charles Flanagan:** I refute the Minister's remarks that the high number of retirements has been offset by recruitment. The imbalance is stark. He says it has not had an adverse effect on the running of the prisons but in the last year there have been 750—

**An Ceann Comhairle:** A question please Deputy.

**Deputy Charles Flanagan:** How will the Minister deal with the huge number of prison officers retiring that has not been offset by recruitment, resulting in 750 assaults on prison officers by prisoners in the last year? There is a serious problem and the Minister must measure the way in which he balances the high numbers of retirements with the current moratorium.

**Deputy Dermot Ahern:** In my answer I gave the figures that showed clearly there is an offset between new recruits and people retiring. It is ironic that I am criticised by Fine Gael, who when they were in office produced not one prison space, whereas since this Government came to place we have produced 1,400.

**Deputy Leo Varadkar:** There are a lot more murders now.

**Deputy Dermot Ahern:** This year alone we have put in place 450 prison places. I rest my case.

*Written Answers follow Adjournment Debate.*

### **Social Welfare and Pensions (No. 2) Bill 2009: Second Stage (Resumed).**

**An Ceann Comhairle:** Before Question Time, we were dealing with the Social Welfare and Pensions (No. 2) Bill and the Order for Second Stage. A number of queries were raised and I wish to clarify the position to the House.

Further to the points made by Deputy Stagg earlier as regards the need to make an Order for Second Stage on the Social Welfare and Pensions (No. 2) Bill, the situation is as follows: the Social Welfare and Pensions (No. 2) Bill appeared correctly on the Order Paper today as "Order for Second Stage" as that was the position when we entered business this morning. The purpose of the Order for Second Stage is to fix the day on which the Bill is to be taken. If there had been no proposal on the Order Paper this morning, an Order would have been necessary before the Bill was considered. The position, however, was changed by proposal No. 4 on the Order of Business that provided that the proceedings on Second Stage shall be taken today. Therefore, the Dáil had made the Order — it had fixed today as the date for the Second Stage to be taken.

Deputy Shortall has cited a number of precedents which I have examined. In all the cases mentioned no guillotined question was agreed to by the House, as was the position today. The procedure followed, therefore, was the correct one and I ask the Minister to continue her Second Stage reading.

**Deputy Róisín Shortall:** During Question Time I got a copy of the blacks that show what was said. When the Ceann Comhairle started the Bill, the Minister said, "I move that Second Stage be taken now." I opposed that motion and the Ceann Comhairle then went to put the question. He was then corrected on the procedure that was used. It would seem the Minister made a mistake in the motion she moved. Rather than saying that Second Stage be taken now, the motion should have been that the Bill be now read a Second Time.

**An Ceann Comhairle:** We have also checked and the Minister said, "I move that the Social Welfare and Pensions (No. 2) Bill 2009 be now read a Second Time." That is the correct procedure.

**Deputy Timmy Dooley:** This is being pedantic.

**Deputy Emmet Stagg:** We are not being pedantic. Fianna Fáil was afraid to have a vote that it would lose.

**An Ceann Comhairle:** I advised the House of that but, in reality, the fact we had a guillotine vote on the matter this morning effectively decides it and pre-empts any other consideration. We could waste all evening on this but we have gone to the trouble of checking it. The Deputy's Whip has been advised. We need to proceed with this Bill.

**Deputy Róisín Shortall:** That is fine and I very much appreciate the guidance and advice given by the Clerk Assistant but I would say that we did check the blacks and, according to the blacks what the Minister said was that Second Stage be taken now, and that motion was incorrect.

**An Ceann Comhairle:** The blacks are only a draft so——

**Deputy Róisín Shortall:** Sorry, on the basis of that——

**An Ceann Comhairle:** Apart from that, let us not dwell——

**Deputy Róisín Shortall:** I do not want to hold up this matter any longer.

**An Ceann Comhairle:** Deputy Shortall, my interest is to ensure cothrom na féinne, fair play, is administered in the House and we will endeavour to do that as far as possible. The fact that we had a guillotine vote on this matter this morning effectively decided the issue so the question of what the Minister actually said is fairly irrelevant.

**Deputy Róisín Shortall:** A Cheann Comhairle——

**Deputy Emmet Stagg:** I will be brief.

**An Ceann Comhairle:** The Deputy knows the position.

**Deputy Emmet Stagg:** I will brief about this because I think the matter is decided. If the Ceann Comhairle decides on something he is in the same position as a Pope, he cannot say he is wrong or the whole house of cards would come tumbling down.

**An Ceann Comhairle:** That is not correct.

**Deputy Emmet Stagg:** In my experience I have never heard a Ceann Comhairle say he was wrong. They would always find some precedent for whatever mistake they have made.

**An Ceann Comhairle:** We went to some trouble on this; during Question Time, we adjourned and were quite prepared to have the matter examined. If the Deputy's point was correct we would have acceded to that point.

**Deputy Emmet Stagg:** A Cheann Comhairle, we have found loads of precedents.

**An Ceann Comhairle:** We would have acceded to that point.

**Deputy Emmet Stagg:** I do not want to challenge any further now.

**An Ceann Comhairle:** Yes.

**Deputy Emmet Stagg:** The Ceann Comhairle said the blacks are only a draft. We have an audio and visual record of what the Minister said. There is no point in the Ceann Comhairle giving us another version of what she said because that is what she said later in the day.

**An Ceann Comhairle:** We have had it checked as well.

**Deputy Emmet Stagg:** That is what she said later in the day. Given that the Minister——

**An Ceann Comhairle:** Let us not dwell on that.

**Deputy Emmet Stagg:** May I finish the point?

**An Ceann Comhairle:** Deputy, the critical point about it is this——

**Deputy Emmet Stagg:** Let me finish and then I will stop.

**An Ceann Comhairle:** The critical point is——

**Deputy Timmy Dooley:** The Deputy should stop interrupting.

**An Ceann Comhairle:** Okay.

**Deputy Emmet Stagg:** Very briefly, given the experience of the Minister as a Government Whip, which she boasted about earlier, it is amazing that she made the mistake she did by proposing an order that was not required, according to herself and according to the Ceann Comhairle.

**An Ceann Comhairle:** That is not correct. I call Deputy Shortall very briefly.

**Deputy Róisín Shortall:** I do not want to prolong this controversy.

**Deputy Timmy Dooley:** The Deputy should sit down.

**Deputy Róisín Shortall:** Would the Deputy mind staying quiet because his contributions are entirely unhelpful?

**An Ceann Comhairle:** On a point of order, Deputy Shortall, I shall have to proceed.

**Deputy Róisín Shortall:** I have the blacks before me here. I see what the Minister said.

**An Ceann Comhairle:** Yes.

**Deputy Róisín Shortall:** If the Ceann Comhairle is suggesting that is inaccurate — I do not want to prolong this any further as I want us to get into the debate on the Social Welfare and Pensions (No. 2) Bill — I ask him to agree to meet with me at a later stage this evening so that we can view the actual record.

**An Ceann Comhairle:** We can do that but I think the critical point is this——

**Deputy Róisín Shortall:** If the Ceann Comhairle is suggesting that the blacks are inaccurate, I think it is important that we have that clarified.

**An Ceann Comhairle:** Yes, well——

**Deputy Róisín Shortall:** I know it might be difficult for the Minister to admit that she made a mistake.



**An Ceann Comhairle:** No, well, I am sure——

**Deputy Róisín Shortall:** There is a record there and I think we should view that later. I am leaving it at that, a Cheann Comhairle, on the assumption that you will agree to my request.

**An Ceann Comhairle:** If the Deputy makes contact we can arrange for that.

**Deputy Róisín Shortall:** That is fine. Thank you.

**An Ceann Comhairle:** The important thing to remember is that we had the guillotine vote this morning and that is the critical deciding factor in this matter.

**Deputy Róisín Shortall:** The important thing I would suggest, with respect, a Cheann Comhairle, is that we respect the record. I will leave it at that.

**An Ceann Comhairle:** It is important to bear that in mind for the consideration of precedents in the future. I call the Minister.

**Deputy Mary Hanafin:** This is a very important piece of legislation.

**Deputy Emmet Stagg:** On a point of order——

**An Ceann Comhairle:** Deputy, please.

**Deputy Emmet Stagg:** Will the Ceann Comhairle inform the House when the Minister started to speak and when her time allocation is up?

**An Ceann Comhairle:** We will check the time.

**Deputy Emmet Stagg:** Sorry, I beg your pardon.

**An Ceann Comhairle:** We will check the exact time.

**Deputy Emmet Stagg:** I do not think she has any time left; that is the point. According to the order of the House, limiting her time, I think her time is up.

**Deputy Mary Hanafin:** I have half an hour speaking time. As the Deputy called for a quorum in the middle of it, that interfered with the speaking time.

**Deputy Emmet Stagg:** That is the Minister's hard luck. If the Government had a quorum here I would not have to call it. I think, in accordance with the order of the House the Minister's time is actually up and the Ceann Comhairle should call the next speaker.

**Deputy Mary Hanafin:** This is a very important piece of legislation. I sincerely hope that it is in order——

**An Ceann Comhairle:** The Minister has time left. We will advise the House on the amount of time left shortly.

**Deputy Emmet Stagg:** An order was made limiting the Minister's time on this debate. According to that order, in my calculation, the Minister's time is up.

**An Ceann Comhairle:** It is a question of the Minister and the spokespersons having 30 minutes each. The Minister has not extinguished that amount of time yet.

**Deputy Emmet Stagg:** What is the amount of time?

**An Ceann Comhairle:** Deputy, please. We will check that.

**Deputy Róisín Shortall:** How long does the Minister have?

**An Ceann Comhairle:** We have had a considerable amount of interruptions so the Minister's time was somewhat truncated because of the questioning of the issue before Question Time.

**Deputy Emmet Stagg:** It is——

**An Ceann Comhairle:** Please, Deputy. I will advise in a minute the amount of time left.

**Deputy Emmet Stagg:** A Cheann Comhairle, you are obliged to rule in accordance with the order that was made this morning.

**An Ceann Comhairle:** Yes. We will advise the Deputy.

**Deputy Emmet Stagg:** The order was clear.

**An Ceann Comhairle:** We will advise the Deputy very shortly when we have it.

**Deputy Emmet Stagg:** The order was very clear and according to it the Minister's time is now up and the Ceann Comhairle should be calling the next speaker. Am I right or wrong?

**An Ceann Comhairle:** I have to advise the Deputy that we had so many interruptions earlier that the Minister was deprived of——

**Deputy Emmet Stagg:** There is no extra time. It is not a soccer match.

**An Ceann Comhairle:** I call the Minister for the Second Stage Reading. Will the Deputy resume his seat?

**Deputy Emmet Stagg:** How much time is left?

**An Ceann Comhairle:** We will advise him in a moment.

**Deputy Emmet Stagg:** Is it a set time?

**An Ceann Comhairle:** Will the Deputy resume his seat, please?

**Deputy Róisín Shortall:** How much time has the Minister left?

**Deputy Emmet Stagg:** The Ceann Comhairle is obliged to rule in accordance with the order made this morning. The order was clear, very clear. According to that order the Minister's time is now up and the Ceann Comhairle should be calling the next speaker.

**An Ceann Comhairle:** We will advise the Deputy shortly.

**Deputy Mary Hanafin:** A Cheann Comhairle, the public is entitled to know what is in this piece of legislation

**Deputy Emmet Stagg:** On a point of order, the point has been validly made, we are entitled to know how much time the Minister has left.

**Deputy Timmy Dooley:** The Deputy should listen to the details of the Bill.

**An Ceann Comhairle:** In the order, half an hour was allowed for the Minister. It is a Standing Order arrangement. There was quite an amount of interruptions as Deputies are aware in the forenoon and the Minister, unfortunately, lost speaking time because of that. Given that we have to take account of that I am allowing——

**Deputy Emmet Stagg:** The Ceann Comhairle is allowing——.

**An Ceann Comhairle:** We are——

**Deputy Emmet Stagg:** The Ceann Comhairle needs the permission of the House to take account of that. He is not entitled to take such action. He has no such power.

**An Ceann Comhairle:** I am telling the Deputy now that we are proceeding with Second Stage. I call the Minister.

**Deputy Mary Hanafin:** Go raibh maith agat, a Cheann Comhairle. This is a very important piece of legislation and I sincerely hope that members of the public are not watching this on webcasts.

**Deputy Emmet Stagg:** The Ceann Comhairle has no such power.

**An Ceann Comhairle:** Please, Deputy.

**Deputy Emmet Stagg:** How much time has the Minister left?

**An Ceann Comhairle:** It is not a point of order. We have had several points of order. Deputy, please.

**Deputy Mary Hanafin:** I sincerely hope that those people who will be affected by this budget are not watching the childish antics that are being carried on by the Labour Party.

**Deputy Emmet Stagg:** On a point of order——

**Deputy Mary Hanafin:** A piece of legislation that deserves to be discussed in full.

**Deputy Emmet Stagg:** I wish to make a point of order.

**An Ceann Comhairle:** I have ruled on the Deputy's point of order. Will he please allow the Minister to finish?

**Deputy Emmet Stagg:** The Ceann Comhairle has not ruled on my point of order.

**Deputy Mary Hanafin:** I thank the Ceann Comhairle for the floor. It is my intention to continue because it is an important piece of legislation.

**An Ceann Comhairle:** Will Deputy Stagg please resume his seat?

**Deputy Mary Hanafin:** It is a sensitive piece of legislation and I know the public is genuinely interested in this and not in the antics of Deputy Stagg.

**Deputy Emmet Stagg:** I am entitled to make a point of order. I have asked a question and I am entitled to an answer.

**An Ceann Comhairle:** Will the Deputy please resume his seat? I have ruled on this matter. I will be calling the Deputy's spokesperson shortly after the Fine Gael spokesperson.

**Deputy Mary Hanafin:** I have already outlined what the first seven proposals in relation to the Bill. Section 8 provides for the introduction of a four-year time limit for claiming refunds on PRSI contributions.

**Deputy Emmet Stagg:** I am entitled to make a point of order.

**An Ceann Comhairle:** Will the Deputy please resume his seat?

**Deputy Mary Hanafin:** Section 9 provides that where a self-employment contribution record has been used to establish entitlement to a State pension and on paid PRSI contributions and paid from the date of claim, the pension will only be payable from the date it is paid.

**Deputy Emmet Stagg:** In regard to setting speaking time, the Ceann Comhairle is not entitled to change it.

**An Ceann Comhairle:** Will the Deputy please resume his seat?

**Deputy Mary Hanafin:** I am quite satisfied that I have not used the speaking time.

**An Ceann Comhairle:** Yes.

**Deputy Emmet Stagg:** The Ceann Comhairle is not entitled to change that.

**Deputy Mary Hanafin:** Whatever else has been used, it has not been the speaking time.

**An Ceann Comhairle:** Yes.

**Deputy Mary Hanafin:** Section 10 provides for similar arrangements in claims for a widow's or a widower's contributory pension.

**Deputy Emmet Stagg:** Is the Ceann Comhairle refusing——

**An Ceann Comhairle:** Will the Deputy please resume his seat? Deputy Stagg, please.

**Deputy Mary Hanafin:** Section 11——

**Deputy Emmet Stagg:** I would accept fairness from the Ceann Comhairle.

**An Ceann Comhairle:** The Deputy will get fairness. We have to extend that to everybody in the House. I call the Minister.

**Deputy Emmet Stagg:** The House made an order this morning——

**An Ceann Comhairle:** Will Deputy Stagg please resume his seat?

**Deputy Emmet Stagg:** The Minister has said that time——

**An Ceann Comhairle:** If the Deputy does not resume his seat I will have to ask him to leave the House.

**Deputy Mary Hanafin:** A Cheann Comhairle, as you have rightly said I have not used my speaking time. It will take me only about four minutes to conclude. It is an important piece of legislation.

**Deputy Emmet Stagg:** On a point of order.

**An Ceann Comhairle:** Deputy, the Minister needs about four minutes to finish her speech. Then we move on to Deputy Naughten and Deputy——

**Deputy Emmet Stagg:** It will have to be someone else's time.

**An Ceann Comhairle:** It is not a question of giving her somebody else's time. Will the Deputy resume his seat?

**Deputy Mary Hanafin:** Section 11 limits the treatment benefits.

**Deputy Timmy Dooley:** Good man.

**Deputy Róisín Shortall:** This is not the Fianna Fáil Parliamentary Party.

**Deputy Mary Hanafin:** I thank the Ceann Comhairle.

**An Ceann Comhairle:** Deputy Shortall, resume your seat.

**A Deputy:** If this was a Labour Party conference——

**Deputy Róisín Shortall:** With respect——

**An Ceann Comhairle:** We have dealt with all these points of order. Will the Minister continue?

**Deputy Mary Hanafin:** A Cheann Comhairle——

**Deputy Emmet Stagg:** On a point of order.

**An Ceann Comhairle:** Please allow the Minister to speak.

**Deputy Emmet Stagg:** I wish to make a point of order.

**An Ceann Comhairle:** The Deputy can make the point of order when the Minister has finished.

**Deputy Emmet Stagg:** The Ceann Comhairle is exceeding his powers.

**An Ceann Comhairle:** I am not exceeding my powers.

**Deputy Timmy Dooley:** That is an outrage.

**An Ceann Comhairle:** I am not exceeding my powers.

**Deputy Emmet Stagg:** The Ceann Comhairle——

**An Ceann Comhairle:** Will the Deputy please resume his seat? The Minister to continue.

**Deputy Mary Hanafin:** A Cheann Comhairle——

**An Ceann Comhairle:** Will Deputy Stagg please resume his seat?

**An Ceann Comhairle:** I cannot allow this disorder to continue in the House.

**Deputy Kathleen Lynch:** If I may have a microphone, our difficulty is that the Ceann Comhairle is allowing things that are not in order to occur.

**An Ceann Comhairle:** That is not correct. I ask the Deputy to resume her seat.

**Deputy Pat Carey:** The Deputy should withdraw that remark.

**An Ceann Comhairle:** The Deputy should resume her seat and allow the Minister to continue.

**Deputy Kathleen Lynch:** The Ceann Comhairle is breaking his own rules.

**Deputy John Cregan:** That is unfair.

**An Ceann Comhairle:** The Deputy should resume her seat or leave the House

**An Ceann Comhairle:** The Minister to continue.

**Deputy Mary Hanafin:** I find it extraordinary that while the Labour Party had declared it did not have enough time to concentrate on the Bill and not enough time to know what were its provisions, now they will not listen to what is in it.

**Deputy Emmet Stagg:** This is outrageous that the Ceann Comhairle is allowing Fianna Fáil speakers to speak in excess of the time ordered by the House.

**An Ceann Comhairle:** Deputy Stagg should resume his seat.

**Deputy Emmet Stagg:** He cannot do that.

**An Ceann Comhairle:** That is incorrect. The Deputy should resume his seat. I call the Minister.

**Deputy Mary Hanafin:** The one thing I have not been doing is speaking longer than I should; I have been interrupted constantly which has resulted in my time being longer.

**Deputy Róisín Shortall:** On a point of order——

**Deputy Timmy Dooley:** With respect, I am sure people affected by the social welfare Bill must think this is——

**Deputy Róisín Shortall:** There have already been serious procedural errors made in this debate——

*(Interruptions).*

**An Ceann Comhairle:** There have been no procedural errors made. We have checked matters out.

**Deputy Róisín Shortall:** I have already said we will deal with them later. A Member of this House is entitled to ask the Ceann Comhairle how much speaking time the Minister has——

**An Ceann Comhairle:** The Minister has a total of 30 minutes to speak and she has not used that as of yet and I am ruling on that.

**Deputy Róisín Shortall:** How much time has she left?

**An Ceann Comhairle:** I ask the Deputy to resume her seat.

**Deputy John Cregan:** A reference to the Fianna Fáil Parliamentary Party should be withdrawn

**An Ceann Comhairle:** The Deputy should resume her seat and allow the Minister to continue.

**Deputy Róisín Shortall:** I did not know that and there should not be preferential treatment given to any Member in this House.

**An Ceann Comhairle:** There is no preferential treatment

**Deputy Pat Carey:** The Deputy should withdraw that statement.

**Deputy Róisín Shortall:** This House is covered by the Standing Orders.

**An Ceann Comhairle:** The Deputy is spreading disorder in this House of Parliament which I cannot allow.

**Deputy Emmet Stagg:** It is not disorder; the disorder is coming through the Chair.

**Deputy Kathleen Lynch:** We had a vote this morning and the vote was ——

**An Ceann Comhairle:** We had a vote this morning and the Deputy should resume her seat.

**Deputy Kathleen Lynch:** ——to allow the Minister half an hour's speaking time.

**An Ceann Comhairle:** I ask the Deputy to resume her seat.

**Deputy Mary Hanafin:** I have not been speaking for half an hour but Deputy Stagg has.

**Deputy Kathleen Lynch:** I wish to ask the Ceann Comhairle a question.

**An Ceann Comhairle:** I am deciding it is not in order. The Deputy should resume her seat.

**Deputy Charles Flanagan:** On a point of order and in an effort to be helpful I ask the Ceann Comhairle to advise the House in what circumstances the Chair, in this instance the Ceann Comhairle, can depart from the terms of a time allocation motion that has been agreed by the House.

**An Ceann Comhairle:** I am not departing from the times. The time allocated is 30 minutes per speaker and we will be keeping to that. The Minister to continue.

**Deputy Emmet Stagg:** The Minister has exceeded that time.

**Deputy Mary Hanafin:** Section 11 limits the treatment benefits to the free examination elements of the dental and optical benefits and the medical and surgical appliances scheme——

**Deputy Emmet Stagg:** On a point of order.

**An Ceann Comhairle:** The Deputy should resume his seat.

**Deputy Emmet Stagg:** I have never experienced anything like this——

**Deputy Mary Hanafin:** The Deputy is dead right because we have never experienced anything like the Deputy either.

**Deputy Emmet Stagg:** When the Ceann Comhairle unilaterally decides that a Minister is given additional speaking time despite an order being made——

**An Ceann Comhairle:** It is not additional speaking time.

**Deputy Emmet Stagg:** It is additional speaking time.

**An Ceann Comhairle:** I suggest to the Deputy that no matter who is in the Chair of this House, he or she cannot allow Members to continually interrupt and deprive the Minister, no matter who it is, of adequate speaking time as set down in the order. I simply cannot allow it and nobody else would allow it either.

**Deputy Emmet Stagg:** That is not the case.

**An Ceann Comhairle:** The Minister is going to have time to finish her speech.

**Deputy Emmet Stagg:** All of the interruptions, as the Ceann Comhairle calls them, were legitimate points of order.

**Deputy Róisín Shortall:** The Ceann Comhairle is acting beyond his powers.

**Deputy Emmet Stagg:** Way beyond his powers.

**An Ceann Comhairle:** The Deputy should resume his seat.

**Deputy Mary Hanafin:** The public are anxious about this piece of legislation and it deserves proper consideration in this House and not the type of antics we have seen here.

Section 12 provides that in determining entitlement to mortgage interest supplement under the supplementary welfare allowance scheme, the amount of mortgage interest relief received by a person and any mortgage allowance or mortgage interest subsidy payable by local authority under a shared purchase scheme, will be deducted from the gross interest payable. This section also provides for definition of “institution” for supplementary welfare allowance required for the purposes of section 14.

Section 13 provides for reduced personal rate of supplementary welfare allowance of €100 per week for persons aged 20 and 21 years and €150 per week for persons aged 22 to 24 years. It also provides for a reduced rate of €100 in respect of a qualified adult to recipients of social welfare allowance aged 20 to 21 years, for couples without children. Again, I wish to make it quite clear these changes will apply only to new claims for supplementary welfare allowance made on or after 1 January 2010.

Section 14 incorporates into primary legislation an existing requirement in the regulations that to be entitled to rent supplement the applicant must be in a position to demonstrate that he or she could reasonably have afforded the rent at the commencement of the tenancy. In order to qualify for rent supplement, a person must have been a tenant or living in homeless accommodation for a period of at least six months.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Deputy Mary Hanafin:** Section 14 extends this provision to include periods of residence in an institution, as defined in Section 12 of the Bill. Under existing provisions, a social welfare inspector may, if accompanied by a member of the Garda Síochána, in uniform, stop a vehicle and question anyone in the vehicle where the inspector reasonably suspects that it is being used for employment or self-employment. Section 15 extends these provisions to provide for



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similar checkpoints operated by social welfare inspectors and customs officers without the need for a Garda presence. It also provides that an inspector may question any occupants for the purposes of the control of any social welfare payment. This is an important provision in aiming to clamp down on fraud which the Department takes very seriously.

Section 16 contains another anti-fraud measure. It provides that an officer of the Minister, authorised by the Minister for this purpose, may serve notice on a financial institution requiring it to make available for inspection records which may contain information about possible welfare fraud. This might be to examine whether withdrawals of money are being

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made, particularly where the only lodgments may be from a social welfare budget.

We are anxious to ensure that if money is only being withdrawn in another country we will be able to check this and this is a serious anti-fraud measure. Section 17 provides for the transfer of bulk information relating to recipients of social welfare payments to the competent authority of another member state or international organisation or other country with which a reciprocal agreement has been made. We will be able to check automatically through bulk information as to what is happening with social welfare in those other countries when recipients may also be in this country.

Section 18 provides that payments made under the scheme known as the special Civil Service incentivised career break scheme will not be regarded as earnings for the purposes of the various earnings disregards applied in determining entitlement to social assistance payments and will therefore be fully assessable as means. Section 19 provides for the inclusion of the Health and Social Care Professionals Council and Road Safety Authority in the list of specified bodies authorised by legislation to use the personal public service, PPS, number as a public service identifier.

Under the provisions of the Pensions Act, an application to the Circuit Court for an order to enforce a determination of the Pensions Ombudsman must be made by the Minister. Section 20 provides that such applications will be taken by the Pensions Ombudsman.

Given the short timescale involved in bringing this Bill to the House, there are three areas where legislative changes are considered necessary but which could not be finalised in time to be included in the Bill as initially presented to the House. I will, therefore, table three amendments on Committee Stage. I will introduce an amendment to section 246 of the Social Welfare Act relating to habitual residence to provide that a person who does not have a right to reside in the State cannot be habitually resident here and that asylum seekers cannot be habitually resident in the State. The other two amendments are being introduced to ensure that where an 18 or 19 year old is on the reduced personal rate of jobseeker's allowance or supplementary welfare allowance, he or she will continue to receive the lower rate when he or she reaches the age of 20 and 21 years.

Even with the changes provided for in the Bill, €21.1 billion will be spent on social welfare in 2010. This is €676 million or 3.3% more than the expected final expenditure figure of €20.4 billion for 2009. While the Government appreciates that the cuts we are making in the welfare area will not be easy for people, we also genuinely believe that if we do not take steps now to reduce overall public expenditure and restore stability to the public finances, we risk making the economic situation much worse for everyone, including welfare recipients, in the long term.

**Deputy Róisín Shortall:** The Government has taken highly selective steps. The Minister's contribution is a complete misrepresentation.

**Deputy Mary Hanafin:** We have avoided making any cuts in the State pension. We have also fully protected more than 420,000 children in welfare dependent and low income families from

cuts in child benefit. We have ensured that cuts in weekly rates for those aged under 66 years are lower than the decreases in prices over the past year or thereabouts. I appreciate, however, that the budget will be difficult for all of those affected. The choices could have meant taking more money out of services, respite care, day places, home care packages and education, all of which are important for welfare recipients.

**Deputy Róisín Shortall:** The Government hit the weakest and left millionaires alone.

**Deputy Mary Hanafin:** Unfortunately, the changes in the Bill are necessary. Notwithstanding what has taken place in the Chamber thus far this afternoon, I hope we can have an informed and sensitive debate about these difficult issues in the next couple of days.

**Deputy Róisín Shortall:** Let us have an honest debate.

**Deputy Denis Naughten:** It is not necessary for Government Deputies to leave the House when I rise. I welcome the opportunity to speak on this important legislation. Looking across the Chamber yesterday, the faces of Cabinet members brought to mind the recession. They were tired and had a look of hopelessness about them. Sadly, the Minister for Finance's budget was devoid of ideas. The attitude of the Government is to fumble from one budget to another and yesterday's budget had no direction and did not make reference to jobs.

Normally, at this stage in the debate on the day after the budget, the Tánaiste and Minister for Enterprise, Trade and Employment makes a contribution on the impact of the budget on jobs. Regrettably, rather than debating the issue of job creation, we are discussing the impact the budget is having on the most vulnerable people in society. Job creation is no longer a priority for the Government. Instead, the House is debating cuts in payments to the blind, the disabled, carers, widows and children. The new mantra of the Government is to cut supports for those who cannot work, remove opportunity from those who want to work and force those on low pay out of employment. That is its priority. It is afraid even to allow backbench Deputies home for the weekend in case they have to face the disabled, the blind, carers and mothers who have had their income slashed in the budget. So much for being the voices of the people.

Budget 2010 is not fair. Half of the McCarthy report recommendations on cuts in social welfare were implemented in the budget, whereas only one quarter of the recommendations pertaining to other Departments were implemented. On pay and taxation, measures worth only €55 million have been directed at the rich. This figure is one twelfth of the money the changes proposed by the Fine Gael Party in this area last Friday would have generated. We proposed changes in the social welfare budget which would achieve savings of €400 million net of job activation measures. While we also proposed to cut adult working age supports, we excluded pensioners, carers, the disabled and the blind. Crucially, we also published detailed proposals on how we would create jobs and training opportunities.

The Fine Gael Party also made proposals on fraud, an issue to which I will return. We proposed measures on the rent supplement scheme where significant savings could be made on the basis of trends and market rates and by expediting the transfer of people from the rent supplement scheme to the rental accommodation scheme. The Minister gave no indication that her Department will focus on this issue.

The main tenet of the Fine Gael Party proposals is the protection of the most vulnerable and to enable as many people as possible, particularly young people and the unemployed, to return to work or upskill through education and training. We want to reduce current spending on large bureaucracies such as the Health Service Executive, FÁS and CIE and eliminate or merge 150 of the quangos established in the past 12 or 13 years. Cutting professional and third

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party fees would also have delivered savings, as would the implementation of certain aspects of the McCarthy report.

What we see in the budget is a focus on the most vulnerable. Widows, carers, people with disabilities and the blind are being hammered by Government cuts. It is unfair that the Government is turning a blind eye to those who are robbing the State through social welfare fraud. While I accept the Minister has announced proposals and changes in this area, regrettably they do not go far enough to address the fraud issue once and for all. The Department will fall far short of its targeted savings of €616 million from anti-fraud measures. The shortfall of one fifth or €123 million would have protected payments to carers, people with disabilities, widows and the visually impaired. Cuts in benefits for these groups would not have been necessary if the Department had reached the savings target set by the Minister for anti-fraud measures.

**Deputy Mary Hanafin:** The cost would have been much higher than €123 million.

**Deputy Denis Naughten:** With respect, I did not interrupt the Minister and I would appreciate if she refrained from interrupting me.

A 6% cut in the pension for blind people is a callous and unjust attack on the most vulnerable in society. Blind people will not only have their payments cut by 4.1%, as announced in the Budget Statement, but next week they will have the cancelled Christmas bonus cut by 2%. This cut is far in excess of the rate of inflation, which is running at an average of 3% for people in receipt of social welfare payments.

People who are blind or visually impaired incur considerable additional costs through adaptation measures in their homes, increased heating use from spending much more time at home than most other people, the purchase of aids, appliances and equipment to maximise their independence and additional transport usage. The Government chose to save only a few bob by slashing the blind pension, rather than focus on anti-fraud measures where significantly more savings could have been made.

The most vulnerable in society are facing a 6% cut in the next couple of weeks. Government Ministers, on the other hand, will take a 5% cut in their salaries. That is the wrong focus.

**Deputy Mary Hanafin:** That is not true.

**Deputy Denis Naughten:** As I stated, I did not interrupt the Minister and she should show respect by not interrupting me.

**Acting Chairman (Deputy Jack Wall):** Please allow Deputy Naughten to continue.

**Deputy Mary Hanafin:** On a point of order, while I do not wish to interrupt the Deputy and appreciate the respect he has shown, it is important to set the record straight when false allegations are made. The cut in Ministers' salaries is 15%.

**Deputy Denis Naughten:** That is not true.

**Acting Chairman:** The Minister can deal with any allegations in her summing up.

**Deputy Denis Naughten:** There will be a 5% additional cut in the budget for Ministers. That is a fact. Some 10% was taken already earlier this year. Let us compare this with the 6% cut that blind people will receive between now and 2 January. It is not acceptable that the blind are the focus of this Government and it should not be the intention of any Member to focus the cuts on the most vulnerable in our society. There will be a cut in the disability allowance,

the blind pension, the blind welfare allowance and the carers' allowance. The cuts will affect the most vulnerable people in society and those unable to work. That is where the focus of attention has been on this occasion.

The average full-time carer in this State saves the taxpayer approximately €40,000 per year. It will be a bleak winter for them because the Government has ignored the contribution that carers make to society. Some 47,000 people in receipt of the carers allowance can expect a 2% cut next week and there will be a further 4% cut in the first week in January. The cut goes against stated Government policy of caring for people in their own homes for as long as possible and further demonstrates what little appreciation and recognition it has for carers. Let us not forget the long promised carers strategy, which was supposed to address the needs of carers but which has been shelved by the Government. Further, last week the HSE announced it would shelve the home care packages such that the staff can be used to carry out the swine flu vaccination programme.

**Deputy Mary Hanafin:** It has been extended.

**Deputy Denis Naughten:** I did not interrupt the Minister, with all due respect.

**Deputy Mary Hanafin:** No.

**Deputy Denis Naughten:** Earlier, the Minister harped on about interruptions. I allowed her that respect and listened to what she had to say.

**Deputy Mary Hanafin:** On a point of order——

**Acting Chairman:** The Deputy without interruption, please

**Deputy Denis Naughten:** Allow me the respect to make my contribution without continual interruption. I gave way to the Minister already.

**Deputy Mary Hanafin:** On a point of order, is a Member entitled to make a false allegation? Some €10 million extra has been put into the home care package.

**Acting Chairman:** There are no false allegations and, in fairness, the Minister will be able to contradict any statement made in her summing up. The Deputy should continue.

**Deputy Denis Naughten:** I am disappointed the Minister has not afforded me the courtesy that I allowed her.

**Deputy Mary Hanafin:** They are false allegations.

**Deputy Denis Naughten:** There has been a good deal of disruption. You made accusations in your contribution that I could have interrupted and contradicted, but I allowed her the respect and had the decency not to interrupt.

**Deputy Róisín Shortall:** She has been doing it all day.

**Deputy Denis Naughten:** However, you continually interrupt me in my contribution.

**Acting Chairman:** The Deputy should speak through the Chair, please.

**Deputy Denis Naughten:** The Minister should have the manners to allow me to say what I have to say. She will have the opportunity to respond. I hope I will be given credit for this time, as the Minister was earlier.

**Acting Chairman:** The Deputy should speak through the Chair and not draw attention to himself in this manner. Please continue.

**Deputy Denis Naughten:** How much time have I remaining?

**Deputy Mary Hanafin:** If it would help the Deputy——

**Acting Chairman:** The Minister made her statement.

**Deputy Mary Hanafin:** I wish to move an order that might be helpful. We are due to take a sos at 5.30 p.m. and if it would assist the Deputy, he could continue with his contribution and move the sos back. We would be willing to do so, or if he would prefer, we could take a break. I am trying to be helpful to the Deputy.

**Acting Chairman:** The Order of Business was determined this morning. We are due to take a sos at 5.30 p.m.

**Deputy Mary Hanafin:** If the Deputy wishes to continue, it can be done by agreement of the House and I would be agreeable to it.

**Acting Chairman:** That can only come through the Whips and I have no direction from the Whips.

**Deputy Mary Hanafin:** No. It can happen on the floor of the House.

**Deputy Denis Naughten:** I would be agreeable to that but I realise the Order of Business was made this morning and I have no wish to breach the orders made this morning. There has been enough of that.

**Acting Chairman:** We cannot simply make order by decision here.

**Deputy Mary Hanafin:** We can, by agreement of the House.

**Acting Chairman:** The position is the Order of Business was made this morning. Unless the Chief Whip indicates otherwise to me, I will follow the Order of Business as agreed. I call on Deputy Naughten to continue.

**Deputy Denis Naughten:** How much time remains in this slot?

**Acting Chairman:** Some 18 minutes and 36 seconds.

**Deputy Denis Naughten:** I refer to the point concerning carers. It is appalling that home care support will be cut as a result of the need to carry out the swine flu vaccination programme. I accept it must be done but the focus of cuts should not be on the most vulnerable in society.

Other Members may wish to clarify the position when they make a contribution in the debate but I have not encountered any individual who has successfully received the Fair Deal scheme under the nursing home package. To the best of my knowledge, all such applications are being shelved until the new year. It is clear that the focus of the Government is to get people out of their homes and into a nursing home bed. However, at the same time they are not prepared to process those applications.

I refer to another aspect of the carers' allowance. Some 64% of people with an intellectual disability live in their own home. We are aware of the challenges facing parents who must take care of a person with an intellectual disability on an ongoing basis, 24 hours per day, seven

days per week. In my view the majority of such people should be canonised and should receive awards and recognition. Instead, we are cutting back the money they are due to receive. At the same time, they are saving the State approximately €70,000 per annum in the cost of residential care for a person with an intellectual disability.

I refer to the Christmas bonus because in her contribution the Minister air-brushed it out and made the point that we are dealing with only a 4.1% cut. However, at issue is a 6% cut in respect of the income people will receive as a result of the cuts that will be implemented before Christmas and the cut that will be implemented afterwards. On 27 October last year, the Minister stated:

Even with the challenging budgetary situation, the payment of this additional money to social welfare customers is a clear sign that helping those most in need of support remains the key priority for the Government. We all recognise that there are significant pressures for families and individuals around Christmas time, and this funding will go some way towards meeting their needs.

However, we will not give them a cent this Christmas. Christmas has been cancelled for many of those social welfare recipients and they are struggling to survive at the moment. They will have to turn to expensive money lenders and are likely to fall deeper into debt. There remains a difficulty in respect of debt collectors in this country the cause of which the Government has ignored time and again. It has not regulated this area.

I refer to social welfare fraud. I was disappointed with the announcement by the Minister yesterday that the target for next year is €83 million less than the 2009 target. Significant potential savings could be made in the area of fraud control and prevention. I accept the fraud controllers are busy processing claims and, as a result, they have been diverted from fraud prevention, as highlighted by the Comptroller and Auditor General.

I put on record that the Minister's control unit is doing an excellent job under very difficult circumstances. Recently, I had dealings with the control unit in respect of a particular case and I was very impressed with the level of detail it had available. However, it was amazing that although such detail was available to a control unit for a considerable period, a particular case of fraud continued for five years. It is clear that if the resources are allocated to the control unit, based in Carrick-on-Shannon, it could carry out a good deal more work than at present. I accept that every inspector in the Department of Social and Family Affairs is conscious of fraud. However, a good deal more could be done and, as I remarked earlier this week, additional staff are available with a suitable skill set in the Department of Agriculture, Fisheries and Food. Meanwhile, four or five agricultural inspectors are landing out on a farm, trying to justify their existence. Surely, it would make more sense to second those staff to the Department of Social and Family Affairs and to get them to do what they are very good at doing, that is, going through and using the data available. The Comptroller and Auditor General has highlighted the fact that in four or five cases of over-payment, the data are available to the Department already.

I am also disappointed that it has been disclosed this week that the integrated public service card will cost approximately €24 million to roll out. That represents very small money. Fraud is a significant issue. In the departmental targets set out for fraud in 2007, 2008 and 2009, the target is €1 billion. Surely, that falls short of the level of fraud taking place.

**Acting Chairman:** As we have reached 5.30 p.m. I call on the Deputy to adjourn the debate until 6.15 p.m.

**Deputy Denis Naughten:** I presume I will have credit for interruptions.

**Acting Chairman:** That option is available to the Chair.

Debate adjourned.

### **Adjournment Debate Matters.**

**Acting Chairman:** The following matters in respect of which notice has been given under Standing Order 21 were received by the Ceann Comhairle, and this is a list of the name of the member in each case: (1) Deputy Leo Varadkar — the proposed merger of Connolly Hospital and Beaumont Hospital, Dublin; (2) Deputy Michael Noonan — the administration of the rent allowance scheme and specifically the transfer of responsibility for it to the Department of Social and Family Affairs; (3) Deputy Beverley Flynn — the co-location of various agencies with the Department of Agriculture, Fisheries and Food, especially in the County Mayo area; (4) Deputy Thomas P. Broughan — the need to rehouse families located at Priory Hall, Donaghmede, Dublin 13; and (5) Deputy Mattie McGrath — the future of the Tipperary Institute. The matters raised by Deputies Thomas P. Broughan, Beverley Flynn and Mattie McGrath have been selected for discussion.

*Sitting suspended at 5.30 p.m. and resumed at 6.15 p.m.*

### **Social Welfare and Pensions (No. 2) Bill 2009: Second Stage (Resumed).**

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

**An Ceann Comhairle:** I call on Deputy Naughten. He has approximately 13 minutes remaining.

**Deputy Denis Naughten:** I am pleased you used the word “approximately”. I presume I will be given the same leeway as the Minister was given earlier.

I spoke previously about fraud and I wish to move on to the treatment of children in the budget. This country is one of the few developed countries in the world that has failed to recognise children within its taxation system. As I indicated last week, we have a crazy situation where one can get tax relief for waste collection but not for raising children. Child benefit is the only recognition that is provided by the State of the costs associated with child care. A cut of 10%, as proposed in the Bill, will hit every family in the country, but it will hit families on low incomes hardest. The compensation package proposed by the Government on the qualified child dependant increases and supports such as family income supplement will create welfare traps but will also leave families short-changed.

In her press statement yesterday the Minister had the headline, Pensioners and Vulnerable Children Protected Despite Budget Cuts. That is clearly an untruth. Pensioners will pay an extra 50 cent for a bale of briquettes and an extra €2.40 for a bag of coal. They will pay 50 cent for every prescription item they get on their medical card. They have already lost their Christmas bonus. The cut to child benefit amounts to €221 million. That will hit every family, and it will hit the lowest earners hardest. Mothers who are on social welfare or working in low paid jobs will feel the brunt of those cuts. Many of the latter will wonder whether it is worth their while to continue in employment.

Last night I examined the three examples the Minister provided in her document of families with children who are on social welfare. The jobseeker couple with no earnings and two children will be worse off after the budget by €59 per month. That is nearly twice the child benefit cut. A lone parent with earnings of up to €145 per week with one child will be €35.50 a month worse off. Again, that is approximately twice the child benefit cut. Even a working couple on

low income in the public sector with four children will be just short of €600 a year worse off as a result of the budget. It is another example of the short-sighted measures taken by the Government in saving money while, at the same time, turning its back on the protection of the most vulnerable in society.

The Government has given no recognition to child care provision. We see in the fine detail of the budget that there will be cuts in funding for child care supports and in the capital programme. For the vast majority of families, child benefit is not a luxury. For thousands of households, it is used to assist with mortgage arrears or to make up rent payments or by those trying to cope with personal debt. Why should children living in households in which there is a high level of personal debt and a limited disposable income be penalised as a result of the changes in this budget? This comes on top of the changes to child benefit earlier in the year where it was axed for those of 18 years of age and over in full-time education. The early child care supplement will be cut from 1 January next.

The reality is that this Government is singling out parents and penalising them. I cannot understand why the Government is not honest with the public and does not say that it wants to tax children because that is what this will be seen as in the long-term, that is, a Neanderthal step by the Government. Every other country in Europe is trying to support children and women but in this country, we are trying to undermine them.

On the other hand Fine Gael, in its pre-budget proposals, specifically set out to protect child benefit because we believe it is a vital part of the income for every child and has a fundamental role in meeting the cost of rearing children in our society. The child dependent allowance was seen as causing poverty traps and that is why the Government moved away from that focus and put the resources into child benefit. Now it is turning that on its head and creating further poverty traps.

This is a budget for recession and not one to get us out of recession. Despite the obvious challenge the Government faced, it failed to set out a clear and deliberate jobs strategy to arrest and reverse the tide of increasing unemployment. The best way to make savings in social welfare is to get people back to work but instead Fianna Fáil plans for an extra 75,000 job losses next year at a cost of €1.5 billion. We had to wait until page ten of the Minister's speech before she mentioned jobs because it is not the priority it should be.

Fine Gael is the only party to publish a credible jobs stimulation package that takes people off social welfare and gets them back to work or into further education and training. There is no job creation strategy from the Government. The budget lacks conviction and lacks ambition. The only strategy the Government has is to put more funding in the discredited FÁS organisation and to leave responsibility for creating jobs to the Tánaiste and Minister for Enterprise, Trade and Employment. What jobseeker's need is the hope of getting a job. That is where there focus is and what they are looking for from this Government.

Fine Gael is the only party to set out detailed proposals that would create and protect more than 250,000 jobs and training opportunities in the economy. We take an entirely different approach to the economy than the Government. We are serious about creating jobs. We are not only talking about jobs but we have serious, detailed and costed plans for the generation of jobs and protection of existing jobs.

We set out proposals in regard to a PRSI tax break to support 6,000 jobs, the roll-out of an €18 billion stimulus plan to create 10,000 jobs in 2010, youth unemployment initiatives that would take 30,000 people off the live register next year, the abolition of the airport tax, the reversal of the VAT increase, which the Government has acknowledged, and the reduction of the 13.5% VAT rate to 10% which would create 7,500 jobs next year.



[Deputy Denis Naughten.]

There was very little mention of jobs in the budget. What it does is encourage more people to give up work and sign on to the live register. Public sector employees on very low income will take serious pay cuts as a result of yesterday's announcements. An office cleaner in the Department of Finance will take a greater proportionate cut in pay than the Minister for Finance. The Government flunked its own target of €1.3 billion in savings and is targeting those on low incomes with significant cuts. We have not heard about the rationalisation of quangos or the targeting of waste in the public service.

More public servants will be eligible for family income supplement. For example, a public servant on €45,000 per annum with three children will now be eligible for family income supplement from January. Some 162,000 public servants fall into that income category. I got an e-mail earlier, which I believe was sent to every Member, from a public servant with four children earning €62,000 per year who is a grade seven section head, has 25 years service in the public service, has three honours degrees and qualified as a solicitor. She would get an additional €121.30 per week on the dole than what she is getting currently. That does not include the impact of the medical card. She would not have to pay €100 per month for medication, €600 per year for school transport or €2,256 per year for VHI. That is a clear example of what the changes in the budget will do to public sector workers. Again, the Department of Finance has ignored the calculation in regard to the impact that its cuts will have on very vulnerable public sector employees who will now be eligible for family income supplement.

Sadly, this budget ignored youth unemployment, makes little effort to stimulate job creation and is sending out a clear message to young people that the only future they have is to emigrate. Budget 2010 should have been all about jobs but instead it is a budget of despair. The budget will not get the economy up and running and will not get the country back to work. It sends out a clear message to young people that they are not wanted, that they should get on an aeroplane and leave. That message is being sent out because of the lack of direction and thinking in this budget.

The Minister said she will reduce payments to people who unreasonably refuse offers of work, training or education. What is the definition of "unreasonable"? Will we penalise people who cannot get a job or go on a course? It is great in theory but not in practice. Where are those jobs and training courses?

The Minister announced in the budget that €56 million will be made available for short term courses in FÁS but he also announced a cut of €48 million in regard to Youthreach, the vocational training opportunities scheme and student grants, which will have a direct impact on young people. That is the message being sent out. He is giving with one hand and taking back with the other.

It is a pity this new found attitude in regard to getting people off the live register was not thought of during the boom when people were claiming unemployment payments because allegedly they could not find work at a time of full employment and when Ministers were travelling all over the world asking people to come to this country to take up jobs as we could not fill them. We are now begrudgingly giving those people who came to this country, contributed to our economy and paid PRSI social welfare because they have lost their jobs. If we had taken a different attitude at an earlier stage, perhaps we would not be in this mess and we would not have had a 158% increase in unemployment among the under 25 year old population in the past two years leaving 84,000 young people on the dole. There are 659 in County Leitrim and 829 in County Roscommon. One in four young people is now out of work in this country and very little is being given to them by the Government. It is giving it to the FÁS project but taking it away by undermining the VEC structure.

The Minister is setting a target of 4% or €20 million for rent supplement. We all know that far more can be saved by moving people from rent supplement to the rental accommodation scheme. If the long-term leasing initiative from the Minister of State, Deputy Finneran, could be scrapped, it would save €20 million by itself. Reform of rent supplement in terms of a deposit retention scheme would bring in an additional €7 million. A reduction in rents, an average of 8%, would save €14 million. There are significant savings to be made.

I remind Members that the Taoiseach stated recently that budgets are not simply about balancing the books, that they are about acknowledging what we see as important to society. I agree with the Taoiseach's comments but penalising carers, the disabled, widows, children and the blind while bailing out the bankers is not what I consider important to society. The Bill before us is appalling as it victimises the most vulnerable in society while letting the Seán Fitzpatricks of this world away with blue murder.

**Deputy Róisín Shortall:** The 2010 budget is the most socially divisive budget we have ever seen. It pits rich against poor, the employed against the unemployed, public sector worker against private sector worker and old against young. It was a “divide and conquer” budget and this social welfare Bill is the main instrument.

For the second budget in a row, the social welfare Bill will, incredibly, yield more savings for the Government than the finance Bill. Whatever happened to a Minister for Social and Family Affairs who would stand up for the poor? There is a long tradition among Ministers for Social and Family Affairs of fighting the corner of the less well-off. One thinks of previous Ministers, such as the late Séamus Brennan, who was not particularly interested in the social welfare area when first appointed but turned out to be a strong and effective advocate of the socially excluded.

**Deputy Mary Hanafin:** It is a pity the Deputy did not say that when he was alive.

**Deputy Róisín Shortall:** In addition, there were outstanding and visionary Ministers like Brendan Corish and Frank Cluskey. Deputy Michael Woods turned out to be a real champion of the social welfare system during his time in the Department. Even in difficult times he always fought his corner on behalf of the poor at Cabinet to ensure the social welfare budget was protected. He saw his role as being the voice of the poor and being in Cabinet to protect the social welfare budget.

Regrettably, the present Minister has done the opposite. She has bought entirely into the right-wing agenda and has absolutely failed to protect the poor. In the lead-up to the budget, sickeningly, she repeatedly stated that the last thing she wanted to do was cut social welfare but at the same time she was engaged in negotiations to do just that. The social conscience of Fianna Fáil seems to be dead and gone; one could say it is with Ernest Blythe in the grave.

I have already read the wording of the amendment which I propose to the Second Stage reading. Given that it is already on the record I remind the Ceann Comhairle that I will press the amendment at the end of Second Stage.

The 2010 budget allows those who are largely unaffected by it to praise the Government for taking the right decisions and for making the tough choices, as they say. Tough decisions are only right if they are fair. This social welfare Bill is patently unfair because it makes those on the lowest incomes pay the price for the recklessness of Fianna Fáil over recent years.

In the annex to the budget, an example outlines the effect of the budget's provisions on a single person in the private sector earning in excess of €250,000, and it shows no change in such a person's net income as a result of the budget. How on earth can the Minister justify

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taking €8 per week from a carer or a person with a disability, for example, when an individual with an income of €250,000 or more is not asked to contribute a single extra cent?

It seems that as far as the Government is concerned, it is okay for over-generous and unnecessary tax reliefs to remain untouched. The Government could have yielded the same net savings of €760 million if they had scrapped property tax relief schemes and reformed the multi-million euro pension relief schemes. In the run-up to the budget the Minister repeated that she did not want to touch social welfare or that it would be the last section to be touched but there is no choice. That is absolute nonsense as the Minister had choices. She should at least be honest enough to admit that. Choices were set out, for example, in the pre-budget policy document produced by the Labour Party.

The Minister for Finance outlined in last April's budget the manner in which he intended to proceed to achieve the €4 billion in savings. He indicated a mix of tax measures, tax spending reductions, ordinary Government spending reductions, public sector pay savings and savings in the capital fund. The proposal put to the ECB last April indicated that a mix of measures was required to achieve the savings. He has since flipped his position and moved entirely from the notion of making any savings whatever on the tax front.

As the Labour Party has pointed out, the result is that we continue to have a position where multi-millionaires and the very wealthy in this country can avoid paying tax as a result of the many tax breaks which continue for them. For example, there are property-based tax reliefs and it was possible, without any serious difficulty, to save more than €400 million on those schemes. They are untouched. Some wealthy people can afford to put away pension pots of €5.5 million and the Minister cannot wash her hands of that pension policy.

People can stash pension pots of €5.4 million and when it comes to retirement, they can take tax-free lump sums of €1.3 million. How can the Government justify not touching those people in the budget? It allows rich people to take lump sums of €1.3 million and sees it as acceptable behaviour. Instead of touching those people, the Government has decided to hit people at the very lowest level of income who are dependent on the State for a fairly miserly social welfare payment of €200 or less per week.

Where is the justice and fairness in such action? I have given two examples of blatant unfairness in our system. People who are very well off and have done extremely well from the boom years can continue to avail of ridiculously generous tax reliefs to assist them in avoiding paying any tax. The Government is saying that is fine. It is all right for a wealthy person to be given a tax free lump sum of more than €1 million but it is not all right for people struggling on social welfare to retain their payment rate. The Minister should answer that question. She said on several occasions that cutting social welfare was the last thing the Government wanted to do. It turns out that was not true at all; in fact it was a blatant lie. It was one of the earliest decisions taken on cutbacks.

**An Ceann Comhairle:** It is inappropriate to make that accusation against any Member and I ask the Deputy to reconsider her comment.

**Deputy Róisín Shortall:** I withdraw it.

The claim made by this and other Ministers that social welfare was the last item they wanted to cut is completely and utterly untrue. It was one of the first items they decided to target. She decided it was all right for rich people not to pay a price or to make a contribution to our recovery. It is all right to allow them to avoid paying tax through property-based tax relief schemes and outrageously generous self-administered pension schemes and reliefs for director's

pension, yet she will hammer people on social welfare. When the Minister concludes the debate tomorrow, will she kindly explain her thinking in that regard? How can she justify cutting social welfare while an extraordinary, ridiculously generous corporate welfare regime is retained?

The Government will provide €11 billion for the banks, while, at the same time, falsely claiming it cannot avoid cutting welfare for people who need it. This is the backdrop to the budget and it is an affront to the public. It is wrong to say these welfare cuts were necessary and the Minister repeated this comment twice earlier. It is simply untrue. This Bill represents a direct attack on the less well off and it is cold, deliberate and calculated. It will make the poor pay for the mistakes of the Bertie, McCreevy and Cowen years, and it has turned the recession into a repression of the least well off. Much of the commentary by so-called experts in the run up to the budget referred to the need to cut social welfare, yet these people know nothing of what it is like to live on little money. If they ever experienced hardship, they have long forgotten what it is like. They know little about what it is like to struggle to cope with demands from the bank, the utility company and one's children unlike when one was in a position to provide for oneself.

It is of equal concern that much of this was done with the agreement of Fine Gael. The run up to the budget was characterised by a hard man competition between the two Civil War parties to see who could be the toughest. I was gobsmacked when Fine Gael advocated a 3% cut for the unemployed. Is that meant to represent an alternative to the Government? It was an act to look tough. It was more like macho economics than macroeconomics. Representatives of Fianna Fáil and Fine Gael said the unemployed are lazy, they are unemployed because it is their own fault and they need to be forced back to work by squeezing their income. The fact of life for people who have lost their jobs is different from that. I do not know whether the Minister ever speaks to such people in her constituency clinics to realise how devastated they are. They spend hours every day applying for the few jobs that are advertised and they go around handing in curricula vitae to businesses. They are utterly demoralised when they cannot find a way of earning an income to look after their families. The Minister should try telling them to their face that it is their fault they are unemployed. That is what she is doing by targeting the unemployed for cuts. It is hard to be more heartless than that.

This approach hits the less well-off for the sake of political gain and credibility in the media and it has nothing to do with improving the economy. I am disappointed with those in the media who, through laziness, bought the entire Government spin on the budget hook, line and sinker. Many of them are economic commentators who have vested interests. As Deputy Gilmore said earlier, they often fail to disclose those interests. Several others work on behalf of media outlets that have clear vested interests and they came out talking tough about how the unemployed and others on welfare, those on the minimum wage and public servants needed to take a cut. They have an absolute cheek to do that. There is no prospect of them having to survive on €204 per week. They would not think twice about spending it on a night out. It would be small change for them and they have a neck to use the media to act as cheerleaders for this right wing Government and to encourage Ministers to cut welfare.

We have a high welfare bill because the Government has failed to stem the explosion in unemployment we have experienced over the past two years and not because payments are over generous. The Government parties have taken their eye off the ball regarding job protection and job creation and that is why the social welfare bill is high. They need to address that now.

I refer to the practical effects of this Bill. Everyone on welfare aged under 66 will be hit by a reduction in their basic income of approximately 4%. On top of this, there will be no Christmas bonus next year, which represents a 2% cutback. They face higher drug payments,

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new prescription charges, cuts in dental services and a 4% reduction in rental support if they are in the private rented sector. The cumulative effect of all of these cuts is vicious. Someone who has recently lost his or her job and who is in receipt of jobseeker's benefit not only has to deal with a substantial drop in income but he or she now will also lose €432 as a result of the budget. This is the same as kicking people when they are down.

A jobseeker in his early 20s stands to lose €2,823 annually. Child benefit has been cut by 10% just as the early child care supplement is abolished. A family with two children aged under five could lose €1,380 and a new poverty trap has been created to boot. A widow stands to lose €641 per year in the budget. A person with disabilities on disability allowance will lose €636 annually. In addition, she will have to pay €5 per week under the drugs treatment scheme, 50 cent for every prescription she fills, and she will have to go on a long waiting list to access dental treatment because of cutbacks under the treatment benefit scheme. A couple on invalidity pension aged under 66 will lose €1,100 per annum. Carer's benefit has been cut by €648 per year while a blind pensioner couple stands to lose up to €1,455 annually. There is still no reform of mortgage interest supplement or of any of the many other poverty traps throughout the system.

I will now consider some of these cuts in more details. The cut of 10% in child benefit payments proposed in section 7 of the Bill represents yet another attack by the Government on families. For families with very young children, the cut comes just as the early child care supplement is abolished. In addition, child benefit has already been cut for 18 year olds, a decision which will undoubtedly lead to a much higher rate of young people dropping out of school and college.

The effect of the two budgets this year is that a single income couple earning €40,000 per year with two children under five years of age — not wealthy people by any means — will have €370 less income per month. That is without counting any cuts in pay. It proves that the Government is placing the biggest burden of adjustment on families. Despite the general decline in prices, many of the regular costs faced by working families, including crèche and doctor fees, remain very high and have not been reduced. In addition, the measures targeted to compensate low income households for the general cut in child benefit effectively ends the universality of child benefit. This is a huge social policy error which introduces yet another poverty trap into the system.

The family income supplement, FIS, continues to be a payment that is simply not achieving what it is meant to. It has a low take up for many reasons; it is complex, employers do not like it, it does not suit flexible working times or intermittent work patterns and it does not factor in costs such as child care or mortgages. It is disappointing that yet another social welfare Bill is presented to the House without reforming FIS, particularly so when the Minister is relying on it as a targeted measure. It is quite clear that many of the people in families where the head of the household works for a low income will feel the brunt of the cut in child benefit and will not have the benefit of the proposed compensating measures because they do not claim FIS. Everybody knows FIS has a low take up and those families and children will be the ones to pay the price in the budget. I thought the comments of the Children's Rights Alliance on the effect of the budget were interesting. It stated that selecting for cuts payments targeted at children demonstrated that nothing, not even childhood, is safe from the Government's knife.

The impact on young jobseekers is particularly harsh. Section 6 seeks to restrict jobseeker's allowance payments to €100 per week for those aged 20 and 21 years. A jobseeker aged 22, 23 or 24 years stands to lose €54 per week or €2,823 per annum. For a 21 year old, the loss is €5,424 per annum. This loss of income is bad enough, but it is the intention of these measures

that is particularly offensive. It is abundantly clear that the real purpose of these reforms is to promote emigration. It is profoundly hypocritical that the Government continually uses the “brain drain” excuse for not increasing income tax on very high earners yet is introducing a series of cutbacks for those aged under 25 that actively promotes such a brain drain.

Young people who have gone through college, worked hard and obtained degrees and who now find themselves unable to find employment through no fault of their own will be driven out of their home country through this measure. There is no question about that. Those affected by these cuts can boost their income if they attend a training course but where are these training courses? When a cut was made for those aged under 20 in the April budget it sounded fine. The principle is grand; people can go on training courses and receive the full rate payment. However, this is not what happened. Figures released to me recently show that three out of every four people under the age of 20 in receipt of jobseeker’s allowance did not get a training place and are trying to survive on a payment of €100 per week. There is an obvious financial disincentive for the Government to provide training courses because of the substantial costs involved. That is what this is about; putting the squeeze on young people and getting them to pay for this recession. It has very little to do with training when one considers the dearth of training places available for those looking for them.

Insured workers paying into PRSI have a legitimate expectation of receiving dental and optical treatment and this is being cut. There is also a cut of €30 million in dental treatment for people on medical cards.

Tomorrow, we will vote on all of these measures and it seems that the Government will be supported in those votes by a number of people who do not hold the Fianna Fáil Party whip. I am speaking about Deputies Grealish, McDaid, Healy-Rae, Lowry, Devins and Scanlon. I am a member of the Joint Oireachtas Committee on Social and Family Affairs of which Deputy Healy-Rae is the Chairman for which he gets paid a handsome allowance. There is no obligation on Deputy Healy-Rae to support these social welfare cuts tomorrow. As Chairman of the Joint Oireachtas Committee on Social and Family Affairs he would be acting in absolute bad faith if he supported them. Over the past year, umpteen groups have come before the committee to outline to us the very real hardship caused to many of their people as a result of the previous two budgets. They have made it very clear to us that the poor simply cannot take any more cuts. Deputy Healy-Rae is not in any doubt about the hardship that people on social welfare encounter. He has to make a decision either to support the Government by voting for these social welfare cuts or to vote against them and continue as Chairman of the Joint Oireachtas Committee on Social and Family Affairs. It is completely and utterly incompatible for somebody in the role of Chairman of the Joint Oireachtas Committee on Social and Family Affairs to vote to implement the harshest cuts on the most vulnerable people.

Yesterday, he was on the airwaves telling us a cock and bull story about a deal for a 42-bed hospital. Did the Minister for Health and Children know anything about this? The chances of that hospital seeing the light of day are slim to none. I hope the constituents of Kerry South, those people dependent on social welfare who have disabilities or children or who are unemployed or lone parents, are aware of what their Deputy Healy-Rae plans to do tomorrow. If he votes for the Government’s cuts he is selling his constituents down the Swanee. As is the case throughout the country, many people in Kerry South are dependent on social welfare payments. If he votes in favour of the cuts tomorrow I will call on him to resign. If he has any shame at all he should resign his position as Chairman of the committee.

I call on the other five Deputies who seem to be positioning themselves to support the Government to make it clear to their constituents what they are doing. There is no obligation

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on them to support this. They are not under a whip. It is their choice. If they vote for these cuts they must face the consequences in their constituencies.

It is quite clear that Fianna Fáil no longer has a social conscience. It could not have introduced this budget if it had any element of a social conscience remaining. The Government had choices; it could have hit those who can best afford to pay. Instead it chose to leave millionaires alone. They chose to hit the most vulnerable and those who depend on the State to survive. That is a far cry from the kind of ideals espoused by the founding fathers of the Fianna Fáil Party.

It is clear Fianna Fáil has lost its social conscience. The position in respect of the Green Party is simply incredible. Fianna Fáil is the party of the developer, the banker and the speculator and it shows little regard for ordinary people who are trying to get by. In such circumstances, one

7 o'clock would have thought the Green Party would have tried to exert some influence on Fianna Fáil so that the budget might have included some element of fairness.

I do not know the whereabouts of the Members who represent the Green Party. They have not been present in the Chamber today at all. They rarely appear when a serious debate takes place in the House and I do not believe they understand the concept of social welfare. Their heads appear to be in the clouds. They do not understand the reality with which people are faced in the context of trying to survive and rear their children while on social welfare payments.

The Members of the Green Party are an absolute disgrace. Those of us who thought they would have put the brakes on Fianna Fáil and prevent it from running riot in respect of the most vulnerable were wrong. It is clear, however, that those to whom I refer have bought into the Fianna Fáil ethos. They have lost the run of themselves and, just as Fianna Fáil did long ago, sold out on ordinary people.

**Deputy Cyprian Brady:** I wish to share time with Deputy Conlon.

**An Ceann Comhairle:** That is agreed. There are 20 minutes available so I take it the Deputies will each take ten minutes.

**Deputy Cyprian Brady:** Yes. Only those who have undergone the experience know how difficult it can be to try to survive on social welfare payments. All Members can do is imagine what must be involved. I worked in employment exchanges for many years during the 1980s and 1990s and I saw at first hand how important welfare is to people. The choice with which the Government is faced is whether it should continue to provide the type of welfare system that will prove adequate to meet people's needs.

I am particularly annoyed by social welfare fraud. Such fraud has been occurring for many years but recent television coverage has highlighted the problem again. In effect, fraud takes money out of the pockets of those who need it most. Any attempt, such as that in the Bill, to crack down on fraud must be welcomed. Every euro saved can be given to those who need it most. It is hoped that in 2010 the anti-fraud provisions in this Bill will lead to €500 million being saved.

During the past ten years, social welfare payments were increased across the board. It must be accepted that when one gives someone something on which they then become dependent, it is extremely difficult to take it back. No one on this side of the House wants welfare payments to be reduced. However, we must also be cognisant of the fact that we will still pay out €21 billion in this area in 2010. It is a difficult choice. By means of this Bill the Minister will, by

making reductions no one wants to see being introduced, protect two particularly vulnerable groups, namely, the elderly and children whose families depend on social welfare payments.

The Bill will ensure that those most dependent on social welfare will continue to enjoy what remains one of the highest rates of payment in Europe. For us to sustain that rate of payment, we must manage the income available to the country. When we had the facility to do so in recent years, we managed to increase payments so that people benefited greatly. People should not lose sight of that fact.

The elderly continue to enjoy reasonable pensions and they will retain the additional benefits that go with them, such as those relating to fuel, travel, TV licences, electricity and gas supplies and telephone services. I have first-hand knowledge of how important such benefits are to older people living in my constituency, regardless of whether they have families. The elderly appreciate what has been done for them and several of them have informed me of that fact.

As the Minister pointed out, the main thrust of the budget is to retain as many people as possible in employment during 2010 and to protect those who have lost their jobs. The PRSI incentive scheme for employers contained in the Bill will provide assistance to employers taking on new employees. This will make a major difference and will result in an 8% to 10% saving in respect of the cost for each job created. That is a major incentive for employers to continue to take on new employees.

I welcome the fact that there will not be a change in respect of family resource centres. I am a member of the Joint Committee on Social and Family Affairs, which has met numerous groups which have highlighted the importance of such centres. The family resource centres play a major role in urban areas and they have a major impact on local communities in rural areas. I welcome the fact that we can continue to fund these centres to ensure that the services they provide on a day-to-day basis will be maintained.

If changes are not made in respect of the amount we spend on social welfare at present, we run the risk of being obliged to make massively savage cuts in the future. The idea behind the budget is to avoid that eventuality. If we do not have money available to make social welfare payments, then people will suffer even more. The point with regard to the changes contained in the budget is that they will reduce the effect of any cuts that have to be made. The average reduction in payments for social welfare recipients under the age of 66 will be 4.1%. In light of the fact that prices in general are falling and that the cost of living has decreased, it makes much more sense to make these modest cuts now rather than waiting and being obliged to drastically cut some payments at a future date. The alternative would certainly do those dependent on social welfare no favours.

Families and individuals in my constituency depend on having access to some of the services and payments provided by the Department of Social and Family Affairs on a daily and weekly basis. The changes being introduced now will ensure that in the future we will be able to sustain, to the best degree possible, social welfare rates of payment.

When young people leave school or college, they require a way forward. That is particularly true in the current climate, when employment is scarce. Young people need an incentive to remain in education, to engage in further training or to reskill. In that context, many courses and back to education opportunities will be provided next year. Such courses are not inexpensive. We must maintain the level of spending in this regard and ensure that choices are available for young people.

Even in the good times a number of graduates chose to go away for a number of years after university. That will continue. If we can encourage people to remain here by providing alternatives for them when they leave second level and continue to third level or pick up new skills,



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it is a worthwhile investment. Some of the changes made in this aspect of the budget dovetail with the additional training places made available by the Department of Enterprise, Trade and Employment. No one welcomes the fact that we must adjust our welfare payments downwards. We are doing it for a reason, which is to sustain payments into the future. That is the only way we can manage to get through this situation.

**Deputy Margaret Conlon:** I welcome the opportunity to make a contribution.

By any standard, expenditure of €21.1 billion is a significant amount for a Department. This represents an increase of €676 million. I am sure the Minister wishes the sum was falling because the increase is due to the fact that more people are signing on the live register. However, it is accepted by all sides that savings of €4 billion were needed. It would be foolhardy to believe social welfare could remain untouched. Social welfare spending accounts for one third of our day-to-day spending and represents one of the biggest spending Departments alongside the Departments of Education and Science and Health and Children. We could not leave it as it was. As a country, we could not continue to borrow €420 million per week to sustain our day-to-day spending. Any household, business or individual spending more than is being taken in must put on the brakes. One has to do something about this, make sacrifices and make changes. One must take steps to rectify the position. The Government had no choice but to do this. It was faced with a dilemma of whether to cut rates or services in respect of social welfare. Cutting the rates was a better option because diluting frontline services will place undue hardship on those who need services most. No amount of money can compensate people for inadequate services.

I welcome the fact that we have excluded the State pension from any cuts. The recipients of this have made their contribution to society, paying taxes during previous recessions, when times were bad and it was very difficult for them. We recognise that they are in the later years of their lives and have made their contributions. They do not have the opportunity to supplement their incomes and it would be unfair of us to expect them to rely on their families to support them. I welcome the fact that the household benefit package remains intact. Many elderly people have a new lease of life because of this. They can hop on a bus and take a tour around the country or take the train. They also receive free telephone services and this has made life much better for them.

I spoke to a woman in her 80s last week before the budget. She was widowed when she was in her 30s and was left with a very large family. She told me that she had seen the best of times and the worst of times. When she was raising her children it was very difficult for her to tell them that they could not have certain things they wanted because she could not afford them. If the kitchen needed to be painted and she did not have the money, she did not do it. She did not have the capacity to borrow and did not want to put herself into serious debt. As a person who benefited from the State pension, she told me that if contributing €20 a week of her pension would help make the country a better place, she would be willing to do so. She said that she could not afford to do it but that she would make sacrifices again if she had to. These are the kind of people we have in this country, people who are willing to make sacrifices.

A man in receipt of welfare payments telephoned me this afternoon. He was not pleased that he faces a cut of more than €8, but he has decided to stop smoking. The reduction equates to a packet of cigarettes and he will do without them, which would be healthier for him. He will make that sacrifice if it is for the good of the country. As a country, we support those who need welfare. It is widely recognised that the increases have been very generous over the years. We have one of the best welfare systems in Europe. In the past 12 years, pensions have

increased by 120%, unemployment benefit has increased by 130% and child benefit payments have increased by 330%. These are not insignificant increases by any standard.

I do not underestimate the difficulties facing Irish families, nor do I want to be insensitive to them. Every family in this country is hurting for one reason or another. What is important is that we have a social welfare system that is sustainable for the future. We must continue to protect those who are most vulnerable. If we did nothing, and left the social welfare system as it is, we would find ourselves in a worse situation. Standing still is not an option. If our country ends up bankrupt, what good would it be to those who rely on the State to support them and provide them with an income? That is the reality we face. No Minister or Deputy wants to make difficult decisions. Would we not all like to be popular? However, we cannot be distracted or attracted by the lure of populism. It is much more important to do the right thing.

As a mother, I understand the feelings people have on the reduction in child benefit. I would have preferred if we did not have to reduce child benefit but the straight cut was the fairest way. There are major logistical and legal difficulties with taxing and means testing. This is a universal payment to the mothers of Ireland for the most part and it is important that they still receive some payment, albeit reduced, for their children. I welcome that the Minister sought to protect people on welfare by increasing the qualified adult amount to compensate for the reduction in child benefit.

One of the major responsibilities of this Government is to encourage people to get back to work or undertake training or education. We cannot have a culture of dependency on welfare. We cannot create or sustain it and the longer young people remain on welfare, the more difficult it becomes for them to get back into training, education or work. We must provide incentives to ensure they get back into work.

**Deputy Fergus O'Dowd:** Should people starve?

**Deputy Margaret Conlon:** It is a very reasonable proposal——

**Deputy Fergus O'Dowd:** What about the blind and the disabled? Where will they get a job?

**Deputy Margaret Conlon:** ——that if one is on jobseeker's allowance and has refused an offer of education or training then one's benefit is reduced to €150. This measure was introduced in respect of 18 and 19 year olds and has been most effective.

I commend the Minister on the measures she introduced to tackle welfare fraud. In the past year, I have noticed increased activity by the Garda Síochána, the Customs and Excise personnel and officials from the Department of Social and Family Affairs. They have mounted checkpoints to crack down on welfare fraud and this is welcome. Anyone who engages in welfare fraud is stealing and taking money from the pockets of taxpayers. It is wrong and it must be stopped. I welcome the rollout of the public service card, which will go a long way to assist in the elimination of fraud. I also welcome the provision whereby social welfare officers may stop a vehicle and check people if they are suspicious of welfare fraud. They can also gain information from financial institutions if people are suspected of engaging in welfare fraud. We must make every effort to tackle this. It is incumbent on us all to ensure that this is stamped out. I also welcome the new scheme which encourages employers to take on unemployed people who have been signing on for six months or more. They will be exempt from PRSI for the first year of employment which saves employers 8% to 10% of the cost of each new job created. This is welcome because many employers are in difficulty.

I also welcome the fact that the funding for the family resource centres has been protected. I have been very involved with the resource centres in Cavan-Monaghan which are anxious to

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have their funding protected. They provide a very valuable service to the most vulnerable in our communities. Any savings will be secured through re-structuring the regional support agencies which is welcome.

Recessions are cyclical events. This one too will pass. By making the right choices, not the populist ones, to correct our public finances we hasten the day when more people will return to work and our economy will grow again. None of us takes pleasure in making these difficult decisions but they are necessary for the sustainability of our welfare system and our country.

**Deputy Michael Ring:** I wish to share time with Deputies Lee and O'Dowd.

I was disappointed yesterday that neither the Minister for Finance nor the Taoiseach apologised to the people for the way they have left the country. They should have apologised to those on social welfare, the public service and to the people. They have never once admitted that Fianna Fáil has destroyed the country. The weak, the sick and the public service are paying for this. I am glad to see that officials from the Department of Social and Family Affairs are here tonight with the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Finneran.

The last time I spoke on a Social Welfare Bill a Minister accused me of being racist because I raised the issue of personal public service, PPS, numbers. The Department and the Minister did damn all about it because they were not fit. I am asking them again to examine and check how many people outside this country are receiving child benefit. How often have they been checked to establish whether they are still living here? There are many people receiving child benefit in other parts of Europe who do not live or work here. It is time the Department started to check up on them instead of attacking the people on farm assist who cannot live in rural areas.

Since I was a boy, I and my father before me, have heard Fianna Fáil talk about Ernest Blythe taking the shilling from the pensioners. Fianna Fáil in the present Government took €4 a week from pensioners this year by stopping the Christmas bonus. They are every bit as bad as Ernest Blythe. The Republican Party attacked the elderly and the weak by not giving them their Christmas bonus.

Tonight we are receiving text messages and e-mails about people on disability benefit. People on disability benefit have many other needs and find it difficult to live on what they receive. The €8 cutback announced yesterday is a further attack on them. The Minister for Health and Children, Deputy Harney, and her party, the Progressive Democrats, PDs, are a part of the Government that has destroyed this country. For 20 years we heard about the wonderful PDs, how we needed them to reform society with an economy led by PD thinking. Deputy Harney has destroyed the PDs and they have destroyed the Government. The charge on prescriptions is a sick one. That will cost people on disability benefit €10 a month because they are sick and must visit the doctor and collect prescriptions regularly. This charge is wrong.

I never thought Fianna Fáil-the Republican Party, would take money from the blind and from carers. The late Seamus Brennan did an excellent job on behalf of carers as Minister for Social and Family Affairs. He must be very disappointed tonight in heaven watching Fianna Fáil-the Republican Party attacking carers who look after sick people. We do not pay them enough. They do a great job for us, keeping people at home for whom the State cannot afford beds. It cannot look after them. In every report on the subject elderly people who are sick say they want to die at home. I compliment carers for the job they do. I am disappointed that Fianna Fáil-the Republican Party would do what it did yesterday to carers. I never thought that would happen.

I have always made this point and will continue to do so, child benefit is one of the few payments that women receive into their hands. Many a woman who has come to my clinic has said that her husband has a good job and is the earner in the house but does not give her anything more than a bit of money for food. Child benefit is the money those women use to look after their children. They put the money away for school books, shoes or Santa Claus gifts. Fianna Fáil-the Republican Party took €16 from child benefit. I am disappointed in Fianna Fáil for the way they have treated people who pay PRSI contributions.

There will be more cuts from the Department of Social and Family Affairs. I am disappointed that the Government has attacked the sick, the weak and the people who most need help. I never thought that I would see the day when Fianna Fáil-the Republican Party would do this. I am not surprised by the PDs but the people spoke to them. The Green Party was wiped out in the local elections. God help it in the next general election. We will return to the old days, with Fianna Fáil holding approximately 24 seats on this side of the House and Fine Gael and the Labour Party in the majority. It will be a different Government. I am sorry that neither the Minister for Finance nor the Taoiseach apologised to the country for the state it is in.

**Deputy George Lee:** I am terribly disappointed that we are introducing a social welfare Bill that for the first time in living memory cuts social welfare payments to the poor and the most vulnerable, and that those choices have had to be made, particularly those that are being made and pushed through here. The cuts in social welfare payments are between 3.5% and 4.2% but the reduction in the social welfare Christmas bonus is in effect another 2% reduction. As a result the net disposable income of the most vulnerable people in the system for 2010 is 6%. The Bill has cut payments for carers despite the enormous value that they produce for our society, payments for the blind, for widows and the disabled. One third of requests to the Society of Vincent de Paul are for food and fuel costs assistance. The welfare benefits were too low to begin with. To cut them now is absolutely cruel and unfair and it is a shame. A total of 25% of people with disabilities live below the poverty line. They must be terribly distressed tonight to know that the Government will make them even poorer. They already have very high living costs in terms of heating and transportation. What we have at present is a disgrace because we will make their situation so much worse.

It is young people I have a particular bee in my bonnet about in regard to the Bill. Young people aged 18 and 19 had already had their social welfare payments reduced to €100 last year. In this budget, young people aged 21 to 22 have had their dole reduced by more than 50% to €100 a week. If the person is aged between 22 and 24, the payment is reduced to €150 and it is only those who are aged over 25 who will get the full adult social welfare payment. This is age discrimination. The difficulty we have is that somebody who is 24 may well be married with children and many other commitments. When such people become unemployed, they are being told they are not a full individual or a full adult. They may have worked for years and paid social insurance contributions and full tax but they are not considered to be a full adult or full individual, and are not given the same rights as somebody else.

Article 40 of the Constitution makes the position very clear. It states: "All citizens shall, as human persons, be held equal before the law." It qualifies the position by also stating: "This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function." However, it says nothing about age.

The whole point about age is that it is being used here as a discrimination and a differentiation. There are no "differences of capacity, physical and moral, and of social function" between a 24 and a 25 year old. There is no way one can differentiate between them yet, in

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the Bill, that is exactly what the Government is trying to do. There is no more difference between a 24 and a 25 year old than there is between a 34 and a 35 year old.

Take the case of a person who has worked from the age of 18 until the age of 24, paid a full six years of tax and social insurance, who is perhaps married with children and has become unemployed through no fault of his or her own. What does that person find? Despite all of their contributions, moral obligations and social functions, when they go to sign on, they will find they receive significantly lower social insurance support than somebody aged 25 who may never have worked and who may have come out of the system with just one year's contributions. I believe it is unconstitutional to treat people like that. I hope that, one day, some young person has the bottle to take the Government on, take it to court and prove that this is unconstitutional. They are equal before the law and the Government cannot discriminate like that. It is a disgrace. There are many people aged below 25 years who have plenty of social and moral responsibility and who have made a great contribution to this country.

There is no point saying we should look to Northern Ireland because it pays young people less. The British Government does not operate under a written constitution. We have it written down in black and white in front of our faces in our laws. We are not allowed or enabled to treat people in an unequal fashion like that. It is wrong, it is cruel and it is unfair.

With regard to families, a 10% reduction in child benefit was made as the Government wants to hit families because there is not enough money in the system. There is not enough money in the system because of the individualisation of the taxation system which happened in 2000 under this Government. In that system, single income families and families with children were discriminated against. As a result, child benefit payments were increased in a recognition that there had to be some balance. Now, when the chicken has come home to roost and there are insufficient taxes in the system, those families are being asked to pick up the tab again.

It is the child benefit payment that is taking the strain in regard to the reduction in the resources the Government has at its disposal. We are told that vulnerable children are those whose parents are in receipt of social welfare payments or social welfare support. That is a cop-out. There are plenty of vulnerable children whose families may well be working but who are heavily indebted, where perhaps one member of the family is unemployed and may not qualify for social assistance. Those children also require support and are vulnerable, but we are told they are not. We are told that qualified child allowance will be increased to help those on the dole. The reality about qualified child allowance is that we recognised previously, year in and year out, that it creates poverty traps and traps families in unemployment. When they get off the dole, they find they lose their allowance and they cannot afford the fall in income when they go back to work. It is a failed policy of the past and it cannot be used to get us out of the situation we are in at present.

I accept the social welfare bill at €21 billion is very high and that something had to be done to contain elements of it. However, what should have been done is to tackle the fraud. It has been reported this week that up to €2 billion of fraud is going unchecked in the social welfare system. People can use fake PPS numbers willy-nilly to establish new identities and claim for years with no consequences from the social welfare system. Who picks up the tab? It is the weak, the vulnerable, the children, the unemployed and the young. The Government must do the job. It must go out there and clamp down on that fraud so we do not have to suffer the indignity of having a society which makes the choices which are written into this law. It is a disgrace. The Government has hit the easiest and most vulnerable. It should go and do the hard job. It should clamp down on the fraud, get the €2 billion and recover the social welfare

system so we can all hold our heads high in dignity, and so the values we support are reflected within the system.

**Deputy Fergus O'Dowd:** This is a very important debate because it fixes forever in the eyes of the citizens of the Republic what our State is really about. If we measure anything in a modern society, it is that a caring democracy, a true republic, values all of its children equally but values particularly those who are disadvantaged — the disabled, the blind, the carers and the very young — in order to give them more — to give them respect.

We have to look after these people. Looking at the television earlier, I saw a blind couple being interviewed on RTE. Whereas in previous years, one would have expected to see that they benefited from the budget, they are being made the scapegoats for these Government policies. They have done nothing wrong in their lives. They have suffered from their disability. Most people who are disabled or blind suffer greater structural unemployment but they do their very best. They are loyal, honourable citizens of this State and the Government is damning them by taking from them their independence and their rights, including their right to go out and buy food for their families and to look after themselves. They are entitled to be held on high pedestals in this State. We must respect them, but the Government respects them least of all.

This is the Government of the builders, the bankers, the Galway tent, the corrupt politicians. The former leaders of the main Government party were absolutely and totally corrupt yet the people trusted them with their votes. Unfortunately, the Government has been in power for too long — for 18 of the past 20 years. It has lost touch with reality and the truth on the ground. The truth is that the people who are suffering most in this budget under the Government's iron fist are the weakest and poorest of all. The spin doctors say that 45% of people have not been affected, the middle classes are fine and the people who are not in State employment are fine. The only people who are suffering are this category of person. The Government's sums are wrong but at the heart of the Government is absolutely no respect for those who are most disadvantaged of all.

The Government is increasing the fee that people pay when they go to the chemist. At present, they pay up to €100 a month for medicine but the Government is increasing that to €120, which they must pay. We should examine the case of a person or family that has to get that amount of medicine in any one calendar month. These are not people who suffer from flu or a minor ailment. In many cases, they are seriously ill. They are cancer patients, heart patients and people with kidney problems, whose lives are held by a thread through the medicine they get. The Government is charging them more when they need that money as their demands for heating, food and sustenance are greater than they might ever have been at this time in their lives. Yet, the Government daggers them to the heart with this extra charge.

Take the general medical scheme. If a person has a medical card, he or she now pays for prescriptions. The Deputies opposite know this because such people come into their clinics as they come into mine. They come in with the long lists they got from the doctor. If I go to the chemist for a prescription there might be one or two items on it but these people have multiple items. Many of them are senior citizens and they will be fearful that they will not be able to pay for their medicine at the chemist. If they have five or ten drugs on a prescription what will they do? This Government will make them pay for them when they cannot afford it, it is making them suffer and even greater indignity. In this modern State, the weakest of the weak are being made to suffer, the poorest of the poor.

This Government is a disgrace. Government Members were shameless in the trite speeches they made tonight. It was absolute rubbish from the other side of the House. The Green Party,

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the lickspittles of this Government, should be standing up for those who are weakest in society but they are silent and absent, just as the Minister for Social and Family Affairs is absent. They will not be absent from the minds of the people when the election comes, they will be driven from office, along with Fianna Fáil because of their disgraceful conduct during the 20 years they have been in power and because of this appalling, shameful imposition on the poorest in our society. It is unbelievable that the State has come to this but this is where it is at. By God, the Government will get some payback for this.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I find the pathos and indignation of the last speaker entirely unconvincing.

**Deputy Fergus O'Dowd:** The Minister of State will hear from the people on the ground in his constituency when he visits it, they will give him his answer.

**Deputy Martin Mansergh:** I agree that the statement that the most callous thing the Government could do would be to find itself in a situation where it is unable to pay because of indebtedness and not being able to borrow.

**Deputy Róisín Shortall:** The Minister of State is engaging in spin. He is being disingenuous.

**An Leas-Cheann Comhairle:** Allow the Minister of State to speak please.

**Deputy Martin Mansergh:** In 2010, even after the budget reduction, more than €21 billion out of €54 billion will be spent on social welfare, some 39% of gross Government expenditure—

**Deputy Róisín Shortall:** Why is that?

**Deputy Ulick Burke:** Is the Minister of State telling them they should be glad to get it?

**Deputy Martin Mansergh:** —in a context where Exchequer would amount to €18.78 billion, or over 11.5% of GNP.

**Deputy Róisín Shortall:** Did Deputy Mansergh ever try to live on €200 a week?

**An Leas-Cheann Comhairle:** Please allow the Minister of State to make his contribution.

**Deputy Martin Mansergh:** Perhaps those on the opposite side do not want to pay any attention to economic and financial realities. So be it, that is their choice.

The social welfare system generally tracks the cost of living. In certain periods, after we joined the EEC, and I pay tribute to the national coalition of 1973-1977 in this respect,—

**Deputy Ulick Burke:** The Minister of State is so magnanimous.

**Deputy Martin Mansergh:** —during the early 1980s, during the early 1990s when the commission on social welfare report was being implemented, which former Minister for Social Welfare, Gemma Hussey, said in 1986 would be unaffordable,—

**Deputy Ulick Burke:** The Deputy had to go a long way back to find that.

**Deputy Martin Mansergh:** —and during the boom years, payments considerably higher than inflation were paid.

I am immensely proud of what Fianna Fáil has managed to do—

**Deputy Seymour Crawford:** For NAMA.

**Deputy Martin Mansergh:** — on social welfare payments over the past 22 years. It stands up to any examination. The Taoiseach mentioned this morning the 330% increase in child benefit at a time when inflation rose by 40%, most of the payments increased by more than 100%.

**Deputy Róisín Shortall:** Did Deputy Mansergh ever try to live on €200 per week?

**Deputy Martin Mansergh:** The reality is that social welfare payments achieved increases that have never before been achieved in the history of the State. The idea that the boom was wasted is wrong, a great deal of it went into social expenditure and I well remember, particularly in the 2002 election, constituents being grateful for both the increase in old age pensions and in child benefit.

**Deputy Ulick Burke:** Wait until the next election.

**Deputy Martin Mansergh:** There was a narrowing of inequality and a reduction in child poverty and the numbers at risk of poverty. There are studies that have established this.

**Deputy Róisín Shortall:** Fianna Fáil is trying to reverse that now.

**Deputy Martin Mansergh:** In the mid-1980s when we were last in similar difficulties, of financial necessity there was a more restrictive social welfare policy. Food subsidies were abolished and the Christmas bonus was suspended for two years. Social welfare increases barely matched the cost of living.

**Deputy James Bannon:** There were no cuts to social welfare.

**Deputy Martin Mansergh:** We are now in a different situation where the cost of living has fallen.

**Deputy P. J. Sheehan:** It will be a lean Christmas. There will be no Santa for old age pensioners.

**Deputy Martin Mansergh:** For the first time in history since the 1920s it has fallen by 4%, and given there has been a 6.5% fall inflation from October 2008 to October 2009, or 4.4% estimated for the year—

**Deputy James Bannon:** Has the Minister of State any shame about the way he has attacked the carers?

**An Leas-Cheann Comhairle:** No speaker in the House will be shouted down.

**Deputy James Bannon:** The way he attacked the carers—

**An Leas-Cheann Comhairle:** Either the Deputy respects the House or he will leave it.

**Deputy Martin Mansergh:** We take in silence very strong attacks from the other side so I might be allowed to have my say.

The Taoiseach spoke this morning about the psychology which comes from belonging to the single currency and deflation. Exactly the same thing in real terms had to be done by Fine Gael and Labour in the mid-1980s as we have to do now. I have not the least doubt that if and



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when the Opposition enters government, and if and when it faces a similar financial situation, it will do exactly the same.

**Deputy Ulick Burke:** Never.

**Deputy Martin Mansergh:** The important thing is that the capacity to pay be maintained, that cheques are honoured and they do not bounce.

**Deputy Róisín Shortall:** There were other choices besides cuts to social welfare.

**Deputy Martin Mansergh:** I accept that social welfare is a safety net for most people and there is not much of a margin with it. I know and understand people find it a struggle. Nonetheless, we are maintaining 2008 rates of payment on 2003 rates of revenue.

Reference was made to fraud. A photographic identity card is being introduced next year and I am sure that will help to limit fraud.

**Deputy Róisín Shortall:** Eleven years late.

**Deputy Martin Mansergh:** I want to congratulate community welfare officers around the country for the tremendous work they have done during the recent flooding crisis. Incidentally, that is a discretionary scheme that is not capped and so they have been able to spend whatever has been needed along with administering humanitarian aid.

I do not think the 50 cent prescription charge is excessive. People need medicines but there is also a vast waste in the amount of medicine dispensed and sometimes a small charge has a disincentive effect. The tax on plastic bags is minimal, it would not ruin anyone and it is not really complained about but it had an effect.

**Deputy Fergus O'Dowd:** People have to take their medicine, they do not have to take a plastic bag. Ridiculous.

**Deputy Martin Mansergh:** This, unfortunately, is a necessary reform.

The Minister for Social and Family Affairs is a caring and effective Minister. She has defended the social welfare to the limits of the possible.

**Deputy Róisín Shortall:** No she has not, that is untrue.

**Deputy Martin Mansergh:** We must do what we have to do and it would help if Opposition Members would sometimes explain the underlying realities. It is not in anyone's interest that cheques from the Government to public servants or social welfare recipients bounce. We must get our public finances back in order.

**Deputy Ulick Burke:** Are there many recipients in south Tipperary?

**Deputy Martin Mansergh:** I would say that to my constituents in south Tipperary and, this might surprise the Deputy, but I do not mind a damn whether I get back into the House. I would prefer that we sort this problem, that we exercise our responsibility over five years and that we hand over to the next Government, whoever it is, an economy in reasonable health. Whether I am back in this House is unimportant compared with that.

**Deputy Ulick Burke:** Does the Minister of State give a damn about social welfare recipients?

**Deputy Róisín Shortall:** Fairness does not matter.

**Deputy Frank Fahey:** I support the Social Welfare and Pensions (No. 2) Bill. In doing so, I acknowledge the difficulty of this decision for the Government and all of us in terms of supporting it. There is no question but that, as a number of Opposition spokespersons have said, cutting social welfare for the first time in the State is a very difficult decision. It is one that one would rather not have to make. It is one that is only made in the context of the overall budgetary situation. Irrespective of who was in government at the present time, it is a decision that would have to be taken.

**Deputy Róisín Shortall:** Untrue.

**Deputy Frank Fahey:** While we have the Labour Party on one side saying we should increase taxes and not cut expenditure, the reality is——

**Deputy Róisín Shortall:** What about cutting tax expenditure for the wealthy? I refer to the kind of schemes from which Deputy Fahey is benefitting.

**Deputy Frank Fahey:** ——that up to 80% of public expenditure now goes on social welfare and the payment of public servants. Irrespective of who was in government——

**Deputy Ulick Burke:** The Government did a fine job of it too.

**Deputy Frank Fahey:** ——difficult decisions would have had to be made. It is important to put the difficult decision in perspective. The reality is that in the 2009 budget, social welfare increases were of the order of 3%. The net reduction on this occasion is 1.1%. The cost of living has come down by about 6% in the past 12 months——

**Deputy Ulick Burke:** Where does the Deputy do his shopping.

**Deputy Frank Fahey:** ——bringing it back to what it was at the beginning of 2007. Child benefit is back to 2006 levels. Therefore, the changes that are being made——

**An Leas-Cheann Comhairle:** Does Deputy Stagg wish to raise a point of order?

**Deputy Emmet Stagg:** In recognition of the value of the speech being made I am sure a quorum would be desirable.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Deputy Frank Fahey:** As I was saying, the cost of living has come down by about 6% in the past year. Taking into account all those factors, the difficult decisions that had to be made ensure people will not suffer hardship. Pension rates have increased by 120% during the past 12 years. Unemployment benefit has increased by 130% and child benefits have increased by more than 330%. I reject the suggestion being made by the Opposition and by some speakers — which has been portrayed in a most unreasonable style — that this Government has no concern for people who are on social welfare.

**Deputy Ulick Burke:** Did the Deputy hear the last speaker?

**Deputy Frank Fahey:** Social welfare increases have been very significant in recent years. There is an argument which states that the wedge that now exists between job seeker's allowance and what people are being paid on the minimum wage is quite narrow and the incentive for people to get out to work is, perhaps, not as much as it might be. A very significant issue in this budget is that, for the first time in this country, we are faced with a situation where if

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those decisions are not taken there is the strong possibility that outside influences would force us to make much more significant reductions in social welfare..

**Deputy Róisín Shortall:** That is completely untrue.

**Deputy Frank Fahey:** It is clear from the levels of social welfare being paid in Northern Ireland and in the UK that a much lesser amount of the national cake is being paid out.

**Deputy Róisín Shortall:** They have all kinds of additional income supports.

**Deputy Ulick Burke:** And the national——

**Deputy Frank Fahey:** For example, unemployment assistance in Northern Ireland is about £80 sterling. That is the level of——

**Deputy Róisín Shortall:** What about housing support?

**Deputy Frank Fahey:** ——payment for unemployment assistance. The reality is that if this Government did not take the hard decisions we now have to stand over in this Chamber, there is no question or doubt that the IMF would be involved in this country.

**Deputy Ulick Burke:** That is a good invitation for it.

**Deputy Frank Fahey:** We would have a situation where the ability of whatever party is in Government to continue to do so would be very strongly challenged.

**Deputy Róisín Shortall:** That is rubbish.

**Deputy Frank Fahey:** It is interesting to note that in today's international——

**Deputy Thomas P. Broughan:** On a point of order, this is such an amazing and remarkable speech that I think we should have a quorum present to hear it.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Deputy Frank Fahey:** It is clear that the Labour Party does not like to hear the unvarnished truth about the position we would be in if we were to pursue some of the policies it has outlined. It is clear from the response in today's international press that the Irish Government is doing the right thing in terms of cutting expenditure across the spectrum. It is quite clear from some of the comment in today's international press that the example of Ireland will now be followed by other countries. I note the UK has failed to address issues of public expenditure and it is now acknowledged by both main parties in the UK that they will need to address the issue of public expenditure and bring that public expenditure down very considerably right across the spectrum. It is an acknowledgement today that the UK was mistaken in the way in which VAT was reduced to 15%. This was being called for by Opposition parties particularly the Labour Party.

8 o'clock

*(Interruptions).*

**Deputy Frank Fahey:** It is quite evident that the decision taken in the UK to reduce VAT to 15% had no other impact other than to increase the level of imports into the UK. This again points to the reason we have got to take the difficult decisions at this time. A failure to do so would result in a catastrophic situation in the public finances.

When I was Minister of State with responsibility for children I played a significant role in increasing child benefit rates which have increased by 330% over the past number of years. This was done at a time when we had full employment and when we wanted to encourage women in the family in particular to go out to work. The result of the increases enabled women to go to work and have child benefit. We made a very conscious decision that the advantage being given to women who wanted to go to work should not be denied to women in the home. Among a number of policy decisions at the time we went for the one which gave the greatest increase in child benefit to all families across the country. Unfortunately, at this time of difficulty, it is necessary to take a €16 reduction or thereabouts in child benefit and there is no other option but to do that—

**Deputy Róisín Shortall:** Of course there is. That is wrong.

**Deputy Frank Fahey:** —in the circumstances.

This is a time of solidarity and a time in which people must pull together in order to see us out of the difficulties. I am convinced that when this is done and when we get back to economic growth and wealth creation, the first thing we should put back is the moneys we are taking away from social welfare. I have no doubt that this Government—

**Deputy Ulick Burke:** Is this a new tactic?

**Deputy Frank Fahey:** —will be in a position to restore welfare payments which it is now necessary to take away. They are certainly the first payments that should come back when we see economic growth and we will see that economic growth quickly. Failure to take the hard decisions in this budget and failure to cut public expenditure to the extent we are doing, would result in a prolonged recession in this country which is something that as a Deputy representing the west of Ireland I am not prepared to see. We saw too much of that in the 1980s. Between 1982 when I came into this House—

*(Interruptions).*

**Deputy Frank Fahey:** —and 1987, when we finally took hard decisions, all parties in government failed to take hard decisions in regard to public expenditure, Fianna Fáil on one side and Labour and Fine Gael on the other. We lost five years as a result of not confronting the issues of public expenditure—

**Deputy Ulick Burke:** The Deputy must have been too busy elsewhere.

**Deputy Frank Fahey:** That is not going to happen on this occasion. The hard decisions have now been taken. If we were to fall on this budget and Fine Gael and Labour found themselves in government after Christmas, they would be forced to make the exact same decisions.

**Deputy Ulick Burke:** Is the Deputy calling an election?

**Deputy Frank Fahey:** There is no other way out of it. We must be straight and fair about it and let us be honest with the Irish people. This budget is a good budget; this social welfare Bill is a good Bill, even though it is a difficult Bill and I stand behind it four square.

**Deputy Róisín Shortall:** It is good for the rich.

**Deputy Seymour Crawford:** I wish to share time with Deputies P.J. Sheahan, Ulick Burke and James Bannon.

[Deputy Seymour Crawford.]

It is very interesting to sit here in the House and listen to some of the rhetoric of the past few hours. What has brought us to this situation? It has been a combination of the builders, the developers and the bankers. They are the ones who have brought us to absolute catastrophe, not those on social welfare or those on the minimum wage in the public service. It is an extremely difficult social welfare Bill to speak on because it contains very savage choices. All parties accept there is a problem which has to be dealt with. The cutbacks in Government spending had to be implemented. However, we were promised by the Taoiseach and by others that the budget would be fair and that everybody would share but it is not fair. It is similar to the Fair Deal scheme for the elderly that the Minister for Health and Children, Deputy Harney, promised us. She said that the scheme would look after the elderly for the rest of their lives but we soon found out that was different and it has not even been delivered yet.

The first people to suffer in this Bill will be the blind, those on invalidity pensions, those on disability pensions and the widows and widowers. Another speaker is said to have stated that widows did not have a problem with the budget but they were not the widows who were ringing me. Can anyone suggest that these groups of people are in any position to deal with their income problems compared with those on full contributory pensions or above all, the bankers? Can anyone suggest that it is the fault of a widow, a blind person or a disabled person to be on social welfare? We have gone to a very low level of so-called fairness when these are the people who have to pay for the billions put into Anglo Irish Bank and which will be spent on further bank bailouts and on NAMA. I wonder where NAMA is today.

In the short time available to me I want to deal with issues close to my heart such as the problems of the self-employed and farmers. The Minister gave me a commitment in this House a few weeks ago and last spring, that self-employed and farmers would be judged on this year's income rather than on historic income but this is not the case. Different social welfare inspectors have made it clear to me and to customers that they cannot deal with the current position. Only yesterday I received a call from a dairy farmer in County Cavan regarding his unpaid REPS. He told me he has financial difficulties. I asked him why he did not go to Farm Assist. He replied that he had tried but was told to come back at the beginning of next year when they would take into account the 2009 figures instead of the 2008 figures. That is the reality. I can name several other cases which I brought to the attention of the Minister. Another young farmer is supposed to have earned €32,000 on the mythical cattle he never owned but his income was only €14,000 and he has been told he does not qualify for anything.

This is an extremely serious situation. Farmers' incomes have dropped by 30% this year on top of a decrease of 11% last year. They cannot live on fresh air or on promises. The IFA and *The Irish Farmers' Journal* are publicising the availability of this scheme to farmers and that money is available through this scheme. Right across my constituency, whatever about anywhere else, although the IFA have told me the situation is similar elsewhere, it is not happening. While this may not be relevant to the budget it is relevant to people who need social welfare. I urge the Minister of State, Deputy Calleary, as somebody who is familiar with life in the west of Ireland, to speak to the Minister. People are desperate.

**Deputy P. J. Sheehan:** This Government has put 250,000 people on the unemployment register. Many more have been put out of work but are not receiving a welfare payment and we do not know how many of our young people have been driven abroad. This Bill is a damning indictment of a disastrous Government that has failed its people. The Government does not give a damn for anyone or anything other than surviving and looking after its speculator friends in the banks and building industry. It has always claimed it would have to make the national

cake bigger before sharing it but in spite of adding so much self-raising flour it fell flatter than a pancake.

There is a silent army of workers on duty 24 hours per day, seven days per week and 52 weeks a year who cannot protest or threaten to strike. It is because of the perceived silence of these workers — the Garda Síochána which upholds law and order — that the Government has reduced their weekly payment.

If any recipients of social welfare are worth their weight in gold, it is carers, each and every one of whom saves the State at least €1,000 per week or five times the carer's allowance by caring for relatives at home. The Government, like a pickpocket, took money out of their pockets and handbags.

My colleague, Deputy Leo Varadkar, has discovered that the Minister for Environment, Heritage and Local Government is responsible for a dog licensing scheme that costs twice as much to administer as it raises in revenue. It costs €5.7 million to administer and raises only €2.6 million in revenue, proof that the Government's thinking has gone to the dogs.

A Government that cuts the welfare payment of the mentally handicapped and physically disabled can only be described as mean. The Fianna Fáil Party has no compassion and does not care for the weakest and most vulnerable members of society. The reduction in the number of special needs teachers shows where the Government's priorities lie and it is not with the weakest and most needy in society. The cut in the children's allowance also shows that the weakest have been targeted by this arrogant and smug Government. In allowing tax relief on wheelie bins while cutting payments to those who must buy prams, the Government has demonstrated that its priorities are in the gutter.

The Taoiseach forecast a soft landing. If this is the soft landing he predicted, it reminds me of the executive jet which landed in the darkness of night on Mallow racecourse where its passengers discovered in the mud that there was no runway to take off again. Sitting in their safe cocoon, members of the Cabinet have opted to take a smaller pay cut than anyone else and are wandering around shell shocked, asking who will build the runway for them to take another flight of fancy.

The message from this Bill is that Government Members are cowards. He who shouts loudest and longest will survive while others will be targeted. I do not see a provision to increase the fuel allowance next autumn when the carbon tax will be levied on central heating oil and natural gas and, possibly, coal and turf. Must people burn logs or will the Minister introduce an amendment on Committee Stage to provide for such an increase?

Mortgage payments are not prescribed for inclusion in calculating means for jobseeker's allowance, whereas they are included in calculating means for a medical card. I ask the Minister to have this issue examined to ascertain if a formula can be found to allow persons who do not receive the maximum payment of €196 to deduct at least the interest part of their mortgage in calculating means.

I cannot understand the reason the Minister is extending the scheme which robs young people of the maximum rate of jobseeker's allowance. Do those aged 24 years have fewer costs than those aged 25 years? Is their rent, food or transport cheaper? It appears the Minister is switching off the light at the end of the tunnel and sending these young people across the Great Barrier Reef to Van Diemen's Land to find work and earn a living.

The Government may rush the division to have it done with before Ministers and the Deputies behind them face their constituents at the weekend. Some day, probably sooner rather than later, they will have to ask their constituents for their vote and when they do so people will not vote the same way as the Ministers and their backbench Deputies do tomorrow evening.

**Deputy Ulick Burke:** I thank Deputy Crawford for sharing time. For years, we have listened to rhetoric from Fianna Fáil-led Governments about protecting the poor and vulnerable and how they are at all times fair to those most in need. This ceased yesterday with the introduction of a budget that is anti-poor, anti-family and anti-children.

The Minister for Social and Family Affairs chose to take money from large numbers of the poorest people while ignoring waste in her Department. I will cite one example of the continuing waste in Departments. What is the cost of producing the propaganda sheet titled “Budget Factsheet”? The document makes no reference to the cuts in social welfare and states that older people are protected from the cuts. Has the Minister forgotten the old age pensioners who were at the gates of Leinster House this time last year? More recently, the Government abolished the Christmas bonus. These matters have been forgotten. If ever we had an example of waste — this Government is supposed to be conscious of the financial state in which we find ourselves — this document is it. The Minister must think again.

Who would have thought the Government would cut €8.20 per week from the widow’s pension and reduce the pension for blind people by €8.30 per week? Has the Minister forgotten the national disability strategy, as set out in the Towards 2016 document? The agreed programme for Government featured a commitment to reverse the exclusion of people with disabilities and ensure their full and equal participation in all aspects of life. Once more, this is a forgotten dream.

The Government will not pay the Christmas bonus to pensioners but pretends it has been lenient and understanding of their circumstances in the budget. Those who are dependent on social welfare will have to take a greater hit than Ministers whose pay has been reduced by only 5%, notwithstanding the valiant efforts in yesterday’s Budget Statement to confuse people by claiming the cut is 15%.

Speaking on radio this morning, the Minister for Finance stated that cutting the entitlements of the elderly and disabled was the right thing to do to bring about financial rectitude. A few moments ago Deputy Fahey took a similar line. The Minister of State, Deputy Mansergh, stated he did not give a damn whether he is re-elected. He does not want to face the electorate. That is the attitude that prevails in this Fianna Fáil-led Government.

The Government has shown callous disregard for people in need. The reduction of €16 per week in child benefit was a means of slashing the living conditions of the poor to pay for the economic mess the Government created.

**Acting Chairman (Deputy Jan O’Sullivan):** The Deputy has less than five minutes left in his slot.

**Deputy Ulick Burke:** I will finish on this point. Why must the carers carry the can for the Government’s ineptitude with a cut of €8.20? The list goes on. However, the people are aware that this Government which stated it had turned the corner has simply turned its back on the poorest in this society and they will not forget it.

**Deputy James Bannon:** This Bill is another example of the Government’s rushed legislation presented to the House with the principle of striking while the iron is hot. Legislation to copper fasten the cutbacks in welfare such as that contained in budget 2010 should never have to be debated in a 21st century parliament.

The inequality that results from the Government’s heartless cutbacks recalls the era of indoor and outdoor relief and the Poor Laws, which still haunts rural communities today. The UK Beveridge Report of 1942 was a revolutionary step forward in British social policy. It revived the social security system completely such that the British became leaders in Europe and the

world in this area with cradle to grave welfare provision. This was to impact on Ireland especially in respect of children's allowance, introduced in 1944, one year ahead of Britain. In other words, in respect of the provision of child welfare we were the leaders of Europe. Where are we some 65 years later? We are at the mercy of a Government that regards child welfare as less important than the sale of alcohol.

Does budget 2010 indicate that the Minister for Finance believes the old chestnut that the children's allowance is only spent on drink and is, therefore, of dubious wisdom? Has the Government decided if money is deducted from social welfare but tax removed from alcohol then the books are balanced? If this is the case it shows how far removed from reality are the Minister for Finance and the other members of the Government, including those from the Green Party.

The Government drove people out of work onto the dole and then it cut dole payments. It has cut widow's pensions, the children's allowance and, above all, the carer's allowance. Shame on the Government.

**Deputy P. J. Sheehan:** The most vulnerable sections of society.

**Deputy James Bannon:** This budget does not cut Minister's expenses nor does it impact on the wealthy.

**Deputy P. J. Sheehan:** Hear, hear.

**Deputy James Bannon:** Last night, I met a man in this House who earns €400,000 per annum, but this budget will not see him lose one cent. Shame on the Government again for that.

**Deputy P. J. Sheehan:** Hear, hear.

**Deputy James Bannon:** The budget is not in spite of Government policy but because of it. A strong stench of failure and hopelessness is hanging over the Government side of the House. Sadly, that stench has escaped from this House and made its way into the public arena. People who have worked hard and achieved a reasonable standard of living are being ground down by a failure that is directing and dictating their lives. However, it is not their failure, but the failure of this corrupt Government.

The Capuchin Day Centre for homeless people in Dublin has seen an increase from 350 people waiting for food parcels this time last year to a current figure of 1,100.

**Deputy Michael Creed:** Hear, hear.

**Deputy James Bannon:** Those waiting include elderly inner city dwellers, non-nationals and well-dressed, middle class young men in their 20s and 30s, who are the new poor of Ireland. In my constituency of Longford-Westmeath, the midlands Simon Community has experienced a 25% increase in referrals for settlement services from local authorities and community leaders. Yesterday, the Minister provided no information in respect of how the Government will save the proposed €20 million from the reduction in rent supplement, leaving people stressed and fearful.

Concerted efforts should be made to get people back to work. The community employment scheme must be reinstated urgently to give people a realistic chance to return to employment. Youth is no safeguard against poverty. Our young people entered into their studies full of hope, but now leave the system with the prospect of no job and a mere €100 to live on. It is beyond a farce.



**Acting Chairman:** The Deputy's time has concluded.

**Deputy James Bannon:** In Longford-Westmeath there are 3,202 people under 25 years of age out of work, 2,124 in Westmeath and 1,078 in Longford. One in four young people is out of work throughout the country. This budget has left them only one option, namely, emigration. No Government in the history of the State has done more to foster a rich-poor divide in our society. We have never been saddled with a more incompetent, bungling Government than that which we have today. Its record is one of failure, betrayal and letdowns for the people.

**Deputy P. J. Sheehan:** Hear, hear.

**Acting Chairman:** The Deputy must conclude. His time is up.

**Deputy James Bannon:** During the good times, the Government failed to put money aside for the rainy day. That was its decision but it is now looking to middle and low income earners to make good its mistakes. As with all bullies, the Taoiseach and the Minister for Finance will not hit the big guys. The Government saves its aggression for the weak and elderly in society.

**Acting Chairman:** The Deputy must finish.

**Deputy James Bannon:** The famous Roman statesman and philosopher, Cicero, who lived from 106 BC to 43 BC had his finger on the pulse of good government and an apparent insight into the political position in Ireland in 2009. He said the budget should be balanced, the treasury should be refilled, the public debt should be reduced and the arrogance of officialdom should be tempered and controlled. That man knew what Fianna Fáil and the Green Party were about. They are about corruption.

**Deputy P. J. Sheehan:** Hear, hear.

**Acting Chairman:** I thank the Deputy. I have to call the next speaker.

**Deputy James Bannon:** They are about being in the Dáil with dodgy developers and builders. They have let this country down and shame on them. They electorate will give them its answer for budget 2010.

**Deputy Martin Ferris:** Well done, Deputy Bannon.

**Deputy Mary Alexandra White:** There was 17% unemployment when the Deputy's party was in power last.

**Deputy Paul Gogarty:** Deputy Bannon has just crawled up the leaderboard and overtaken Deputy Ring as the hero in this Chamber of mock indignation.

**Deputy P. J. Sheehan:** He is defending the nation.

**Deputy Paul Gogarty:** Deputy Ring does it very well. I cannot keep a straight face when I attempt to do it, so I try not to.

**Deputy James Bannon:** The Deputy was always a waffler, from day one. Last year, when the education cuts were announced he promised the people of his constituency that he would walk out of the Government if necessary. He is useless.

**Acting Chairman:** Deputy Gogarty should speak through the Chair. That way he will not over-excite anyone on the other side.

**Deputy Paul Gogarty:** I will address that issue first. My party was accused of corruption.

**Deputy James Bannon:** The Deputy is a parliamentary hypocrite.

**Deputy Paul Gogarty:** I deserve a right of reply before addressing the legislation.

**Acting Chairman:** The Deputy has 20 minutes.

**Deputy Paul Gogarty:** That represents a rampant hypocrisy from a member of a party, the leader of which gladly took donations from National Toll Roads, Treasury Holdings and other retail outlets in 2006. It was glad to dip the dirty hand into the trough, like Fianna Fáil, I should acknowledge.

**Acting Chairman:** I hope this is of relevance to the debate.

**Deputy James Bannon:** The Deputy should not tell untruths in this House.

**Deputy Paul Gogarty:** The Deputy need not worry; I will trace the origins of it. It smacks of hypocrisy or, let us be fair, stupidity for a Deputy from the Opposition side of the House and Fine Gael to accuse the Green Party, a party which has never taken a cent from any developer, speculator or banker, of corruption. I am on the record as having said that I disagreed with the Fianna Fáil policies of 1997 to 2007 which overheated the bubble and wasted some stamp duty revenue. However, as I have stated on previous occasions, in councils throughout the country Deputies of effectively every party in this Chamber, although to a large degree it was restricted to Fianna Fáil and Fine Gael as very few Labour Party and Sinn Féin members were involved, have gladly taken legitimate political donations from developers and rezoned land that does not require to be built on for the next 60 or 70 years.

**Deputy Kathleen Lynch:** I am sorry for interrupting. Deputy Ferris may wish to speak for Sinn Féin.

**Acting Chairman:** Does the Deputy wish to make a point of order?

**Deputy Kathleen Lynch:** I call on the Deputy to withdraw that remark. No Labour Party member ever took a donation to rezone land. Whatever planet Deputy Gogarty lives on, it is a place with which we are becoming more familiar.

**Deputy P. J. Sheehan:** He is on cloud nine.

**Deputy Kathleen Lynch:** I am unsure whether it is drug-induced or whether he is naturally that way. He had better withdraw that remark.

**Deputy James Bannon:** I agree. Deputy Gogarty is on cloud nine.

**Deputy Paul Gogarty:** My party leader, Deputy Gormley, has put on the record the Labour Party's record on rezonings.

**Deputy Kathleen Lynch:** I do not care what Deputy Gogarty's party leader said. I am telling him to withdraw his remark, and withdraw it now.

**Acting Chairman:** Deputy Lynch.

**Deputy Paul Gogarty:** Is Deputy Lynch saying her party has never taken money from banks?

**Deputy Kathleen Lynch:** What is Deputy Gogarty saying?

**Acting Chairman:** Deputy Lynch should resume her seat please.

**Deputy Paul Gogarty:** Her party has taken money from trade unions.

**Deputy Kathleen Lynch:** Deputy Gogarty should withdraw his remark now.

**Acting Chairman:** I cannot have three Members of the House standing at one time. Deputy Lynch should resume her seat, please.

**Deputy Kathleen Lynch:** Withdraw the remark.

**Deputy Paul Gogarty:** It is a diversion and a deflection and it is taking away from Deputy Bannon so I will not waste time rebutting it right now. Our time will come, Deputy Lynch.

**Deputy Kathleen Lynch:** I am serious. Deputy Gogarty needs to withdraw that remark.

**Acting Chairman:** Deputy Gogarty.

**Deputy Paul Gogarty:** As for drugs, the only drug I have ever taken is fresh air. I have never taken a drug in my life, so do not start coming out with your guff, Deputy Lynch.

**Deputy Kathleen Lynch:** The Deputy should stay off it then.

**Acting Chairman:** I wish to clarify what has been said.

**Deputy Martin Ferris:** No member of our party has taken any money from developers.

**Deputy Paul Gogarty:** I am glad Deputy Ferris has clarified that.

**Acting Chairman:** Both Deputy Ferris and Deputy Lynch have had an opportunity to speak. I ask them both to resume their seats. Deputy Gogarty should continue.

**Deputy Paul Kehoe:** Deputy Gogarty is supporting a Government that is taking money off the blind.

**Acting Chairman:** Deputy Gogarty should be allowed to speak.

**Deputy Paul Gogarty:** These exceptions that prove the rule——

**Acting Chairman:** I ask all Deputies to please resume their seats.

**Deputy Paul Gogarty:** The point I am making is that over the past God knows how many years people like you have rezoned land, left, right and centre.

**Acting Chairman:** Excuse me.

**Deputy Paul Kehoe:** Deputy Gogarty .

**Acting Chairman:** Deputy Gogarty should be allowed to speak without interruption, please.

**Deputy Paul Kehoe:** Money has been taken off the carers and the blind by the Government.

**Acting Chairman:** Deputy Gogarty should resume speaking through the Chair and stop encouraging other people to interrupt.

**Deputy Kathleen Lynch:** Chair.

**Acting Chairman:** Deputy Gogarty should be allowed to speak without interruption.

**Deputy Kathleen Lynch:** What about Deputy Gogarty's language?

**Deputy Paul Gogarty:** I will focus on the hypocrisy of——

**Acting Chairman:** I did not hear the language because of all the interruptions on the right hand side of the Chamber. Deputy Gogarty should be allowed to speak without interruption.

**Deputy Paul Gogarty:** I will talk about hypocrisy.

**Acting Chairman:** Deputy Gogarty should speak about the Bill before the House.

**Deputy Paul Gogarty:** Yes. In this budget, cuts are being made——

**Deputy Paul Kehoe:** The Government is taking money off the blind.

**Deputy James Bannon:** And the carers.

**Deputy Paul Gogarty:** Cuts are being made everywhere. I have outlined the reason for that. It is because of Government mismanagement and dodgy rezoning decisions. We have to face the reality that——

**Deputy Paul Kehoe:** Deputy Gogarty should talk about the Bill.

**Acting Chairman:** Deputy Kehoe should allow Deputy Gogarty to speak without interruption.

**Deputy Paul Gogarty:** ——we have had to bail out the banks.

**Deputy Paul Kehoe:** Talk about the Bill.

**Deputy Paul Gogarty:** We have borrowed €25.2——

**Deputy Paul Kehoe:** What about taking the money off the blind and the carers?

**Deputy Paul Gogarty:** We have borrowed €25.2 billion to pay interest this year. A total of 9.8% of our income is going to pay interest on the national debt.

**Deputy Paul Kehoe:** The Government is taking more money off the blind.

**Deputy Paul Gogarty:** That is €3.2 billion. As our party leader, Deputy Gormley said today, if we take no action by 2013 it will cost €11 billion to service the interest on the national debt.

**Deputy Bernard J. Durkan:** If he does not stop counting the frogs it will be €28 billion.

**Deputy Paul Gogarty:** That will be 25% to 30% of our taxes. We know we are screwed. We know we are in a precarious financial position.

**Deputy Paul Kehoe:** You were screwed already.

**Deputy P. J. Sheehan:** You have the nation ruined.

**Deputy Paul Gogarty:** I have outlined——

**Acting Chairman:** I have just been informed that Deputy Gogarty might wish to share his time with the Minister of State, Deputy Calleary.

**Deputy Bernard J. Durkan:** Please do.

**Deputy Paul Gogarty:** The Minister of State indicated he did not wish to share.

**Acting Chairman:** Each Member can have ten minutes.

**Deputy Dara Calleary:** I will give Deputy Gogarty a dig-out if he wishes.

**Deputy Paul Gogarty:** I will continue, as I have been heckled to be damned. I must say, I love it. I love getting a rollicking from Deputy Bannon.

**Acting Chairman:** I do not particularly love it.

**Deputy Paul Gogarty:** In the interests of putting a clear speech on the Dáil record I will try not to invite more heckling.

**Deputy Bernard J. Durkan:** Come back tomorrow.

**Deputy Paul Gogarty:** We are considering the social welfare cuts. The cut in social welfare is small in the grand scheme because the amount of increases in social welfare in the past 12 years more than compensates for the small cut that has to be made this year.

**Deputy Bernard J. Durkan:** For God's sake, what is the Deputy talking about? The past 12 years are gone; they are history.

**Deputy Paul Gogarty:** I do not like the fact that social welfare has had to be cut.

**Deputy Bernard J. Durkan:** Get real.

**Deputy Paul Gogarty:** I do not like the unfair cuts on the public sector.

**Deputy Paul Kehoe:** Then do not vote for them.

**Deputy Paul Gogarty:** However, they are unfair——

**Deputy Paul Kehoe:** Deputy Gogarty has a choice.

**Deputy Paul Gogarty:** ——because of bankers and speculators——

**Deputy James Bannon:** You have a choice.

**Acting Chairman:** The Deputies will have an opportunity to speak without interruption.

**Deputy Paul Gogarty:** ——and other people wrecking our economy. However, the fact that the economy is wrecked means it needs to be remedied and there is no way out of remedying it.

**Deputy Bernard J. Durkan:** Is Deputy Gogarty saying it needs to be wrecked again?

**Deputy Paul Gogarty:** There is no way out of remedying it. The Labour Party has probably missed a digit in its calculations in trying to get €5.1 billion from its proposals.

**Deputy Paul Kehoe:** Deputy Gogarty is missing a digital in his head.

**Acting Chairman:** Deputy Gogarty should please be allowed to speak without interruption. Deputy Gogarty should please not invite interruption.

**Deputy P. J. Sheehan:** He is inviting interruptions himself.

**Deputy Paul Gogarty:** I will not even comment on that, mean-spirited as it is.

**Deputy Paul Kehoe:** It is because he cannot.

**Deputy James Bannon:** He does not have the honesty to vote according to his convictions tomorrow morning.

**Deputy Paul Gogarty:** The public sector cuts are fundamentally unfair but absolutely necessary. That is the problem. It has to be done. Taking back something one has given to vulnerable people is fundamentally wrong.

**Deputy Bernard J. Durkan:** So.

**Deputy Paul Gogarty:** So, if one does not take from the sector that makes up a third of expenditure then one will have to inflict more pain on the public sector and those on middle incomes.

**Deputy Bernard J. Durkan:** On a point of order.

**Deputy Paul Gogarty:** People are paying a fair whack of money. Unfair as it may be——

**Acting Chairman:** A point of order.

**Deputy Paul Gogarty:** I am not taking a point of order at this stage.

**Acting Chairman:** Deputy Durkan is entitled to make a point of order.

**Deputy Bernard J. Durkan:** Does that mean that if Santa Claus came for each of the past ten years——

**Acting Chairman:** I am sorry but that is not a point of order.

**Deputy Bernard J. Durkan:** ——and he gave a present, on this occasion he would be pardoned if he is allowed to take everything in the house and leave? Is that the true story?

**Acting Chairman:** Deputy Durkan should please resume his seat. That is not a point of order.

**Deputy Bernard J. Durkan:** The Green Party is taking the Queen's shilling.

**Acting Chairman:** Deputy Gogarty should please continue.

**Deputy Michael P. Kitt:** Yes Deputy, there is a Santa Claus.

**Deputy Paul Gogarty:** No one likes a bad Santa coming and taking stuff back. That is the reality. Do I like it? Absolutely not, but I am going to vote for it——

**Deputy Paul Kehoe:** Of course you are.

**Deputy Paul Gogarty:** ——because it is fundamentally the right thing to do. Two months ago——

**Deputy Bernard J. Durkan:** Masochism is no excuse either.

**Deputy Paul Kehoe:** You may throw yourself on the ground and roll around.

**Deputy Paul Gogarty:** Two months ago on 9 October I got a telephone call from my parliamentary colleagues asking me why I was not at the parliamentary party meeting. We had not made a few decisions at the time on education. We had not got exactly what we were seeking.

**Deputy Paul Kehoe:** You still do not have that.

**Deputy Paul Gogarty:** I said I would go in when there was something to be agreed. I was asked what I was doing and I said I was shaving as I was getting my election photograph taken. On an issue of conscience I would have been prepared to urge the Green Party to go to the country.

**Deputy Bernard J. Durkan:** You should go shave. Continue with the shaving.

**Deputy Paul Gogarty:** However, we did secure reversals in the cuts to education, which is overwhelmingly protected compared to other areas.

**Deputy Paul Kehoe:** So the Green Party has a say in Government.

**Deputy Paul Gogarty:** That is where the money is going, to protect the children.

**Deputy Paul Kehoe:** Imagine what would have happened if the razor had slipped.

**Acting Chairman:** Deputies.

**Deputy Paul Gogarty:** On that basis we are prepared to make tough, nasty, unpopular cuts. I fundamentally believe there is no other option.

**Acting Chairman:** Deputies should bear in mind that they are in the national Parliament. Can we have order please?

**Deputy Bernard J. Durkan:** That is what I was worried about. I was not too sure about that.

**Deputy Paul Gogarty:** The budget is relatively conservative and did not go far enough. The Green Party was pushing for more reform of the taxation sector. We understand that it will be forthcoming next year. I thought more reform should have come this year. We had some reform in April when the higher earners were taxed.—

**Deputy Paul Kehoe:** You have no clout.

**Deputy Paul Gogarty:** It is now the case that the top 4% of earners pay 48% of all tax. In this budget it is very welcome that Irish nationals who are not in the country will have to pay €200,000. It is a step in the right direction.

**Deputy Bernard J. Durkan:** That will be a big help in reaching €58 billion.

**Deputy Paul Gogarty:** Taxation could have been reformed more but it was not. I am led to believe that next year's budget will focus on tax reform. As regards the carbon tax and its impact on the social welfare budget, the carbon tax is matched by a fuel allowance for those on lower incomes.

**Deputy James Bannon:** I never thought I would see the Green Party introducing a scrappage scheme.

**Deputy Paul Gogarty:** We have to take into account the impact of carbon emissions, not just on our planet but also in terms of the fines this country will face.

**Deputy Bernard J. Durkan:** You want to keep an eye on the planet. That is big.

**Deputy Paul Gogarty:** This was a progressive start. Fine Gael did not think so. Its party members said they believed in carbon taxes but they did not tell the truth. Their party leader said that he never rang the Minister of State, Deputy Sargent, asking him to talk to Deputy Ó Caoláin. That was not the truth either.

**Deputy Paul Kehoe:** I am glad they did not.

**Deputy Paul Gogarty:** We could have had an alternative coalition.

**Deputy Paul Kehoe:** Imagine the mess we would be in now.

**Deputy Paul Gogarty:** When I listen to accusations of corruption and hypocrisy being thrown at me I think about the budget in the early 1980s when John Bruton put VAT on children's shoes.

**Deputy Paul Kehoe:** You are taking money from the blind and the disabled.

**Deputy Paul Gogarty:** The members of Fine Gael believed fundamentally that had to be done. The Deputies are throwing references to the blind and carers at me.

**Deputy James Bannon:** And the widows, the most vulnerable group.

**Deputy Paul Kehoe:** All that Deputy Gogarty can throw back at us is tax on children's shoes.

**Acting Chairman:** Will Deputies please stop enticing each other? Deputy Gogarty.

**Deputy Paul Gogarty:** I do not remember in recent years when social welfare was going up that Deputies were singling out the blind or any other grouping to get more than someone else. The cost of living has fallen by 6% and it will continue to fall.

**Deputy Bernard J. Durkan:** It is not. It has stopped.

**Deputy Paul Gogarty:** In relative terms those on social welfare are doing better than they did five years ago. That does not mean I am happy that money has been taken off them. I am not happy, but where does one make up a third of the budget?

**Deputy Emmet Stagg:** Cathaoirleach.

**Deputy Paul Gogarty:** Another point of order. Have your fun. Christmas is coming.

**Deputy Emmet Stagg:** Given the high quality of the speech being made, the least the Government should do is provide a quorum.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Acting Chairman:** We have a quorum so Deputy Gogarty can resume his speech. I ask him to stick to the Bill in hand.



**Deputy Paul Gogarty:** I will do my best. How many minutes remain?

**Acting Chairman:** Seven minutes.

**Deputy Paul Gogarty:** Despite the talk about the vulnerable being hit disproportionately by this social welfare reduction, the reality is that the additional child support measures compensate for the cut in children's allowance. Those who can afford to take the hit on children's allowance will take it and those who cannot afford to will be compensated. This is not hitting the vulnerable. When the reduction in children's allowance is averaged out, it is €16 per month, less than €4 per week, although I believe Deputy Burke said it was €16 per week. It is regrettable that this had to be done but, as I said when I was being heckled, the overall social welfare budget accounts for more than one third of our outgoings so if one does not hit it, where does one hit? Although social welfare accounts for one third——

**Deputy Bernard J. Durkan:** Hit the helpless.

**Deputy James Bannon:** What about prescription charges?

**Deputy Paul Gogarty:** Although social welfare accounts for one third of overall expenditure, it is not even one eighth of the overall cuts.

**Deputy Bernard J. Durkan:** Is the Deputy going home at the weekend?

**Deputy Paul Gogarty:** The people for whom I feel most sorry are those who are working on low and medium incomes. They will bear the brunt of this. Social welfare had to be cut proportionately or else it would be more beneficial not to work. We have a national minimum wage. If one introduced the public sector pay cut, which was absolutely necessary, and one did not do anything about social welfare——

**Deputy James Bannon:** Is Deputy Gogarty going to his holiday home this weekend?

**Deputy Paul Gogarty:** It must be balanced.

**Deputy Seán Sherlock:** I did not know Deputy Gogarty was a right winger.

**Deputy Paul Gogarty:** The Deputy is calling me a right winger. The only time I played on the right wing was during my GAA days.

**Acting Chairman:** I ask Deputy Gogarty to address his remarks through the Chair.

**Deputy Paul Gogarty:** Sorry.

**Acting Chairman:** Would everyone else who had silence while speaking allow Deputy Gogarty to speak?

**Deputy Paul Gogarty:** Hypocrisy has that impact on me; I just veer towards it.

**Deputy Seán Sherlock:** The Deputy has just been advocating classic Tory policy.

**Acting Chairman:** Deputy Gogarty has the floor.

**Deputy Bernard J. Durkan:** Margaret Thatcher would be proud.

**Acting Chairman:** I ask Deputy Gogarty to resume his contribution.

**Deputy Paul Gogarty:** I will resume my contribution. I have never been called a Thatcherite before and it is refreshing.

The proposals in the budget very much protect education. I am sure some of the Deputies opposite would have been ranting and raving if it had not been.

**A Deputy:** The Deputy would have been too.

**Deputy Paul Gogarty:** I have been criticised for ensuring that protection because it has meant that other areas have been hit harder. However, we had to make a choice between protecting our children to ensure our future economic prosperity and social cohesion or cutting our education budget. I make no bones about protecting education over other areas. Other areas have suffered a little bit more because of it.

**Deputy James Bannon:** The Government cut the capital budget for new schools.

**Deputy Paul Gogarty:** The price of tenders has gone down; it is proportionate.

**Acting Chairman:** I ask Deputies to listen to Deputy Gogarty's contribution.

**Deputy Paul Gogarty:** If Deputy Bannon looked at the overall figures for cuts in each Department, he will find education is way up there.

**Deputy Paul Kehoe:** What about special needs assistants?

**Deputy Paul Gogarty:** If the Deputy read about the review of SNAs and how they are allocated, he would understand why a review is being carried out. However, I will not go into that debate now. We are talking about the social welfare budget.

**Deputy James Bannon:** That is an excuse.

**Deputy Paul Gogarty:** As I said, this is regrettable but necessary. Everyone on this side of the House will stand by this because it must be done.

**Deputy Bernard J. Durkan:** That is what they said during the French Revolution, that it was regrettable but necessary.

**Deputy Paul Gogarty:** Does any Member opposite believe for one second that Members on this side of the House would not take a populist decision, say that they cannot do this because it hurts the vulnerable and that they will vote against it? The temptation is to save one's seat. However, I fundamentally believe the right thing to do is to lose popularity and try to get our economy on a sound footing.

**Deputy Paul Kehoe:** Why does the Deputy not attend his parliamentary party meetings?

**Deputy Paul Gogarty:** If we do not take in more tax revenue and do not create more jobs, there will not be money for social welfare. There will not be money for services. That balance must be struck.

With due respect to the Labour Party, it sees things from a slightly different perspective and I respect that view. I hope people will also respect the fact that certain decisions have been made not to bail out bankers and developers but to try to make the cutbacks in a sensitive way as possible and to share the pain.

*(Interruptions).*

**Acting Chairman:** Would the Deputies on the Fine Gael benches allow Deputy Gogarty to continue? If Deputy Gogarty addressed his remarks through the Chair, he would not invite constant interruption.

**Deputy Paul Gogarty:** I reluctantly, but wholeheartedly, support the proposals. I heard the Minister, Deputy Hanafin, on the radio and I have read the document to see who is being hit the most and what protections are in place and I am satisfied that while no one will like it, it will not lead to an increase in the poverty rate.

Similarly, the public sector pay cuts will hurt many people but the mortgage protection measures the Government is putting in place will ensure people will not lose their homes.

**Deputy Bernard J. Durkan:** If the Deputy believes that, he will believe anything.

**Deputy Paul Gogarty:** I hope that as the economy turns around — it will be a greener economy because carbon tax is being introduced for the first time and local government reforms will be made over the coming years — we will be better able to compete. We are four times greater carbon emitters than the Chinese. We get three times as much social welfare as people in Northern Ireland. If one leaves out VRT and the sterling exchange rate, they have a much lower cost of living. We could emulate people in Northern Ireland.

We have lived beyond our means. Everyone loved the Celtic tiger years. Money was wasted and it was splashed out and people gladly took it. We can no longer afford that luxury.

**Deputy James Bannon:** The Green Party Minister squandered €125,000 counting frogs.

**Deputy Paul Gogarty:** As a member of a party that was not responsible for the mess — I acknowledge people made mistakes but that some good things happened during Fianna Fáil-Progressive Democrats Administrations — I want to share in the responsibility for cleaning it up. Therefore, I reluctantly commend the social welfare measures to the House.

**Deputy James Bannon:** Reluctantly.

**Deputy Kathleen Lynch:** I would like to share my time with Deputy Ó Snodaigh.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy Kathleen Lynch:** I wish to continue on from Deputy Gogarty's last remark. He said that we were all overspending and we all had to cut our cloth to suit our measure.

**Deputy Paul Gogarty:** I meant as a nation.

**Deputy Kathleen Lynch:** It reminds me of the old phrase “What do you mean ‘we’ pale-face?”.

**Deputy Mary Hanafin:** Tonto.

**Deputy Kathleen Lynch:** It is cowboys and Indians at this stage. I cannot remember who Tonto used to be with.

**Deputy Charlie O'Connor:** The Lone Ranger.

**Deputy Bobby Aylward:** It is country and western.

**Deputy Kathleen Lynch:** I always think the Green Party is more reminiscent of Steve Silvermint — its members are cool, clean heroes.

**Deputy Paul Gogarty:** Pale-face speaks with forked tongue.

**Deputy Frank Feighan:** That sounds like the Minister's line.

**Deputy Seán Sherlock:** We are being persecuted.

**Deputy Kathleen Lynch:** The notion that somehow we all overspent in the good times and we all benefited from the Celtic tiger in full roar is a myth that must be exploded. I know women who did not go out to work and whose husbands are postmen, for example. They did not benefit from the Celtic tiger.

**Deputy Paul Gogarty:** That is why it is unfair.

**Deputy Kathleen Lynch:** They did not go on three holidays a year or away to Prague every second weekend.

**Deputy Bernard J. Durkan:** That is right.

**Deputy Kathleen Lynch:** They reared kids and tried to put them through college. They were doing what they had to with very meagre incomes. The downturn will not affect them that much but their lifestyle has not altered unrecognisably either during the Celtic tiger or after it. The notion that we all in some way contributed to this culture of greed that exists is wrong.

**Deputy Bernard J. Durkan:** That is right.

**Deputy Kathleen Lynch:** Not all of us bought into it.

**Deputy Paul Gogarty:** What about overspending leading to credit card debt?

**Deputy Kathleen Lynch:** There are people who lived very meagre lives on meagre incomes and who now find themselves unemployed. The same people sent money into the Exchequer at a time when the Government could not get its figures right at any time of the year and underestimated the total every year. These people are now hit by the downturn. Deputy Gogarty has indicated it is only a small cut in the social welfare rate but I will tell him and anybody else who cares to listen that the small cut is €8 a week. If a person's income is very low, one would realise it is half the price of a bag of coal. The price of a bag of coal has gone up because of the carbon tax.

**Deputy Paul Gogarty:** There is a fuel allowance.

**Deputy Kathleen Lynch:** The price will be higher again, so that half a bag of coal might be the difference between a person being warm from Thursday to Friday or even Saturday if that person is very careful. Some — although not many — people in this House have lived off social welfare or had very low wages at one time. Only people who have lived in such circumstances should make the type of cuts we are now looking at.

**Deputy Bernard J. Durkan:** Yes.

**Deputy Kathleen Lynch:** It costs more to live for a person with a disability because he or she cannot cut the grass or clean windows and needs additional heat and clothing. A person

[Deputy Kathleen Lynch.]

with a disability cannot get a car or a taxi because we do not have the appropriate regulations to ensure they are out there, despite giving tax breaks to that end.

**Deputy Paul Gogarty:** They are proportionate cuts. In relative terms——

**Deputy Kathleen Lynch:** Living costs are greater for a person with a disability and such people have had their allowances cut.

**Deputy P. J. Sheehan:** Hear, hear.

**Deputy Kathleen Lynch:** Nobody should preach to me about the small cuts in social welfare because the small cut to social welfare is the equivalent of the 5% cut that this Minister and the rest of us are taking. Attempts were made to imply that Ministers were taking a 15% cut when they were not. It is mean to cut social welfare when the big boys are still getting away with it. We created enormous wealth in this country and the people who created it are now on the dole and having their allowances cut. The people who benefited from the wealth are not being taxed and are being allowed to get away with it.

I do not want to get into a slanging match with Deputy Gogarty but the green of the Green Party and the green of Fianna Fáil have bled into one another. They are all the one.

**Deputy P. J. Sheehan:** There are 40 shades of green.

**Deputy Kathleen Lynch:** I expected more from the Green Party.

**Deputy Paul Gogarty:** The Deputy's comments are shocking.

**Deputy Kathleen Lynch:** I expect more from you.

**Deputy Paul Gogarty:** What about the hypocrisy of the Labour councillors?

**Acting Chairman:** The Deputy should make her comments through the Chair so as not to invite interruptions.

**Deputy Kathleen Lynch:** I will discuss the outrageous way that the public workers and Civil Service in this country have been vilified. I dug out an article written in November 2008 around the time the attack on the public service started.

**Deputy Bernard J. Durkan:** That is right.

**Deputy Kathleen Lynch:** It began with an argument that we did not get value for benchmarking. All of a sudden people said public service workers were overpaid, underworked and useless. We will live to regret the type of division created in this country. A friend was out doing some shopping last weekend and had a few messages in her hand coming out of a supermarket. Her neighbour attacked her for being a civil servant.

**Deputy Bernard J. Durkan:** It is dangerous.

**Deputy Kathleen Lynch:** We will regret that type of behaviour.

**Deputy Paul Gogarty:** Hear, hear.

**Deputy Kathleen Lynch:** Some things must be put on record. Very few people know exactly how many people work for us in this country as our servants. The gross is approximately

369,000, of whom 91,000 are pensioners, so the net is approximately 280,000. Some 38,000 form the Garda, the Prison Service and the Defence Forces. Some 100,000 work in education, although I am sure that number is smaller now with the cuts in special needs assistants and classroom assistants.

**Deputy Paul Gogarty:** It will be bigger.

**Deputy Kathleen Lynch:** Some 143,000 work in the HSE, 6,000 in the Revenue Commissioners and there are 1,000 in the Courts Service. Which one of these should be fired? Should we have fewer gardaí, nurses, doctors, teachers or classroom assistants? We should not.

**Deputy Paul Gogarty:** That is why we must cut pay instead.

**Deputy Kathleen Lynch:** As for there being no cuts to education——

**Deputy Paul Gogarty:** We are protecting education.

**Deputy Kathleen Lynch:** I would ask the teachers if they consider that there has been a cut to education. We have been cutting education for the past 18 months. There have been cuts to class sizes and special needs assistants for children who need help. Those children will now be at the back of the classroom but we will have to support them into the future. With the disability allowance being cut every year, they will not cost so much.

**Deputy Paul Gogarty:** The Deputy's figures are from cloud cuckoo land. She is getting them from the wicked witch.

**Deputy Kathleen Lynch:** The Deputy got 20 minutes and would not take it so he should be quiet.

**Deputy Paul Gogarty:** About ten minutes of that was heckling.

**Deputy Kathleen Lynch:** The Deputy should be quiet.

**Deputy Paul Gogarty:** I will heckle the Deputy.

**Deputy Kathleen Lynch:** The Deputy should be quiet.

**Acting Chairman:** The Deputy has just over a minute remaining.

**Deputy Kathleen Lynch:** People have been vilified in this country in order to create an atmosphere where wages can be driven down. That is what the agenda is about and we heard about it tonight.

**Deputy Paul Gogarty:** That is not right. On a point of order——

**Deputy Kathleen Lynch:** Drive it down.

**Acting Chairman:** If it is a point of order I will take it.

**Deputy Kathleen Lynch:** They are the same people we expect to serve us on Monday morning with a smile on their faces.

**Acting Chairman:** I must take a point of order.

**Deputy Paul Gogarty:** The Deputy is misinterpreting my remarks. I want to clarify the record.

**Acting Chairman:** That is not a point of order.

**Deputy Kathleen Lynch:** That is not a point of order so the Deputy should sit down. He is here long enough to know what is a point of order.

**Deputy Paul Gogarty:** I never said anything about cuts to staff. I did not vilify public servants. Those people are brilliant.

**Deputy Kathleen Lynch:** They are the same people who we expect to serve us on Monday morning with a smile on their faces, whether it is in the accident and emergency department, on our buses, the gardaí if something happens to us or if people rescue us from our top window when a house floods. Those people will not have a smile on their face on Monday morning and they will be dead right. They have been at the receiving end of abuse and vilification in this country.

**Deputy Paul Gogarty:** Labour's figures do not add up.

**Deputy Kathleen Lynch:** These are the same people we expect to help those with disabilities. They are suffering cuts as well. It is a shameful budget. There are tax exiles, tax fugitives and other tax dodgers, and in addition we have people in this country who made large sums of money but are not paying their taxes. There are people in banks that we now control and they are unfortunate enough to have to survive on €500,000 a year. My heart bleeds for them.

**Deputy Paul Gogarty:** Their salaries would have been higher except for the Green Party.

**Deputy Kathleen Lynch:** The Deputy should be quiet. The Green Party is irrelevant.

**Deputy Bernard J. Durkan:** Controlling the population is one thing, controlling the salaries of bank executives is quite another.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom mo bhuíochas a ghabháil le Partái an Lucht Oibre as am a roinnt liom.

This is a despicable piece of legislation, ceann dena píosaí reachtaíochta is grána a chonacthas riamh. It attacks the incomes of the most vulnerable, those the Minister for Finance claims the Government is trying to protect. Widows, the disabled and carers are targeted for cuts, as are lone parents. Particularly savage cuts are targeted at young unemployed people. Ba mhaith liom a mheabhrú don Aire, gur Lá Cearta Daonna na Náisiún Aontaithe inniu, UN Human Rights Day. Smaoinigh ar an masla atá san reachtaíocht seo do chearta daoine óga agus a lán eile chun maireachtál.

Sinn Féin rejects in its entirety the thinking behind this Bill that the economic crisis can be addressed by in large part cutting the incomes of those who have the least rather than those who will remain comfortable at the very top. Token gestures of cuts to the salaries of Ministers and the Taoiseach are laughable when put into the context of how, on the flip side, cuts will impact people on €100 or €150 a week. Earlier, on Newstalk, the Minister referred to a €10 a week cut as minimal in the greater scheme of things. Such a cut can mean the difference between having food on the table day in, day out for many families. Such a reference highlights the disconnect and disparity between what is being experienced by those in Government and that being experienced by the normal worker or unemployed person in our country. It is arrogant, out of touch and nothing short of an insult to those struggling with the little they have to get by. In addition, the €8 reduction per week

9 o'clock

in most social welfare payments will make a huge difference to the household budgets of many people who are struggling to get by.

Deputy Cyprian Brady said earlier that only those who have had to survive on welfare can imagine what it is like. As somebody who survived for a number of years on social welfare, it is damn hard and I was young and single. I did not have a family and all that entails. The imaginations of Fianna Fáil Members cannot get to grips with exactly how hard it is to survive on social welfare. It is about time they learned. The only way to do so is to live on social welfare for six months, without the trappings of wealth and then they might begin to understand the hardship involved. It is not good enough for Deputy Brady to say, "I see it when I travel around my constituency". If he believes that, it is time to do something to end poverty. He should not vote for cuts in social welfare payments and a cut in the pay of lower paid public servants if he believes there is a way to address poverty and if he understands what it is to live in poverty, which he does not.

The budget and this Bill are brutal for the poor, the unemployed, the pensioners, the low paid workers in both private and public sectors, the disabled, carers and families or young couples struggling with massive mortgages. Real people are being hit and this is not about figures in an accounts book in the Department of Finance. A salary of more than €150,000 could be cut substantially. What many of us cannot abide is the injustice of making those most at risk of poverty bear the burden of the economic crisis and the sins of the speculators and their pals. People are also furious that, without any consideration of alternative proposals, the Government remained steadfast in protecting the wealthy, the banks and developers. Yesterday's budget was devoid of vision and this Bill reaffirms the absence of vision.

Cutting social welfare will further deflate the economy. Earlier, even the economist, Mr. Eddie Hobbs, declared on Newstalk that the Government's decision on cuts in social welfare would bear long-term catastrophic effects to the economy. With further deflation, more jobs will be lost and more people will be unemployed but the penny has still not dropped for the Government and it has not copped on. This is the wrong strategy at the wrong time.

Fr. Seán Healy, director of Social Justice Ireland, said that without social welfare payments, 43% of Ireland's population would be in poverty. The Minister's logic is warped. The contention that a decrease in social welfare payments will get people back to work is absolute and utter nonsense. Has she not noticed there are no jobs and every training scheme and education course is oversubscribed? PLC courses were five times oversubscribed. That reflects the scale of the problem. The Bill provides that if those seeking to better themselves in the hope of gaining a foothold on the employment ladder cannot access places or jobs, they are nothing better than welfare spongers. Shame on the Minister and the Government.

Rather than declaring war on poverty, the Minister is preparing to wage war on the poor. The people she has targeted gained little or nothing during the so-called Celtic tiger years. The Celtic tiger is now seen for the fraud it was. It was a Celtic scam for the developers and friends of Fianna Fáil. The Government should get off the backs of the people. It should represent them or resign. The cuts proposed will increase inequality in society, which continued to increase during the supposed Celtic tiger years.

Cuts to funding for educational disadvantage, drugs services, community support services, and family resource centres will all contribute to the hardship felt by the marginalised in society. The Minister is shaking her head.

**Deputy Mary Hanafin:** There is no cut to the funding for family resource centres.



**Deputy Aengus Ó Snodaigh:** There will be cuts in the number of places available on community employment schemes and the jobs initiative and that will have an effect on those who avail of family resource centres. The Minister should listen to the people who deliver programmes in family resource centres. They are ideal locations for many people who avail of the services and other organisations' help as well. The Minister is wrong and I will prove that over the next two days.

It is not as if Fianna Fáil does not know what it is doing. I recall the party's election slogans in 1987 — health cuts hurt the old, the sick and the handicapped. Ignorance of consequences cannot, therefore, excuse the scale of cuts being proposed. Hopefully, the Minister will reap her just desserts for her despicable attack on the poorest in society.

The Minister for Finance referred to how we need to regain our optimism but, as the impact of this budget sinks in for many families today, parents and young people will plunge into despair. They will see no future, no choices and no way out. The blight of emigration looms once more over many communities, particularly in the west and working class areas of Dublin. Unemployment is rampant in my own constituency. More than 3,300 people aged under 25 are unemployed in Dublin South Central while overall in Dublin the number is 20,363. One in four of our young people is out of work nationally. Yesterday's announcement did nothing to give them hope.

The Minister had the gall earlier to state that after the cuts “welfare recipients are, therefore, still better off in real terms”. I can understand the Green Party being in cloud cuckoo land, but for a former teacher and a Minister to say people are better off after cuts in payments, new charges for medicines and increases in electricity costs is lunacy.

**Deputy Mary Hanafin:** I never said that.

**Deputy Aengus Ó Snodaigh:** You did say that. It is in the script.

**Deputy Mary Hanafin:** It is in the script but I never said it.

**Deputy Aengus Ó Snodaigh:** I apologise. I will withdraw it. However, the Minister intended to say it——

**Deputy Mary Hanafin:** No, I did not.

**Deputy Aengus Ó Snodaigh:** ——but she ran out of time.

**Deputy Mary Hanafin:** I did not say it. I changed the wording.

**Deputy Aengus Ó Snodaigh:** The cost of living has not dropped for those surviving on social welfare payments, it has increased despite the figures the Minister tried to present today. I repeat that the Minister should try to live on social welfare payments and she will find out exactly how difficult it is and how the cuts she is proposing will hit the weakest and most vulnerable in our society.

**Deputy Michael P. Kitt:** I wish to share time with Deputy Mary White.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy Michael P. Kitt:** I welcome the opportunity to contribute to this debate and I congratulate the Minister on increasing the Department's budget. That she has a budget of more than €21.1 billion to spend in 2010 to support 2.1 million people was referred to earlier. I accept

that more people are in need of social welfare as unemployment has increased. It has stabilised and I hope it will remain so for next year.

The Minister has spoken much about fraud and I am glad the Bill provides for new anti-fraud measures such as exchanging information with other countries on people in receipt of social welfare payments; increasing the powers of social welfare inspectors and customs officers; and obtaining more information from financial institutions about individuals suspected of involvement in welfare fraud. This is all very welcome.

There has not been much debate about one particular payment that I would like to discuss and that is farm assist. It has been raised at many IFA meetings I attended. We know farmers have had a very difficult year. I attended nine IFA meetings with my colleagues in east Galway over the past month and many of the contributors at the meetings spoke about extra farmers applying for farm assist. Perhaps the Minister will provide us with figures on this when she replies. A question of funding is raised for people making these applications.

On top of all the difficulties in farming, in my home county of Galway there was serious flooding which affected north, south, east and west Galway, particularly the town of Ballinasloe in south Galway where it is still a huge issue. Many people have spoken about a single authority to maintain and manage rivers and drainage districts. I call for a single authority to provide funding for people affected by flooding, whether householders or farmers. No matter where the money comes from we must have a co-ordinator, one person or body, to deal with that funding. The Department of Social and Family Affairs has been very involved in the humanitarian side of the funding. I wish it well and I hope it continues to do so. A figure of €70 million was mentioned in the budget for structural funds. A total of €10 million was mentioned earlier which I do not think is enough but I hope it will be increased. A figure of €2 million was mentioned with regard to fodder for livestock. Let us hope the Department of Social and Family Affairs will continue to provide assistance.

I was very glad to hear the Minister state that the 107 family resource centres will be protected. I recall a meeting held a month ago in Ballygar in County Galway to which all of the family resource centres in County Galway were invited and where we had an excellent debate on the work done by the resource centres. The work was explained, particularly that with the less well off and disadvantaged. It is very important that those resource centres are supported. I welcome the extra payments in the qualified child allowance and the increase in the thresholds for the family income supplement.

A total of €7 million has been allocated for the roll-out of the new public service card. This card will contain a photograph and signature which will help to combat fraud. The Government has an important role in giving priority to job creation and the Department of Social and Family Affairs can play a great role in this. The Minister spoke about a scheme whereby an employer takes on an extra employee with an exemption from paying PRSI for the first year of employment. That is very welcome.

I hope the €6.4 billion for labour intensive projects in 2010 will be successful and school buildings and maintenance, energy efficiency measures and investing in tourism and tourism infrastructure will be important in this regard. An extra €50 million will be provided for retrofitting programmes and will create up to 5,000 jobs in 2010.

I welcome the fact that the State pension was not decreased. The elderly have made a great contribution to society. They do not have the option of going back to work to supplement their incomes and having worked all their lives they should not have to rely on their children to live in dignity. That is very welcome. No change has been made in the threshold for medical card holders. Those aged over 66 years of age, amounting to 474,000 people, are fully protected in

[Deputy Michael P. Kitt.]

the budget and I welcome this. I also welcome the fact that as well as receiving the State pension, older people will continue to receive free travel, a free television licence, electricity and gas allowances and that other allowances such as the living alone allowance, the over 80 age allowance and fuel allowances will not change.

There are very good proposals in the Bill and in the budget for 2010. It is difficult when payments are not being increased. All Governments in the past stated that they would make announcements. One change is that the cost of living has decreased. We see this in tenders for school buildings, to which reference was made earlier. The Minister for Education and Science told us of the reduced tender prices he obtained for schools. One's euro goes a little further and that is welcome. As I stated, initially the Department of Social and Family Affairs received more money for all of its schemes at a very difficult time. Now, we must try to support the extra people who need help. The extra €660 million which the Minister managed to put into the social welfare budget is very welcome.

The concept of a one-stop shop has been mentioned on many occasions and it could be introduced in conjunction with the new card being introduced. Once one has a card with one's photograph and signature on it, which I hope will deal with fraud, one would also have an opportunity to consider work. A controversial aspect of the Bill is the question of young people losing funding. A central place where they could go and make their case for job opportunities would be very welcome.

I am not convinced that many opportunities exist in rural Ireland, particularly for FÁS courses, because FÁS schemes are filled in most places. There is a rural social scheme for those who draw farm assist and that is very welcome. Sometimes that has more opportunities because there is not the same time limits on the amount of years one spends on a scheme. It would be great for people to avail of opportunities and incentives to work through FÁS, where we need more places, or through the rural social scheme, which could cover a larger area. If courses are held in larger towns we will have a problem.

I commend the Bill. This is a start. The Minister has the extra money and I hope that in the years to come, particularly when we have more people back in employment, we will be able to use some of the extra funding to help those in long-term unemployment, whether people with disabilities, pensioners or people who do not return to work. We face a big challenge to find jobs for those unemployed and for those seeking employment.

**Deputy Mary Alexandra White:** I thank Deputy Michael Kitt for sharing time. This has been a particularly tough time for families. The past year has been especially bleak. The challenges faced by both families and the Government have been immense. There is a need to take control of the public finances and protect the families to which I refer in order to prevent future generations from inheriting the kind of debt with which Ireland was saddled in the 1980s.

**Deputy Bernard J. Durkan:** It was saddled with such debt in the 1970s as well.

**Deputy Mary Alexandra White:** We must ensure that resources are spread adequately and in a thoughtful manner among those who most deserve assistance at this time.

I wish to refer in particular to two groups in our society, namely, the elderly and the young. I will begin with our senior citizens. I am glad the elderly are protected in the budget and that there will be no reduction in the basic rate of their old age pensions. Pensioners have devoted their lives to this country and many of them are well into their 70s and 80s and do not have the capability to generate revenue. I am delighted, therefore, that their pensions will be pro-

tected. The news that their pensions will not be reduced will give these people peace of mind. I am also glad that the supports which accompany people's pensions will also remain untouched.

**Deputy Róisín Shortall:** What about people with disabilities? What about the reduction in their rates of pay?

**Deputy Mary Alexandra White:** The 11% increase in the fuel allowance will help many older people who cannot yet take advantage of the opportunity to retrofit their homes and make them more comfortable. This increase will help to offset that which will arise as a result of the introduction of the carbon tax. Deputy Shortall is aware that there will be an 11% increase in this allowance.

**Deputy Róisín Shortall:** What about vouched expenses for Members of the Oireachtas?

**Deputy Mary Alexandra White:** A dedicated fuel poverty strategy will be initiated by the end of this year. That strategy was negotiated by the various Members, of whom the Minister, Deputy Hanafin was one, from the Green Party and Fianna Fáil who negotiated the programme for Government.

I am delighted that the Minister for the Environment, Heritage and Local Government, Deputy Gormley, is increasing the funding available for housing adaptation grants. I welcome the increase from €65 million to €80 million in funding for this scheme, which is in high demand and which can assist many of the elderly and give them confidence to remain in their homes throughout their latter years.

Our children are also being protected. The accusation has been made that the cut in child benefit is an attack on children. We know parents will find the 10% reduction a financial burden but this budget's strong protection of investment in education is a sign of the Government's commitment to providing children with an opportunity to develop to their full potential. When difficult decisions relating to cutbacks in education were taken in the context of the previous budget, I recall the furore that arose. I am delighted that those with special needs, those with particularly good abilities and those in need of encouragement will be protected and that the pupil-teacher ratio will be maintained. The latter is a good development.

One of the many positive provisions relating to education in 2010 is the reinstatement of the collective grants. I am delighted that parents who are obliged to access back to school allowances, the grant for school books or whatever will be able to do so. Many low-income households that might have struggled to meet the cost of school books, uniforms or whatever, will be able to obtain grants and thereby offset some of the costs that arise at the beginning of the school year. I welcome the immediate allocation of an extra 200 teachers, additional psychologists — who will assist children with special needs — and the maintenance of current grant and capitation levels. I also welcome the fact that third level fees are not being reintroduced. Many families which have been affected by unemployment but which wanted their children to attend third level can now rest assured. The Green Party, in conjunction with its colleagues in the Government, is committed to investing in youth.

**Deputy Róisín Shortall:** What about VTOS?

**Deputy Bernard J. Durkan:** Those opposite have a funny way of showing that commitment.

**Deputy Mary Alexandra White:** I am pleased that certain social welfare rates are not being altered in the budget. The household benefits package and the free travel schemes are very important for those dependent on social welfare and I welcome their retention. I have always been someone who considers the glass half full. I am not a naysayer who considers it half empty.

**Deputy Róisín Shortall:** The Deputy is trying to disassociate herself from the savage cuts.

**Deputy Bernard J. Durkan:** She should have gone to Specsavers.

**Deputy Mary Alexandra White:** When times are tough, we must ensure that we adopt a positive attitude and identify those who require our help.

**Deputy Róisín Shortall:** Will the Deputy get real?

**Deputy Mary Alexandra White:** The decision not to reduce the domiciliary care allowance——

**Deputy Bernard J. Durkan:** If one can qualify for it.

**Deputy Mary Alexandra White:** ——or the respite care grant is extremely positive in nature. The Minister is aware that I am extremely pleased by the fact that all 107 of the family resource centres will be retained. There are several such centres in my constituency, including the Forward Steps centre at Tullow, the Bagnelstown family resource centre, the Newpark centre in Kilkenny and the Fr. McGrath centre. Despite what Deputy Ó Snodaigh stated, these centres do the most fantastic work. They cater for the most vulnerable in society and provide breakfast and homework clubs and literacy support services.

**Deputy Róisín Shortall:** Why is the Deputy not discussing the Bill? She should confine her remarks to the legislation.

**Deputy Mary Alexandra White:** The Minister listened to the views of everyone who spoke with her with regard to these centres. I congratulate the family resource centres on their well-run campaign which was free from insult and aggression. It was run to the highest standards and I am delighted the resource centres are to be retained.

Everyone is aware that the family income supplement provides a tremendous boost to those on low wages. It also acts as a buffer in the context of preventing them from falling into poverty. The increase in the thresholds relating to the family income supplement is welcome and will be of assistance to those on low incomes to whom child benefit is vital.

The new measures to tackle fraud are welcome. The introduction of a new public service card, one on which people's photographs will be printed, is a good development. This will hopefully ensure that the State will not lose as much money and that fraudulent activity relating to social welfare will be eradicated as quickly as possible. The Minister has set a target in respect of the amount of savings she hopes to achieve in this regard.

To help those who are unemployed and struggling, the Government is investing a very significant level of resources in the areas of training, job creation and job retention. I did some arithmetic before coming before the House and I worked out that the Government is providing almost 333,000 places — through the Departments of Enterprise, Trade and Employment, Social and Family Affairs, Education and Science and Community, Rural and Gaeltacht Affairs — on employment and training schemes. Such schemes provide people with a way out of the poverty trap. If they can access training and then obtain jobs, when the green shoots appear they will have upskilled and hopefully will be able to avail of the new opportunities that will arise.

**Deputy Bernard J. Durkan:** More green shoots.

**Deputy Róisín Shortall:** We should shoot the Greens.

**Deputy Mary Alexandra White:** Employment stimulus packages such as that being provided by means of the retrofit scheme to insulate 100,000 houses a year — which will be extremely good in the context of tackling fuel poverty and allowing people to live in comfort and which is particularly targeted at low income households — the investment in research programmes, the temporary employment subsidy scheme, the enterprise stabilisation fund and the new employers' job incentive scheme should all be seen as supports for the unemployed. We want to assist people in obtaining employment and the best way to do so is to provide protection against poverty and ensure that people are upskilled.

I wish to conclude by quoting George Bernard Shaw, who had great links to Carlow. A George Bernard Shaw summer school will be held in Carlow next year——

**Deputy Bernard J. Durkan:** The Deputy quoting Shaw will be of major assistance to the unemployed.

**Deputy Róisín Shortall:** Shaw will be turning in his grave.

**Deputy Mary Alexandra White:** ——which will bring great cultural and artistic capital into the county. Perhaps Deputy Durkan would like to listen to the words of the great man himself.

**Deputy Bernard J. Durkan:** I have read his work.

**Deputy Jimmy Deenihan:** Deputy Durkan is a poet himself.

**Deputy Mary Alexandra White:** Shaw stated, “We are made wise not by the recollection of our past, but by the responsibility for our future”. This is a tough budget but it is also a responsible one. It will secure all our futures.

**Deputy Bernard J. Durkan:** It is a pity Shaw was not around in recent years.

**Deputy Frank Feighan:** Deputy White has not convinced Deputy Durkan of her arguments.

**Deputy Catherine Byrne:** I wish to share time with Deputies Durkan——

**Deputy Michael Kennedy:** The lord of north Kildare.

**Deputy Catherine Byrne:** ——Deenihan and Feighan.

**Acting Chairman (Deputy Kathleen Lynch):** That is agreed.

**Deputy Catherine Byrne:** People are reeling as a result of yesterday's budget and no one more so than the thousands of people on social welfare whose payments are being cut at a time when they need them most. The pain, anger and distress caused by the Minister for Finance's announcement are immeasurable. The people feel betrayed by the Government, which has cemented the two-tier society that exists in this country. Never before has a budget been awaited with such dread or greeted with such anger.

The Minister for Finance stated that the Government's plan is working and that we have turned the corner. For many people, turning the corner has led them to a much darker place. The most vulnerable have been used as pawns by the Minister for Finance in his struggle to make up for the massive overspend made in the past. For widows, widowers, carers, the blind, the disabled, the unemployed and the young, this budget will make them pay.

This Government prides itself on looking after the poor. Yesterday, the Minister for Finance repeated his commitment to be fair and to protect the most vulnerable. Who is he talking

[Deputy Catherine Byrne.]

about? If it is the blind, the disabled, carers or children then they are certainly not protected in this budget. The first hammer blow fell last April when the Minister for Finance announced that the Christmas bonus was being axed. Last week I talked to shoppers and stall owners in Meath Street. They all said the loss of the Christmas bonus would have a major effect on Christmas shopping. I invite the Minister for Social and Family Affairs to pay a visit to Meath Street to see for herself the impact the budget and the loss of the Christmas bonus will have on those who shop in Meath Street. They do not wear designer clothes and they do not shop on Thomas Street because they cannot afford it. Now, just two weeks from Christmas, the hammer struck again for people on social welfare already struggling to make ends meet without the Christmas bonus payment. In January they must cope with a further reduction in payments. This is supposed to be the season of goodwill but no goodwill is coming from the Government.

Yesterday's budget brought bad tidings for thousands of young people receiving jobseeker's benefit. The vast majority of young people do not want to be on the dole. They want to earn a living and live an independent life but, with very few jobs on the horizon, they are forced to join the dole queue. What does the Government do? It reduces the jobseeker's allowance for people under the age of 22 to €100 per week and for those aged between 22 and 24 years to €150 per week. How can we expect young people to survive, especially if they have moved out of home? With no jobs and little or no financial support from the State, the only option for many young people is to emigrate. As a parent, I face a major dilemma at the end of this month when my daughter will lose her job. I fear she may have to join hundreds, and possibly thousands, of people who must board planes and go to Australia, the UK and the USA. Many of these young people feel they have been betrayed and let down by the Government. They do not want to be a burden on their families or friends.

The average full-time carer earns just over €12,000 each year. When they are saving the State €40,000 per year, this is a small sum. I know very well the importance of our carers and the great work they do. I can vouch for this in respect of my family. My mam, who passed away this year, was cared for and loved 24/7 by my brother for the miserable sum of €221 a week. He was expected to pay for special food, clothing, bed sheets and high heating and gas bills out of this sum. These people do not want payment; they do this out of love. However, they deserve recognition and support because they provide a great service for their families and for the State, saving the Government thousands of euro each year.

I refer to child benefit, the disabled, the blind and widows. When I struggled, when my husband was unemployed, child benefit was very important at the end of the month. It paid not only for food and rent but many other things. I fear for the future of those who are disabled and blind, particularly widows. In today's world, where many are struggling, why pick on the most vulnerable in society? The Minister for Social and Family Affairs should be protecting these people, allowing them to have some joy and peace. I refer particularly to those with disabilities. Those with disabilities have many complications living their lives on a daily basis and should not have to decide where the next few shillings will go.

**Deputy Frank Feighan:** I received an e-mail today sent to Deputies and Senators from a woman called Maureen. She expresses her disgust and concern at yesterday's attack on the disability allowance. She says that the €8 per week her daughter will lose will have a serious impact on her attempt to live independently with all the extra costs associated with living with a disability. She adds that the mantra that we must all share the pain is not a credible defence to this assault on the most vulnerable. She says shame on all who voted for this budget provision to pass and that it will be remembered at the next general election.

This social welfare Bill is not fair; it is unjust. After all the years we aspired to a united Ireland, we now have a divided Ireland because of this Bill. We cannot blame Europe. All our lives we blamed the British. The blame for the divided island lies fairly and squarely with those who have been in Government for the past 12 years. The only difference between the Minister for Finance and the famous highwayman Dick Turpin was that the Dick Turpin wore a mask.

**Deputy Bernard J. Durkan:** He rode around on a horse.

**Deputy Frank Feighan:** The Government is taking the money off the vulnerable. The annual fraud target of €533 million is lower than the target of €616 million referred to in the context of this debate. I refer to last week's "Prime Time Investigates" programme. Who was minding the shop? It is estimated that fraud amounts to €2 billion, 10% of the social welfare budget. People in this society claim welfare and benefits all over the country. We all know this is going on. In this small country, where everyone knows their next-door neighbour, the estimate of €2 billion is shocking. I ask the Minister for Social and Family Affairs to put additional staff in place to stop this fraud. Decent, genuine people on social welfare will start asking themselves what will happen if they try it. Money is being squandered. If Ryanair can introduce a photo identification requirement, we must have some form of scheme to stop this wanton fraud.

**Deputy Paul Gogarty:** Hear, hear.

**Deputy Frank Feighan:** It sends out the wrong signal and it is not on. If the shop was run correctly and €2 billion was not wasted on fraud, none of these cuts would have to be made. The shop has not been run well. Even though there are some great aspects to social welfare benefits, money was squandered and there were no checks and balances.

The 4.1% cut to the blind pension represents an attack on the most vulnerable. We all know that where community welfare officers were giving out rental allowance, rents were exorbitant. Local authorities are doing an excellent job. This measure was introduced in 2004, with responsibility allocated to local authorities. I cannot understand why 22,400 people have moved since the scheme was established. Competent people in local authorities are not dishing out money but are checking and putting people in the right areas. We must ensure that local authorities implement the rental accommodation scheme. Community welfare officers are too busy to carry out checks and balances. In my town, people were in receipt of €600-€700 a month for a one-bedroom apartment. In contrast, a three-bedroom apartment in Sligo or Dublin rented by people working as bankers or nurses cost almost half of that figure. That was wrong and the local authorities can do a much better job on this. The work should be given to them.

Bill Vaughan said it would be nice if the poor could receive half of the money spent on studying them. There are far too many quangos and vested interests. When the people come marching to Leinster House, the Garda should direct them away from Leinster House to Anglo Irish Bank on St Stephen's Green. These people were not elected but they ran Ireland. They had access to Ministers and the next protest march that comes up here should be sent to Anglo Irish Bank.

**Deputy Jimmy Deenihan:** I felt compelled to speak on this Bill on behalf of the almost 100 people who e-mailed me, particularly those with a disability background. That may be because I am a longtime campaigner and fundraiser for several groups for people with disabilities in my county but it is more than that. There is massive revulsion amongst a certain sector of our community at the Minister's proposals.



[Deputy Jimmy Deenihan.]

We all received an e-mail from Fr. Seán Healy, of Social Justice Ireland, who was a great supporter of Fianna Fáil in recent times.

**Deputy Mary Hanafin:** I do not think so.

**Deputy Jimmy Deenihan:** He addressed the Fianna Fáil conference numerous times.

**Deputy Bernard J. Durkan:** Yes in Inchydoney.

**Deputy Mary Hanafin:** That does not make him a supporter of ours.

**Deputy Jimmy Deenihan:** He was one of Fianna Fáil's great supporters and because of that and because he came out so strongly in favour of its social policy so many times his comments are important. He described this budget as anti-family, anti-poor and anti-children. He said that poor people will take a bigger hit than those who are better off, those living in poverty where one in seven of the total population, 18% of children, are being asked to endure greater deprivation. He says this is unjust and unfair and that the Government's arguments based on falling inflation, which numerous Government spokespersons mentioned this evening, are profoundly ill-informed. They fail to recognise the fact that costs for poor people have risen in key areas of their expenditure over the past year. That sums it up.

This morning the Taoiseach claimed that the budget protects the most vulnerable. This is not the case. Everyone here with any connection with his electorate knows that. As numerous commentators have said people with disabilities, and carers, will face cuts of up to 4% in their weekly payments, cuts of between €8.30 and €8.80 would have a very real impact on the 96,000 people in receipt of disability allowance and the country's 30,000 carers.

Cuts in the disability allowance will have a major impact on people with disabilities who already find it difficult to make ends meet on a daily basis. This sector already has much higher poverty levels than other population groups. People with disabilities have a higher cost of living particularly in respect of heating, housing and transport. The Rehab group has proved that people with a disability face an additional cost of living estimated at €40 per week. That, coupled with the drop in income, will put them under major pressure to survive. That figure was given in research on disability payments that we all know and that has been used several times. People on disability benefit have more medical expenses, need disability aids, home adaptations, transport and heating costs, than other sectors. The decision to cut their payment takes no account of the fact that people on disability benefit are two and a half times more likely to be unemployed than people with a disability. The decision takes no account of the cancellation of the Christmas bonus. Blind people should have been exempted from these cuts. The €500,000 that was available to train guidedogs for blind people has been scrapped. That is penal. That at least should be restored.

Two things threatening our society are fraud, which should be taken on, and the black economy. I forwarded a letter from a builder to the Minister on this subject. Legitimate builders are unable to compete with people who are drawing welfare and do not go through the books. The black economy is one of the reasons for the decrease in the tax take. These two issues must be taken on.

I am sure Fr. Healy will read all these statements. He said that a society is measured by how it treats its vulnerable people. Using this yardstick this budget has failed all of Ireland's people. I do not believe Fr. Healy will address the Fianna Fáil conference next year.

**Deputy Bernard J. Durkan:** If Fianna Fáil is brave enough to go to Inchydoney again next year I am sure that Fr. Healy will be happy to address it but with a different admonition. It is with sadness that we address this House tonight in these circumstances. I bear no malice toward the people on the Government side. I have known them all since they came into this House. They are all decent people and I know that they mean well but God in Heaven I do not think they know what they are doing now. If they did they would never allow the things that are unfolding before them. They would never give their names and votes to what is falling on the heads of the people. We have listened for the last few minutes to people talk about social welfare fraud which was spread across our television screens two nights before the budget was announced. The presumption is that there is a lot of fraud.

I wonder how our economy got to this point. Was it by following due process and justice? Did it entail having due regard to rules and regulations? Was there fraud? Was this country sold down the river because of malfeasance and was any action taken against anybody? No. All of a sudden we have become politically correct and outlandish in our condemnation of what is seen as social welfare fraud. Maybe there is some. It is easy to take those people out and name them. Nobody will go to the European Court of Justice about them. They are just ordinary people. That is the sad aspect of this problem.

Within the Department of Social and Family Affairs there are already lots of swings and balances that are reported on weekly, monthly and quarterly. If they were suppressed it was not during the time of the rainbow coalition. They were active then. The then Opposition criticised it but the system was active. If there has been fraud the responsibility rests with the Government which allowed or encouraged it. The presumption that people from outside this jurisdiction have no right to obtain benefits here is wrong. The Government introduced that idea. Anybody who worked in this jurisdiction and paid contributions in recent years is entitled to gain benefits as a result, just as Irish people who have worked abroad for several years have done. People in this House should be careful about any attempt to change that.

The banking and property sectors have hijacked the economy. They have walked away with the economy. They raised the bar to such a height that nobody could reach it. They walked away and nobody says a word about it. Nobody says they were wrong.

**Acting Chairman (Deputy Kathleen Lynch):** The Deputy has one minute left.

**Deputy Bernard J. Durkan:** It is impossible to say all the things that one has to say at this time about the carers and people with special needs and the domiciliary care applicants. Somebody said that allowance was not interfered with. God love that person. It is nearly impossible to qualify for it as we all know from dealing with such cases. What message have we given to the young unemployed? We tell them to go out and get a job. Where? What do we have to offer them? What are we handing over to them? What are we doing about them?

The 1980s did not cause the problem. In 1977 the people were bought in a general election and the country was sold down the river. In the 1980s we had to pick it up. The only thing that stood to the country then was that the division in society to which the Acting Chairman referred did not exist. We were all poor together, we were all sucked down together and carried the burden. Nobody blamed anybody else. Now, we have that problem. That division in society is dangerous and could well explode. I hope we can contain it for the benefit of everybody because, if we cannot, society will have failed and we will have failed society. I could go on but, sadly, despite the fact we are dealing with such a crucial Bill, we get only five minutes to speak.

**Deputy Michael Kennedy:** I welcome the opportunity to speak on this important Bill. Like every other public representative, I find it is not easy to discuss the cuts that have had to be introduced due to financial necessity. In saying that, I commend and congratulate the Minister, Deputy Hanafin, for the way she has balanced this huge portfolio in a very fair way. When one considers there are 400,000 people on the live register, 1.1 million children in receipt of child benefit and 470,000 senior citizens on the State pension, to divvy that up in a fair way is not easy. The Minister has done a remarkable job.

The budget of €21.1 billion for 2010 compares to one of €20.4 billion in 2009. That is a huge budget at two thirds of our entire tax take for last year and probably the same for next year. It represents 35% of the entire spend of the Government. Therefore, it is not easy for any Minister to put forward a balanced portfolio of cuts. Equally, it is not easy for any Deputy or for those who will be in receipt of less money. However, we must recognise that the overall position of the public finances demands that we take action because, if we do not, we will be in the unfortunate situation where others may well do it for us.

**Deputy Tom Hayes:** Who put them in the position they are in?

**Deputy Michael Kennedy:** The priority of this budget and of the Government is, first and foremost, to stabilise the public finances. Anyone who ignores that fact is not living in the real world. We are aware from discussions throughout the year with those such as the ECB and the IMF that they expect us to take the corrective action we are taking.

I commend the Minister for leaving the State pension for our senior citizens unchanged. I went on public record a number of times during the year to state that it is important that those who built up Ireland through their blood sweat and tears, and their taxes, which made this country what it is, are protected. As a society, we should recognise that they deserve special treatment for what they have done for the country. They have always recognised the benefit of the free television licences, free bus passes, the fuel allowance, the telephone allowance and the ESB and gas allowances. These are very important and I have no doubt from the discussions I have had with senior citizens over the years that those benefits are important to them. I am delighted the Minister has been able to retain them.

Similarly, I welcome the fact the half-rate carer's allowance scheme is staying in place, as is the half-rate illness benefit and the jobseeker's benefit payments for widows and lone parents. It is also welcome that the additional payments for lone parents and people with a disability who are on CE schemes are to be maintained in full. Many speakers referred to domiciliary care allowance which is paid to parents and guardians of severely disabled or ill children under 16 years of age. That payment is being retained and amounts to more than €1,700 in a year.

Many speakers referred also to family resource centres. They play a very important role. The counselling and mediation services they provide are fantastic. Maintaining those is very welcome and I am sure those 170-odd bodies through the country will welcome this. The people involved do great work. I commend the Minister in this regard.

The social welfare budget at €21.1 billion is two thirds of our entire tax take. Some on the other side of the House suggest there should be no cuts, although Fine Gael is a bit out of tune because its programme actually calls for 3% cuts. Despite this, I heard some of its speakers throughout the day deriding the Government.

**Deputy John O'Mahony:** We saved the carers and the disabled.

**Deputy Tom Hayes:** Does the Deputy want a copy of the programme?

**Deputy Michael Kennedy:** The Deputies referred to child benefit. Deputy O'Mahony may not have heard some of the earlier Fine Gael speakers but they castigated the Minister for changing the benefit. Fine Gael recognises as much as we do that serious financial retraction is necessary. When I consider the difficult choices the Minister had in this portfolio, I believe she has acted in a very balanced way.

**Deputy Tom Hayes:** I would be surprised if the Deputy said anything else.

**Deputy Michael Kennedy:** We all recognise that parents will not welcome the fact that they have €16 less in child benefit. However, Members should recognise that this benefit has increased over 300% in a ten-year period. When one considers that for the past year we have had deflation of 6.5% to 7%, the purchasing power of that payment has also increased. To suggest that it is not reasonable to make this cut is not reasonable. My Fine Gael colleagues should look into their own souls on that issue as well as to their record when last in Government.

For people on high incomes to receive child benefit is wrong. We have to get to a stage where it should be means tested or taxed. It is akin to a business person borrowing to pay himself or herself an increase in salary. No sensible business person would do that.

**Deputy Tom Hayes:** "Treat all of the children of the nation equally". Who said that? The man the Deputy spoke about only a week ago, Eamon de Valera.

**Deputy Mary Hanafin:** It was the 1916 Proclamation.

**Deputy Michael Kennedy:** When people have sufficient resources and their taxes are paying the €22 billion deficit of last year and next year, we will see how they feel about it.

**Deputy Bernard J. Durkan:** We would not know they were in Government at all.

**Deputy Michael Kennedy:** Has Deputy Durkan joined the Labour Party? I thought he was a bit out of place with Fine Gael.

**Deputy Bernard J. Durkan:** Unless the Deputy and his colleagues join something very shortly, I am afraid the dole queue is staring them in the face.

**Deputy Michael Kennedy:** Deputy Durkan was not in tune with his colleagues in Fine Gael.

**Deputy Bernard J. Durkan:** Please, Deputy Durkan. Allow Deputy Kennedy to continue.

**Deputy Michael Kennedy:** Our benefits are substantially higher than those in the UK — the mighty British empire, with all of its mighty finances and North Sea oil. Yet, our benefits are two or three times higher.

**Deputy Bernard J. Durkan:** It is the Deputy's party that is in Government.

**Deputy Michael Kennedy:** When one thinks in terms of where Ireland has come from and where it will go, the programme we have before us today is very balanced and reasonable.

With regard to jobseeker's benefit, I commend the Minister for making people under 24 go on educational and training courses. It is one issue I have heard many comments on from my constituents over the years. Quite a number of young people never seem to do anything to further their education, they are never interested on going a training course but will walk down to the dole office every week to collect their €200.

**Deputy Bernard J. Durkan:** That is an appalling thing to say. There are no jobs for them and the Government took away half their incomes.

**Deputy Michael Kennedy:** We must incentivise those people to upskill for their own good. Putting a financial disadvantage in their way is one manner in which we may achieve that.

**Deputy Jan O'Sullivan:** If there are no courses for them to do, what can they do? There are not enough places for them on training courses.

**Deputy Michael Kennedy:** That is a challenge that we must meet and another Department will deal with that.

**Deputy Deirdre Clune:** It is quite a challenge.

**Deputy Michael Kennedy:** The fact it may be an issue is not something we should ignore.

**Deputy Pat Breen:** The Government ignored FÁS for long enough.

**Deputy Michael Kennedy:** We should not leave people sitting at home doing nothing.

**Deputy Bernard J. Durkan:** If the Government created employment for them, they would not be at home doing nothing.

**Deputy Michael Kennedy:** If the Deputies talked to their own constituents, they would tell them that people should be made to do courses or not get the full benefit.

**Deputy Bernard J. Durkan:** Where are the places for them?

**Deputy Michael Kennedy:** There will be places for them.

**Deputy Bernard J. Durkan:** I know what places the Deputy has in mind.

**Deputy Michael Kennedy:** If the Deputy listens to other Government Ministers he will hear that.

**Deputy Jan O'Sullivan:** One in three young men under 25 are out of work. I hope there are enough places for all of them.

**Deputy Bernard J. Durkan:** A sad fact.

**Deputy Michael Kennedy:** I am well aware of the figure, I am just making the point that as long as there is no incentive for young people to upskill themselves, we will have a situation where they will continue for their lifetime to draw the dole.

**Deputy John O'Mahony:** What about 23 year old engineers or architects? How are they to upskill?

**Deputy Michael Kennedy:** We know that is not in their interests, those of their families or those of the country.

**Deputy Bernard J. Durkan:** That is a sad situation.

**Deputy Michael Kennedy:** Deputy Durkan has retaken his place on the Fine Gael benches so perhaps he might let me finish my contribution. He had his opportunity.

**Deputy Bernard J. Durkan:** I would be inclined to take any place after hearing what Deputy Kennedy just said. It is a sad reflection on this Government and its backbenchers.

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

**Deputy Bernard J. Durkan:** I apologise. He is upsetting me again.

**Deputy Mary Hanafin:** Even I would not do that.

**Deputy Michael Kennedy:** Perhaps Deputy Durkan should go back to the Labour Party benches.

**Deputy Bernard J. Durkan:** If there was a bench Deputy Kennedy could go to, I would advise him to go to it fairly soon.

**Deputy Michael Kennedy:** I welcome the reduction in the rent supplement budget from next April. Rents have fallen. There are, however, differentials within towns, particularly in Dublin and the other large cities. There are differences within estates and I would recommend that when the Minister introduces the reduction in rent supplement, she would allow discretion. Not every estate will have reduced rent, that is my experience in my constituency. People have come to my clinic telling me they cannot get a house or apartment for the rent the CWO would allocate. We must use discretion.

I welcome the new welfare fraud measures. This irritates many constituents, because they believe there is a lot welfare fraud, even though when they are asked for names and evidence, it is not always forthcoming.

**Deputy Bernard J. Durkan:** What about the fraud in the banks?

**Deputy Michael Kennedy:** We must recognise that fraud is going on and we must get to grips with it. Last year there were more than 600,000 claims reviewed by inspectors. We must continue that programme.

**Deputy Bernard J. Durkan:** Punish the people at the bottom of the line.

**Deputy Michael Kennedy:** For fraud we might do what was done in the insurance business, where newspaper and television advertisements were taken out that referred to fraudsters putting their hands in people's pockets and stealing their money.

**Deputy Bernard J. Durkan:** It is the Government that is putting its hand in the pockets of the unfortunate, the disabled and the sick, the unemployed.

**Deputy Michael Kennedy:** Welfare fraud must be tackled, people expect it. Those who are genuinely in need of benefit should have those extra resources. I welcome the work done by the officers of the Department. The new photographic identity card will go a long way to eliminate fraud, as will the new provision whereby welfare officers can stop cars and question the occupants.

**Deputy Bernard J. Durkan:** The Deputy wants to make us like a police state. That is what they used to do in eastern Europe once upon a time. The Berlin Wall was taken down because of that.

**Deputy Michael Kennedy:** Is the Deputy suggesting we should not check?

**Deputy Bernard J. Durkan:** Does the Deputy want the Berlin Wall to go up here?

**Deputy Michael Kennedy:** He wants fraud stopped but not the means to detect it. That shows how ludicrous his comments are. Allowing welfare officers to check people is necessary.

**Deputy Bernard J. Durkan:** Provided their constitutional rights are upheld.

**Deputy Michael Kennedy:** I equally commend the Minister for Social and Family Affairs for the employer PRSI incentive. Allowing employers who take someone on who has been unemployed for six months to have a PRSI deduction is a welcome measure. It is good for the person who gets a job and good for business people in these hard times. It will help to sustain that person by upskilling him and getting him back into the workplace in these difficult times.

I recognise that making any deduction is not easy, even allowing for the fact we have had a 300% increase in the last eight years.

**Deputy Bernard J. Durkan:** A 300% increase in what? There has been a 500% increase in the price of housing and accommodation.

**Deputy Michael Kennedy:** What we are doing in this Bill, retaining full benefits for senior citizens, making a 10% reduction across the board in child benefit and reducing social welfare benefits, is reasonable. As resources come back to where we hope they will be in the next year, Fianna Fáil will be to the forefront in increasing welfare benefits as it is the party that has introduced all these increases, unlike when Fine Gael was in Government.

**Deputy Bernard J. Durkan:** Fianna Fáil took it out of the hand of the child in the cradle. Government Deputies should be ashamed of themselves.

**Deputy Michael Kennedy:** The Deputy should look at what his former leader, John Bruton, did for welfare beneficiaries when he was Minister for Finance.

**Deputy Bernard J. Durkan:** He brought in 20% of an increase. If Deputy Kennedy knew his history he would know that. The Deputy knows nothing about recent history, never mind past history.

**Deputy Michael Kennedy:** The Fine Gael record is very unsatisfactory.

**Deputy Bernard J. Durkan:** Deputy Kennedy does not have a record here, he should be ashamed of what he just said.

**Deputy Michael Kennedy:** Is a 300% increase not a good record?

**Deputy Bernard J. Durkan:** When there was a 500% increase in the price of housing and accommodation?

**Deputy Michael Kennedy:** At a time when inflation was only 40%? That is a good record.

**Deputy Bernard J. Durkan:** There was €600,000 of a good luck gift for the bankers while the ordinary pleb was punished.

**Deputy Michael Kennedy:** Perhaps Deputy Durkan's maths is not good but that is seven times more than the rate of inflation. If he goes back to his calculator, it will confirm for him that seven times 40 is 280, when there was a 300% increase.

**Deputy Bernard J. Durkan:** We now have a mathematician over there.

**Acting Chairman:** If Deputy Kennedy addressed his remarks to the Chair there would be fewer interruptions.

**Deputy Bernard J. Durkan:** Mathematics is certainly not his Government's chosen subject.

**Acting Chairman:** I ask Deputy Durkan to let Deputy Kennedy conclude.

**Deputy Bernard J. Durkan:** I apologise. He has upset the people of this country as well as me.

**Deputy Michael Kennedy:** I draw attention to the rates of welfare payment in Britain. Job seekers there get £51 if they are aged between 16 and 24. If they are over 25, they get £64.30. That puts our rates into perspective. Old age pensioners in Britain get £95.25 and if they are over 80, they get another 25 pence.

**Deputy Bernard J. Durkan:** The Government created that problem when it bought a general election. It gave medical cards to old people to buy a general election. The Government Deputies stood up at the budget and applauded. There was a standing ovation for the Minister last year and the year before. What for? They should, "Give us more, give us more".

**Deputy Pat Breen:** Deputy Mattie McGrath is coming. He will sort it out.

**Deputy Michael Kennedy:** I was making the point in respect of the old age pension in Britain that a person over 80 years of age gets an extra 25 p on top of the £95.25. When we compare that to our €230 the record speaks for itself.

**Deputy Bernard J. Durkan:** That unfortunate man is deluding himself and everybody else. He is now boasting about how well he has done. This is outrageous.

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

**Deputy Bernard J. Durkan:** I apologise.

**Acting Chairman:** It is not much use if the Deputy does not mean it.

**Deputy Bernard J. Durkan:** I do mean it.

**Deputy John O'Mahony:** I wish to share time with Deputies Deirdre Clune, Pat Breen and Deputy Tom Hayes.

**Acting Chairman:** The Deputies will have five minutes each.

**Deputy John O'Mahony:** When he introduced the budget in October 2008, the Minister for Finance, Deputy Brian Lenihan, asked all here and all in the country to be patriotic and to pull together so that we would get out of the financial crisis that was looming. Subsequent revelations in FÁS and the banks suggested that people in high places were not very patriotic for a very long time. Yesterday when the same Minister stood up to introduce his budget he said we are on the road to recovery, that we have turned the corner.

Five minutes later he announced a reduction of €8.50 or €8.30 in the blind pension, the disabled allowance, the carer's allowance and a 10% reduction in children's allowance. We have turned the corner but around that corner the vulnerable, the disabled, the blind and the children are savaged in this budget. That is the reality. These are the carers who have given up their own jobs to look after their mothers and fathers in their final years and who are saving this country millions of euro. In the past 18 months the House sat until 3 a.m. and 4 a.m. on



[Deputy John O'Mahony.]

occasion to keep the banks afloat. We passed the NAMA legislation in order that the taxpayer could pay billions of euro over the odds for the developments and the developers of this country.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy John O'Mahony:** The Government has never said it was sorry, that it made mistakes, that it had learned from the errors of its ways and that it would not do it again. In many respects that is the least that would be expected and the least that would be required. However, it has learned something from the mistakes of last year. The budget was a week late. It is passing the Social Welfare and Pensions (No. 2) Bill before going home for the weekend so that Government Deputies in particular cannot waver or wobble. Let me explain. When the medical cards were removed from the over-70s the Government thought they could not speak up but it learned to its cost in the weeks following the budget. This week it has cynically delivered the budget close to Christmas to try to minimise the objections and the street marches. It will torpedo the Social Welfare and Pensions (No. 2) Bill through the House by tomorrow evening not to save the skins of the poor, disabled, blind or carers, as it did for the bankers and the developers. One should not underestimate the less well-off and those earning less than €30,000 and assume that they will not be distracted by Christmas or Santa because for most of those there will not be a Christmas or a Santa. The Minister has said there was no option but to hit the low paid, the vulnerable and the social welfare recipients. There was an option. I agree with Deputy Kennedy that if the fraud element was eliminated there would be an option. During the past three or four days we have been almost overrun by the charade of Independent TDs and some backbench Government Deputies——

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy John O'Mahony:** ——negotiating and announcing sweetheart deals to secure support for this penal budget. This country is either broke or it is not. If it is, where is the money to buy the vote of the wobblers? If not, why cannot those in most need, the blind, the disabled and the carers, have the burden eased? Why did not some of the wavering TDs ask to save the carers and the disabled? At least Deputy McDaid did not get involved in a Dutch auction. Will he vote for the Bill tomorrow evening?

It is a cynical move by the Government that measures have to be voted through by tomorrow night. It will mean that every mother, carer, and blind person will be hit by all these cuts in the first week of January. They lost the Christmas bonus in December and now they are taking a further cut. During the past few days we have heard how the payments were increased during recent years. Most of the increases came not in the 48 hours after the budget but in the case of 2007, two weeks before the general election. In the same way as the voters were bought off in 2007, the Government bought off the wavering backbenchers during the last few days. The more things change the more things remain the same.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy John O'Mahony:** Fianna Fáil first, the county and, in particular, the vulnerable, the disabled and the carers a very poor second.

**Deputy Deirdre Clune:** I will probably repeat much of what has been said but I wish to express my disgust at the fact that the disabled, the blind and carers have been targeted in this budget. Those with disabilities are probably the most vulnerable in society. They have greater

needs and expenses, certainly in terms of public transport, clothing and aids and the record shows they are at greater risk of poverty than many others in society. The employment rate is 14% among those with disabilities. All in this House are aware of the contribution carers make to society. The 161,000 family carers provide more than 3.7 million hours of unpaid care each week—

**Deputy Bernard J. Durkan:** That is right.

**Deputy Deirdre Clune:** —and contribute more than €2.5 billion to the Irish economy each year, yet they have been targeted in the budget.

**Deputy Bernard J. Durkan:** That is right.

**Deputy Deirdre Clune:** Why? They make a valuable contribution to society. They keep those for whom they care in their homes, they do a service to the State and what they want is recognition. They certainly do not want their payment cut in such a savage way. I do not understand why the blind pension has been cut. The percentage of the budget they receive must be minimal, so why target them? The cut in child benefit is a statement about where the Government perceives families and children in society. I have heard the argument that some people who receive child benefit could do without it. The State recognises the value of having and rearing children and the costs associated with same but, more important, it needs to recognise the contribution that those children make to the future of society. Similar to the debate on individualisation some years ago, it is about what we are as a nation and how we recognise children, families and those who care for children. That is an important statement but the proposals before the House certainly undermine the type of society and State in which I want to participate. Children and families have been always very important in this country. It has been recognised that those who have or support children need to be supported. Those cuts are particularly difficult for people and I do not understand why those sections of society have been targeted. It is a backward step. There are other areas which could have been targeted by the Government.

In the short time remaining to me I will concentrate on the young unemployed. CSO figures show that youth unemployment has jumped by 51,000 in the past two years. In November 2007 the figure was 32,000 of under-25s on the live register and in November 2009, this figure had increased to 83,000, an increase of almost 160%. This is a great many young people. We need to give those people hope. We need to recognise they have a contribution to make to society and we certainly do not need to tell them there is no future for them here and that their benefits are being cut. We all know there are not enough places for them all. What is one to tell a 21-year old who has graduated from CIT or UCC in the past year, that he or she should go on another course or they will not get any payment? There are no jobs for them. What this budget missed is a focus on creating jobs. Fine Gael proposed a number of measures that could have tackled youth unemployment such as supporting work share policies, an internship programme, education, community employment and apprenticeship schemes. There were many and varied options available to the Government but they chose to ignore them. Instead, they cut the benefits and told the young people to find a course and if they could not find a course they would not be paid.

**Deputy Tom Hayes:** The Government backbenchers may not have heard some of the policy statements put out by the Fine Gael Party. We are not afraid to publish a budget prior to the real budget. I was proud that our party stood up and said that we were not afraid of making changes and we published exactly and in detail what should be done. Unfortunately, the

[Deputy Tom Hayes.]

Government failed to acknowledge what we have said. It brought in a budget designed to ask the people who are already at financial breaking point to pay more and continue to pay more.

The Government is asking people to pay out in every direction for everything. Those families who are struggling financially will see a cut in one of the real and solid incomes going into their house. This is a direct cut which affects children and families. For the past 15 years, in the majority of cases, child benefit was used for food and for children's clothes. In the past year, child benefit has become even more essential for families to survive. The Minister for Finance and this Fianna Fáil and Green Government have chosen to impose a cruel and difficult cut which will mean that many families face a cold and bleak new year and they will be under increasing pressure. This budget hit the same people again and again without consideration for how they would manage in the future. There is a further increase in the drug payment scheme which will hit the people who most need our support.

Worst of all, one of the best group of people in this country who consistently save the taxpayer money and who work in many families all over the country, are the carers. Deputy Mattie McGrath will know the wonderful carer's association in south Tipperary under the chairmanship of Richie Molloy, a Fianna Fáil councillor. I wonder how he feels tonight with the slashing and the cut. The carers came to Dublin to lobby and I heard them, week in, week out, being told by Fianna Fáil TDs that they would protect them and look after them. At 6 p.m. tomorrow evening these Deputies will vote against those people.

*(Interruptions).*

**Deputy Tom Hayes:** I need a half an hour to go into the details of what I have to say because the reality is a disgrace. On behalf of the people of south Tipperary I ask Deputy Matthew McGrath, to come with me tomorrow evening and vote for the carer's association which has given great support to families and people in our constituency and families who live beside Deputy McGrath and me. I ask Deputy McGrath and the many other Fianna Fáil backbenchers to think of those people. If there is anything that needs changing or any amendment that needs to be put into the Bill, it should be the scrapping of the adjustment in the carer's allowance. It is wrong, it is cruel and the Minister should not have done it. The Government should be ashamed of itself and any Deputy with any guts on the Fianna Fáil backbenches, if he or she is worth his or her salt, should stand up and vote against it tomorrow night because that would effect something and it would bring something to our constituency.

**Deputy Bernard J. Durkan:** Show you have the bottle, Mattie.

**Deputy Pat Breen:** Yesterday morning I listened to "Today with Pat Kenny" and I heard the Minister for Finance say that the people hit by the cuts should live in the real world. That is a very strange statement for a Minister to make because the Minister and his colleagues in Government have no idea what it is like to live in the real world. The cuts they announced are savage. They are an attack on our children, on our young people, an attack on our carers, on people with disabilities, the very weakest and the most vulnerable in society. These cuts will drive people deeper into poverty and will consign another generation of our young people to emigration.

In the real world these welfare cuts will seriously impact on the many people who are dependent on these payments. The Government is picking the pockets of the most vulnerable in our society to help pay for the mistakes of the past. While social welfare rates are being reduced by 4.1% across the wide range of areas, there is no real plan to reform the system, no plan to make it fairer, no plan to make it equitable.

I refer to the decision to reduce the jobseeker's allowance for those under 24 years to €150 a week. I spoke to a young man in my constituency today who has lost his job. He is 22 years of age and is living in rented accommodation in a rural part of County Clare. He has a car because he needed a car when he was working as there is no public transport in his area. He has a car loan with three years left on it. He asked me to tell him how he could live on €150 a week. He said he could not move back home and neither can he sell his car because nobody will buy it. He told me his only option was to get a ticket out of the country. As well as the reduction in the jobseeker's allowance to €150 a week, I am also aware of a number of applicants who are in regular contact with my office and they have told me of the delays in processing the applications which is causing serious distress for people. Many young couples bought homes at inflated prices and they are now in negative equity through no fault of their own. In some cases both partners have lost their jobs and in other cases one partner is out of work. I spoke to a constituent who told me he was out of work and his wife had her own business but her take-home pay was €300 per week. I was helping him to claim jobseeker's allowance. He eventually received a payment of just €39 a week while their mortgage is €1,300 a month. The current system is too rigid as it is based on income only and does not take into account situations such as I have described.

The 2006 census showed that one in ten people reported as having a disability. Disabled people are already under pressure and struggling to cope with extra heating and clothing bills. A constituent of mine who had been waiting for three months for an assessment for disability allowance payments said he could wait no longer. Social welfare staff around the country are doing their best and working in very difficult conditions but they do not have sufficient resources to deal with the large number of applicants. I ask the Minister to address this problem. Applications must be processed as quickly as possible because people are struggling to pay their bills.

The decision to reduce the carer's allowance is wrong and should be reversed. It is also wrong that the Bill will be guillotined and it is a disgrace that the weakest people in our communities are being forced to pay the biggest price for the Government's mistakes. People on social welfare do not matter to the Government. The only people who matter are Independent Deputies whose votes are required to save the Government's political skin. If the choice is one of protecting social welfare recipients or building a new hospital to secure the vote of an Independent Deputy, the Government will choose to save its political skin every time.

**Acting Chairman:** I understand Deputy Mattie McGrath will speak next.

**Deputy Thomas Byrne:** I will speak first to allow Deputy Mattie McGrath take his breath after the extraordinary attack on him by his constituency colleague.

**Deputy Bernard J. Durkan:** I look forward to Deputy McGrath's contribution with great interest.

**Deputy Denis Naughten:** As will his constituents.

**Deputy Thomas Byrne:** He will keep the Deputies waiting. Deputy will not express wholehearted support for the Bill because no one wants to introduce many of its measures.

**Deputy Jan O'Sullivan:** The Deputy will vote for it tomorrow.

**Deputy Thomas Byrne:** However, I remind Fine Gael Party Deputies that their party proposed significant social welfare cuts in its mini-budget.

**Deputy Denis Naughten:** We did not propose to cut payments to carers, the blind, children and the disabled.

**Deputy Mary Hanafin:** Fine Gael proposed cutting the lone parent payment.

**Deputy Thomas Byrne:** At what stage will everyone agree that prices have declined? While certain prices such as insurance have increased, almost every other price has reduced.

**Deputy Bernard J. Durkan:** The Deputy should tell that to the women of Ireland. Even Deputy McGrath would not believe that.

**Deputy Jan O'Sullivan:** Deputy Byrne is clutching at straws.

**Deputy Thomas Byrne:** I am not clutching at straws. In the past 12 months, the price of food and non-alcoholic beverages has reduced by 7.6%. This deflation has also resulted in a reduction in revenue to the Exchequer by way of taxation. Deputies must acknowledge that money is not flowing into the Exchequer because prices have fallen. For this reason, readjustment is required in pay and social welfare levels, even if none of us likes it.

The level of the old age pension was maintained because the deflation rate for retired households was only 3.35%, half the deflation rate for working households. Expenditure on insurance, for instance, is probably higher in retired households than other households.

**Deputy Bernard J. Durkan:** Having removed their medical cards, the Government did not want to kick the pensioners again. That is the reason the pension was not touched.

**Acting Chairman:** The clock does not stop every time the Deputy is interrupted.

**Deputy Thomas Byrne:** I appreciate that and nor does not stop when the Chair interrupts me.

**Acting Chairman:** Deputy Durkan must allow Deputy Byrne to continue without interruption.

**Deputy Thomas Byrne:** The rate of deflation for working households is 7.5%, a significant decline about which no one can cast doubt.

**Deputy Bernard J. Durkan:** For God's sake, what has happened over the past ten years?

**Deputy Thomas Byrne:** What would I or the Minister say to a blind person, carer, lone parent or person with disability if his or her payment was not made next March because the Government had failed to take difficult and unpalatable decisions? That is a serious question because our finances and economy are at serious risk. Deputies may laugh if they like.

**Deputy Bernard J. Durkan:** Does Deputy Byrne think I am coddling?

**Deputy Thomas Byrne:** If we do not recognise the decline in prices and taxation receipts, the position will become so serious that making many payments will not be possible next year. We must admit this is the case and recognise that many of the subsidiary and ancillary benefits for social welfare recipients, for instance, free travel and household benefits, are still available. These benefits provide significant additional help to people on social welfare, particularly older people.

**Deputy Bernard J. Durkan:** They have been left with a little bit.

**Deputy Thomas Byrne:** The living alone allowance, over 80 age allowance and fuel allowance are still in place and are very important. When the carbon tax is introduced a system will be established to assist people who have difficulty with the higher fuel bills that will result. None of this is mentioned by Opposition Deputies who also ignore the fact that the cut in child benefit will not affect hundreds of thousands of children owing to an increase in the qualified child rate. This is a progressive step.

I would have preferred if the Minister had been able to enact a scheme under which many higher earners would no longer be paid child benefit. While this was not possible, I urge the Minister and Minister for Finance to examine this issue over the next year to ascertain what is the fairest and best approach. I am not convinced a universal payment is the fairest or best system.

I support this Bill with a feeling of sadness that these measures must be taken. However, the consequences of shirking our responsibilities would be too great.

**Deputy Mattie McGrath:** I, too, support the Bill. My constituency colleague, Deputy Tom Hayes, should note that Government backbench Deputies must keep the show on the road, unlike Opposition Deputies who can speak and act as they wish.

**Deputy Bernard J. Durkan:** Deputy McGrath has been very loquacious in recent times.

**Deputy Dinny McGinley:** His one man show is as good as MacLiammhóir's.

**Deputy Mattie McGrath:** I will not respond to interruptions as I would lose time. I will make my contribution nonetheless.

*(Interruptions).*

**Deputy Mattie McGrath:** The Deputies opposite are taking a blunderbuss approach. The public finances are in deep disorder.

**Deputy Bernard J. Durkan:** That was caused by the Government.

**Deputy Mattie McGrath:** Irrespective of who may have caused the problem, our finances are in deep disorder. We can blame the banks or whomever else but we are in a crisis. The Government expects to have to borrow €26 billion this year. One third of Government spending has gone on social welfare this year. As Opposition Deputies will privately admit, this is an unsustainable position and we must face up to tough decisions now. Everyone, including welfare recipients, must share the burden. It does not come easy for me to say this, especially as I am the parent of a large family.

Unfortunately, we must do more with much less. The main measures in the massive social welfare budget include a reduction in rates of between 3.5% and 4.2%, which equates to a reduction of €8.30 on the basic rate, and a reduction in child benefit of €16 per child per month, which will affect me and many other Deputies in the House.

While rates have been reduced, it is important to note that the euro is going further. Deputies will talk about this later when we are next door. The real value of the increases provided by the Government last year is still in place.

**Deputy Jan O'Sullivan:** Is this the same Mattie McGrath we hear on Newstalk Radio expressing completely different views?

**Deputy Mattie McGrath:** The Department of Finance has carried out a technical analysis which suggests that between September 2008 and September 2009, the consumer price index fell by approximately 3.25% for retired households, 5.75% for unemployed households and 7.5% for working households. Prices fell by approximately 7.5% for those in the highest income bracket and 5.25% for the lowest income bracket. We must take on board these figures when we cast our vote tomorrow night.

The Fianna Fáil Party has always been committed to protecting the most vulnerable.

**Deputy Bernard J. Durkan:** Is the Deputy sure this is not last year's budget speech?

**Deputy Mattie McGrath:** Deputies did not refer to the schemes which have been retained. They all lobbied strongly in recent weeks and months to save family resource centres. I compliment the Minister and Minister for Finance on retaining these valuable centres in every town and village. Deputy Tom Hayes and I have three such centres in our constituency of Tipperary South. They are run by participants in community employment schemes. We must also be mindful of the members of the voluntary boards. These enablers, as I call them, run resource centres and often suffer sleepless needs worrying about legislative requirements in the areas of child care, employment and so forth. The Government has protected this group.

**Deputy Jan O'Sullivan:** It is cutting the community employment schemes which run the centres.

**Deputy Mattie McGrath:** There has been a cut of €2 million in funding for the national agencies and their number has been reduced by two. Services on the ground have been maintained. However, we are keeping the services to which, according to Deputy Durkan, everyone will be flocking. I accept more people will be going to these organisation and will be in need of more supports. Thankfully, they will be in place, fully staffed, open and fully funded. That is an achievement the Opposition does not acknowledge.

The back to school allowance has been kept and increased.

**Deputy Bernard J. Durkan:** The way the Deputy is going, he will not be able to breathe.

**Deputy Mattie McGrath:** I cannot hear the Deputy. I am not listening. I should not listen. I shall continue to say what I intended to say when I entered the Chamber.

**Deputy Bernard J. Durkan:** We will listen very carefully to what the Deputy has to say.

**Deputy Mattie McGrath:** I refer to protecting the pensioners. Almost a half a million people aged over 66 years are fully protected in this budget. This is something to which they are entitled and richly deserve. We will support them. We have also avoided any cuts in the State pension. Other supports will not be cut, such as the household benefit package, which included free TV licences, electricity and gas allowances and a telephone allowance. This is an area which should be examined and perhaps we should take the money from RTE that the Department of Social and Family Affairs pays and use that €50 million to support some of the cuts waived. That is something I will seek and for which I will campaign.

**Deputy Bernard J. Durkan:** To what end?

**Deputy Mattie McGrath:** RTE receives sufficient subventions from the Government and licence fee payers without the need for a further subvention from the Department of Social and Family Affairs. I will lobby on that matter because RTE does not deserve it.

**Deputy Bernard J. Durkan:** What does this have to do with the budget?

**Deputy Mattie McGrath:** The cuts could come from the wages of certain people. It could address the mismanagement on the board of RTE, which pays the millionaire presenters.

**Deputy John O'Mahony:** What about the sweetheart deals?

**Deputy Jan O'Sullivan:** RTE need not worry because the Deputy has not been very successful in his lobbying to date.

**Deputy Mattie McGrath:** We will keep lobbying and we will not give up. The Deputy should note that the idea is to try and try again. We will succeed in the end. There is no point in stopping because empty vessels always make the most noise. Unfortunately, we are challenged with the problem of running the country.

**Deputy Bernard J. Durkan:** The Deputy is certainly challenged.

**Deputy Mattie McGrath:** We are stabilising the public finances and protecting the most vulnerable people across the board. It has been a fair budget. I do not like the cuts and I appreciate that families will suffer. There is a level playing field. The big people are being touched and I wish to see more of that. In case there is any doubt I will be supporting the legislation. Deputy Hayes called on me to go on a walk with him. I will walk along his road in Tipperary tomorrow night until we sort out the flood up the road from his place.

**Deputy Pat Breen:** There are many pot holes that must be filled.

**Deputy Mattie McGrath:** However, I will not walk across the lobbies to do anything he might wish me to do in this House. I realise he has no wish for an election either.

**Deputy Pat Breen:** Is the Deputy under pressure?

**Deputy Mattie McGrath:** I commend the Bill to the House.

**Deputy Pat Breen:** What a disappointment.

**Deputy Brian O'Shea:** Tá brón orm go bhfuil Bille chomh holec leis an mBille Leasa Shóisialaigh agus Pinsean (Uimh. 2) 2009 os comhair na Dála. Ba cheart go mbeadh náire ar Theachtaí Fhianna Fáil agus an Chomhaontais Ghlais agus ar na Teachtaí eile atá ag tacú leis an mBille seo. It has been 80 years since we have had social welfare cutbacks in this country. When the former Labour Party Minister for Finance, Deputy Ruairí Quinn, left office in 1997 some 1,000 export led jobs were being created every week. The rainbow coalition Government handed over an economy in very good shape to the Fianna Fáil and Progressive Democrat Government. Who would have believed that some 12 years later the economy would have deteriorated to the extent that social welfare cuts would be contemplated, let alone implemented? If and when it is enacted, the Social Welfare and Pensions (No. 2) Bill 2009 will do exactly that in the most savage, uncaring and unfair way.

There were other ways to find the €4 billion required, rather than to attack the income of the least well off in society, while those best able to pay got away relatively unscathed. This Bill is a focussed attack on widows, carers, widowers, disabled and the unemployed. It is also an attack on children. Each child in the State for whom child benefit is being paid will be penalised to the extent of €16 per month. Families on low income are to be compensated by



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an increase in qualified child payment for those on social welfare payments and through the family income supplement for those on low pay. It should be remembered that there is a low uptake on family income supplement and for those families on social welfare payment, there is a 4.5% decrease in personal rates and the qualified adult allowance.

This amounts to a reduction in the personal allowance in the jobseekers' benefit of €8.30 and a drop of €5.40 in qualified adult allowance. Therefore, for a couple depending solely on jobseekers' benefit, this constitutes a reduction of €13.70 as of 1 January 2010. How can anyone seek to justify such an appalling attack on the income of the less well off? "Harsh" is too soft a word to describe this totally unfair beggaring of the unemployed. Equally, where is the justification for penalising widows, widowers and deserted wives to the tune of €8.30 per week on their benefits, or for reducing carers benefit and constant care allowance by €8.20 and the carers allowance by €8.50? I repeat that there are other ways of finding this money, rather than plundering the income of these vulnerable groups.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Brian O'Shea:** One is tempted to suggest Fianna Fáil, the Green Party and the Independents who will support the Bill have forgotten why there is a social welfare system in the first place. Although this might seem unlikely, it is difficult to find any other explanation of why the Government parties and other supporting Deputies can do this in good conscience.

I refer again to child benefit and those families not on social welfare payment or in receipt of family income supplement. There are increased costs in 2009 to factor in for such groups. Child care costs have increased by 6%, primary and secondary education costs have increased by 7% and health care costs have increased by 3%.

The worst budget in the history of the State has hit disabled people as well. Disability allowance and the blind pension are reduced by €8.30 per week. A society which does this cannot describe itself as civilised. It is estimated that the cost of living as a disabled person amounts to an additional €40 per week. Let us consider the one parent family allowance, which is to be cut by 4.1%. It is estimated that almost 20% of single parents live in poverty, while a further one in three are at risk of poverty.

I refer to the cuts in jobseekers' payments, especially the jobseekers' allowance. From 1 January, the allowance for new claimants will be reduced to €100 per week and the allowance for those between 22 and 24 years will be reduced to €150 per week. There are two direct consequences of these changes and I question whether this is what is behind all the cuts. Will this cause emigration? It is estimated that 40,000 people will leave the country in the coming year. There is also a more sinister issue, that is, this may be the thin end of the wedge in terms of forcing down the cost of employment. In other words, in an indirect way this could undermine the minimum wage and there may be a situation in this country whereby the minimum wage could drop considerably. This is something to which the Labour Party is completely opposed but it appears this is the logical outcome of the Government's budget.

This is the worst ever budget in the history of the State. It is the first time in 80 years there have been social welfare cuts. When I was growing up, I remember the luminaries of Fianna Fáil boasting of how a different Government had cut social welfare. They stuck out their chests and claimed never to have done so, nor would they ever. Now the social welfare recipients of this country are going to be devastated. It is being done in the name of there being no other way to deal with it. The Labour Party not alone showed how €4 billion worth of cuts could be

effected, it demonstrated how €5.8 billion worth of cuts could be effected without this savage attack on the least well-off in society.

The Fianna Fáil that claimed to be socialist and that looked after the less well-off in society has disappeared somewhere. Fianna Fáil in the past would never have gone down the road this Government is going down. People can put on long faces and say they do not like doing this and they do not want to do it, but that there was no other way. The truth of the matter is that there is another way, and there are many other ways of doing that.

I know it is no use appealing to people not to vote for the Bill tomorrow evening at 6.30 p.m. They will do so. The Government has made sure that its backbenchers will not have to face the music in their constituencies to the same extent if this Bill was not passed until next week. One can duck and dodge in the short term. One can run, but one cannot hide. At the end of the day the Government will have to take the responsibility for this. In the interests of this country and the less well-off, the sooner the better.

**Deputy Jan O'Sullivan:** I have been listening to a number of Fianna Fáil backbenchers over the past hour or two and I think they have been taking lessons from my constituency colleague, the Minister for Defence, Deputy O'Dea. My former colleague, the late Deputy, Jim Kemmy, once described him as being Mighty Mouse in the constituency of Limerick and Mickey Mouse in Leinster House. I am afraid we have a whole set of Mickey Mouses in the back seats of the Fianna Fáil Party.

**Deputy Denis Naughten:** Blind mice.

**Deputy Jan O'Sullivan:** We have a whole Disneyland of them in this Chamber. They are all speaking with a mighty voice in their constituencies and on the airwaves, for example, no lesser a man than Deputy Mattie McGrath who has just left the Chamber, about how wonderful they are in fighting for this, that and the other, but they are all going to meekly walk through the lobbies tomorrow. I would be very surprised if any of them do anything to protect their constituents from the budget.

As well as that, they have managed to distance themselves in some way. They have been using the third person rather than the first person. Deputy Kennedy referred to cuts that unfortunately had to be introduced as a matter of necessity, as if he had no hand, act nor part in introducing the cuts. It was like some divine body had come down to introduce the cuts and the poor unfortunate Fianna Fáil backbenchers had nothing to do with it. Someone else said he supported the Bill with sadness. Another speaker said he did not like the cuts. The fact is that they are elected to this Chamber to represent the people of this country and they had better take responsibility for what they are doing, namely, introducing the harshest budget that has ever been introduced. I do not think Earnest Blythe's actions are ahead of it.

Despite the fact that backbenchers and Ministers are claiming that they managed to save the pensioners, they have not saved them. Pensioners will lose the Christmas bonus as well and pensioners with medical cards will have to pay 50 cent for every prescription charge. I know many pensioners in my constituency who have up to ten items of necessary medication. Many of them have a number of long-term chronic illnesses, including diabetes, asthma, and heart conditions. They have to have their medication and they will be charged 50 cent for every prescription filled. The pensioners have not been spared either.

Many other speakers in the House have referred to widows, blind people and carers, who along with those with disabilities and above all children are the targets of the budget. Last

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night I argued vehemently against the reduction in the price of drink. When one takes the average row of not very expensive houses in Cork city, Limerick city, Waterford city or Dublin city or in County Roscommon, in deference to the Members present in the Chamber, the blind man in one house is hit, the carer in the next house is hit, the family with a number of children is hit, the disabled person is hit, and the man who sweeps the streets or the woman who does a bit of cleaning who are public sector employees at the lowest level are hit. The only person who is smiling is the man who drinks too much who is living in the last house on the street. He is the one who has been rewarded in the budget. He is being encouraged to spend another few bob in the pub because the price of drink has been reduced. Yet, the backbenchers and the Minister and her colleagues have the cheek to tell us that they had to make this choice; that there was no other option.

Of course there were other options. As my colleague, Deputy O'Shea has just said, the Labour Party spelled out clearly a series of other options that not just found the €4 billion but a little more than an extra €1 billion in order that we could have a significant job stimulus programme in the alternative budget we were presenting. In the context of the job stimulus programme that is so vital I wish to focus on young people. We are now, unfortunately, going to be breeding young people for the boat or aeroplane or whatever mode of transport people will use to emigrate. People will have to emigrate as they are not being given any incentive or help to stay in this country. If a person has the real possibility of a job, work experience or an appropriate training place then there is an argument for reducing their unemployment benefit or assistance, but the fact is that one in three young men in this country under the age of 25 is out of work. The minuscule number of training places does not address the issue. There is a sense of hopelessness among young people. Whatever else we need if we are to get ourselves out of the problems we are in in this country, that we were led into by Fianna Fáil led Governments in the past 12 years we will not get out of it if we do not give some hope and possibility for employment to young people. They have been savagely let down by the Government, as have the most vulnerable of people on low incomes.

It is all very well for leading economists and others to say that it is fair to cut welfare at more or less the same rate as ministerial salaries are being cut. I do not know if any of those people have tried to live on €196 a week. Deputy Thomas Byrne referred to the cost of living and price reductions. I do not know how many conversations they have had with the kind of people who have been telephoning me today. One man who lives in a village in County Limerick told me that his bag of coal has increased from €19 to €20 in the past year. It might be cheaper in the cities but he is living in village and he does not have any transport. He has a disability. A bale of briquettes has increased by 50 cent. His sliced pan is €1.83. He is a diabetic so he has to control his diet. He told me the cost of the kind of foodstuffs he has to buy. He simply cannot afford them on his disability payment. We are talking about real people. I have read much of the media commentary. Many media commentators have no idea what it is like to live on €196 a week. It is very easy to let it trip off the tongue. We have been listening to monopoly money about the banks earlier in the year. We were talking about billions. The ordinary person who is trying to live on very little money is being told he or she has to take a cut. These people have been listening to those kinds of figures earlier in the year and they are despairing of the possibility that anyone in the Government might even begin to understand their situation.

There are alternatives. The Labour Party has set out alternatives that would work, protect the weakest and those on low incomes and avoid the kind of poverty traps that are in the

budget, which will become apparent as time goes on, especially for people with families on welfare who are going to find it extremely difficult to have any incentive to go to work because of the way in which child benefit in particular has been cut.

Debate adjourned.

### Adjournment Debate.

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#### Fire Safety Issues.

**Deputy Thomas P. Broughan:** On at least three occasions during Adjournment debates on the North Fringe development in Dublin north east, I have urged the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to hold a wide-ranging inquiry into the planning and construction of this huge new urban district. In the earlier in-fill scandal, which affected at least 300 housing units in the Coast, Baldoyle, Clongriffin and Donaghmede, I urged the Minister to initiate a commission of inquiry and a Garda Síochána inquiry into the construction of those homes and the quarry which supplied the defective pyrite in-fill. Now another appalling planning and fire safety disaster is unfolding in another part of the North Fringe in Priory Hall, Hole in the Wall Road, Donaghmede, Dublin 13, and I renew that call tonight. The Minister has a grave duty to ensure the personal safety of all residents of Priory Hall. He must also hold Dublin City Council manager, John Tierney, and his predecessor, John Fitzgerald, to account for their unacceptable failure to implement the planning and building regulations in the North Fringe district.

*11 o'clock* Dublin City Council area management in Donaghmede recently informed 16 of its tenancy households at the Priory Hall complex that they will have to move out of their homes in the next week or so because of the serious danger of a major fire at the complex. The Priory Hall apartment complex includes 187 apartments in four and five storey blocks. Two of those blocks — Nos. 7 and 12 — are home to 16 Dublin City Council tenancies.

I have made many complaints to the Dublin City Council manager, John Tierney, and north central area manager, Celine Reilly, about serious flooding, infrastructural problems and anti-social behaviour at Priory Hall since the apartments were opened more than two and a half years ago. A number of city council tenants have asked to go on the Dublin city transfer list in that time.

In addition to the 16 city council tenancies, there are a further seven families living there on the city council's rental accommodation scheme and another seven families who have purchased Priory Hall apartments through the affordable housing scheme. I am informed that 20 apartments are vacant at present so this leaves 137 apartments which are occupied by private purchasers and private tenants.

Following several lengthy investigations of fire safety in the apartments at Priory Hall and nearby Clongriffin by the Dublin city fire chief, Mr. Hugh O'Neill, a fire safety notice under the Fire Safety Acts was served on the Coalport building company, which built Priory Hall, on 4 September last. The fire notice refers to the north and south blocks of Priory Hall as a "potentially dangerous building". It also orders a schedule of urgent fire safety remedial measures. These include a fire safety management system, the urgent inspection and maintenance of the emergency lighting, fire detection and alarm systems, electrical, gas and lift installations and fire door assemblies. It is an astonishing litany of failures in this most important area of apartment life. The provision of portable first aid fire fighting equipment is also

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requested and loose fitting stair carpets are to be removed along with all building debris in the basement and any other common areas.

This appalling saga raises many very serious questions for Dublin City Council manager, John Tierney, planning manager, Michael Stubbs, housing manager, Ciaran MacNamara, and the Minister for the Environment, Heritage and Local Government, Deputy Gormley. This is the fourth or fifth time I have raised the North Fringe in a debate.

Why did the Dublin City Council manager, John Tierney, allow 30 of our Dublin city families to be housed at Priory Hall in the first place when a final fire safety certificate had not been granted to the builder, Coalport, and when those families' lives were clearly in danger? What, if any, measures has he taken to rehouse the 137 privately purchased and rented households and has he contacted the Minister, Deputy Gormley, in regard to these families' plight? Why has the manager not rehoused all 167 families immediately for their protection and safety? The privately purchased apartment owners in Priory Hall are particularly vulnerable to negative equity and have had serious problems with the disgracefully inadequate operation of the management companies in the complex.

Following my proposal in 2005, a North Fringe forum was established by the former city manager, John Fitzgerald. I demand an immediate meeting of that body which is composed of residents, public representatives and all relevant stakeholders under the chairmanship of Clive Brownlee.

**Acting Chairman (Deputy Cyprian Brady):** The Deputy has less than one minute remaining. I remind him that individuals should not be named so as to make them identifiable outside the House.

**Deputy Thomas P. Broughan:** I respect the Acting Chairman's view but public officials have a responsibility. I urge the Minister, even at this late stage, to make an order designating the large North Fringe area — an area of potentially 30,000 housing units — as a strategic development zone, so that there would be a statutory basis for the necessary invigilation, repair and completion of Clongriffin, Priory Hall, the Coast, Belmayne, Clare Village and other areas of the North Fringe. I asked the former Taoiseach to do this approximately 30 times. It is urgent that the residents of Priory Hall are rehoused in safe accommodation and all fire safety, water and other deficiencies in the estate should be remedied to the highest standards as soon as possible.

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen):** I thank Deputy Broughan for raising this important matter in regard to fire safety at the apartment complex at Priory Hall, Donaghmede, Dublin 13. In terms of the construction of new buildings, including apartment blocks and dwellings and extensions to, material alterations of and certain changes of use of existing buildings, the legal requirements are set out in the building control code. Part B of the building regulations set out the requirements for fire safety. A comprehensive suite of related technical guidance documents provide detailed guidance on how to comply with the regulations.

Part III of the Building Control Regulations 1997 provides for the issue of a fire safety certificate by a building control authority. The fire safety certificate certifies that the works or building, if constructed in accordance with the plans, documents and information submitted, would comply with the requirements of Part B — fire safety — of the regulations. A fire safety certificate is required for building work in categories specified in article 2(I) of the regulations, including the construction or material alteration of commercial premises, places of work and

assembly, institutional buildings and the common areas of apartment blocks. I understand that applications for two fire safety certificates in respect of the north and south blocks of the development in question were submitted to Dublin City Council in January 2004 and that certificates were granted by the council subject to conditions on 23 June 2004 and 16 August 2004, respectively.

Responsibility for compliance with the regulations rests with the builder and the owner of a building. Enforcement is a matter for the local building control authority, which is empowered to carry out inspections and initiate enforcement proceedings when considered necessary.

Section 18 of the Fire Services Act 1981 places a duty on persons having control over premises, such as apartment complexes, to take all reasonable measures to guard against the outbreak of fire and to ensure the safety of persons on the premises in the event of an outbreak of fire. In addition, section 22 of the Act empowers fire authorities to inspect any land or building, including apartment complexes, for the purpose of the Act.

In regard to the development concerned, I understand from Dublin City Council, in whose administrative area the development is located, that, following an inspection of the development by the council, enforcement notices under the Building Control Act 1990 and fire safety notices under the Fire Services Acts 1981 and 2003 were served on the owners and builder in regard to non-compliance. Further legal proceedings by the council are pending in regard to this matter.

I understand that Dublin City Council has responsibility for 16 social housing units and a further seven units are occupied by tenants through the rental accommodation scheme. In addition, there are seven units of accommodation managed by St. Michael's House. Officials from the council have met the tenants of these units and advised them of the position with regard to the serving of the enforcement and fire safety notices and of the council's intention temporarily to relocate the tenants to alternative accommodation until the issues with Priory Hall have been dealt with in accordance with the notices served. The council has sourced the necessary accommodation and arrangements are now being made to relocate all the tenants concerned. The House will appreciate that the rehousing of occupants of privately owned apartments in the complex is a matter for resolution between the owners and the property vendor concerned.

While the enforcement action underway is a matter for Dublin City Council, the Department has asked the council to be kept apprised of developments in the matter. I hope the problems in respect of the development at Priory Hall will be resolved as soon as possible so that the residents do not have to remain out of their homes for any longer than is absolutely necessary.

### **Teagasc Office Closures.**

**Deputy Beverley Flynn:** I wish to raise the proposed closure of the Teagasc office in Castlebar. I understand a decision was made last March at a board meeting to close 18 offices around the country and that a decision will be made in a weeks' time to close a further 28 offices. I recognise 40 offices will close and that this rationalisation is necessary for the future of Teagasc and that it must happen given the current economic situation in which we find ourselves.

Having said that, it is important that the correct offices are closed. The reason I raise this is to point out a number of facts. It is Government policy that Teagasc offices should be co-located where possible. This is also the policy of Teagasc and the policy articulated in the McCarthy report, known also as the report by an bord snip nua.

At present there is one co-located office in the country. It has been co-located in Castlebar for 33 years and it is the headquarters of the advisory service in County Mayo. Given that the

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national policy now supports this idea, it seems extraordinary that there is a proposal to close the only co-located office in the country. It is worth bearing in mind that the Castlebar office has 591 clients and nine staff. It is the third-largest Teagasc office in County Mayo and is centrally located in the county town. Its location, Michael Davitt House, also houses the Department of Agriculture, Fisheries and Food offices, which most farmers have to visit several times throughout the year. It is extremely convenient for farmers and it is illogical to propose its closure at this stage.

We can consider the criteria for closing an office. The first issue is a financial or cost consideration. There is a lease in place currently in Castlebar which is €36,822 per year. It is paid by Teagasc to the Office of Public Works; that is from one State agency to another, although it is a real cost to Teagasc. There has been no attempt whatever to renegotiate this lease. Despite that, a scheme has been put in place between the Department of Agriculture, Fisheries and Food and Teagasc to co-locate six offices in the country. In return, the Department is availing of a building that Teagasc has in Athenry, which saves the Department €900,000. In return, the Department will house six Teagasc offices in six different locations around the country.

It was possible for Castlebar to be part of that scheme but it was not even considered and was hence excluded. Had it been part of the scheme, like the other six Teagasc offices co-located around the country, the lease cost would have been minimal; it would be zero in practice. The cost of the lease is not a prohibitive measure to keeping the Castlebar office open.

The next point is whether Castlebar is a co-located office. The officials of Teagasc are working side by side with the officials from the Department of Agriculture, Fisheries and Food. They share a meeting room and there is additional space in the office for between three and six more people if required. There was an offer from the Department to share a front desk facility, although this was never explored. This can be contrasted to the position in Athenry, where two separate buildings house the Department and Teagasc officials. That is described as a co-located office but there is no acknowledgement of the reality of Castlebar being a co-located office.

I have already made reference to the fact that the decision to close was made last March at a board meeting. I am concerned about the level of information presented to board members in making this decision. I recognise that Teagasc must operate independently but it is ultimately answerable to the Minister. In recent months we have become aware in this House of State agencies having a right and need to operate independently of Ministers and Departments, although it is also important that a watchful eye is kept to ensure that the best economic decisions are being made in the interests of the Government. Value for money should be maintained and that is why I draw attention to this matter now. I am aware that another board meeting will take place next week and I intend to bring the matter to the attention of board members.

A number of factors have changed since the March meeting. The negotiation on the co-location of the six offices had not taken place at that stage, so this is a new scenario. The report of an *bord snip nua* had not been published. Circumstances have changed that present an opportunity to revisit the decision of last March.

At that time it was proposed to close 18 offices, Ballymote being one of these. That decision has since been reversed. A precedent has been created to change the decision made on 4 March. I contend that circumstances have very much changed as far as the office in Castlebar is concerned. From a cost perspective and taking into account service to customers, this decision makes no sense. To proceed with closure at this stage would make a laughing stock of the Government policy on co-location.

I will mention the seven criteria used in deciding the viability of an office. The first criterion is financial and cost-saving potential and I have already proven the case for Castlebar on that. The next is maintenance and improvement of client services but how can client services be improved for 591 people who must visit the office of the Department of Agriculture, Fisheries and Food in any event by moving them to a different office? The next is improvement in the capacity of Teagasc to deliver on its programme but how can it better improve delivery of its programme by inconveniencing so many people?

The next criterion is improvement of working conditions of staff and access. This office is wheelchair-accessible and has a lift, ramp and disabled toilet and parking facilities.

**Acting Chairman:** The Deputy's time is up.

**Deputy Beverley Flynn:** The office in Castlebar meets every one of the criteria used to decide the viability of this office. I ask that the decision be revisited by the Minister and that he speak with officials from Teagasc to try to get the decision reversed.

**Deputy Tony Killeen:** I thank Deputy Flynn for raising this matter. On 15 July 2009, the Government approved a plan for a reorganisation of the Department's local office network. The plan involves reducing from 57 to 16 the number of offices from which the Department will operate district veterinary, forestry and agricultural environment and structures support services in the future. This plan is being implemented in close association with Teagasc and will result in shared services between both organisations wherever practicable.

The reorganisation of the Department over the past four years has yielded significant savings. Since early 2005, the Department has reduced its staff numbers by 700, including the transfer of 400 staff to other Departments, mainly the Department of Justice, Equality and Law Reform for the operation of the PULSE system in Castlebar and local offices of the Department of Social and Family Affairs and other Departments. In addition, a further 600 staff were redeployed internally to new and expanding work areas, including the single payment scheme and the implementation of new environmental, food safety and animal health controls required by the EU. These savings reflect changes in the Department's work practices, improved business processes, the greater use of computerisation and the wind-up of livestock offices, as well as changes arising from CAP reform.

This plan is an important phase in the ongoing reorganisation of the Department, building on our significant investment in information technology, our success in disease eradication and taking account of the changes arising from CAP reform, the continued implementation of the Department's decentralisation plan, the findings of the organisational review programme and the objectives set out in the Government's Transforming Public Services programme. The new structure is more coherent with national policy for customer service delivery across the public sector and will provide for an enhanced service level to the farming community and the wider agrifood sector, as well as a cost-effective service for the taxpayer.

The aim of this reorganisation is to rationalise the overall number of locations across the country to facilitate the more efficient management of schemes, services and disease levels. In doing so it will provide an improved customer service in each region of the country while at the same time reducing the cost of delivering the services provided for the Department's many customers and stakeholders. In addition, the new regional structure will facilitate the retention of the appropriate number of staff required in each location while at the same time maintaining a very high quality of services across the country.

This decision, when fully implemented, will result in savings in the Department's running costs of some €30 million annually and the reduction of over 400 staff. By rationalising our



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local office network we can improve services to our clients by concentrating the remaining staff resources of approximately 1,000 people at the newly developed centres. This initiative is part of a continuous process of modernisation of the Department. The various staff associations are being consulted on the redeployment of staff within the Department and to other Departments. I express my appreciation to the staff in our local offices for their contribution to the work of the Department over the years.

I understand that Teagasc is currently engaged in a major change programme which encompasses management structures, work practices, research, education and programme prioritisation, administrative efficiencies, technology transfer and service delivery methodologies. The development of this change programme has caused Teagasc to take a detailed look at its infrastructure and in particular at its network of centres and advisory offices. Phase one of this change programme was approved by the Teagasc authority in March 2009 and the closure of 18 advisory offices based on a set of agreed criteria was approved. Castlebar was one of the offices approved for closure in phase one. Teagasc does not have any shared service arrangement, either formal or informal, with the Department in Castlebar.

I understand from Teagasc that the criteria which identified the Castlebar office for closure included the rental fee but, more important, focused on the relative importance of Castlebar as a delivery centre for Teagasc activities in County Mayo. In line with Government policy Teagasc proactively engaged with the Department in identifying suitable locations for shared services which would be mutually beneficial and six suitable locations have been identified.

Castlebar is not among those locations as it would not be strategically viable for Teagasc and would put at risk a very important location in Westport where Teagasc provides a wide range of knowledge transfer and advisory services to the hill areas and the islands. It has a strong advisory presence, a large client base, a very significant number of discussion and producer groups and rural development initiatives, including direct selling of hill lamb.

**Deputy Beverley Flynn:** I would not like the debate to finish like that. I appreciate that the Minister for Agriculture, Fisheries and Food is not here but the last paragraph is pure mischief making. There is no threat to the Westport Teagasc office, which is completely viable in its own right. It was never a case of one office or another and the record should reflect that. It is my intention to pass this issue to the members of the board for consideration at their next meeting.

**Acting Chairman:** The Deputy might take that up with the Minister directly.

### **Third Level Education.**

**Deputy Mattie McGrath:** I appreciate the opportunity to raise a very important issue tonight that concerns the whole of County Tipperary, north and south. We were one constituency back in the 1940s but we are a very proud and united county despite having two county councils, local authorities and Dáil constituencies. We have a serious issue with the Tipperary Institute, although I acknowledge the recent efforts of the Minister for Education and Science and his officials, as well as the voluntary board of the Tipperary Institute and public representatives from the county.

We have a serious issue with the Tipperary Institute, although I acknowledge the recent efforts of the Minister for Education and Science and his officials, the voluntary board and all public representatives in Tipperary. We had a problem with the McCarthy report, which recommended the closure of the institute and I acknowledge the efforts of everybody, not least the Department and the Minister for staving off that challenge. It would have been a pity

because we have a proud history going back to when I was a member of the VEC in the early 1990s. A former colleague, Con Brennan, was chairman of the council and a former county manager and he had meetings with Mr. Luke Murtagh and Mr. John Slattery, chief executive officers of the respective VECs in Tipperary, to set up the Tipperary Rural and Business Development Institute, TRBDI. It was launched by the former Taoiseach, Deputy Bertie Ahern, ten years ago.

TRBDI then changed its name to Tipperary Institute and it was always agreed the two campuses in Tipperary and Clonmel would have equal status. The deal also provided for outreach centres in different towns and VEC centres around the country. The Celtic tiger was roaring at the time and it was difficult to attract students to a rural and business development institute. Our numbers did not increase as quickly as they should but, with the downturn in the economy over the past two years, people are flocking back to the institute to do many varying rural and business courses, which are valuable and necessary for upskilling and reskilling them to return to the workforce and, more important, business.

The McCarthy report presented a serious challenge but, thankfully, that has abated and we are faced with stabilising the college and participating in a merger with a similar sized institute. We acknowledge we cannot live on our own and integration of the Tipperary Institute with another institute is important. We are looking to integrate with Limerick Institute of Technology, LIT. We will retain our brand name, board and president and we are working out arrangements with the Department and the colleges.

Tipperary Institute is a limited company and that creates a number of problems. Many sleight of hand remarks were directed at the staff-student ratio at the institute and I condemn them because, at the outset, 60% of the staff were to be engaged in work on the institute's main campuses and 40% were to be deployed in the community because it focused a rural-based development. The staff had contracts to do so and while these will be changed, that was the concept at the beginning and it will need to be continued. We cannot walk away and forget the initial intention was to support business enterprises in the community.

The strategy on higher education is due on the Minister's desk early in the new year and we were delighted to be reassured by him that it will not affect the Tipperary Institute and it can look to merge with LIT. I look forward to a strengthened board, a more progressive and dynamic range of courses and the delivery of excellent services.

The Clonmel campus operates out of a shed. It was built in three months to coincide with the opening of the Thurles campus. A cost neutral proposal was put on the table by the county manager of South Tipperary County Council and it is proposed to move to Ballingarrane, which is a prestigious site north of Clonmel town. An IT centre has been located there. We want the Minister and his officials to fast forward the project to allow us to develop our proposals at Ballingarrane, which will be cost neutral for the Department. The campus will be equal to that in Thurles and this will allow the institute to proceed with a merger and strategic alliance. It would then be able to reorganise and refocus to serve the people of Tipperary and beyond, as was envisaged from the outset, and to attract many students who currently leave the county to study in Cork, Waterford and Limerick, to pursue their courses in Tipperary.

**Deputy Tony Killeen:** I am taking this matter on behalf of my colleague, the Minister for Education and Science, and I thank the Deputy for raising it.

The Special Group on Public Service Numbers and Expenditure Programmes was established to examine the current expenditure programmes in each Department and to make recommendations for reducing public service numbers to ensure a return to sustainable public finances. The report contains a wide range of recommendations, which cut across all Depart-

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ments. It notes that Tipperary Institute is located near two other institutes of technology and has a high complement of staff compared to the number of full-time students. The group recommends that the institute be closed with existing students reassigned to nearby institutes of technology. The report, and its specific recommendations, are being considered by the Department in the context of achieving the required reductions in public service numbers and Exchequer expenditure.

In addition, the Deputy will be aware that the process to develop a new national strategy for higher education is under way and it affords a timely opportunity to review the environment for higher education and the challenges and changes impacting on the sector. The process, which is being led by a high level strategy group, will set out the blueprint for the development of the sector over the next two decades. It will examine how well Ireland's higher education system is performing, how it ranks internationally, how well existing resources are being used and how the system can be reconfigured to best meet the many challenges it faces over the next decade having regard to the key role it has to play in contributing to Ireland's economic recovery.

The objective of this strategy process is to develop a vision and related set of national policy objectives for Irish higher education for the next 20 years with more focused targets for the sector for the next five years. The strategy group is critically examining the roles and relationships of higher education institutions in order that the system can deliver the levels of efficiency, performance, innovation and growth that will optimise Ireland's "smart" economic recovery and social development. The process is also looking at the effectiveness of the use of current resources, the potential to maximise the use of those resources and identify how additional resource requirements across the sector can be met, having particular regard to the difficult budgetary and economic climate in prospect in the medium term.

As the Deputy will appreciate, in the current economic climate all areas of Exchequer funding are being examined to provide value for money and best practices across the public sector. In this regard the Deputy will be aware of the significant Exchequer funding which Tipperary Institute receives from the Department, which amounted to €10 million in each of the past two years with the main elements of this funding being used to meet the cost of staff salaries and associated day-to-day running costs of the institute.

Given the relatively low number of students there is an issue as to whether Tipperary Institute, as it operates currently, is sustainable on a stand-alone basis. The Minister understands the institute is in dialogue with other higher education institutions on possible collaborative arrangements and he believes that this is the appropriate way forward for the institute. However, it will be necessary, as part of any new initiatives, that staffing and funding ratios in the institute be brought into line with sector norms. The Minister is confident progress can be made quickly on identifying and agreeing a new model that will place the institute on a sustainable path going forward. I thank the Deputy for affording me the opportunity to respond to the House on this matter.

The Dáil adjourned at 11.30 p.m. until 10.30 a.m. on Friday, 11 December 2009.

## Written Answers.

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

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

### **Proposed Legislation.**

10. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the progress made regarding the proposed establishment of a judicial council; and if he will make a statement on the matter. [46265/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The commitment given in the Agreed Programme for Government is to “legislate to provide effective remedies for complaints about judicial behaviour, including lay participation in the investigation of complaints”. That commitment is reflected in the Government’s Legislative Programme published on 16 September 2009. It lists the Judicial Council Bill in relation to which proposals are being developed by my Department.

Under the Bill, members of the public will be provided with a framework through which they can pursue allegations of judicial misconduct. A Judicial Council will be given the responsibility of ensuring high standards of conduct among judges. The work of the proposed Council will also be more broadly supportive of excellence in the exercise by judges of their judicial functions. It will be supported by a structure which will include a committee with responsibility for judicial conduct which will be tasked, among other things, with the consideration and investigation of complaints and will have lay participation.

The underlying approach of the Scheme of the Bill will be centred on a definition of a breach of judicial conduct. At the same time, the Bill will be duly cognisant of the independent exercise by the judiciary of its functions as provided for under Article 35.2 of the Constitution, namely,

“All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law”.

Necessary consultations with the judiciary on the details of my proposals for a Judicial Council Bill have been ongoing for some time. The Chief Justice has consulted with fellow members of the judiciary and the outcome of those consultations was recently conveyed to my Department. The Chief Justice has in recent days been sent the text of a comprehensive Scheme of a Bill

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that takes into account, as far as possible, the views of the judiciary. I believe that the process of consultations with the judiciary is nearing completion and I hope to be in a position shortly to seek the approval of the Government of my proposals and for their publication.

### **Departmental Expenditure.**

11. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform if the required 8% reduction in professional fees has been implemented by his Department for 2009; the estimated savings arising from that implementation; and if he will make a statement on the matter. [46165/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that following the Government Decision on this matter, all Agencies and areas of my Department were instructed to rigorously implement the 8% reduction in professional fees across the board. The saving from this measure is estimated to be in the region of €3m this year.

Furthermore, a range of administrative efficiencies, including procurement efficiencies achieved through a co-ordinated Sector-wide approach to procurement, were also implemented and reductions were achieved where possible in the cost of goods and services.

The combined savings from the two initiatives are of the order of €10 million across the Vote Group this year.

All expenditure in my Department's Vote Group is reviewed every month by the Department's Financial Management Committee. Expenditure trends are identified and where necessary, corrective measures are put in place. In addition to this high level expenditure control function, each Departmental agency, division and associated body has its own financial management processes which closely monitor expenditure trends on an ongoing basis.

### **Detention Centres.**

12. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if he will report on plans for a new national children's detention facility; when it is expected that such a detention facility will become operational; and if he will make a statement on the matter. [46169/09]

14. **Deputy Michael Noonan** asked the Minister for Justice, Equality and Law Reform the position regarding the new national child detention facility planned for Oberstown campus near Lusk, County Dublin; when it is expected that the design stage will be completed; the month in 2010 it is expected that the tender phase for construction will commence; and if he will make a statement on the matter. [46302/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 12 and 14 together.

In March 2008, the Government approved the development of new national children detention facilities on the Oberstown campus near Lusk, Co. Dublin. This campus is already the site of 3 of the 4 existing children detention schools, the 4th is located at Finglas, Dublin 11. The Government decision was informed by the report of the Expert Group on Children Detention Schools, which is available on [www.iyjs.ie](http://www.iyjs.ie) along with reports of consultations which were undertaken by the Irish Youth Justice Service (IYJS) to inform the design brief for the project.

The project is being delivered by the IYJS, an executive office of the Department of Justice, Equality and Law Reform, which has responsibility for youth justice policy matters and for children detention schools. In preparing for the development, in line with Department of Fin-

ance guidelines for capital projects and with good practice, the IYJS has established a Steering Committee to ensure robust governance and accountability measures are in place.

The Office of Public Works has been charged with designing the new facilities and managing the procurement of the construction stage of the project. The design stage is well advanced with both the concept and sketch designs having been completed. The next phase involves the completion of detailed specifications and requirements as part of the tender documentation. The tendering process, including specification and requirements, must comply with the Department of Finance guidelines for large capital projects and it is anticipated that the tendering process will be completed in late 2010.

Construction will take place over 2 phases in order to ensure that the existing detention schools, already operating on the Oberstown campus, can continue to operate and provide the necessary services to the Courts until such time as the new facilities are available. Phase 1 of the project, which will deliver sufficient new places to enable the transfer of responsibility for 16-17 year old boys from the Irish Prison Service, is expected to be completed at the end of 2012 and Phase 2 in 2014.

The Deputy will be aware, however, that tendering for the construction of the new facilities will be subject to Government approval and to the necessary funding being made available.

### **Prison Inspection Reports.**

13. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform the actions that have been taken to implement the recommendations of the Prison Inspector following his recent report on Mountjoy Prison, Dublin; and if he will make a statement on the matter. [46239/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The recent report on Mountjoy Prison by the Inspector of Prisons has been considered by the Director General of the Irish Prison Service and his Senior Management Team. A number of the Inspector's recommendations have been implemented or are in the course of being implemented, subject to the availability of resources.

The Government has been acutely aware of the limitations of the existing Mountjoy Prison for some time and it was for this reason that the decision was taken to replace it with a completely new prison campus on a green field site at Thornton, North County Dublin. I am determined to push ahead with the Thornton project but in the intervening period, it is necessary to maintain Mountjoy as a prison.

The Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure which has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,670 new prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation blocks, wings or units in Limerick, Portlaoise and Castlerea prisons and at the open centres in Shelton Abbey and Loughan House.

Current projects will see a further 250 prison spaces provided in the short term by means of:

- A new block in Wheatfield Prison which will accommodate approximately 200 prisoners.
- The re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces

In addition, work is expected to commence in 2010 on a new accommodation block in the Portlaoise/Midlands prisons complex which will provide 300 additional prison spaces.

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To further reduce the volume of prisoners committed to Mountjoy on a daily basis, male offenders committed to prison by the District Courts sitting in Dun Laoghaire, Swords, Tallaght, Cloverhill and Blanchardstown will in future be committed to Wheatfield Prison. A suitable order to give effect to this operational change will be made by me when the additional capacity becomes available in Wheatfield Prison with the opening of the aforementioned new accommodation block at that location.

In June 2009 the Irish Prison Service tendered for the refurbishment of the Separation Unit in Mountjoy Prison with the intention of creating a specific unit within the prison for protection prisoners. Work in this regard commenced in September 2009 and is due to be completed shortly. This will provide 50 spaces with in-cell sanitation and secure exercise yards.

It is the intention of the Director General of the Irish Prison Service to use the re-commissioned Separation Unit to house protection prisoners thus enabling the provision of an enhanced regime giving greater out of cell time for such prisoners. The opening of this Unit will also allow for the introduction of a dedicated area for vulnerable prisoners. The feasibility of a dedicated committal area is also being examined.

The Director General has also instructed the Governor of Mountjoy to personally address all local management issues raised by the Inspector in his Report including matters relating to basic hygiene, cleanliness, accommodation of prisoners at night, implementation of Governor's Orders, maximum operation of regime's activities, maintenance and the investigation of prisoners' complaints.

In addition, the Fines Bill 2009 includes a number of non-custodial measures to deal with non-payment of fines and it is my intention to have the Fines Bill enacted as soon as possible. This will reduce the number of people committed to prison for non-payment of fines.

*Question No. 14 answered with Question No. 12.*

#### **Cross-Border Policing Co-operation.**

15. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform if the procedural manual designed as an authoritative guide for police officers and prosecutors with a view to maximising the chances of successful detections and prosecutions in cross-Border cases has been completed; if it is in use; and if he will make a statement on the matter.

[46124/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I would like to begin by stating that co-operation between An Garda Síochána and the PSNI has never been better, both in terms of range and quality. The two police forces on the island are working more closely together than ever in the service of the Irish people.

I know that the Deputy met with the Garda Commissioner and with officials of my own Department as part of the British-Irish Parliamentary Assembly's examination of North-South policing co-operation and that he was briefed at that time on our intention to issue a manual of guidance in relation to criminal investigations which contain a significant cross-border element.

Officials of my Department and representatives of An Garda Síochána have met with their equivalents from Northern Ireland on several occasions over the last year with a view to issuing to police officers in both jurisdictions a manual of guidance as to the particular circumstances which arise in relation to criminal investigations which contain a significant cross-border element. The Office of the Director of Public Prosecutions and its Northern Ireland counterpart have also been consulted with a view to ensuring that, as far as is possible, the differing require-

ments of the two judicial systems are taken into account in the police investigations. The most recent meeting took place last month and another is scheduled for early in the New Year.

The differences in the criminal law and criminal procedures in the two jurisdictions requires us to ensure that, on our side, the Gardaí continue to comply with our own requirements, while endeavouring to maximise the possibility of the use of evidence in the other jurisdiction. The manual must reflect this and I am sure the Deputy will appreciate that when dealing with matters of law and of law enforcement across two separate jurisdictions, the work involved is complex and painstaking. I nevertheless advised that it is expected that the manual will be ready in the middle of 2010.

### **Commissions of Investigation.**

16. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the steps he will take arising from the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin; and if he will make a statement on the matter. [46158/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** When I received the report last July, I immediately sent it to the Garda Commissioner and the Director of Public Prosecutions. Since then, I have discussed the matter at length with the Commissioner. A number of the perpetrators discussed in the report have already been brought to justice, proceedings are pending against others and a number of investigations are ongoing. The Garda Commissioner has assured me that pursuing the perpetrators, whenever the abuse occurred, is an absolute priority for An Garda Síochána.

Assistant Commissioner John O'Mahoney has been appointed to examine the report's findings relating to the handling of complaints and investigations by both Church and State authorities, to carry out such investigations and inquiries as he deems appropriate and to make a report to him with his recommendations. The Commissioner will then consult with the Director of Public Prosecutions as to what issues arise in the context of criminal liability.

The report's findings are positive with regard to the current Garda arrangements for dealing with such allegations. Nevertheless, after consulting with the Garda Commissioner, I have asked the Garda Inspectorate to review the Garda handling of allegations of child sexual abuse.

The Government earlier this year requested the Commission of Investigation to extend its work to deal with the Catholic Diocese of Cloyne because of concerns which had arisen in relation to that Diocese. I believe that the work of the Commission in relation to the Archdiocese of Dublin and its forthcoming report on the Diocese of Cloyne will serve the primary purpose of establishing how child sexual abuse cases were dealt with by the Church and State authorities so that lessons can be learned and remedies introduced.

The audit currently being carried out by the Health Service Executive to ensure that it is fully aware of all cases of clerical child sex abuse known to the Church will also help to establish how child sexual abuse cases were dealt with by the Church. Work is well under way on preparing legislation to provide a statutory framework for the sharing of soft information. The Office of my colleague the Minister of State for Children and Youth Affairs, Deputy Barry Andrews, is preparing Heads of a Bill in consultation with my Department, An Garda Síochána and the HSE. The findings of the Commission's report about collection and sharing of information will be taken fully into account in the process which will be completed in the very near future.

### **Capital Projects.**

17. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform



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following the recent meeting of the Select Committee on Justice, Equality, Defence and Women's Rights at which the estimates for his Department were considered the reason for the delay of a capital project for the State Forensic Laboratory; and if he will make a statement on the matter. [46278/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A key element of the criminal justice sector building programme is the provision of a new facility for the Forensic Science Laboratory. Notwithstanding current budgetary constraints, I can assure the House that the project remains a top priority, which is being advanced as expeditiously as possible by the Office of Public Works on behalf of my Department.

Having considered the various options for developing the project, including optimal site locations, it has been decided to relocate the Forensic Science Laboratory to a new purpose built facility on available State land at the Backweston Campus, Leixlip, which is already the location of the State Laboratory and the Department of Agriculture, Fisheries and Food laboratories. The site, which is fully serviced, is considered particularly suitable for a development of this type and scale, especially in terms of the potential for possible synergies between the expertise and resources of the various laboratories, and I am confident it is capable of facilitating the medium to long term requirements of the Forensic Science Laboratory. Most notably, the new laboratory will have the capacity to maintain and operate the proposed National DNA Database and the associated legislative provisions, which will shortly be brought before the Oireachtas in the context of the Criminal Justice (Forensic Evidence and DNA Database System) Bill.

The OPW has established a Project Team to deliver the project at the preferred location and I can inform the House that substantial progress is being made in the design and planning phase of the project. This stage is nearing completion and it is anticipated, subject to appropriate sanction and funding being made available, that the tendering process for construction will take place in early 2010. While conscious that funding for capital projects has been necessarily reduced across all Departments, I am anxious that the project should proceed to the market as speedily as possible so that full advantage can be taken of the current highly competitive trading environment in the construction sector.

### **Garda Investigations.**

18. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the investigations that are under way into allegations that a small number of gardaí may have been providing information to criminal gangs thus potentially jeopardising investigation and putting other members of the force at risk in view of comments made by a person (details supplied); and if he will make a statement on the matter. [46176/09]

23. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the number of members of An Garda Síochána are currently being investigated, and have been investigated previously, in respect of allegedly assisting criminal gangs; and if he will make a statement on the matter. [46236/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 18 and 23 together.

As the Deputy may be aware, Section 62 of the Garda Síochána Act 2005 was enacted for the purpose of specifically prohibiting a person who is or was a member of the Garda Síochána or of its civilian staff from disclosing information obtained in the course of his or her duties if

the person knows the disclosure of that information is likely to have a harmful effect. The section provides stiff penalties, fines up to €75,000 and/or up to 7 years imprisonment for conviction on indictment, for persons who contravene its provisions.

I am informed by the Garda authorities that a number of investigations in relation to breaches of section 62, Garda Síochána Act, 2005 are being conducted by the An Garda Síochána which are ongoing and, on completion, will be submitted to the Law Officers for directions as to what charges, if any, are to be preferred.

As these investigations are ongoing, it would be inappropriate for me to comment further at this time.

### **Prison Building Programme.**

19. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the position regarding the Thornton Hall prison project; the amount spent on the project to date in 2009; and if he will make a statement on the matter. [46287/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The new prison campus at Thornton Hall, County Dublin will have a design capacity of 1,400 with operational flexibility to accommodate up to 2,200 offenders in a range of security settings. The revised plan for the new prison campus aims to protect the taxpayers' interests and provide good quality, regime focused accommodation and programmes to prepare offenders for re-integration back into society, on a scale that cannot currently be delivered at Mountjoy Prison.

The new prison campus at Thornton Hall, Kilsallaghan, County Dublin is proceeding on a phased basis with Phase One comprising essential preliminary works required for the prison development. These preliminary works include the dedicated access route, the perimeter wall and related services. The preparation of the tender documentation as well as the detailed scope of work for the phase one work is at an advanced stage. It is anticipated that the preliminary works tender documentation for the construction of the access road will be issued to the market in the first quarter of the New Year.

The development of the new prison campus at Thornton Hall is a complex project which is governed by Department of Finance and EU procurement guidelines. These guidelines set out a range of actions that must take place prior to inviting tenders for the project. The Irish Prison Service with the assistance of the National Development Finance Agency are in the process of finalising the various preparatory steps prior to inviting tenders for the construction of the prison. It is intended to issue the tender documentation for the construction of the prison next year. Construction and fitting out of the prison will take two to three years from the date of signature of a contract.

The National Development Finance Agency and the Irish Prison Service has commenced the procurement process for technical advisers for the new project. A contract notice to procure these services was published last month in accordance with EU and National procedures. I am advised that an appointment from this competition is expected in the second quarter of 2010. As I have indicated to the House before, the revised design of the new prison campus at Thornton Hall must protect the taxpayers' interest, be operationally efficient in its design and provide good quality regime focused accommodation for prisoners.

In relation to expenditure on the project a total of €41.9 million has been expended up to end November 2009. This sum includes €29.9 million on the purchase of the site at Thornton. It is frequently overlooked that the cost of the site was actually largely offset by the sale of surplus prison lands at Shanganagh, County Dublin. An additional 8.7 acres has been acquired at a cost of €1.3 million to provide a dedicated access route to the prison. This was done

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following representations from the local community which reflected concern in relation to the effect of increased traffic in the area generated by the prison development. Approximately €7 million has been expended on professional fees, €2.8 million on site preparation and surveys, €0.5 million on security services and €0.4 million on landscaping works.

As is the case with all major infrastructure projects a comprehensive set of geological, engineering and archaeological surveys have been undertaken at the site and these surveys together with the completion of the phase one works will help to reduce the overall construction programme for the prison once a contract for the construction is awarded.

### **Tobacco Smuggling.**

20. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform if a Garda file has been sent to the Director of Public Prosecutions, arising from the seizure of 120 million cigarettes at Greenore, County Louth in October 2009; the estimated value of the cigarettes seized; if the vessel (details supplied), alleged to have been involved in the incident, is still detained; and if he will make a statement on the matter. [46164/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to advise the Deputy that Operation Samhna resulted in the seizure of contraband cigarettes with an estimated retail value of €46.7 million at Greenore Port Co. Louth in October 2009. The Operation was led by the Revenue Customs Service, and supported by An Garda Síochána, the Criminal Assets Bureau, the Irish Naval Service, and the Air Corps. Officers from Her Majesty's Revenue and Customs and the Police Service of Northern Ireland were also present.

I am informed by the Revenue Commissioners that a file has not yet been sent to the Director of Public Prosecutions either by the Gardaí or by the Revenue Commissioners as the investigation is not yet completed. The completion of the investigation is a matter for the Revenue Commissioners as they have primary responsibility for tackling cigarette smuggling.

I am further informed by the Revenue Commissioners that the vessel involved in the conveyance of the cigarettes to Ireland was released on 6 November 2009 after it was established that neither the owners of the vessel nor the company to whom it had been first leased had any involvement in the smuggling operation.

### **Proposed Legislation.**

21. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform the progress of the review of gambling announced by him in May 2009; when he expects the process to be concluded; and if he will make a statement on the matter. [46171/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my replies to Parliamentary Questions Nos 204 and 205 of 1 December 2009 and my reply to Parliamentary Question No. 171 of 9 December 2009 in which I outlined progress on the review of gambling being undertaken by my Department.

### **Drug Courts.**

22. **Deputy George Lee** asked the Minister for Justice, Equality and Law Reform his vision for the future of the Drugs Court; and if he will make a statement on the matter. [46290/09]

63. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his plans for the future operation of the drug treatment court; and if he will make a statement on the matter. [46170/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 22 and 63 together.

My Department has been carrying out a review of the operation of the Drug Treatment Court which is nearing completion. I will arrange to have its outcome communicated to the Deputies in due course.

*Question No. 23 answered with Question No. 18.*

#### **Proposed Legislation.**

24. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform his plans to amend Section 38(6) of the Road Traffic Act 1961 which exempts members of An Garda Síochána from having to hold a driving licence when driving a mechanically propelled vehicle in the course of their duty. [46294/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Amendments to the Road Traffic Act 1961 are the responsibility of my colleague the Minister for Transport.

#### **Departmental Expenditure.**

25. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform his views on the fact that almost €32 million has been paid out over the past five years in respect of claims made against members of the gardaí for wrongful arrest, assault and other reasons; the steps he is taking to address this situation; and if he will make a statement on the matter. [46178/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Members of the Garda Síochána are called upon to interact with members of the public on a twenty four hour basis in a wide variety of situations — many of which are unavoidably stressful and contentious. In the vast majority of cases these interactions are handled in an exemplary and professional manner and do not give rise to subsequent difficulty from a litigation point of view. However, inevitably there is a small number of cases which give rise to the question of a legal liability on the part of the State.

The Commissioner, as Accounting Officer for An Garda Síochána, is concerned about the impact of the cost of these cases on the funds available to An Garda Síochána. In all cases the advice of Counsel, the Chief State Solicitor and the Attorney General inform the approach taken in addressing the issues involved. In most cases the advice leads to settlement of the cases but the question cannot be decided on a fiscal basis alone. The Commissioner must ensure that a proper balance is maintained between the benefits that might accrue for the public purse in the event of prudent settlement agreements and the necessity to vigorously defend the right and duty of the gardaí to carry out their functions.

Certain costs are outside the control of the Commissioner. Once a case goes before the Courts the level of compensation is determined by the Courts. That said, one of the main elements of expenditure in this area is legal costs and my Department, in conjunction with the Attorney General, the Department of Finance and An Garda Síochána, is currently exploring possible ways to minimise such costs.

I should point out that many of the civil actions that are taken do not ultimately reveal any wrongdoing on the part of the Garda members concerned. However, I can assure the Deputy that where there is wrongdoing the Commissioner enforces the discipline regulations appropriately. Breaches of discipline are dealt with under new Garda Síochána (Discipline) Regulations which came into operation on 1 June 2007. These Regulations have streamlined the disciplinary

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process and replaced the complex system which had developed over the years and was the subject of much criticism by the Morris Tribunal.

Finally, as regards the actual amounts paid over the past five years, the Deputy will see from the figures provided in my answer to Question 18 of 22 September 2009 that as the “Donegal-related” cases are finalised and removed from the equation the cost of legal actions is being reduced significantly.

#### **Legal Services Ombudsman.**

26. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform when he will appoint a Legal Services Ombudsman; and if he will make a statement on the matter. [46166/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** My Department is making arrangements to facilitate the appointment by the Government of a Legal Services Ombudsman in the near future.

#### **Crime Levels.**

27. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used for each year from 1998 to date in 2009; the number of such cases in which prosecutions for murder were initiated; the number of such cases in which convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [46182/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the following table contains the number of cases of murder in which a firearm was used, proceedings commenced and convictions secured from 1998 to 2008 and in 2009 up 7 December. Of these murders, 21 took place in 2009.

As the Deputy is aware, these statistics, by their nature, carry a significant health warning. The detection rate for murders by its nature increases over time as Garda investigations progress. It is expected that the number of convictions obtained will increase as Garda investigations are concluded and proceedings commenced are finalised by the courts. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder, for example firearms offences. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

All killings, regardless of the circumstances involved, are the subject of rigorous investigation by An Garda Síochána and will continue to be so.

While An Garda Síochána have made significant progress in the investigation of a number of killings, there can be considerable difficulties for them in obtaining evidence in shootings which are the result of gangland activities. It has to be accepted that the reality is that associates of a victim of a gangland killing who would have information of value to An Garda Síochána often do not cooperate with Garda investigations. Indeed, they frequently fail to cooperate even when they themselves are the victims of violence. A number of changes to the law on evidence have been made to address this. It has also to be accepted that there is often no connection or personal association between the victim and the perpetrator, which makes it very difficult for An Garda Síochána in their investigation of such a murder. Witnesses may also be subject to high levels of intimidation not to come forward, and it is to assist such witnesses that the Witness Protection Programme is in place.

Our criminal law has been significantly strengthened in recent years. Many of these changes are targeted at fighting gangland crime. The Criminal Justice Acts of 2006 and 2007, in particular, introduced wide ranging reforms to strengthen the capacity of An Garda Síochána to tackle serious crime. The bail laws have been strengthened to allow the prosecution mount a more effective challenge to bail applications. I have also secured Government approval to commence work on a new Bail Bill to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law.

A significant further strengthening of the law dealing with those involved in criminal organisations took place with the enactment of the Criminal Justice (Amendment) Act 2009.

Other significant pieces of legislation introduced to target organised crime include the Criminal Justice (Surveillance) Act, which provides a statutory framework for evidence obtained by means of covert surveillance to be used in criminal trials, and the Criminal Justice (Miscellaneous Provisions) Act 2009, which further tightens the legislative provisions relating to guns and knives and similar weapons.

A further important development, which is currently being progressed through the Houses of the Oireachtas, is the Criminal Procedure Bill 2009 which gives effect to the measures contained in the Justice for Victims Initiative. The Bill provides for reform of the law on victim impact statements and proposes to end the ban on retrying people who have been acquitted in specified circumstances.

I expect that the Criminal Justice (Forensic Sampling and Evidence) Bill, which will provide for the establishment and operation of a DNA database, will be published in the coming weeks.

Under Operation Anvil, up to 29 November, 2009, over 2,800 firearms have been recovered. There have also been over 8,700 arrests for serious crimes such as murder, serious assault, robbery and burglary and over 83,700 searches for weapons, drugs and stolen goods. An Garda Síochána will continue to address the issue of illegal guns relentlessly through Operation Anvil.

Number of murders recorded in which a firearm was used, proceedings commenced and convictions from 1998 to 2008 and in 2009 up to 7 December\*

Recorded	Proceedings Commenced	Convictions
182	50	23

\*These figures are provisional, operational and liable to change.

### Commissions of Investigation.

28. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his views on extending the remit of the Commission of Investigation into the Catholic Archdiocese of Dublin to cover other dioceses here; and if he will make a statement on the matter. [46157/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government earlier this year requested the Commission of Investigation to extend its work to deal with the Catholic Diocese of Cloyne because of concerns which had arisen in relation to that Diocese. I believe that the work of the Commission in relation to the Archdiocese of Dublin and its forthcoming report on the Diocese of Cloyne will serve the primary purpose of establishing how child sexual abuse cases were dealt with by the Church and State authorities so that lessons can be learned and remedies introduced.

I am informed by my colleague the Minister for Children and Youth Affairs that the Health Service Executive is currently carrying out an audit of Catholic dioceses to ensure that it, as the statutorily responsible body, is fully aware of all cases of clerical child sex abuse known to

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the Church. A detailed questionnaire issued to each diocese and completed replies have been received by the HSE from the head of each diocese. The audit, as currently designed, will be finalised by 22 December in respect of the dioceses. It is hoped that a similar audit of religious orders may also be completed by that date. A number of dioceses have asked to re-submit their questionnaire responses and the requests have been assented to. This will of necessity entail a delay in the process but with the expectation that it will improve outcomes. The HSE will then submit a detailed and comprehensive report to the Minister for Children and Youth Affairs for his consideration.

### **Juvenile Offenders.**

29. **Deputy James Reilly** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to a survey carried out by An Garda Síochána which concluded that members of the public rated youth crime as a major national problem; his views on this finding; and if he will make a statement on the matter. [46312/09]

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews):** I presume the Deputy is referring to the Garda Public Attitudes Survey 2008 which was published over a year ago in October 2008. The full survey is available on the website of An Garda Síochána ([www.garda.ie](http://www.garda.ie)). While 76% of respondents said they regarded juvenile/teenage crime as a major problem in the country as a whole, it is interesting to note that only 27% of the respondents saw juvenile/teenage crime as a major problem in the community where they live. The report appears to indicate that people's perceptions of the levels of crime generally, and not just youth related crime, are much greater than the levels which they experience locally. This is similar to a 2006 survey on crime and victimisation published by the Central Statistics Office, which indicates that the level of public concern about crime is not a measure of the actual levels of crime nationally.

A significant aspect of the Garda Public Attitudes Survey is that the preferred response of respondents to youth related crime is through non-punitive measures. This is consistent with the general approach adopted by the Government in the deployment of Garda Juvenile Liaison Officers, and the use of measures such as the Garda Diversion Programme, Garda Youth Diversion Projects, Young Persons Probation Projects, community sanctions and the incremental process of warnings, good behaviour contracts and anti-social behaviour orders, all of which attempt to confront youth crime and related behaviours in an incremental way, using detention as a measure of last resort. Tackling youth crime is a key priority for this Government. Public order, which is one of the most significant aspects of youth crime, is one of the priorities set by my colleague, the Minister for Justice Equality and Law Reform, for the Gardaí in 2009 and it is one of the 6 strategic goals in the Garda Policing Plan 2009.

In addition, the National Youth Justice Strategy 2008-2010 sets out plans for co-ordinated programmes and services in the area of youth justice which will be delivered through a number of agencies including my own office (OMCYA), the Irish Youth Justice Service, the Department of Education and Science, the Department of Health and Children, HSE, an Garda Síochána, the Courts Service, the Probation Service and the Department of Community, Rural and Gaeltacht Affairs. The net effect of the strategy is to ensure a more co-ordinated strategic approach to service delivery, make better use of existing resources and deliver better outcomes for children in trouble with the law and the community in general.

The Strategy is being progressed at a national level by the National Youth Justice Oversight Group, which has been established in order to facilitate the cross-agency collaboration required. The Oversight Group, which comprises members from each of the key agencies and

is chaired by the Director General from my office, reports to the Cabinet Sub-Committee on Social Inclusion twice a year.

### Prison Accommodation.

30. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners incarcerated in the various prisons here; the number of prisoners to a cell; the number of cells accommodating two, three, four or more prisoners; the extent to which adequate accommodation to meet current or future requirements has been or is being made available; the number of prison spaces lost through the closure of the prisons at the Curragh and Spike Island or other locations; the extent to which such places were replaced; and if he will make a statement on the matter. [46319/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that on 4 December 2009 there were 4,041 prisoners in custody. The breakdown of the population per prison is listed in the table below:

Prison/Place of Detention	Persons in Custody	Number of cells with 1 person	Number of cells with 2 persons	Number of cells with 3 persons	Number of cells with 4 persons	Number of cells with more than 4 persons
Arbour Hill Prison	151	83	24	0	5	0
Castlerea Prison	359	73	107	0	4	0
Cloverhill Prison	460	48	21	78	34	0
Cork Prison	312	12	96	36	0	0
Dóchas Centre	125	73	6	6	2	3
Limerick Prison (male)	302	72	97	12	0	0
Limerick Prison (female)	25	0	5	5	0	0
Loughan House	138	70	31	2	0	0
Midlands Prison	521	360	45	9	11	0
Mountjoy Prison (male)	647	244	126	9	7	5
Portlaoise Prison	154	122	16	0	0	0
Shelton Abbey	100	40	5	0	5	5
St. Patrick's Institution	201	195	3	0	0	0
Training Unit	111	73	19	0	0	0
Wheatfield Prison	435	127	154	0	0	0

These figures do not include prisoners who were being held in special/observation cells or beds that were being held for prisoners who were out on a form of temporary release including hospital attendance. In the case of Castlerea Prison 55 prisoners are held in “The Grove” which does not consist of cell type accommodation.

There has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months during which time the total number of persons in custody has increased by 379. This represents a 10% rise in the number in custody.

The Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure which has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,670 new prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick, Portlaoise and Castlerea prisons and at the open centres in Shelton Abbey and Loughan House.



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Current projects will see a further 250 prison spaces provided in the short term by means of:

- A new block in Wheatfield Prison which will accommodate approximately 200 prisoners.
- The re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces.

Work is also expected to commence in 2010 on a new accommodation block in the Portlaoise/Midlands prisons complex which will provide 300 prison spaces. In the longer term, the Government remains firmly committed to replacing the prisons on the Mountjoy complex with modern prison accommodation at Thornton Hall. These are major undertakings involving replacement of close to 40% of the entire prison estate. They will take a number of years to complete but it is my intention that they will proceed as quickly as possible.

These progressive measures contrast starkly with the failure of the Deputy's Party, when last in power, to construct new prison places. The decision to close locations such as the Curragh, Fort Mitchel and Shanganagh Castle, which had a combined capacity of 264 places, was made for operational and financial reasons. Any potential loss in capacity has been more than offset by the bringing into operation of previously unused prison spaces and improvements to the prison estate and the money received from the sale of Shanganagh Prison covered in full the acquisition cost of the site at Thornton Hall.

#### **Detention Centres.**

31. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform the number of 16 to 18 year old offenders in St. Patrick's Institution; the number of 18 to 21 year old offenders in St. Patrick's Institution; the number of places available in St. Patrick's Institution; his plans to address overcrowding in St. Patrick's Institution in the short, medium and long term; and if he will make a statement on the matter. [46248/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that on 7 December, 2009 there were 203 persons in custody in St. Patrick's Institution which has a bed capacity of 217. Of the 203 persons in custody, 49 persons were aged either 16 or 17 years of age and 154 persons were aged between 18 and 21 years of age.

St. Patrick's Institution is a closed, medium security place of detention for males aged 16 to 21 years of age and accommodates both remand and sentenced prisoners. It contains a special unit for 16 and 17 year olds. However, in the longer term the Irish Youth Justice Service, an executive office within my Department responsible for an integrated response to youth offending, will take responsibility for the detention facilities for all boys under 18 years of age.

#### **Organised Crime.**

32. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which the Criminal Justice (Miscellaneous Provisions) Bill 2009 and the Criminal Justice Provisions Bill 2009 has been invoked to date in 2009 against criminal gangs; the number of arrests that have been initiated; the degree to which criminal gangs and gang leaders have been subjected to the full extent of the legislation; the extent of the seizure of assets; the actions taken on foot of this legislation since its introduction; and if he will make a statement on the matter. [46318/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda Authorities that where there is justification and a legal basis, those suspected of

criminal activity are arrested, detained and questioned in relation to specific crimes. As the Deputy is aware the Government has introduced extensive legislation in 2009 to target those involved in serious and organised crime including;

- The Criminal Justice (Miscellaneous Provisions) Act 2009 which further tightens the legislative provisions relating to the use of weapons;
- The Criminal Justice (Amendment) Act 2009 which provides for all organised crime offences to be scheduled offences under the Offences Against the State Act so that they may be tried in the Special Criminal Court unless the DPP directs otherwise. This Act also creates a new offence of directing or controlling a criminal organisation which carries a maximum sentence of life imprisonment. Participation or involvement in organised crime carries a penalty of up to 15 years imprisonment. Also, expert Garda opinion on the existence and operation of criminal gangs is now admissible in evidence.
- The Criminal Justice (Surveillance) Act 2009 provides for a legal framework to allow covert surveillance material to be used in criminal trials. The Act provides a statutory framework for the operation of secret electronic surveillance to combat serious crime as well as subversive and terrorist threats to the security of the State.

The Gardaí are actively making use of these legislative measures to target and disrupt organised criminal networks and their activities. Given the serious nature of the offences dealt with under this new legislation, a full and thorough investigation of individuals and their activities must be conducted before charges can be brought against them.

While to date persons have not been charged with an offence contrary to the recently enacted Criminal Justice legislation and amendments, a number of Garda Investigation Files are at various stages of completion for submission to the Law Officers for consideration as to what charges should be preferred under recent legislation.

Members of An Garda Síochána will continue to utilise all available legislation, including the additional legislative provisions mentioned above, in relation to organised crime, to develop and implement strategies to dismantle and disrupt criminal networks.

### **Drug Treatment Programme.**

33. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the quantity of drugs seized in St. Patrick's Institution in 2007, 2008 and to date in 2009; the number of offenders as a percentage of the total held in St. Patrick's Institution in the years 2007, 2008 and to date in 2009 that have participated in a drug treatment programme; and if he will make a statement on the matter. [46308/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The confiscation of drugs (or suspected drugs) was recorded by our prisons under the generic description of "prohibited articles/substances" in 2007 and 2008. Therefore an accurate breakdown of those statistics as requested by the Deputy for that period could not be obtained without the manual examination of records going back over a considerable time period. However, in 2009 to date, St. Patrick's Institution recorded 85 drug seizures. Gardaí are contacted once suspected drug seizures are made and issues of investigation and prosecution fall within their remit.

The Irish Prison Service continues to work to implement its Drug Policy & Strategy, entitled "Keeping Drugs Out of Prison", which was launched in May 2006. Working to fulfil the commitments contained in the Policy and Strategy involves the implementation of stringent measures to prevent drugs from getting into prisons while, at the same time, continuing to

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invest in services within prisons to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners treatment and rehabilitative needs.

Drug Users present with multiple and complex problems. The evidence would indicate that a multidisciplinary approach is needed to effectively care for this group and that maintenance of a personalised therapeutic relationship yields the best outcomes.

Saint Patrick's Institution treated 15 prisoner/patients with methadone in 2007 and a further 28 in 2008. This represents 2% and 3.7% respectively of the number of prisoners committed to Saint Patrick's Institution for the years mentioned. The Central Treatment List who maintain a national register for methadone use have not compiled their cumulative data as yet for 2009. In presenting this data it must be remembered that many of the young people committed to Saint Patrick's Institution, while dabbling in illicit drug use, have not established a dependency on opiates and as such would not be considered for a methadone treatment programme. All those undergoing methadone treatment will be seen by an adolescence psychiatrist in addiction along with an addiction counsellor and the primary care general practitioner.

Prisoners have access to a range of medical and rehabilitative services such as psychosocial services and work and training options which assist in addressing their substance misuse issues. Saint Patrick's Institution also offers a drug free option to prisoners. This programme is run on a contingency management approach, which sees drug free behaviour rewarded which in turn reinforces positive models of behaviour. This approach has a strong evidence base and is particularly successful with adolescence age groups. This programme has a strict regime of voluntary drug testing in place.

The Irish Prison Service has committed significant investment in recent years in responding to addiction issues in the prison system. The most significant new development was the awarding of a contract for addiction counselling services to Merchants Quay Ireland. Eighty hours of addiction counselling per week are now in place in St. Patrick's Institution for those who are identified as at risk and wish to engage with services.

#### **International Agreements.**

34. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 472 of 22 April 2009, the further progress which has been made in ratifying the UN Convention on the Rights of Persons with Disabilities; when he expects the mental capacity Bill to be published; and if he will make a statement on the matter. [46315/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to the reply to Questions Nos. 195 and 196 of 1 December 2009 and to Question No. 216 of 2 December 2009. I have nothing to add to the details of those replies.

#### **Child Protection.**

35. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the new instructions which have been issued to members of the gardaí arising from those recommendations of the Monageer Inquiry relating to the gardaí; and if he will make a statement on the matter. [46161/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Commissioner has accepted the findings of the Monageer Inquiry and is committed to ensuring that the safety and protection of children is a key priority for An Garda Síochána. Following receipt of the Monageer Inquiry Report, the Commissioner said that its findings would be utilised to refine the practices and procedures of An Garda Síochána to ensure that they complement the

Children First guidelines. These guidelines provide the essential framework for the work of An Garda Síochána and the Health Service Executive in dealing with the sensitive area of child safety. The guidelines, as the national guidelines for the protection and welfare of children, together with the relevant legislation, in particular the Child Care Act 1991 as amended, are being fully applied by An Garda Síochána.

The Garda Commissioner has stated that An Garda Síochána attaches high importance to inter-agency co-operation, particularly with the Health Service Executive.

On 5 June 2009, the Health Service Executive, in consultation with An Garda Síochána, established an out of hours emergency place of safety service, which is being provided by a private operator as agent of the HSE, for children found to be at risk (outside the Dublin, Kildare and Wicklow catchment area for which provision had already been made).

These arrangements have been brought to the attention of members of An Garda Síochána.

### **Garda Deployment.**

36. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of garda personnel engaged in providing driver and security services to the members of the Government, members of the Judiciary; former Taoisigh or former Government Ministers; if he has plans to review the numbers involved with a view to transferring some of these Garda officers to front line duties fighting crime; and if he will make a statement on the matter. [46177/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Commissioner that there are 56 members of An Garda Síochána permanently assigned duties as Garda Protection Officers to 27 designated persons including current Office holders and former Taoisigh. Included in the duties of the Protection Officer is a requirement to drive the Protected Person. There are no protection officers assigned to former Ministers.

Responsibility for the allocation of personnel rests with the Garda Commissioner, in conjunction with his senior management team. Resource levels are constantly monitored, in conjunction with crime trends and other demands made on An Garda Síochána, and are kept under review.

### **Garda Retirement.**

37. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of applications received for early retirement from members of the gardaí to date in 2009, broken down by rank; the way this compares with the same period in each year from 2002; his views on reports that a significant number of senior gardaí are planning to take early retirement; the implications of such retirements for policing; and if he will make a statement on the matter. [46179/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have requested the latest information on the number of retirements, including late applications, from the Commissioner and I will revert to the Deputy immediately on receipt of that information.

### **Crime Levels.**

38. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the number of occasions in 2007, 2008 and to date in 2009 in which grenades, bombs or improvised explosive devices have been used; the number of occasions in each year when the gardaí called

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on the assistance of the Army ordinance unit to deal with such devices; the number of prosecutions initiated as a result of the discovery of such devices; his views on the increased use of such devices by criminal elements; the steps that are being taken to curb the use of such devices, particularly having regard to the danger they pose the public; and if he will make a statement on the matter. [46185/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Question No. 112 of 10 November 2009. The updated figure for such incidents in 2009 (to 5 December) is 186 incidents; in respect of the incidents that occurred in 2008 and 2009 (to 30 November) there has been a total of 91 arrests, there have been four convictions and in another 58 cases the matters are currently before the courts or files are with the DPP. The remainder of the information provided previously is unchanged.

### **Prison Accommodation.**

39. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of prisoners in jails at the latest date for which figures are available; if the prison population recently exceeded 4,000 for the first time ever; the steps taken to deal with prison overcrowding; and if he will make a statement on the matter. [46175/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that on 7 December 2009 there were 4,051 prisoners in custody. I can confirm that on several occasions recently the prison population has exceeded 4,000, the first instance of which was on 9 October 2009.

As the Deputy will appreciate the Irish Prison Service must accept all prisoners committed by the Courts into its custody and does not have the option of turning away committals. There has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months during which time the total number in custody has increased by 379. This represents a 10% rise in the number in custody.

The Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure which has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,670 new prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick, Portlaoise and Castlerea prisons and at the open centres in Shelton Abbey and Loughan House.

Current projects will see a further 250 prison spaces provided in the short term by means of:

- A new block in Wheatfield Prison which will accommodate approximately 200 prisoners.
- The re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces.

In addition, work is expected to commence in 2010 on a new accommodation block in the Portlaoise/Midlands prisons complex which will provide 300 prison spaces.

By contrast, when the Deputy's Party was last in power, no additional prison places were constructed. Despite this significant investment, it is quite clear that in some of our prisons we are operating in excess of our bed capacity at this time. In the longer term, the Government remains firmly committed to replacing the prisons on the Mountjoy complex with modern prison accommodation at Thornton Hall. Building new prison facilities at Thornton Hall on a

green field site will open up new opportunities for the development of structured regime activities which will support the more effective rehabilitation and resettlement of prisoners.

*Question No. 40 answered with Question No. 6.*

### **Departmental Expenditure.**

41. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform the estimated saving made by the Irish Prison Service arising from the closure of prisons at Spike Island and the Curragh; and if he will make a statement on the matter. [46260/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The closure of Fort Mitchell Prison, on Spike Island, and Curragh Place of Detention in early 2004 occurred against the backdrop of the need to make significant savings in prison expenditure through reductions in overtime. The closure of these two institutions led to savings on the paybill that was previously associated with these prisons and the utilisation of the staff formerly assigned to them to reduce the level of overtime worked in the prisons to which they were transferred. In 2003, being the last full year of operation for both prisons, the costs of running Fort Mitchell and the Curragh Prisons were €6.868M and €9.029M respectively. The introduction of the Agreed Proposal for Organisational Change, which commenced in 2005, eliminated overtime working in the prison system and replaced it with an Additional Hours system.

In terms of the operational implications, the impact of the closure at Fort Mitchell, which had a capacity of 102, was offset by the opening of the new C Block at Limerick Prison, providing an additional 100 beds. The closure of the Curragh, Place of Detention, which had a design capacity of 68, was offset by the opening of a previously unopened wing in the Midlands Prison.

I should point out that there is no potential to reopen any of these facilities. Small stand-alone prisons accommodating 100 prisoners or less are simply not economic to operate. The policy of the Irish Prison Service is, where possible, to develop campus-style developments which take full advantage of economies of scale and operational efficiencies.

### **Garda Investigations.**

42. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the steps he will take to ask the Commissioner of An Garda Síochána to reopen the investigation into the murder and suspected rape in 1970 of a person (details supplied); the location of the file relating to the murder; and if he will make a statement on allegations made the murder was not fully and comprehensively investigated and that a copy of the Garda file was furnished to a senior member of the Roman Catholic clergy. [46193/09]

51. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform his plans to reopen the Garda investigation into the 1970 murder of a person (details supplied) in County Sligo; if new evidence has emerged in regard to the case; if a review of the original garda investigation is planned; and if he will make a statement on the matter. [46191/09]

56. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform if he will make a statement on allegations made that senior members of An Garda Síochána interfered with and prevented a full investigation taking place into the murder and suspected rape in 1970 of a person (details supplied); if an investigation officer was stopped from interviewing a suspect named on this file; if he will instruct the Garda Commissioner to reopen the investigation in this case and take the steps necessary for a separate independent investigation to be conduc-

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ted into the manner in which the murder was originally investigated in 1970 and into any alleged obstacles to that investigation which inhibited its completion and prosecution taking place. [46194/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to answer Questions Nos. 42, 51 and 56 together.

I am informed by the Garda authorities that the investigation into the death of the person referred to by the Deputies was the subject of an intense review in 2004.

I am further informed that the Commissioner recently appointed the Assistant Commissioner, Northern Region to examine the investigation file, which remains open, and is under the supervision of the Assistant Commissioner. Liaison is being maintained with the family of the person referred to.

The Deputies will appreciate that as the investigation is ongoing, it would be inappropriate for me to comment further at this time.

### **Human Trafficking.**

43. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the steps he has taken to prevent the trafficking of young people into the sex industry here. [40673/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An extensive range of legislative and administrative measures have been undertaken to address this concern. Many of these are set out in the National Action Plan to Prevent and Combat Trafficking in Human Beings which I published on 10 June 2009. The measures include the following:-

#### **1. Legislative measures**

Under the **Sexual Offences (Jurisdiction) Act 1996** it is an offence for an Irish person or a person ordinarily resident in the State, to commit a sexual act against a child in another country which is an offence in that country and if committed in the State, would be an offence under the Schedule to that Act. In such circumstances, the person can be charged with the offence in this country. The offences listed in the Schedule (as amended) are carnal knowledge, rape, buggery and sexual assault offences. It is also an offence to make an arrangement to transport to a place in or outside the State or to authorise the making of such an arrangement for or on behalf of another person knowingly for the purpose of enabling that person or another person to commit a sexual offence against a child in another country.

The Child Trafficking and Pornography Act 1998 makes it an offence to organise or knowingly facilitate the entry into, transit through, or exit from Ireland of a child for the purpose of the child's sexual exploitation or to provide accommodation for the child for such a purpose while in Ireland. It is also an offence to take, detain or restrict the personal liberty of a child for the purpose of the child's sexual exploitation, to use a child for such purpose or to organise or knowingly facilitate such taking, detaining, restricting or use.

The **Criminal Law (Human Trafficking) Act 2008** provides for offences of trafficking in children for the purposes of labour exploitation or the removal of their organs and additionally in the case of adults for the purposes of sexual exploitation. Section 1 of the Act amends the Child Trafficking and Pornography Act 1998 by extending the definition of a child from a person under the age of 17 years to a person under the age of 18 years. The maximum penalty on conviction is raised from 14 years to life imprisonment. It also makes it an offence to sell

or offer for sale or to purchase or offer to purchase any person for any purpose. The State automatically accepts jurisdiction when the offence is committed in the State, including on ships or aircraft registered in the State. The Act also provides that if an Irish citizen or a person ordinarily resident in Ireland is alleged to have committed a trafficking offence abroad the State will accept the jurisdiction to try the offence here. Penalties of up to life imprisonment and a fine apply in respect of these offences. Under Section 5 of the Act it is an offence for a person to solicit sexual services from a trafficked person where the person soliciting knows that the person has been trafficked. The soliciting can take place anywhere — in public or in private. Any person who accept or agrees to accept a payment, right, interest or other benefit for the prostitution of the trafficked person will also commit an offence. Fines of up to €5,000 and 12 months imprisonment apply on summary conviction and an unlimited fine and up to 5 years imprisonment applies if a person is convicted on indictment.

**Legislative measures to deal with prostitution include the following:**

Under section 7 of the **Criminal Law (Sexual Offences) Act 1993** it is an offence for any person to solicit or importune another person in any street or other public place for the purposes of prostitution. In exploitative situations, where the person being solicited or importuned has been trafficked, the offence of soliciting or importuning can be committed in any place, public or private.

The criminal law governing prostitution is kept under continuing review in my Department and, in that context, one area of the law that has been identified as requiring change is where a person engages in sexual activity with a person over the age of consent but under 18 years in exchange for money or some other consideration. Legislation that will criminalise such behaviour in any place is being prepared in my Department. My Department is also reviewing the prostitution laws as they affect children, with a view to substantially raising the penalties for soliciting children for the purpose of prostitution and for recruiting or coercing children into prostitution. Consideration is also being given to extending the offence of soliciting in such circumstances to soliciting in any place.

**2. Policing measures**

I am informed by the Garda authorities that the measures taken include the following: Immigration control takes place at ports and airports within the State. There is regular liaison between the Garda Síochána, Health Services Executive (HSE) and NGOs. Where incidents are reported to the Garda Síochána or it is suspected that victims of trafficking are operating in the sex industry, investigations including searches of premises, are commenced. Intelligence from international law enforcement agencies also assists in identifying those persons suspected of being trafficked and also those suspected of being involved in this type of criminality, allowing the Garda Síochána to carry out intelligence-led and targeted campaigns.

All cases of suspected human trafficking are the subject of an investigation by the Garda Síochána and a specific initiative — Operation Snow — targeting the suspected trafficking of minors, was established by the Garda National Immigration Bureau. This initiative is designed to prevent the trafficking and smuggling of minors into, out of and within the State; to ensure that welfare of suspected victims of such criminal activity is adequately provided for and to achieve prosecutions where criminal activity of the nature concerned has been detected.

Enforcing the relevant provisions of the Refugee Act, 1996 (as amended) and the Childcare Act, 2001 in respect of minors arriving in the State at ports of entry, has proved to be particularly important in offering protection to minors suspected to be victims of human trafficking or smuggling of illegal immigrants. One of the most significant detections to date under this



[Deputy Dermot Ahern.]

initiative involved the holder of a Ghanaian passport, who presented at the Garda National Immigration Bureau Headquarters for the purpose of being entered on a register of non-nationals maintained by the Garda Síochána in accordance with the provisions of Immigration Act, 2004. Records indicated that this person was wanted, on foot of a European Arrest Warrant which had been issued by the Dutch Authorities, on suspicion of involvement in the trafficking of minors. He was arrested and was subsequently removed to the Netherlands, where he is due to stand trial for his alleged involvement in the trafficking of unaccompanied minors, who are Nigerian nationals, into the Netherlands and other European countries, for the purpose of their sexual exploitation.

In so far as prostitution is concerned initiatives are put in place on a regular basis by Divisional and District management of the Garda Síochána targeting offences relating to prostitution, including brothel-keeping and living off immoral earnings which are targeted as part of investigations into organised criminal activities, including the advertising of escort agencies.

### **3. Other measures**

The establishment of a Working Group on Child Trafficking under the auspices of an Inter-departmental High Level Group which reports to me is a key element in developing the response to child trafficking and in facilitating the creation of an environment which protects children. The HSE is also committed to providing an equitable service to unaccompanied minors in their care. An Operational Plan has been developed that commits the HSE to withdrawing from hostel provision for separated children which should reduce the incidence of children going missing from HSE care. The HSE has also developed a joint protocol with the Garda Síochána entitled 'Children missing from care'. This, in addition to intensive interagency working between the HSE and the Garda National Immigration Bureau is proving successful and monthly figures in relation to children going missing from HSE care have begun to decrease.

Other measures include ongoing training for law enforcement and other key personnel in the public sector; education campaigns in schools; articles in journals; etc aimed at particular sectors likely to encounter suspected child victims of trafficking for sexual exploitation.

Human trafficking for the purposes of sexual exploitation and particularly the overlap between human trafficking and prostitution is a complex issue involving many factors. The Sexual Exploitation Working Group comprising Governmental, non-governmental and International organisations, which is chaired by my Department, are tasked with examining and making recommendations on legislative, administrative, educational, social, cultural and other measures which (i) impact on and (ii) discourage demand for sexual services of victims of trafficking. I will consider what action is necessary in the light of the outcome of those deliberations.

### **Garda Procedures.**

44. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform when arrangements will be made to instruct members of An Garda Síochána that it is not necessary to take a longhand note of interviews with persons in custody when such interviews are being electronically recorded; and if he will make a statement on the matter. [46180/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As I indicated to Deputy Rabbitte in my reply to Question 307 on 17th November, an Garda Síochána are at an advanced stage in developing proposals for the operational aspects of a new system.

Because of the complexities involved, it is likely that any new system will be introduced on a pilot basis to allow all the operational and legal aspects to be fully tested and evaluated.

This is a matter which is being pursued by the Garda authorities and, given the extensive operational and other issues involved, it is not possible to indicate when the relevant work will be completed.

### **EU Directives.**

45. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the number EU Directives for which his Department has responsibility to be implemented; the directives that are overdue; and if he will make a statement on the matter. [46183/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** My Department has responsibility for seven EU Directives which have to be implemented. There are four Directives which are currently overdue as follows:

**Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.**

The minimum standards on procedures required by this Directive are operated by the State in its national provisions and procedures, and therefore, the State is substantially in compliance with the Directive in law and practice. The Immigration, Residence and Protection Bill 2008, which is currently before the Oireachtas, includes provisions to revise the law on refugee and other protection procedures and this revision will be in compliance with the terms of the Directive.

**Directive 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.**

Part of this Directive is covered by Part 7 of the Criminal Justice (Terrorist Offences) Act 2005. The remainder of it is to be transposed by the Communications (Retention of Data) Bill 2009 which was published on 9 July 2009 and is currently before Dáil Éireann.

**Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing; and**

**Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis.**

The Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009, which will transpose both of these Directives, was published on 28 July, 2009 and is currently before Dáil Éireann.

There are three Directives which remain to be implemented but are not overdue. They are:

**Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons;**

[Deputy Dermot Ahern.]

**Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles;**

**Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.**

#### **Commissions of Investigation.**

46. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform when he expects to receive the Report of the Commission of Investigation into the Catholic Diocese of Cloyne; and if he will make a statement on the matter. [46160/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The examination by the Commission of Investigation of the handling of child sex abuse allegations in the Catholic Diocese of Cloyne is underway. I expect to receive the Commission's report in mid 2010.

#### **Detention Centres.**

47. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform if, in view of the continuing unsuitable use of St. Patrick's Institution to detain children, he will issue an order under Section 11(2) of the Ombudsman for Children Act 2002 to remove the current exclusion from the general power of the Ombudsman to receive individual complaints in relation to St. Patrick's; and if he will make a statement on the matter. [46192/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** St Patrick's Institution is currently subject to two different systems of independent inspection, the Inspector of Prisons and the Prison Visiting Committee.

The Inspector of Prisons is a statutory office holder and is independent in the performance of his functions. The current Inspector, Judge Michael Reilly, has taken a particular interest in the circumstances of under-18s in our system and has published specific inspection standards in relation to this age cohort.

The function of Prison Visiting Committees is to visit at frequent intervals and hear any complaints which may be made to them by any prisoner. In 2008, the Visiting Committee in St Patrick's carried out in excess of 50 unannounced visits. They report to the Minister any problems observed or found by them in the prison. The Visiting Committee has free access, either collectively or individually, to every part of the prison.

I am satisfied that these independent systems provide sufficient mechanisms for receiving complaints.

That is not to say there is no role for the Ombudsman for Children in St Patrick's Institution. The Irish Prison Service is currently facilitating a consultation by staff of the Ombudsman's Office with inmates in St Patrick's Institution. This consultation process will run for a number of weeks and focuses on themes highlighted by the Inspector of Prisons. This reflects the function of the Ombudsman to promote children's rights, generally.

#### **Garda Strength.**

48. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the strength of An Garda Síochána at the latest date for which figures are available broken down by full members, those who have attested but not yet concluded their training and those in training; the expected number that will be recruited during 2009; the anticipated number at

each above category at the end of 2009; the number of members of the force that are expected to retire during 2009; the number that will be recruited in the first half of 2009; and if he will make a statement on the matter. [46184/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that on 31 October, the latest date for which completed returns are available, the personnel strength of An Garda Síochána was 14,634. This figure includes 1,098 probationer Gardaí who have been attested and will graduate over the next six months. On that date there were also 326 unattested students in training. A total of 200 students — 100 in February and 100 in May — were inducted into the Garda College in 2009.

In relation to retirements, a total of 826 members of the Force have retired or declared their intention to retire, either voluntarily or on age grounds, in 2009.

The moratorium on Public Service recruitment, introduced in May 2009, applies to Garda recruitment. I intend to keep the position under review during the course of 2010 in consultation with the Garda Commissioner and my colleague the Minister for Finance.

#### **Commissions of Investigation.**

49. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the action he will take in view of the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin; and if he will make a statement on the matter. [46317/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my answer to Question No. 16 of today's date.

#### **Criminal Prosecutions.**

50. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if all sections of the Criminal Justice (Amendment) Act, 2009 have now been brought into operation; the number of occasions on which the powers contained in the Act have been used since its enactment; the number of prosecutions transferred to the Special Criminal Court under the provisions of Section 8 of the Act; the number of charges that have proffered under the powers contained in the Act; and if he will make a statement on the matter. [46190/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Criminal Justice [Amendment] Act 2009 became law on 23 July 2009 and all sections of the Act are in operation. Section 8 of the Act schedules the organised crime offences specified for the purpose of the provisions under the Offences Against the State Act 1939 relating to the use of the Special Criminal Court.

This is a new piece of legislation aimed at tackling serious crimes and I can assure the House that An Garda Síochána have been actively using its provisions to target and disrupt organised criminal networks and their activities.

Given the relatively recent enactment of the legislation it is too early to collate meaningful statistics in relation to the operation of all of its provisions.

Given the serious nature of the offences dealt with under the legislation in question a full and thorough investigation of individuals and their activities must be conducted before charges can be brought against them.

While to date no person have been charged with offences dealt with under this legislation, a number of Garda Investigation Files are at various stages of completion for submission to the Law Officers for consideration as to what charges should be preferred.

[Deputy Dermot Ahern.]

I can assure the Deputy that An Garda Síochána will continue to utilise all available legislation, including all the additional legislative provisions recently introduced by the Oireachtas relating to organised crime, to develop and implement strategies to continue to dismantle and disrupt criminal networks.

*Question No. 51 answered with Question No. 42.*

*Question No. 52 answered with Question No. 6.*

### **Garda Investigations.**

53. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the progress made in the Garda investigation regarding activities in a financial institution (details supplied); when he expects that a file will be sent to the Director of Public Prosecutions in view of a newspaper interview; if his attention has been drawn to the fact that the public were demanding arrests and would not support the National Assets Management Agency otherwise; and if he will make a statement on the matter. [46189/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The investigation, which commenced following a complaint from the Financial Regulator to the Garda authorities, is ongoing and involves a number of financial institutions.

This investigation is particularly complex, involving a vast amount of documentation and a large number of witnesses. Significant resources are being devoted to the investigation, including members of An Garda Síochána with extensive previous experience in the investigation of fraud related offences. The Garda investigation team, which is drawn principally from the Garda Bureau of Fraud Investigation, is complemented by experienced investigators from the Office of the Director of Corporate Enforcement, with which ongoing liaison is being maintained.

My concern is to see the investigation concluded as quickly as possible so that those who are responsible for any wrongdoing may be held properly accountable under the law. I am informed by the Garda Commissioner that the investigation is being progressed as expeditiously as possible with a view to submitting an investigation file to the law officers.

### **Departmental Reviews.**

54. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform if the review of his Department's sectoral plan has been completed; if the National Disability Authority will submit a report to his Department as the co-ordinating Government Department of the National Disability Strategy, with details of the six Departmental reviews of the sectoral plans; and if he will make a statement on the matter. [46314/09]

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Moloney):** My Department is not among the Departments under the Disability Act 2005 that were required to provide for the preparation of sectoral plans as defined in the Act. However, the position in relation to the reporting of progress made in the implementation of the sectoral plans under the Act of 2005 by the six Departments who are involved is that the reports are in the process of being finalised. My Department is arranging for a measure of co-ordination in the promulgation of the reports. Copies of the reports will in due course be laid before both Houses of the Oireachtas in accordance with the Act of 2005.

### Prisoner Releases.

55. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the number of prisoners on temporary release at the latest date for which figures are available; the highest number on temporary release on any date during 2009; the average number of prisoners on temporary release during 2009; the steps he is taking to deal with this situation; and if he will make a statement on the matter. [46174/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that on 7 December 2009 there were 747 prisoners on temporary release. This represented 15.5% of the overall prisoner population for that day. In contrast, the equivalent percentage of prisoners on temporary release for the years 1994 to 1997 was as follows: 1994 — 22.2%, 1995 — 20.2%, 1996 — 17.9% and 1997 — 19.2%.

The figure for 7 December represents the highest number of prisoners on temporary release this year. The daily average figure to date in 2009 for prisoners on temporary release is 519 and this represents 13% of the daily population figure.

The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that the Minister may approve the temporary release of a sentenced prisoner. This discretionary instrument assists in gradually preparing suitable offenders for release and in administering short sentences, and is an incentive to well-behaved prisoners.

Temporary release arrangements are an important mechanism for re-integrating an offender into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned gradual re-integration of offenders compared with their return to the community on the completion of their full sentence. Each case is examined on its own merits and the safety of the public is a paramount consideration when decisions are made. In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to report on a regular basis to the offender's Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

As the Deputy will appreciate the Irish Prison Service must accept all prisoners committed by the Courts into its custody and do not have the option of refusing committals. It is the case that there has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months during which time the total number in custody has increased by 379. This represents a 10% rise in the number in custody.

The Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure which has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,670 new prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick, Portlaoise and Castlerea prisons and at the open centres in Shelton Abbey and Loughan House.

Current projects will see a further 250 prison spaces provided in the short term by means of:

- A new block in Wheatfield Prison which will accommodate approximately 200 prisoners.
- The re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces.

In addition, work is expected to commence in 2010 on a new accommodation block in the Portlaoise/Midlands prisons complex which will provide 300 prison spaces.

[Deputy Dermot Ahern.]

By contrast, when the Deputy's Party was last in power no prison places were constructed.

The additional prison spaces which these new developments will provide should assist the Irish Prison Service in reducing the rate of prisoners on temporary release in the future.

*Question No. 56 answered with Question No. 42.*

### **Departmental Expenditure.**

57. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the Estimates for his Department for 2010. [46162/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my press release of 9th December, 2009 in relation to the Estimates for 2010 for the Justice Sector. I do not propose outlining again all of the different elements of the estimates package. However for the benefit of the Deputy I will set out the main points. Despite the difficult economic backdrop to the framing of the estimates for 2010, the Justice Sector still has a gross budget of €2.45 billion available next year, €430.3 million for the Justice, Equality and Law Reform Vote, €1.48 billion for An Garda Síochána, €352.3m is for Prisons; €147 million is for Courts and €39 million for the Property Registration Authority. This gives me the scope to continue to prioritise resources in front line services, involved in the fight against crime.

The budget provides for continued investment of €29 million in the provision of additional prison spaces and equipment; a combined total of €54 million for Garda ICT and Communications expenditure and almost €9 million for new capital investment in the Forensic Science and State Pathology facilities.

The provision also includes a once-off VAT related capital payment in respect of the Criminal Courts Complex and €21 million in respect of the annual repayments for this new criminal justice facility.

In conclusion, while in common with all Departments at this time, the allocations available for 2010 are reduced from those of recent years I am confident that there is considerable scope with tight budget management and prioritisation of resources to effectively meet the challenges facing the Justice Sector in 2010.

### **Garda Investigations.**

58. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform when he expects that the Garda investigation into matters arising from the report of the commission of investigation into the Catholic archdiocese of Dublin will be completed; and if he will make a statement on the matter. [46159/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Following publication of the report, the Garda Commissioner asked Assistant Commissioner John O'Mahoney to examine its findings relating to the handling of complaints and investigations by both Church and State authorities, to carry out such investigations and inquiries as he deems appropriate and to make a report to him with his recommendations. The Commissioner will then consult with the Director of Public Prosecutions as to what issues arise in the context of criminal liability.

I am informed by the Garda authorities that the Assistant Commissioner has commenced his examination of the report but that it is at this stage too early to give a precise date for

its completion. The Commissioner has directed that the investigation be concluded as early as possible.

### **Garda Deployment.**

59. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the reason the creation of 900 civilian posts within the Garda has resulted in the release of only 144 Garda personnel for front line policing duties as highlighted in the report of the Comptroller and Auditor General; and if he will make a statement on the matter. [46188/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An effective police civilianisation programme should never be confined to pure “one for one” replacement of individual Gardaí with civilians — it must necessarily take a number of forms. Firstly, there is the replacement of sworn members, who are engaged in exclusively clerical, administrative or technical duties, with civilian staff. Secondly, and very importantly, there is the use of civilian support which allows sworn members who would otherwise have to devote a huge part of their working day to performing administrative duties to focus exclusively on front-line policing duties. Thirdly, there is the recruitment of civilians to perform completely new or expanded administrative, managerial and professional support roles in An Garda Síochána, for example as crime analysts or IT specialists.

On this account, and because of the significant restructuring of roles, functions and business areas that has taken place at all levels of An Garda Síochána in recent years, it is very difficult to quantify the exact number of posts which were occupied by sworn members but which today are held by civilians. I can however confirm that since 2003 the number of civilians in An Garda Síochána has risen to approximately 2,115 whole time equivalents. This is still a low number compared to similar police services in other jurisdictions. Civilian staff are now involved in the provision of vital support services in a wide range of administrative, professional, technical and industrial areas, including Human Resources, Training & Development, IT and Telecommunications, Finance and Procurement, Internal Audit, Communications, research and analysis, accommodation and fleet management, scene-of-crime support and medical services. In addition, a number of essential operational support areas are now wholly or largely staffed by civilian staff, such as the Central Vetting Unit and the Fixed Charge Processing Office in Thurles and the Garda Information Services Centre which is based in Castlebar. The Garda Síochána Analysis Service, to which I referred earlier, is staffed by qualified and highly trained civilian analysts. Civilian Telecommunications Technicians provide front-line support to the whole of the Garda organisation across a range of technologies and services.

*Question No. 60 answered with Question No. 8.*

### **Drug Seizures.**

61. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the quantity and values of seizures of heroin, cocaine, cannabis and other drugs within the State during 2007, 2008 and to date in 2009; the proportion of the overall flow of drugs into here believed to be represented by these seizures; the new initiatives he is planning to control the flow of illegal drugs into here; and if he will make a statement on the matter. [46181/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I set out below a tabular statement giving the latest available information in relation to drug seizures for 2007, 2008 and this year to date (up to 6th December 2009).



[Deputy Dermot Ahern.]

Due to the covert nature of the activity, it is not possible to give a reliable estimate of the proportion of drugs coming into the country that these figures represent.

Drugs and organised crime have been prioritised by An Garda Síochána as a core focus for 2009, through the Garda Commissioner's Policing Plan, 2009, which reflects Government strategies contained in the National Drugs Strategy.

Through ongoing specific initiatives and intelligence-led operations, An Garda Síochána continues to seize substantial quantities of illegal drugs and identify those involved in the importation, distribution, sale and supply of illegal drugs.

In addition to the officers of the Force specifically assigned to the drugs issue who are attached to the Garda National Drugs Unit and the Divisional Drug Units, officers from the National Bureau of Criminal Investigation, the Organised Crime Unit and the Criminal Assets Bureau all assist in our overall law enforcement response to drug trafficking and drug dealing. In addition, the Gardaí work closely with Customs and the Naval Service under the umbrella of the Joint Task Force on Drugs as well as with their international colleagues in tackling the problem.

Recent and ongoing initiatives include: the operation of the Organised Crime Unit on a permanent capacity, ongoing Irish involvement in the work of the Maritime Analysis and Operations Centre in Lisbon, the ring-fencing of resources this year for Operation Anvil.

Furthermore, as the Deputy will know, I have in recent times introduced an extensive suite of criminal justice legislation targeted at those engaged in serious crime (including drug trafficking) including the Criminal Justice (Amendment) Act, the Criminal Justice (Surveillance) Act and the Criminal Justice (Miscellaneous Provisions) Act.

However, it is clear that we cannot tackle the problem of drug misuse through law enforcement measures alone. As set out in the Government's new National Drugs Strategy for the period 2009 to 2016, it is vital to address the problem in a co-ordinated way across the pillars of supply reduction, prevention, treatment, rehabilitation and research.

In this context, I can assure the House that my Department, and all the agencies under its aegis, remain fully committed to this approach and to the implementation of the Strategy. The Garda authorities advise that the following tables show the quantities of drugs seized in 2007, 2008 and up to 6th December, 2009, on the basis of cases already reported to the Forensic Science Laboratory.

2009: Drug Seizures (up to 6th December 2009)

Drug Type	Quantity	Estimated Street Value
		€
Cannabis*	517,297 gms	6,207,564
Cannabis Resin	1,476,249.3 gms	8,857,496
Heroin	62,981.6 gms	9,447,240
Cocaine	73,126.3 gms	5,118,841
Ecstasy	18,412 tabs & 3,207.2 gms	253,680
Amphetamine	36,198.4 gms & 6 tablets	543,006
Total Value		30,427,827

\*Statistics provided for 2009 are operational, provisional and liable to change.

## 2008 : Drug seizures

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	1,017,143.9 gms	2,034,288
Cannabis Resin	5,370,789.1 gms	37,595,524
Heroin	212,483.8 gms	42,496,760
Cocaine	1,691,170.3 gms	118,381,921
Ecstasy	114,331 tablets & 1,199.5 gms	1,203,285
Amphetamine	11,794.7 gms, 1698 tablets	202,391
Total Value		201,914,169

## 2007: Drug seizures

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	779,310.871 grams	1,558,622
Cannabis Resin	1,279,697.544 grams	8,957,883
Heroin	148,520 grams	29,704,000
Cocaine	1,768,990.933 grams	123,829,365
Ecstasy	279,017 tablets, 17,375.362 grams	3,658,938
Amphetamine	58,223 grams, 10,471 tablets	1,030,410
Total Value		168,739,218

**Asylum Applications.**

62. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of asylum applications which have been deemed withdrawn in each year from 2000 to date in 2009, due to their failure to inform the Irish Naturalisation and Immigration Service of their change of address; the number of such persons who have been issued with an intention to deport notification; the number deported; the number in each category; and if he will make a statement on the matter. [46122/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Immigration Act 2003, which was commenced on the 15th September 2003, contained a number of key changes to the Refugee Act, 1996 which enabled the processing of asylum applications to be speeded up and enhanced our ability to deal with abusive applications. These changes included the imposition on applicants of a clear statutory duty to actively pursue their asylum applications and co-operate at all times with the processing agencies or face having their applications deemed withdrawn.

The most common reasons for an application to be deemed withdrawn are where an applicant fails to attend for an interview at the Office of the Refugee Applications Commissioner (ORAC) without reasonable cause; an applicant fails to co-operate with the Refugee Applications Commissioner after having lodged his or her application; or an applicant fails to notify the Commissioner of his or her postal address or change of address.

Statistics are not maintained in a way which distinguishes between applications deemed withdrawn on the basis of applicants failing to notify the Refugee Applications Commissioner of

[Deputy Dermot Ahern.]

their postal address or change of address and applications deemed withdrawn for other reasons. However, the Irish Naturalisation and Immigration Service (INIS) is currently reviewing the manner in which statistical information is being recorded and in that context it may be possible in the future to provide details in relation to the number of asylum applications deemed withdrawn due to the applicant's failure to inform the ORAC of their change of address.

The number of asylum applications deemed to be withdrawn in the period from 2000 to end of November 2009 are set out in table 1 below (asylum applications deemed to be withdrawn where the application was transferred to another Dublin Convention state are provided separately below).

Table 1 — Asylum applications deemed withdrawn 2000-2009 (30/11) (excluding asylum applications where the application was transferred to another Dublin Convention state)

Year	Asylum applications deemed withdrawn
2003	402
2004	1,734
2005	802
2006	477
2007	1,777
2008	632
2009 (30/11)	472

Where an asylum application is deemed to be withdrawn the applicant is served with a notice of intent to deport under section 3(3)(a) of the Immigration Act, 1999. A person served with a notice of intent to deport is afforded certain options, viz. to leave the State voluntarily; to consent to the making of a Deportation Order; to make an application for subsidiary protection; or to make representations in writing within 15 working days setting out reasons as to why a Deportation Order should not be made and why temporary leave to remain in the State be granted instead.

Statistics are not maintained in a way which distinguishes between deportations effected arising from applications deemed to be withdrawn and other deportations. The overall number of deportations issued and effected in the period from 2000 to end of November 2009 is set out in Table 2 below.

Table 2 — Deportation Orders Issued and Effected 2003-2009 (30/11)

Year	All Deportation orders issued*	All Deportation orders effected*
2003	1,977	591
2004	2,091	598
2005	2,186	395
2006	1,371	301
2007	400	139
2008	669	161
2009 (30/11)	924	244

\*Including failed asylum applicants.

Section 22(8) of the Refugee Act (as amended), provides that where an asylum application has been transferred to another Convention country for examination or to a safe third country, the application shall be deemed to be withdrawn; see figures in Table 3 below.

Table 3 — Transfer Orders Effected 2003-2009 (30/11)

Year	No. of asylum applications transferred to Convention countries
2003	0
2004	64
2005	209
2006	294
2007	225
2008	271
2009 (30/11)	232

*Question No. 63 answered with Question No. 22.*

#### **Prison Building Programme.**

64. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the progress made over recent months on the Thornton Hall project, County Dublin; if consideration has been given to rethink the project in favour of a more feasible smaller institution; and if he will make a statement on the matter. [46168/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The new prison campus at Thornton Hall, Kilsallaghan, County Dublin is proceeding on a phased basis with phase one comprising essential preliminary works required for the prison development. These preliminary works include the dedicated access route, the perimeter wall and related services. The preparation of the tender documentation as well as the detailed scope of work for the phase one work is at an advanced stage. It is anticipated that the preliminary works tender documentation for the construction of the access road will be issued to the market in the first quarter of the New Year.

The National Development Finance Agency and the Irish Prison Service has commenced the procurement process for technical advisers for the new project. A contract notice to procure these services was published last month in accordance with EU and National procedures. I am advised that an appointment from this competition is expected in the second quarter of 2010. As I have indicated to the House before, the revised design of the new prison campus at Thornton Hall must protect the taxpayers' interest, be operationally efficient in its design and provide good quality regime focussed accommodation for prisoners.

The need to replace Mountjoy Prison has been well documented. The new prison campus at Thornton will enable the Irish Prison Service to deliver the range of rehabilitation programmes not currently possible at Mountjoy Prison as well as providing additional prisoner spaces to cater for the increased number of people being committed to prison. The revised design of the new prison campus at Thornton Hall will have regard to developments in prison design both here and abroad.

The new prison campus at Thornton Hall, County Dublin will have a design capacity of 1,400 with operational flexibility to accommodate up to 2,200 offenders in a range of security settings.

### **Garda Equipment.**

65. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the powers to establish full interoperability of the radio communication systems between An Garda Síochána and the Police Service of Northern Ireland have been completed; and if he will make a statement on the matter. [46123/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** On 29th April 2002, the Irish and British Governments signed an Agreement on Police Co-operation providing a framework for the implementation of certain Patten recommendations including the establishment and enhancing of fast, effective and reliable communication links between the Garda Síochána and the Police Service of Northern Ireland (PSNI) through improved radio communications and compatible Information Technology systems.

The National Digital Radio Service, which is currently being rolled out to members of the Garda Síochána, will enable such enhanced interoperability for radio communications with the PSNI. Rollout of the service is ongoing and is being implemented on a Garda Region by Region basis. As an interim measure, certain radio communications facilities are being put in place with the PSNI and further enhancement of radio communication interoperability will take place when nationwide rollout of the digital radio service, particularly in the Northern Region, is achieved.

### **Personal Debt.**

66. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform when he will bring forward legislative proposals to change the law on debt enforcement arising from his speech to a Law Reform Commission conference on debt on 18 November 2009; and if he will make a statement on the matter. [46172/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government is committed to implementing substantial reform of the system, legal and administrative, as it affects those in personal debt. The reform commitment is based on the work of the Law Reform Commission who having published its Consultation Paper entitled “Personal Debt Management and Debt Enforcement”, intends to finalise its recommendations as a matter of priority. To date, the Commission has made a total of 123 provisional recommendations that include: replacement of legislation on enforcement of debt, new insolvency regulation laws, regulation of debt collectors and the basis for an out of court settlement approach as soon as possible.

I can inform the House that the Government has approved the establishment of an Inter-Departmental Working Group on Personal Debt Management and Enforcement to

- (a) consider the commitment under Helping those in Debt envisaged in the revised Programme for Government;
- (b) agree a plan for implementation where appropriate of the recommendations of the Law Reform Commission;
- (c) assist in the development of a coherent and comprehensive administrative and legislative response to the issues arising; and
- (d) determine those measures, administrative and legislative, that can be implemented in a cost efficient manner, for early effective results.

The Deputy will recall that, with the co-operation of the House, I recently promoted to enactment the Enforcement of Court Orders (Amendment) Act 2009. I brought this forward follow-

ing a High Court judgment earlier this year, and it provides that certain safeguards will apply to the provisions under which a court may hear an application or grant an imprisonment order against a debtor who has failed to comply with an instalment order. The Act ensures that the court will not imprison the debtor unless it is satisfied that he has the means to pay and may also postpone the execution of an imprisonment order until such time as it thinks just. In addition, the court will inform a debtor of the risk of imprisonment and of his entitlement to apply for legal aid. The Act gives the court a clear power to vary the terms of an order to pay by instalments or alternatively to refer the parties for mediation.

### **Joint Policing Committees.**

67. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform if he has plans to amend the legislation establishing the joint policing committees; the locations at which joint policing committees are operating; if he is satisfied with the performance of these policing committees; and if he will make a statement on the matter. [46167/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Joint Policing Committees are provided for in the Garda Síochána Act 2005. Their purpose is to provide a forum where An Garda Síochána and the local authority — the two organisations which make the most significant contribution to preventing and tackling crime in a specific area — can come together, with the participation of members of the Oireachtas and community and voluntary interests, on matters affecting the area.

During 2006 and 2007, Committees were established in 29 local authority areas in a pilot phase, prior to extending them to all 114 county, city and town council areas. The guidelines under which these operated were amended in the light of the experience gained in their operation. On 24 September, 2008 I launched, with my colleague the Minister for the Environment, Heritage and Local Government, the amended guidelines providing for the establishment of Committees in all 114 local authority areas by the relevant local authorities and the Garda Commissioner. I have no plans to amend the terms under which Committees operate at the present time. It should be noted that each Committee is required to submit an annual report of its activities and this will support the ongoing consideration of the operation of Joint Policing Committees by my Department and the Department of the Environment, Heritage and Local Government.

I am informed by the Garda authorities that Committees have been established in 96 local authority areas, representing 84% of the total. The process of establishing a Committee can take some time since it is necessary to select Committee members from the elected local authority members, Oireachtas members who have expressed an interest in becoming members and the community and voluntary sector in accordance with the procedures set out in the guidelines and local arrangements. Furthermore, Committees already established had to be reconstituted following the local elections last June.

The Garda Commissioner and I attach importance to the Committees and the constructive role they are playing in preventing and tackling crime in partnership.

### **Company Closures.**

68. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans submitted by her to the European Commission on 25 September 2009; the number of former employees of a company (details supplied) in County Waterford that are included; the ancillary enterprises that are included in the submission; the number of persons in the case of each ancillary industry; and if she will make a statement on the matter. [46400/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The European Globalisation Adjustment Fund application in question contains proposals for the co-financing of a range of measures including occupational guidance, training, upskilling, entrepreneurship and educational opportunities for a total of 653 workers made redundant at the Waterford Crystal plant in Kilbarry, Waterford and at the three ancillary enterprises of Thomas Fennell Engineering, RPS Engineering Services and Abbey Electric.

As the application is currently in inter-service consultation within the European Commission and will subsequently be considered by the College of Commissioners, the European Council and the European Parliament in due course, it is not considered appropriate to divulge its detailed contents at this time.

### **Redundancy Payments.**

69. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding an RP50 form in respect of a person (details supplied) in County Cork; when she expects this situation to be resolved; and if she will make a statement on the matter. [46429/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I can confirm that my Department received a statutory lump sum application for the individual concerned on 25 August, 2009 claiming inability to pay on behalf of the employer. I understand that a Liquidator has been appointed to the company in question and that a number of applications, including that of the individual in question, await processing.

The Redundancy Payments Section of my Department is currently processing rebate applications submitted by post from March 2009 and those filed on-line from April 2009, so that the waiting time is approximately 8 to 9 months depending on the manner of filing the application. In respect of lump sum payments paid directly to employees such as in this instance, the Section is, in general, processing claims dating from June 2009.

Given the unprecedented increase in Redundancy Payment claims lodged with my Department since late 2008 it has proved impossible to maintain the customer service targets that previously obtained. The scale of the challenge is evident from the statistics that show incoming redundancy claims with a cumulative figure for the first eleven months of 2009 is 73,024. This figure exceeds the claims lodged for the full year 2008 (40,607) and 2008 was, of itself, an exceptional year as compared with earlier years when claims received were of the order of 25,000.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken include the reassignment of 26.7 additional staff (full time equivalents) from other areas of the Department to the Redundancy Payments area since early 2009 with ongoing review of trends and demands. The current number of staff serving in the Redundancy Payments Section in terms of full time equivalents is 52.5. The prioritisation of the Department's overtime budget towards staff in the Redundancy Payments Section to tackle the backlog outside normal hours. The establishment of a special call handling facility to deal with the huge volume of telephone calls from people

and businesses who are naturally concerned about their payments, using the facilities and cooperation of the National Employment Rights Authority (NERA). This centre has received an average of 12,500 calls per month this year with an estimated 60% relating to redundancy payments. The provision of better quality information relating to current processing times on the Department's website. Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against outstanding tax liabilities with the Revenue Commissioners.

The Tánaiste and I continue to monitor closely the impact of these changes against the continuing influx of redundancy claims and will consider further measures to deal with the situation should current measures prove to be inadequate.

### **Research Funding.**

70. **Deputy Seán Barrett** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the establishment of a centre at which persons with innovative ideas could have them researched and tested for possible feasibility; and if she will make a statement on the matter. [46451/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan):** The Government's approach in this regard is to attempt to utilize the entire higher education research sector as such a test bed for innovative ideas. The Government has invested heavily in recent years through Science Foundation Ireland, Enterprise Ireland and PRTLTI to develop facilities and supports within the third-level sector to encourage scientists and engineers to develop business ideas.

A network of Incubation Centres are currently provided in Institutes of Technology and Universities, funded through Enterprise Ireland, which proved a network of facilities designed to help emerging entrepreneurs in the effort to develop new businesses. The Incubation Centres include 'hot desks' where an individual can work on an idea at very modest cost. Also, the Enterprise Platform Programme is operated by the Institutes of Technology and is designed to provide support through a structured programme of lectures and mentoring to allow entrepreneurs with potential to develop business plans and grow their companies quickly.

Enterprise Ireland operates a range of supports to help entrepreneurs and companies engage with third level researchers to undertake collaborative research for the benefit of the company. Companies can be supported to undertake individual research projects via the Innovation Partnerships programme. On a smaller scale, firms can be supported by means of €5000 Innovation Voucher, whereby companies can identify a specific idea or business problem and seek solutions from a relevant research group in a third level institution. Larger collaborative research projects involving groups of companies are also supported. Industry Led Research programmes and the new EI/IDA Competence Centre initiative allow industry groups to set a commercially valuable research agenda which academics in the higher education sector deliver on.

Where companies may have the necessary in-company capabilities to explore new ideas but may require additional support in order to undertake the research, feasibility support is provided under Enterprise Ireland's R&D Fund.

The establishment of another centre with the necessary resources and in-house cross sectoral competencies to research and investigate feasibilities across a potentially vast breath of ideas would be prohibitively costly to implement, especially in the current budgetary situation.

### **Redundancy Payments.**

71. **Deputy Michael Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employ-



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ment when a person (details supplied) in County Mayo will receive their redundancy payment. [46461/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I can confirm that my Department received a statutory lump sum application for the individual concerned on 26 November, 2009 claiming inability to pay on behalf of the employer. I understand that a Liquidator has been appointed to the company in question and that the claim awaits processing.

The Redundancy Payments Section of my Department is currently processing rebate applications submitted by post from March 2009 and those filed on-line from April 2009, so that the waiting time is approximately 8 to 9 months depending on the manner of filing the application. In respect of lump sum payments paid directly to employees such as in this instance, the Section is, in general, processing claims dating from June 2009.

Given the unprecedented increase in Redundancy Payment claims lodged with my Department since late 2008 it has proved impossible to maintain the customer service targets that previously obtained. The scale of the challenge is evident from the statistics that show incoming redundancy claims with a cumulative figure for the first eleven months of 2009 is 73,024. This figure exceeds the claims lodged for the full year 2008 (40,607) and 2008 was, of itself, an exceptional year as compared with earlier years when claims received were of the order of 25,000.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken include the reassignment of 26.7 additional staff (full time equivalents) from other areas of the Department to the Redundancy Payments area since early 2009 with ongoing review of trends and demands. The current number of staff serving in the Redundancy Payments Section in terms of full time equivalents is 52.5. The prioritisation of the Department's overtime budget towards staff in the Redundancy Payments Section to tackle the backlog outside normal hours. The establishment of a special call handling facility to deal with the huge volume of telephone calls from people and businesses who are naturally concerned about their payments, using the facilities and cooperation of the National Employment Rights Authority (NERA). This centre has received an average of 12,500 calls per month this year with an estimated 60% relating to redundancy payments. The provision of better quality information relating to current processing times on the Department's website. Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against outstanding tax liabilities with the Revenue Commissioners.

The Tánaiste and I continue to monitor closely the impact of these changes against the continuing influx of redundancy claims and will consider further measures to deal with the situation should current measures prove to be inadequate.

72. **Deputy Seán Fleming** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a redundancy payment will be awarded in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [46467/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I wish to advise the Deputy that according to the records in the Redundancy Payments Section of my Department, no redundancy claim exists in respect of the individual in question.

I am advised that the individual lodged a claim with the Employment Appeals Tribunal (EAT) on 24 September 2009 to seek a determination establishing the employee's right and entitlement to redundancy against his former employer. If a positive determination is given by the EAT in this case, my Department will be able to make payment directly to the employee concerned shortly thereafter.

I understand however that in relation to the area concerned in the case of this individual, there is currently a 43 week waiting period for EAT hearings. Given this backlog of cases pending, it is estimated that a hearing in this case should take place in July 2010.

The Employment Appeals Tribunal is an independent, quasi-judicial body under the aegis of my Department. Secretarial and administrative support is provided by Departmental staff. I understand that the number of claims to the Tribunal up to November 2009, compared with the same period last year, has doubled. Additional administrative resources have been allocated to the Tribunal, both last year and this year, to help it process claims. I will be keeping the matter under review and will take further action if possible within the constraints which exist in relation to resources.

#### **National Asset Management Agency.**

73. **Deputy Michael McGrath** asked the Minister for Finance if he will respond to a matter (details supplied) regarding the National Asset Management Agency Act 2009. [46433/09]

**Minister for Finance (Deputy Brian Lenihan):** NAMA's commercial mandate is to obtain the best achievable financial return on the assets acquired by it. I am advised by the interim NAMA management that in a scenario such as outlined NAMA has the ability to give its agreement to security sharing for any additional advances if it makes commercial sense to do so. This is a commercial decision for NAMA and any such decision will depend on contractual terms.

74. **Deputy Michael McGrath** asked the Minister for Finance if he will respond to a matter (details supplied) regarding the National Asset Management Agency Act 2009. [46434/09]

**Minister for Finance (Deputy Brian Lenihan):** NAMA's commercial mandate is to obtain the best achievable financial return on the assets acquired by it. I am advised by the interim NAMA management that in a scenario such as outlined the position will depend on the terms of the security. These are commercial and legal decisions for NAMA and any such decisions will depend on the relevant contracts.

#### **Tax Code.**

75. **Deputy Tom Hayes** asked the Minister for Finance his views on a policy for the Revenue Commissioners of requiring an invoice for registering an imported used tractor purchased in Northern Ireland or in Great Britain; and if he will make a statement on the matter. [46442/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that an invoice for the purchase of the vehicle must be produced at the time of registration in the State of all imported means of transport, including used tractors purchased in Northern

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Ireland or Great Britain. The production of the invoice is necessary in order to ensure compliance with the Value-Added Tax law governing the importation of means of transport.

76. **Deputy Tom Hayes** asked the Minister for Finance if the wear and tear allowances for agricultural vehicles will be increased from 12.5% to 40%, as is the case for taxis, in view of the fact that this would improve vehicles being used on farms and would encourage investment in the best technology for our agricultural sector; and if he will make a statement on the matter. [46443/09]

**Minister for Finance (Deputy Brian Lenihan):** A wear and tear allowance is available to persons who incur capital expenditure on the provision of machinery or plant for the purposes of a trade. For expenditure incurred on or after 4 December 2002, wear and tear allowances are granted on a straight-line basis over 8 years at the rate of 12.5 per cent per annum of the actual cost of the machinery or plant. This rate applies for both general machinery and plant and road vehicles. However, for taxis and cars provided for short-term hire to the public, the rate of the wear and tear allowance is 40% per annum on a reducing balance basis. This higher rate recognises the more rapid depreciation in the value of vehicles in use for these purposes.

77. **Deputy Tom Hayes** asked the Minister for Finance if the negative impact of a VAT margin scheme on the agricultural vehicle sector has been analysed; the special arrangements that will be made for this sector; if the possible job losses brought about by introducing this scheme to the agricultural vehicle industry has been assessed. [46444/09]

**Minister for Finance (Deputy Brian Lenihan):** A VAT Margin Scheme is being introduced with effect from 1 January 2010 in respect of second-hand means of transport and agricultural machinery. The move to the Margin Scheme was announced on 14 September 2009.

Under the Margin Scheme, dealers will account for VAT on their profit margin, that is, on the difference between the cost of acquiring the means of transport and agricultural machinery and its reselling price. This will apply to all second-hand means of transport and agricultural machinery sold on or after 1 January 2010.

Currently, all EU Member States apply the Margin Scheme to second-hand vehicles with the exception of Ireland and Denmark. When the Margin Scheme was introduced under the EU VAT Directive in 1994, Ireland, following strong representations from the motor industry, negotiated a derogation in the form of the current Special Scheme, which is also provided for under the VAT Directive. Introducing the VAT Margin Scheme will bring Ireland into line with the vast majority of other Member States.

As regards any impact on the agricultural vehicle sector due to the introduction of the scheme, appropriate transitional arrangements are being introduced to take account of the fact that the move to the Margin Scheme will mean that dealers will no longer be able to reclaim or deduct the amount of VAT that under the Special Scheme is taken to be included in the price of the second-hand vehicle or agricultural machinery at the time of its acquisition by the dealer.

Pending the introduction of the Margin Scheme, second-hand vehicles or agricultural machinery acquired by dealers before 1 January 2010 and resold after 1 July 2009 will be taxed on their resale price. In effect this means that there will be no clawback of VAT in the case where such vehicles or agricultural machinery are sold at a loss. In addition, for second-hand vehicles or agricultural machinery purchased in the first six months of 2010, dealers will be

entitled to claim limited VAT relief on the purchase of these second-hand vehicles or machinery at a reducing scale.

### **Flood Relief.**

78. **Deputy Michael Creed** asked the Minister for Finance if he will make arrangements for the Office of Public Works to organise a cleaning of the river bank and river bed downstream of Ballingearry village, County Cork, at the ford, in order to prevent recurrence of recent flooding; and if he will make a statement on the matter. [46458/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** Given the unprecedented magnitude of the rainfall in recent weeks, it is the expert opinion of the Office of Public Works that cleaning of the river bank and bed downstream of Ballingearry would not have prevented the flooding that occurred in the town.

The OPW now provides funding to Local Authorities for localised minor flood mitigation works, subject to specific economic and environmental criteria. It would be open to Cork County Council to put forward proposals for mitigation works to address the problem in Ballingearry.

### **Tax Code.**

79. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare has tax entitlements for 2007; and if he will make a statement on the matter. [46476/09]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that they are awaiting a completed return of income for 2007 from the person concerned. On receipt of that return the liability will be reviewed.

80. **Deputy Bernard J. Durkan** asked the Minister for Finance if and when charitable tax exemption under section 207 of the Taxes Consolidation Act 1997 will be awarded in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [46502/09]

**Minister for Finance (Deputy Brian Lenihan):** A tax exemption for charities is available under section 207 of the Taxes Consolidation Act (TCA) 1997. In order to avail of this exemption a body or trust must be established for charitable purposes only and must also apply all of its income for charitable purposes. The administration of this scheme is the responsibility of the Revenue Commissioners.

I am advised by the Revenue Commissioners that they received an application for charitable tax exemption, signed by the person concerned, in November 2007. Revenue sought certain additional information in support of the application but despite several requests from Revenue, the requested information has not been provided.

Until such time as the information requested is provided, the Revenue Commissioners are not in a position to make a final decision on whether or not the body in question meets the necessary criteria for a charitable tax exemption.

81. **Deputy Tom Sheahan** asked the Minister for Finance his plans to allow the recently introduced non private principal residence levy of €200 to be assessed as a business cost or expense for an organisation (details supplied); if this business expense will be tax deductible; and if he will make a statement on the matter. [46541/09]

**Minister for Finance (Deputy Brian Lenihan):** I refer to Parliamentary Question 62 which I answered on 19th November 2009. Under the provisions of the Tax Acts, a person in receipt of rental income is assessed to income tax on the net amount of the rents received (i.e. the gross rents less allowable expenses incurred in earning those rents). In computing the net amount of the rents received, only those deductions that are specified in section 97(2) of the Taxes Consolidation Act 1997 are allowable. The main deductible expenses are:

- Any rent payable by the landlord in the case of a sub-lease;
- The cost to the landlord of any goods provided or services rendered to a tenant;
- The cost of maintenance, repairs, insurance and management of the property;
- Interest on borrowed money used to purchase, improve or repair the property;
- Payment of local authority rates in the case of rateable properties used for commercial purposes.

As payment of the local authority charge for residential properties is not included on the list of allowable deductions, it is not an allowable expense in computing taxable rental income. Any proposal to amend the deductions specified in section 97 (2) of the Taxes Consolidation Act 1997 will be considered as part of the ongoing budgetary process.

#### **Bank Levies.**

82. **Deputy Frank Feighan** asked the Minister for Finance if his attention has been drawn to the decision of a bank (details supplied) to impose premium levies on borrowings on thousands of businesses here which will result in hundreds of businesses and thousands of jobs losses. [46547/09]

**Minister for Finance (Deputy Brian Lenihan):** As I have said previously the cost of credit is a matter determined by financial markets. The Deputy will appreciate that I have an “arms-length” relationship with the named covered institution. Accordingly, it is a matter for that institution to determine its lending policy and charges subject to any necessary regulatory approval.

#### **Medical Cards.**

83. **Deputy Ulick Burke** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [46389/09]

**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 Staff.**

84. **Deputy Olwyn Enright** asked the Minister for Health and Children if there is a podiatrist available for diabetes patients at a hospital (details supplied) in County Offaly; if so, if this podiatrist is linked to the local diabetes service; and if she will make a statement on the matter. [46392/09]

**Minister for Health and Children (Deputy Mary Harney):** As these are service matters they have been referred to the Health Service Executive for direct reply.

**Health Services.**

85. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 3. [46395/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

86. **Deputy Pat Rabbitte** asked the Minister for Health and Children if her attention has been drawn to the fact that there are no clinical services available for a child (details supplied) in Dublin 24; her plans to address the needs of this child; and if she will make a statement on the matter. [46397/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

**Medical Cards.**

87. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if a medical card will be approved in respect of a person (details supplied) in County Cork. [46401/09]

**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.**

88. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 126 of 3 December 2009, if a person (details supplied) in County Kildare will be facilitated at another hospital to have their operation under the National Treatment Purchase Fund; and if she will make a statement on the matter. [46403/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy will be aware, the scheduling of hospital treatment is a matter for the consultant and hospital concerned and is determined solely on the basis of medical priority. The question of the treatment appropriate to the circumstances of each individual patient is a matter of clinical responsibility over which I have no control. The scheduling of patients for hospital treatment is in each case determined on the basis of clinical need. Therefore, should the general practitioner consider that this person's condition warrants an earlier appointment, then he/she would be in the best position to take the matter up with the consultant involved.

**Hospital Services.**

89. **Deputy Ciarán Cuffe** asked the Minister for Health and Children the future plans for the Tallaght Hospital breast care unit, Dublin; and if she will make a statement on the matter. [46406/09]

**Minister for Health and Children (Deputy Mary Harney):** The matter raised by the Deputy relates to the provision of healthcare services and accordingly, I have asked the HSE to respond directly to the Deputy on this matter.

**Hospital Services.**

90. **Deputy Brendan Kenneally** asked the Minister for Health and Children the number of

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hip replacement operations that took place at a hospital (details supplied) in County Dublin from January 2009 to June 2009; the projected number for same for July to December 2009; the work consultants that are deployed to when hip replacements are not being performed; the person who is responsible for managing such budgets in order to keep consultants working throughout the year; and if she will make a statement on the matter. [46417/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

#### **Hospital Staff.**

91. **Deputy Paul Kehoe** asked the Minister for Health and Children the number of employees in the management, administrative and clerical section of Bantry General Hospital, County Cork; the number of nurses and doctors employed in this hospital. [46423/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Hospital Services.**

92. **Deputy Bernard Allen** asked the Minister for Health and Children if she will investigate the position regarding the postponement of surgery in the case of a person (details supplied) in County Cork. [46425/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Patient Private Property Fund.**

93. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 158 of 15 October 2009, the value of payments made to date; the number of payments which have been issued; when repayments will be made in the western region and in the remaining regions; the timetable for the completion of this process and the reclaim procedure for the next of kin; and if she will make a statement on the matter. [46430/09]

**Minister for Health and Children (Deputy Mary Harney):** The task of calculating and preparing payments of interest previously retained on invested patient private property funds by the HSE is continuing. The first payments of interest have now been made in the HSE South in respect of funds invested during 2005. To date interest of €60,900 in total was distributed to 1,120 clients. It is envisaged that payments to clients in the HSE West region will commence in early 2010 and payments to clients in the remaining regions will also commence later in 2010.

The HSE is identifying the amount of retained interest due in each individual case and the recipient of each payment from records retained at each of the local Care Centres. There is no requirement for clients or next of kin to submit an application to receive a payment of retained interest.

#### **Health Services.**

94. **Deputy Michael Creed** asked the Minister for Health and Children the position regarding the proposal to develop a primary care centre at a location (details supplied) in County Cork; and if she will make a statement on the matter. [46459/09]

103. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she has received documentation appertaining to extension, improvement or refurbishment works at a health centre (details supplied) in County Kildare; the full extent of works required; when her attention was drawn to this requirement; when it is expected to respond to such requests in view of the situation prevailing at present; if she will enter into dialogue with the local general practitioner and health centre staff with a view to expediting the process having particular regard to the population increase in the area and that the current facilities were provided to meet the existing population demands 40 years ago; and if she will make a statement on the matter. [46509/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 94 and 103 together.

As these are service matters they have been referred to the Health Service Executive for direct reply to the Deputies.

#### **Medical Cards.**

95. **Deputy Michael Ring** asked the Minister for Health and Children when the medical card renewal application for persons (details supplied) in County Mayo will be dealt with; and if she will make a statement on the matter. [46460/09]

**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.

96. **Deputy Mary Upton** asked the Minister for Health and Children the position regarding chiropody charges to the holders of medical cards; and if she will make a statement on the matter. [46472/09]

**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.

97. **Deputy Michael Ring** asked the Minister for Health and Children the reason a medical card has not been renewed in respect of a person (details supplied) in County Mayo. [46487/09]

**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.

98. **Deputy Michael Ring** asked the Minister for Health and Children the position regarding a medical card in respect of a person (details supplied) in County Mayo. [46488/09]

**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.

#### **Child Protection.**

99. **Deputy Alan Shatter** asked the Minister for Health and Children the budget allocated for child protection in 2006, 2007 and 2008; the amount of this budget spent in each of these years by the Health Service Executive and other organisations mandated to carry out work in regard to it; and if she will make a statement on the matter. [46493/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As this is a service matter it has been referred to the HSE for direct reply.



### Departmental Bodies.

100. **Deputy Alan Shatter** asked the Minister for Health and Children the number of meetings of the national youth work advisory committee held in 2009; the criteria for membership of this body; the remuneration its members receive either by way of salary or expenses; if she will provide minutes of these meetings; and if she will make a statement on the matter. [46494/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The National Youth Work Advisory Committee met on five occasions in 2009. The current Committee was appointed by the Minister for Education and Science in 2007 for a period of five years under Sections 17 and 18 of the Youth Work Act, 2001 and comprises 32 members with equal representation from the voluntary youth work sector and statutory agencies. In addition, a Chairperson was appointed by the Minister for Education and Science. The Deputy's request for minutes of Committee meetings in 2009 has been forwarded to the Chairperson. The Schedule of the Act provides that members are entitled to be remunerated for travelling and subsistence expenses incurred. A total of €2,930.51 was provided to members in this regard in 2009.

### Services for People with Disabilities.

101. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when an independent assessment of need under the Disability Act 2005 will be undertaken in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [46507/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

### Medical Cards.

102. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [46508/09]

**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.

*Question No. 103 answered with Question No. 94.*

### Marine Accidents.

104. **Deputy Brendan Kenneally** asked the Minister for Transport when a report into the sinking of a boat (details supplied) will be concluded and published; and if he will make a statement on the matter. [46418/09]

**Minister for Transport (Deputy Noel Dempsey):** The Marine Casualty Investigation Board (MCIB), in the exercise of its function, is independent from me as Minister for Transport.

I have been given to understand that the MCIB investigation is advancing with the aim of finding out what may have caused this accident. Accordingly, it is inappropriate for me to comment on their investigation at this time

### Light Rail Project.

105. **Deputy Jimmy Deenihan** asked the Minister for Transport the final actual costs per

kilometre to build the LUAS in Dublin; and if he will make a statement on the matter. [46449/09]

**Minister for Transport (Deputy Noel Dempsey):** I am informed by the Railway Procurement Agency that the cost per kilometre of providing the original Red and Green Luas lines was approximately €30 million.

### **Mobile Phones In Prisons.**

106. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the progress made in installing mobile phone signal blocking technology in prisons here. [46448/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In a prisons context, mobile phones are viewed as highly valuable commodities which can assist in illegal activity and eliminating their supply is one of the major challenges facing prisons worldwide.

The Irish Prison Service is dealing with this problem through a multifaceted approach which incorporates measures to prevent the smuggling of mobile phones into prisons, search and find operations aimed at locating and removing phones from within the prisons and the installation of mobile phone blocking technology.

Airport style scanners and x-ray machines are now in operation at the entrances of all closed prisons (excluding the Training Unit and Arbour Hill). Cell and area searches for contraband such as mobile phones take place in all prisons on a daily basis. These include random, targeted and intelligence led searches. These searches have been particularly effective and local intelligence indicates that the availability of mobile phones has decreased across the prison system.

In relation to mobile phone inhibition, the Irish Prison Service is currently undertaking trials of three different types of mobile phone inhibition systems at 3 separate locations namely Mountjoy and Limerick prisons and the Midlands / Portlaoise Prison Complex.

All three systems are currently undergoing a rigorous evaluation process which includes external independent analysis. The systems in Midlands, Mountjoy and Limerick Prisons are still live and working with varying degrees of success. The inhibition system at Portlaoise is still under development involving refinement of software which is unique and site specific.

All three trials will continue. No decision has been made by the Irish Prison Service to plump for any particular mobile phone inhibition provider or technology.

### **Security of the Elderly.**

107. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the number of community alert schemes in County Kildare; the number nationally; his plans to develop these schemes in view of the role they play in rural areas; and if he will make a statement on the matter. [41632/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Community Alert Programme is a community-based initiative in rural communities, set up in 1985 by Muin-tir na Tíre in association with the Garda authorities. The Programme is dedicated in particular to improving the quality of life of vulnerable people in rural communities, especially the elderly, by:

- crime prevention
- neighbourliness and self-reliance

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- general community safety and well-being
- accident prevention
- promotion of personal safety, and
- awareness of social inclusion.

I am informed by the Garda authorities that there are 1,351 Community Alert schemes in operation throughout the country. I am also informed that there are currently 51 schemes in operation in County Kildare.

Community Alert Schemes operate under a strategy which covers the period 2007 to 2011 and which was launched by the then Minister in October 2007. The strategy was developed following a root and branch review of the programme by a sub committee of the Community Alert Management Committee, which consisted of representatives of Muintir na Tíre, An Garda Síochána and Development Officers. The review took account of the social and demographic changes that have taken place since 1985.

In recent years my Department has provided funding to Muintir na Tíre for the Community Alert Programme of €150,000 in 2004, €120,000 in 2005, €175,000 in 2006, €200,000 in 2007, €200,000 in 2008 and €200,000 in 2009. Funding is also provided by the Health Service Executive.

The funding covered the costs associated with running the Programme, including salaries, travel and subsistence, staff training and administration. Funding is not provided directly by my Department to schemes, but resource material, including booklets, stickers and survey and related material, is provided by An Garda Síochána, in addition to advice.

### **Personal Debt.**

108. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform if he has read the Law Reform Commission's recent report and recommendation on debt enforcement; if and when he intends to implement these recommendations; and if he will make a statement on the matter. [44876/09]

109. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the proposals envisaged under the Revised Programme for Government to help those in debt; if he will elaborate on proposals to introduce personal insolvency regulations allowing for a statutory non-court based debt settlement system; when he expects these new regulations to come into force; and if he will make a statement on the matter. [44882/09]

118. **Deputy Ciarán Cuffe** asked the Minister for Justice, Equality and Law Reform the position regarding the commitment to create a new system of personal insolvency regulations allowing for a statutory non-court-based debt settlement system in view of the fact that the courts are still being used in instances of personal debt resulting in the jailing of debtors; the action he proposes to take to suspend the use of the courts and of prison sentences as a sanction in personal debt cases, pending the introduction of the promised new method of dealing with personal debt or insolvency; and if he will make a statement on the matter. [46484/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 108, 109 and 118.

The Government is committed to implementing substantial reform of the system, legal and administrative, as it affects those in personal debt. The reform commitment is based on the work of the Law Reform Commission who having published its Consultation Paper entitled “Personal Debt Management and Debt Enforcement”, intends to finalise its recommendations as a matter of priority. To date, the Commission has made a total of 123 provisional recommendations that include: replacement of legislation on enforcement of debt, new insolvency regulation laws, regulation of debt collectors and the basis for an out of court settlement approach as soon as possible.

I can inform the House that the Government has approved the establishment of an Inter-Departmental Working Group on Personal Debt Management and Enforcement to

- (a) consider the commitment under “Helping those in Debt” envisaged in the revised Programme for Government;
- (b) agree a plan for implementation where appropriate of the recommendations of the Law Reform Commission;
- (c) assist in the development of a coherent and comprehensive administrative and legislative response to the issues arising; and
- (d) determine those measures, administrative and legislative, that can be implemented in a cost efficient manner, for early effective results.

The Deputies will recall that, with the cooperation of the House, I recently promoted to enactment the Enforcement of Court Orders (Amendment) Act 2009. I brought this forward following a High Court judgment earlier this year, and it provides that certain safeguards will apply to the provisions under which a court may hear an application or grant an imprisonment order against a debtor who has failed to comply with an instalment order. The Act ensures that the court will not imprison the debtor unless it is satisfied that he has the means to pay and may also postpone the execution of an imprisonment order until such time as it thinks just. In addition, the court will inform a debtor of the risk of imprisonment and of his entitlement to apply for legal aid. The Act gives the court a clear power to vary the terms of an order to pay by instalments or alternatively to refer the parties for mediation.

### **Road Safety.**

110. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if he will report on the recent signing of the contract with a company (details supplied) to provide 6,000 hours per month of speed camera monitoring as was mandated to occur by the second quarter of 2008 under Action 26 of the Road Safety Strategy 2007 to 2012; the date for the full roll out of the national speed camera programme; the reason there has been a delay in signing this contract; and if he will make a statement on the matter. [45865/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Following a tender and evaluation process, the contract for an outsourced safety camera network was signed by the Garda Commissioner and me with the preferred service provider on 20 November. As this is the first contract of its kind where enforcement activity currently carried out by An Garda Síochána is to be outsourced to a service provider, the discussions were detailed and took some time. Furthermore, the cost and value for money aspects of the project had to be carefully examined, against the background of the financial resources available to the Government.

Following the selection of the preferred bidder, one of the unsuccessful tenderers requested clarification. The issues raised were addressed, but it took a certain amount of time to do so.

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An Garda Síochána will have overall responsibility for the service. The service provider, under their direction, will carry out speed checks with mobile safety cameras and “before and after” speed surveys and will provide all personnel and equipment to carry out these tasks. The service provider will provide the details of detections resulting from this activity to An Garda Síochána, who will then take enforcement proceedings against the offending drivers. An Garda Síochána will retain its speed enforcement capability.

The service provider will be paid according to the level of service contracted for. The number of speeding drivers detected will have no effect on the level of payments to the service provider. The purpose of the contract is to reduce speed, and so increase road safety, and not to generate revenue either for the State or the service provider.

It is expected that the service will be rolled out in mid 2010.

### **Firearms Licences.**

111. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if those who applied for a pistol licence before November 2008 and who meet the new licence criteria will be granted their licences in view of the Committee Stage debate on the Criminal Justice (Miscellaneous Provisions) Act 2009; and if he will make a statement on the matter. [46393/09]

116. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his policy and that of the Gardaí not to renew any centre-fire pistol licences; if not, the number that have been granted under the new firearm licensing legislation; the conditions a refusal would be expected for an active competition shooter, who is a member of an authorized range, has met the security requirements as laid down in S.I. 307/09 Firearms (Secure Accommodation) Regulations 2009 and has held the firearm prior to 19 November 2008; and if he will make a statement on the matter. [46452/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 111 and 116 together.

As the Deputy is aware, the Criminal Justice (Miscellaneous Provisions) Act 2009, which was commenced on 1st August 2009, introduced changes to the procedures for the certification of firearms — including Restricted Firearms. The remaining sections of the Criminal Justice Act, 2006, relating to firearms licensing were also commenced on 1st August 2009 and introduced the distinction between a Firearm Certificate and a Restricted Firearm Certificate.

Applications for Restricted Firearm Certificates, whether they be for handguns, rifles or shotguns, must now be considered by a member of the Garda Síochána holding the rank of Chief Superintendent. I am informed by the Garda Commissioner that there is no policy to refuse to grant licences for centre-fire pistols. It is important to realise that under the new legislation, arising from both statutes referred to above, all applications for Firearm Certificates are regarded as new applications and not renewals.

The Deputy will recall that a person applying for a Firearm Certificate for target-shooting must now be a member of an authorised rifle or pistol club as laid down in the Firearms (Authorisation of Rifle or Pistol Clubs) Regulations, 2009 (S.I. 308 of 2009). In addition, persons who held a Firearm Certificate prior to 19th November 2008, for a firearm which now requires a Restricted Firearm Certificate, must satisfy the issuing authority that the firearm is the only weapon suitable for the purpose for which it is required. This requirement is in addition to satisfying the Chief Superintendent that the Applicant has good reason to possess,

use and carry the firearm; is not disentitled to hold a firearm certificate under the Firearms Acts; and is not a danger to public safety or to the peace.

Furthermore, all firearm owners must also comply with the security requirements as laid down in S.I. 307 of 2009 Firearms (Secure Accommodation) Regulations 2009. The minimum security standards required at a dwelling is dependent on the number and calibre(s) of firearms held by an individual. This requirement applies to owners of all firearms.

I am informed by the Garda Commissioner that there have been 87 Restricted Firearm Certificates issued in respect of short firearms, as of 7th December, 2009. Under the Firearms Acts, each application, restricted or otherwise, is adjudicated upon by the issuing person on its own individual merits and I have no role in the granting of these certificates.

It should be noted that section 15A of the Firearms Act 1925, as amended by the Criminal Justice Act 2006, provides that an appeal may be made to the District Court by a person aggrieved by a decision to refuse to grant or renew a firearm certificate.

### **Garda Deployment.**

112. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied) in Dublin 5. [46402/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the area referred to is in the Santry Garda District. Local Garda management is aware of difficulties being experienced by residents in the area as a result of anti-social behaviour and a District strategy targeting this type of activity has been introduced. I am also informed that an active Neighbourhood Watch Scheme is in place and that the local community Garda attends its meetings. Any issues arising are addressed. In addition, a monthly information clinic is run in conjunction with the local authority for residents in the area.

The area is subject to regular patrols by uniform and plain clothes personnel, including the Community Policing Unit, the Garda Mountain Bike Unit and the District Detective and Drug Units, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel. Persons and vehicles are regularly stopped and searched in the area, and a number of persons have been arrested in relation to public disorder incidents and other anti-social behaviour in the area. Local Garda management closely monitors patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Current policing plans in the area are designed to address issues of crime and public order offences, including the prevention of crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of the quality of life of residents. This strategy is central to the delivery of the policing service to the area in question.

### **Legal Aid Service.**

113. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding a free legal aid application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [46409/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that in respect of queries concerning the provision of legal services to any person, the solicitor/client relationship is protected by privilege in accordance with the terms of Section

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32 of the Civil Legal Aid Act, 1995. The Legal Aid Board cannot therefore provide information to third parties regarding a person who may or may not be a client of the Board.

I am informed by the Legal Aid Board that the Board is required to consider and make decisions on all applications received in its law centres for legal aid. When deciding to grant legal aid, the Board issues a legal aid certificate to the applicant setting out the services to be rendered on that particular matter. In the event that the Board decides not to grant a legal aid certificate, the applicant is directly informed of the decision and the reasons supporting that decision. In addition, the applicant is advised as to their rights to have the decision reviewed and, if required, heard by the Appeals Committee of the Board. In that context, a decision arrived at by the Appeals Committee is final.

### **Registration of Title.**

114. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform if he will investigate the reason the Land Registry will not accept an application by persons (details supplied) in County Cork; and if the Land Registry will send one of its personnel to the site to confirm that matters are in order so that the sale will be allowed to proceed. [46411/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November, 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications, such as the subject of this question, which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year round. I can further inform the Deputy that his query has been forwarded to the PRA for attention and direct reply via the above mentioned service.

### **Departmental Correspondence.**

115. **Deputy Seán Ó Feargháil** asked the Minister for Justice, Equality and Law Reform his views on correspondence from a company (details supplied); and if he will make a statement on the matter. [46419/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will be aware, the correspondence in question relates to S.I. No. 471 of 2009 which specifies that Section 132 of the Land and Conveyancing Law Reform Act 2009 will come into force on 28 February 2010. The making of that S.I. follows on from repeated undertakings given by me concerning my intention to commence the section once an appropriate period of time had passed. This was to enable the market to factor in the very significant changes which were being introduced on foot of the section.

The Section 132 provision was introduced to encourage a more equitable and flexible approach to rent review clauses which, traditionally, have been of the upward only variety. I have noted the various points made in the correspondence to which the Deputy refers and I would not share the analysis which is contained therein.

*Question No. 116 taken with Question No. 111.*

### **Garda Operations.**

117. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the amount used in the policing of the feud involving members of the Traveller community in Tralee, County Kerry to date in 2009 in overtime, reinforcements and redeployments; and if he will make a statement on the matter. [46469/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by the Garda authorities that for reasons of security, detailed information about Garda deployments in the Tralee area cannot be divulged. However, they have advised me that the policing measures in place in Tralee are deemed necessary by local Garda management and have resulted in a significant number of arrests and convictions. The amount spent on overtime from May to the end of November this year related to the operation is approximately €140,000.

*Question No. 118 taken with Question No. 108.*

### **Garda Vetting Services.**

119. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the procedure of the Garda vetting unit in checking the criminal records of persons who apply to it to be vetted; the length of time this procedure takes; the method used to check records of persons convicted prior to the introduction of the Pulse system; the length of the backlog in the system; and if he will make a statement on the matter. [46497/09]

121. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform if it is mandatory for youth workers or those with unsupervised access to children and young people to be vetted by the Garda Vetting Unit; if not, whether he proposes to make it mandatory; and if he will make a statement on the matter. [46499/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland which employ people, whether in a paid or voluntary capacity, to work with children and/or vulnerable adults. These organisations are registered with the GCVU for the purpose of employment vetting. The GCVU conducts checks on the Garda Criminal Records Database in respect of each individual applicant and discloses the results to the registered organisation which submitted the application in respect of the individual concerned. The Garda Criminal Records Database contains criminal records which significantly predate the introduction of the PULSE System.

I am informed by the Garda authorities that the average processing time for valid vetting applications received at the GCVU is 4 to 5 weeks. The processing time fluctuates depending on seasonal demands and the volume of applications received. The timeframe may be longer in cases where further enquiries need to be made.

A very large number of organisations who engage persons for roles where they may have unsupervised access to children and young people are registered with the GCVU and these organisations systematically avail of Garda vetting in accordance with best practice in child protection. It is not mandatory for youth workers or those with unsupervised access to children and young people to be vetted by the GCVU, save as provided for in section 8(2) of the Child Care (Pre-School Services) (No. 2) Regulations 2006, which stipulate that employees be subjected to Garda vetting when the Garda Síochána has set down procedures to make such vetting available. Such Garda vetting procedures are available to the pre-school services sector.



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Legislative proposals to provide an enhanced statutory framework for vetting are currently being developed by the Office of the Minister for Children and Youth Affairs in conjunction with my Department. A wide range of issues related to vetting and information sharing will be taken into account in this context.

120. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform if the Garda Vetting Unit has in place a system of checking criminal records of persons who may have offended in Northern Ireland; and if he will make a statement on the matter. [46498/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Central Vetting Unit (GCVU) has in place a reciprocal vetting arrangement with the Police Service of Northern Ireland. This provides the GCVU with a system of checking the criminal records of persons who may have offended in Northern Ireland.

*Question No. 121 answered with Question No. 119.*

#### **Garda Stations.**

122. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his proposals for the upgrading of Garda stations here currently deemed to be in need of such facilities; and if he will make a statement on the matter. [46510/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. This programme is brought forward in close cooperation with the Office of Public Works, which has the responsibility for the provision and maintenance of Garda accommodation.

Over the past number of years significant investment has been made in An Garda Síochána's accommodation programme. Since 2008 new Garda Stations have been completed in Irishtown, Claremorris, Finglas, Leixlip, Ballymun, Ballymote and Buncrana. In addition, significant refurbishment programmes have been completed at a number of locations throughout the country including, Dunmanway, Granard and Navan. Refurbishment works have also commenced at a number of Stations, including Kilkenny, Delvin, Craughwell, Blanchardstown, Ronanstown, Newbridge and Tuam and additional accommodation has been provided for Gardaí in Tallaght adjacent to the Garda Station. Funding for capital works is a matter for the Office of Public Works with a separate maintenance budget included in the Garda Vote.

#### **Prison Accommodation.**

123. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prison spaces available here; the number of spaces required; and if he will make a statement on the matter. [46511/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that as of 7 December there was 4,031 prison spaces available throughout the prison estate. A review of prisoner population projections is currently being finalised by the Irish Prison Service. The outcome of this review will inform the Irish Prison Service and my Department on matters relevant to the prison estate going forward.

As the Deputy will appreciate the Irish Prison Service must accept all prisoners committed by the Courts into its custody and does not have the option of refusing committals. It is the case that there has been a consistent increase in the total prisoner population over recent years.

This situation is particularly apparent over the past 12 months during which time the total number in custody has increased by 379. This represents a 10% rise in the number in custody.

The Irish Prison Service has been engaged in an extensive programme of investment in prisons infrastructure which has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,670 new prison spaces have come on stream in the prison system. These include the new prisons in Castlerea, the Midlands, Cloverhill, the Dóchas Centre and new accommodation in Limerick, Portlaoise and Castlerea prisons and at the open centres in Shelton Abbey and Loughan House.

Current projects will see a further 250 prison spaces provided in the short term by means of:

- a new block in Wheatfield Prison which will accommodate approximately 200 prisoners;
- the re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces and these progressive measures contrast starkly with the failure of the Deputy's Party, when last in Office, to construct prison places.

In addition, work is expected to commence in 2010 on a new accommodation block in the Portlaoise/Midlands prisons complex which will provide 300 prison spaces. Despite this significant investment, it is quite clear that in some of our prisons we are operating in excess of our bed capacity at this time. In the longer term, the Government remains firmly committed to replacing the prisons on the Mountjoy complex with modern prison accommodation at Thornton Hall. Building new prison facilities at Thornton Hall on a green field site will open up new opportunities for the development of structured regime activities that support rehabilitation and resettlement of prisoners.

In developing its design concept for Thornton Hall the Irish Prison Service sought and continues to seek to deliver a modern, operationally efficient and cost effective facility which will provide decent living conditions for prisoners with appropriate support programmes including the provision of modern facilities for prison staff. The Irish Prison Service accepts that a number of our prisons are in a fairly poor state and this is being remedied by constructing new facilities. The new facilities will, in addition, offer significant improvements in the areas of work training, education and medical services as well as providing predominantly single cell accommodation with in-cell sanitation facilities. These are major undertakings involving replacement of close to 40% of the entire prison estate. They will take a number of years to complete but it is my intention that they will proceed as quickly as possible.

### **Garda Communications.**

124. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the degree to which all garda stations here have been provided with pulse and or other up to date communications facilities; and if he will make a statement on the matter. [46512/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the number of Garda stations on the Garda Information Systems (GIS), which includes PULSE, Fixed Charge Processing System (FCPS) and Garda National Immigration Bureau (GNIB), has been increased to 347 locations out of 703 locations and these account for over 85% of incidents. The PULSE system and email facilities are available at all Divisional, District Headquarters and 24 hour stations.

It was never the intention of the Garda authorities to provide PULSE in every single Garda location and the extension of the system to other Garda stations is regularly reviewed by Garda management with additional stations added on a case by case basis.

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The Deputy will also be aware that the Garda Information Services Centre (GISC) based in Castlebar is now a key component in the Pulse System. This Centre allows Gardaí, who would otherwise have to return to their station to input or update incident data, to log the information over the telephone with their civilian colleagues at the GISC, thus keeping thousands of members of the Force effectively deployed for much longer periods in visible, front line policing roles across our communities.

### **Prisoner Releases.**

125. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners granted day, special, compassionate or other release in each of the past three years and to date in 2009; and if he will make a statement on the matter. [46513/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not possible to provide figures to the Deputy as requested as this would require the manual examination of records going back over a considerable time period. Such an examination would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that the Minister may approve the temporary release of a sentenced prisoner. On 7 December 2009 there were 747 prisoners on temporary release. This represented 15.5% of the overall prisoner population for that day. In contrast, the equivalent percentage of prisoners on temporary release for the years 1994 to 1997 was as follows: 1994 — (22.2%), 1995 — (20.2%), 1996 — (17.9%) and 1997 — (19.2%). The daily average figure to date in 2009 for prisoners on temporary release is 519 and this represents 13% of the average daily population figure.

126. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of known members of criminal gangs released from prison in each of the past five years to date in 2009 prior to serving their full sentence; the number of crimes committed by such persons while on early or special release; and if he will make a statement on the matter. [46514/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Prisoners on committal to prison do not declare their allegiance to individual gangs. Unlike, for example, paramilitary organisations, membership of criminal gangs fluctuate on a continuous basis with some persons breaking links and others becoming affiliated. Accordingly, I wish to inform the Deputy that it is not possible to provide the information requested. However, I can say that the granting of temporary release is determined in accordance with a number of factors, including:

- the nature and gravity of offence,
- the potential threat to the safety and security of the public,
- the persons prior criminal record.

The emergence in recent years of criminal gangs has had implications for the management of our prisons. Rivalries and feuds which develop on the outside are being carried over into our institutions. Prison management have to ensure that the various factions are kept apart and, as far as possible, that gang members do not have influence over other inmates or criminal activi-

ties outside the prisons. Gang members are being managed on a daily basis through segregation and separation throughout the prison system.

The Irish Prison Service is committed to continuing to implement all appropriate measures to deal with prisoners who may be engaging in criminal activity from inside prison cells and to ensure that the prisoner's contact with the outside world is tightly controlled and monitored in an appropriate way. I can nevertheless advise the Deputy that a number of recent initiatives have been introduced with a view to preventing identified gang leaders from conducting their business while in custody. For example, a number of serious criminal gang members are now segregated in a specific area of Cloverhill Prison.

The Irish Prison Service is currently undertaking trials of three different types of mobile phone inhibitor at 3 separate locations namely Mountjoy and Limerick Prisons and the Midlands / Portlaoise Prison Complex. All three systems are currently undergoing a rigorous evaluation process which includes external independent analysis. The systems in Midlands, Mountjoy and Limerick Prisons are currently live and are working with varying degrees of success. The inhibitor at Portlaoise is still under installation and is currently inactive pending further refinement of software which is unique and site specific. All three trials are continuing and no decision has been made by Irish Prison Service for or against any one mobile phone inhibition provider.

Other security initiatives have been introduced which make it more difficult for prisoners to engage in illegal activities while in prison. These initiatives include the introduction of passive drug dogs, the installation of airport style security including scanners, x-ray machines, etc., and the establishment of an Operational Support Group. A core function of this group is to gather and collate intelligence information on criminal gang members in our prisons and to carry out intelligence led searches on them.

### **Organised Crime.**

127. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if it has been established that criminal gang members or leaders have moved to other jurisdictions since the passing of the Criminal Justice (Miscellaneous Provisions) Bill 2009 and the Criminal Justice Provision Bill 2009; and if he will make a statement on the matter. [46515/09]

147. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he has taken or proposes to take to monitor and restrict or challenge the activity of organised criminals that have moved from the city centre to adjoining counties; and if he will make a statement on the matter. [46537/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 127 and 147 together.

I assure the Deputy that the Government attaches the highest priority to tackling serious crime and bringing those involved in such activities to justice. Garda activity in pursuing criminals and preventing criminal acts is and will continue to be relentless irrespective of the location where such activity is carried out.

In this regard, one of the main priorities I have set for An Garda Síochána in 2009 is to target gun crime, organised crime, and drug related crime through a range of measures, including the use of Garda specialist units such as the Organised Crime Unit, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation and the National Bureau of Criminal Investigation.

Successful operations continue to be carried out by the Gardaí to deal with such crime such as Operation Anvil. Operation Anvil commenced in May 2005 in the Dublin Metropolitan

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Region, and was extended nationwide in 2006. The primary focus of this operation is the disruption of serious and organised criminal activity.

Operation Anvil has, to date, resulted in approximately 1,332 firearms being recovered in Dublin and 1,500 in the rest of the country (up to 29th November 2009). In addition, the value of property recovered under this Operation to date is approximately €37 million and Anvil has led to a significant number of arrests and prosecutions.

Operations and intelligence led initiatives are reviewed on an ongoing basis to ensure their effectiveness. In addition the situation is being closely monitored and kept under constant review by senior Garda management in conjunction with Regional Assistant Commissioners and Head of Units. With regard to the issue of criminals moving abroad since the introduction of recent legislation, while I am aware of anecdotal suggestions in this regard, I am informed by the Garda authorities that it is difficult, of its nature, to ascribe with certainty a motive for any criminals moving from Ireland. Related to this point, An Garda Síochána maintains close liaison with law enforcement agencies throughout Europe and elsewhere, exchanging information and intelligence on Irish criminals living abroad. In addition Ireland is a party to various International Conventions which provide for assistance in criminal matters between jurisdictions. This ongoing liaison has led to a number of successful joint operations targeting attempted importations of drugs and firearms resulting in a number of significant arrests here and in other jurisdictions.

Where intelligence supported by evidence is available, law enforcement agencies in other jurisdictions put operations in place, as appropriate, to prevent and detect such criminality. Furthermore where information exists that a person who is wanted in relation to a particular crime in this jurisdiction is living abroad, and where the particular legal requirements apply, extradition is sought or a European Arrest Warrant is applied for.

128. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons interviewed by the gardaí in the course of the past 12 months to date in 2009 who are known to be associates of or directly involved in criminal gang activity; the action taken under legislation; and if he will make a statement on the matter. [46516/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by the Garda authorities that where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crime.

I can assure the Deputy that members of An Garda Síochána will continue to utilise all available measures, including all the additional legislative provisions recently introduced by the Oireachtas relating to organised crime, to develop and implement strategies to continue to dismantle and disrupt criminal networks. Records are not maintained in a manner that would enable the statistics sought by the Deputy to be provided.

129. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons imprisoned arising from the provisions of the Criminal Justice (Miscellaneous Provisions) Bill 2009 and the Criminal Justice Provision Bill 2009; and if he will make a statement on the matter. [46517/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will appreciate, the legislation in question has only recently been enacted and contains a wide

range of measures, including amendments to the European Arrest Warrant Act 2003, measures relating to the Schengen Information System and amendments to the Firearms Acts.

Given the wide range of measures contained in the legislation, the information requested is not readily available and could not be compiled without the use of a disproportionate amount of staff time and resources. If the Deputy wishes to write to me with specific queries I will respond to them.

130. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of known members of criminal gangs who have been charged, sentenced or have charges pending arising from the Criminal Justice (Miscellaneous Provision) Bill 2009 and the Criminal Justice Provision Bill 2009 to date in 2009; and if he will make a statement on the matter. [46518/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question 32 of 10th December 2009.

#### **Citizenship Applications.**

131. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 206 of 26 November 2009, when the Garda report, hard copy of which has not issued, was transmitted electronically to Irish Naturalisation and Immigration Service; and if he will make a statement on the matter. [46519/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question 206 on 26 November, 2009. The position remains unchanged.

#### **Crime Levels.**

132. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of crimes committed, reported and recorded in County Kildare in each of the past three years to date in 2009; the number of prosecutions taken, pending or concluded; the number of convictions as a result; and if he will make a statement on the matter. [46520/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

#### **Residency Permits.**

133. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46521/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my Reply to his recent Parliamentary Question, No. 670 of Tuesday, 6 October 2009. The position in the State of the person concerned is as set out in that Reply.

#### **Refugee Status.**

134. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if

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updated travel documents will issue in the case of a person (details supplied) in Dublin 18; and if he will make a statement on the matter. [46522/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Naturalisation and Immigration Service (INIS) informs me that the person in question was refused Refugee Status and is therefore not entitled to be issued with an Irish Travel Document. The person concerned was granted temporary permission on 01 July 2009 to remain in the State for one year until 01 July 2010.

In exceptional cases an application for an Irish temporary travel document may be considered. In all such cases INIS must be satisfied that there is no alternative open to the applicant before an Irish temporary travel document will issue. An application for an Irish temporary travel document will only be considered by the Immigration Services Section in INIS on receipt of a fully completed application form. Supporting documentation accompanying any such application should include original correspondence from the relevant consular authority outlining the steps necessary to be followed by the person to facilitate the procurement of a national passport if their presence is required outside the State.

The Immigration Services Section of INIS have advised that they have no record of having received an application for a temporary travel document from the person concerned. It remains open to the person in question to submit an application accompanied with the relevant supporting documentation to the Travel Document Unit of INIS which is located at 13-14 Burgh Quay, Dublin 2.

### **Citizenship Applications.**

135. **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 County Longford; and if he will make a statement on the matter. [46523/09]

**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 November 2008.

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. 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.

### **Refugee Status.**

136. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if and when travel documents will be provided in the case of a person (details supplied) in Dublin 3; if requirements for application in respect of naturalisation and citizenship have been complied with; and if he will make a statement on the matter. [46524/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question No. 187 of 26th November 2009. The position remains unchanged in relation to the possible issuing of a travel document.

The Citizenship Division of my Department have advised that they have no record of having received an application for citizenship from the person concerned.

The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must—

- be of full age
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include—

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

It is open to the person concerned to lodge an application for a certificate of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements. Information detailing the requirements for citizenship can be found on the INIS website — [www.inis.gov.ie](http://www.inis.gov.ie)

### **Residency Permits.**

137. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 15 and family reunification in the case of their brothers; and if he will make a statement on the matter. [46525/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to his previous Parliamentary Questions Nos. 700 of 3 November 2009 and 332 of 24 November 2009.

I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy made a Family Reunification application in December 2007. A decision in this case issued to the applicant on 15th September 2009 and a copy of the consideration detailing the reasons for the decision was also provided. As I previously pointed out it is



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open to the applicant to submit any further documentation or new information in relation to her application and this will be taken into consideration. To date INIS has not received any new documentation or new information from the applicant.

138. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency and citizenship status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46526/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that Section 6A as inserted by section 4 of the Irish Nationality and Citizenship Act 2004 provides that a person born in the island of Ireland shall not be entitled to be an Irish citizen unless a parent of that person has, during the period of 4 years immediately preceding the person's birth, been resident in the island of Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years. This section does not apply to certain persons including those born to parents one of whom is at the time of the persons birth an Irish citizen, British citizen or a person entitled to reside without restriction.

#### **Citizenship Applications.**

139. **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. [46527/09]

**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 2008.

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. However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. Officials in the Citizenship Division inform me that further processing of the application has commenced 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.

140. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding eligibility to apply for citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [46528/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute

discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must—

- be of full age
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include—

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

It is open to the person concerned to lodge an application for a certificate of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements.

141. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the residency status in the case of a person (details supplied) in County Kildare in view of the fact that charges against them were struck out by the Courts; and if he will make a statement on the matter. [46530/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned claimed asylum in the State on 16/10/1998 and had his claim examined by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, following which it was recommended that he should be recognised as a refugee on 6 November 2000. The person concerned was advised of the decision to issue him with a formal declaration of refugee status and was also advised of the rights and entitlements accompanying refugee status in the State. The person concerned continues to hold the status of refugee in the State. An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in November 2009.

The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. One such condition is that the person in question intends in good faith to continue to reside in the State after naturalisation. In the application submitted, the person concerned answered Question 6.1 by stating that he did not intend to reside in the State after naturalisation, therefore he does not comply with this condition. Consequently, the

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Citizenship Division of my Department have deemed his application ineligible. The person in question was informed of this decision in a letter issued to him on 4 November 2009.

It is open to the person concerned to lodge a new application for a certificate of naturalisation if and when he is in a position to meet the statutory requirements.

142. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of persons (details supplied) in County Cork; and if he will make a statement on the matter. [46531/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Valid applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Division of my Department in November 2004.

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 both applications is ongoing and the files will be submitted to me for a decision in the near future.

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.

#### **Deportation Orders.**

143. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the recommendation in his Department for deportation in the case of persons (details supplied) in County Dublin; and if he will make a statement on the matter. [46532/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The persons concerned entered the State on 30 July 2008 and were granted permission to remain until 30 October 2008. By letters dated 6 October 2008 and 4 December 2008 the persons concerned were informed their permission to remain in the State would not be extended.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the persons concerned were informed, by letters dated 24 February 2009, that the Minister proposed to make Deportation Orders in respect of them. They were 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 they should be allowed to remain temporarily in the State.

Their case was examined under Section 3(6) of the Immigration Act, 1999, (as amended). Consideration was given to representations submitted on their behalf by their legal representative for permission to remain in the State. On 18 November 2009, I refused permission to remain temporarily in the State and instead signed Deportation Orders in respect of them. Notice of this order was served by registered post requiring the persons concerned to leave the State by 14 December 2009. I am satisfied that the applications made by the persons concerned for temporary leave to remain in the State, were fairly and comprehensively examined and, therefore, the decision to deport them is justified.

The effect of the Deportation Order is that the persons concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Orders is an operational matter for the GNIB.

### **Residency Permits.**

144. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in Dublin 15 in view of the fact that they have submitted all documents required; and if he will make a statement on the matter. [46533/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy is currently stamped in accordance with her stated activity in the State. Her current permission on Stamp 2 is valid to 1st June 2010.

The person referred to applied for a change of her current status in October 2009. This application is currently under consideration and a decision will issue shortly.

### **Asylum Applications.**

145. **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. [46534/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to his earlier Parliamentary Question No. 146 of Thursday, 21 May 2009, and the written Reply to that Question.

As I advised the Deputy in my earlier Reply, the position in the State of the person concerned now falls to 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.

### **Garda Transport.**

146. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of Garda cars available to each Garda station in County Kildare; the degree to which these are available in the catchment area of the stations concerned on a 24 hour basis; and if he will make a statement on the matter. [46535/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that there is a total 57 vehicles (both marked and unmarked), comprising of cars, vans and motorcycles allocated to Kildare Garda Division. The number of vehicles assigned to each station is set-out in the table below.

While these vehicles are primarily utilised by personnel at the Garda Station to which they are allocated, such vehicles are District and Divisional resources and when deemed necessary by local Garda Management can be reallocated to meet varying operational requirements. Accordingly it is not possible to provide a precise breakdown of the number of vehicles available on a 24 hour basis in the catchment area of each station concerned.

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Station	Total
ATHY	5
BALLYMORE EUSTACE	1
BALLYTORE	1
CARBURY	1
CASTLEDERMOT	1
CELBRIDGE	2
CLANE	1
ENFIELD	1
KILCULLEN	1
KILCOCK	2
KILDARE	4
KILL	1
LEIXLIP	4
MAYNOOTH	2
MONASTEREVIN	1
NAAS	19
NEWBRIDGE	8
RATHANGAN	1
ROBERSTOWN	1
TOTAL	57

*Question No. 147 answered with Question No. 127.*

#### **Firearms Licences.**

148. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which hunting or game licences, gun or rifle, have been restricted in 2009 with particular reference to previously established practice; the number of restricted or unlimited licences in each of the past five years to date; and if he will make a statement on the matter. [46538/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will be aware, with the passage of legislation earlier this year there have been significant changes in the way in which firearms are licensed in this jurisdiction. One of the changes has been the classification of firearms into two categories: restricted and non-restricted. This was done by the Firearms (Restricted Firearms and Ammunition) Order (S.I. 21 of 2008) and the Firearms (Restricted Firearms and Ammunition) (Amendment) Order 2009 (S.I. 307 of 2009).

As the Deputy will appreciate, hunting and wildlife matters do not come within my portfolio but the comprehensive set of Guidelines on Firearms Licensing, which the Garda Commissioner has published, should assist prospective applicants and answer any queries they may have.

#### **Local Sports Partnerships.**

149. **Deputy Emmet Stagg** asked the Minister for Arts, Sport and Tourism his views on the success of the sports inclusion disability officer programme in increasing the participation of persons with disabilities in sports and physical activity; and if that funding will remain in place for the continuation and expansion of the programme. [46471/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Special funding of €2.5 million was allocated from the dormant accounts fund for the appointment of 20 Sports Inclusion Development Officers (SIDOs) in Local Sports Partnerships (LSPs) in 2008. The SIDOs were appointed on two-year contracts to provide opportunities for persons with a disability to participate in sport and physical activity.

A network of 33 LSPs have been set up throughout the country by the Irish Sports Council (ISC) to coordinate and promote sport at local level especially amongst specific target groups such as older people, girls and women, people with disabilities, unemployed people, and those who live in identified disadvantaged communities. The special dormant accounts funding was in addition to the annual funding provided to the LSPs by the ISC for programmes and initiatives aimed at increasing participation in recreational sport. The ISC has allocated €6 million to the LSPs in 2009.

The continued funding of the SIDO scheme is a matter for the ISC in the context of the distribution of its budget for 2010, supplemented by a provision of €395,000 in the Vote of the Department, and the Council's priorities within its ongoing funding of the LSP network. The priority is to build on the significant progress by the Council in achieving its statutory objectives of increasing participation in recreational sport and improving high performance levels.

### **Community Development.**

150. **Deputy Bernard J. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if all funding and operation structures of community development programmes will continue in the same manner as in recent years for County Kildare; and if he will make a statement on the matter. [46501/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** As I outlined previously to the House, my Department has seen the need to redesign its community development/social inclusion programmes, particularly the Local Development Social Inclusion (LDSIP) and Community Development Programmes (CDP), drawing on best international practice, and to support the ongoing evaluation of the programmes. The LDSIP and the CDP are my Department's two main social inclusion/community development programmes. Both have a community development element and are currently delivered through separate local delivery structures. These Programmes come to an end on 31 December 2009 and will be superseded by a new Programme, the Local and Community Development Programme.

The aim of the new Programme is to tackle poverty and social exclusion through partnership and constructive engagement between Government and its agencies and people in disadvantaged communities.

The new Programme will preserve elements of good practice from the existing CDP/LDSIP Programmes and will enhance monitoring and evaluation mechanisms.

Earlier this year my Department commenced a review of the performance of Community Development Projects funded under the Community Development Programme. This work is now completed and I understand that all concerned will be notified of the outcome very shortly.

I acknowledge that the past while has been a time of uncertainty for CDPs. It is my wish that CDPs will have early clarity on funding and on implementation arrangements for the new programme.

It is also my intention that CDPs and Partnership/Integrated company structures should align so as to minimise structures and provide a single integrated delivery structure for all areas. An implementation strategy, involving the stakeholders, is underway in preparation for Programme

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roll-out in 2010. This will build on discussions with groups at an Information Session, on Wednesday 25th November and subsequent contacts.

I am committed to the new Programme and to implementing it in the best possible way. My Department will engage positively and constructively with all stakeholders in this process.

### **Social Welfare Benefits.**

151. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork has their domiciliary care allowance terminated. [46412/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Domiciliary Care Allowance can be paid in respect of children under 16 years of age who 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.

The child in question in this case reached 16 years of age in October 2009 and accordingly received their last payment of Domiciliary Care Allowance in that month.

In cases where the Domiciliary Care Allowance ceases due to the child in question reaching their sixteenth birthday, the child is invited to apply for Disability Allowance. An application for Disability Allowance has been issued in this case.

152. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason persons (details supplied) in County Kildare had an application for a rent subsidy payment refused; and if she will make a statement on the matter. [46466/09]

154. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason an application for a rent subsidy payment was refused in respect of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [46473/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 152 and 154 together.

The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of rent or mortgage interest to any person in the State whose means are insufficient to meet their needs. The supplementary welfare allowance scheme is administered by the community welfare service of the Health Service Executive, on behalf of the Department.

The purpose of the rent supplement scheme is to provide short-term support, to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

Similarly, mortgage interest supplement provides short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

The Executive has advised that the person concerned made an application for mortgage interest supplement last week. The Executive advised that they are currently processing the application for mortgage interest supplement and a decision is expected shortly. The Executive further advised that the person concerned did not make an application for rent supplement but

did make enquiries regarding rent supplement if they were to relinquish possession of their residence to their lender.

### **School Transport.**

153. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs her views on granting free travel to children under 16 years of age when a carer's allowance is being paid in respect of the child in view of the fact that the carer requires free travel. [46470/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Carer's allowance is a social assistance payment which provides income support to people who are providing certain older people or people with a disability with full time care and attention and whose incomes fall below a certain limit. Persons who are in receipt of carer's allowance also receive the annual respite care grant, the household benefits package and the free travel pass.

In the majority of cases, persons who are being cared for will be in receipt of a payment in their own right (for example a state pension or disability allowance) and will be entitled to have a free travel pass. This includes anyone aged over 16 who qualifies for disability allowance.

For a child requiring full-time care who is under age 16, a domiciliary care allowance may be paid to the parent or guardian. This payment is not means tested and is to provide for the additional costs involved in providing care and supervision that is substantially more than that normally needed by a child of the same age. This may include additional travel costs. A child who is attending school may be eligible for assistance under the Department of Education and Science's school transport scheme.

I have no plans at present to review the qualifying criteria for the free travel scheme or to provide free travel passes for children other than those who are in receipt of a qualifying payment from the Department.

*Question No. 154 answered with Question No. 152.*

### **Social Welfare Benefits.**

155. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if and when basic supplementary welfare and rent allowance will be awarded in the case of a person (details supplied) in County Waterford; and if she will make a statement on the matter. [46503/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive.

The Executive has advised that an application for supplementary welfare allowance and rent supplement from the person concerned was refused on 4 September 2009, on the basis that he failed to fully disclose his means..

The person concerned appealed to an Appeals Officer of the Health Service Executive and the appeal has not been decided to date. He will be advised of the Appeals Officer's decision in due course.

### **Pension Provisions.**

156. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the full entitlement to retirement or old age pension in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [46505/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department does not provide forecasts on pension entitlements.



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As the person concerned has reached pension age she has been advised to submit an application for State Pension (Transition). On receipt of the application her entitlement, based on all her period of employment will be assessed and she will be notified of the outcome.

#### **Social Welfare Benefits.**

157. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when a person (details supplied) in County Kildare will be awarded jobseeker's benefit or assistance; and if she will make a statement on the matter. [46506/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned applied for a Jobseeker's Allowance on 31 March 2009, but as he failed to furnish details of his means to the Social Welfare Investigator his claim was disallowed. The decision, with a right of appeal within 21 days, was sent to the person concerned on 23 September 2009. No notice of appeal has been received in the Department.

The person concerned is in receipt of Supplementary Welfare Allowance at the full rate.

158. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the social welfare payments received by a person (details supplied) in County Dublin from 1 January until 31 December 2008; and if she will make a statement on the matter. [46548/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned did not receive any social welfare payments during the period from 1 January 2008 to 31 December 2008 as he had no claim. He is not currently in receipt of a social welfare payment.

#### **Defence Forces Reserve.**

159. **Deputy Jim O'Keeffe** asked the Minister for Defence the procedure for calling out and using the members of the Reserve Defence Force to assist in emergencies; the extent to which use was made of them during the recent flooding difficulties; and if he will make a statement on the matter. [46539/09]

**Minister for Defence (Deputy Willie O'Dea):** In accordance with Defence Forces Regulations members of the Reserve Defence Forces (RDF) may, with their own consent, be employed in Aid to the Civil Authority, with the approval of the General Officer Commanding a Brigade or the Flag Officer Commanding the Naval Service, at such times and at such places as the Officer Commanding the Brigade RDF or Officer Commanding Shore Operations Naval Service may determine.

In respect of the recent floods, the Defence Forces have met all requests for assistance, received from the civil authorities, from within the existing capacity and resources of the Permanent Defence Forces without the need to call on the Reserve.

#### **Flood Relief.**

160. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government if the flood planning guidelines published in November 2009 will apply to a project (details supplied) in County Cork; and if he will make a statement on the matter. [46394/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The finalised Guidelines to Planning Authorities on the Planning System and Flood Risk Management, which I published on 30 November 2009, have been issued under section 28 of the Planning and Development Act 2000, which requires planning authorities and An Bord Pleanála to have regard to them in the performance of their functions. This includes taking

appropriate account of these guidelines in assessing and deciding on planning applications on or after the date of publication of the statutory guidelines.

### **Grant Payments.**

161. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the reason a person (details supplied) in County Mayo has not received their de-stocking payment for 2009. [46404/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that payment has been approved and will issue in the coming days.

### **Flood Relief.**

162. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if funding is available from his Department, the State agencies under his remit or the EU to local authorities or communities who have suffered flood damage to their properties, residential and commercial; if he will investigate particular problems attached to the flooding in these areas (details supplied); and if he will make a statement on the matter. [46475/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I recognize the hardship that has been caused in many parts of the country as a result of the serious flooding over recent weeks and I am appreciative of the professional and rapid response by local authorities and their staff and other agencies in dealing with the many difficult situations encountered. I also recognize that local authorities are of necessity incurring immediate and exceptional expenditure in responding to this situation and the difficulties this may pose for them in light of the constraints on their finances at this time. It has been decided, therefore, to allocate supplementary funding of up to €10 million towards exceptional expenditure directly related to flood relief activities by the local authorities concerned.

The Government has also allocated an initial sum of €10 million to fund a humanitarian assistance scheme, which is being administered by the Health Service Executive on behalf of the Department of Social and Family Affairs. My colleague, the Minister for Finance yesterday announced that in excess of €70 million will be provided over the remainder of 2009 and into 2010 to help those affected and fund work to minimise the risks of future flooding incidents.

I have recently requested reports from local authorities on the effects of the flooding in their areas and an assessment of the measures that can be taken to reduce the risk of such flooding in the future. The reports will be considered in the context of funding allocations for 2010 and will also be forwarded to other Government Departments and Offices, including the Office of Public Works, to consider the matters for which they are responsible. When the reports are received from the local authorities and other relevant agencies on the extent of the flooding and urgent remedial works required, the question of seeking EU funding having regard to the limited eligibility criteria for such funding will be undertaken.

The Office of Public Works, as lead agency for implementing the National Flood Policy, is working with Local Authorities and other state bodies to reduce the risk of future flooding both through the provision of defences to best practice standards and by taking steps to mitigate or reduce future risk of flooding. In accordance with this Policy, and in compliance with the EU Floods Directive, the OPW is undertaking a programme of Flood Risk Assessment and Management Studies for each catchment in the country. These studies will identify and map the areas where there is significant flood risk, and will produce a plan of prioritised measures to manage that risk. In assessing risk, significant contributing factors such as drains, dykes, underground waterways, culverts and flood plains will be considered, where appropriate. The studies will consider both capital works and non-structural measures. In a parallel exercise, a

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screening process is currently under way by OPW to identify other areas where the flood risk may be significant. This exercise includes a review of past floods, and the recent flooding around the country will be taken into account to help the identification of high risk areas and solutions.

### **Local Government Elections.**

163. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government his plans to progress the commitment in the revised Programme for Government to examine the feasibility of extending the franchise for Local Elections to those aged 16 and over by 10 October 2010; and if he will make a statement on the matter. [46479/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Programme for Government, agreed in 2007, contains a commitment to the establishment of an independent Electoral Commission which will, inter alia, take responsibility for electoral administration and oversight and implement modern and efficient electoral practices. The Renewed Programme for Government, agreed in October 2009, reaffirms this commitment and states that within 12 months, the Commission will also propose reforms to the electoral system, including make recommendations on the possibility of extending the franchise for Local Elections to those aged 16 or over.

In implementing the commitments as set out in the 2007 Programme for Government, and to assist in consideration of the wide range of issues involved, I commissioned a report by an expert group from University College Dublin. I published the report, entitled A Preliminary Study on the Establishment of an Electoral Commission in Ireland, for consultation in February 2009. The report is available on my Department's website, [www.environ.ie](http://www.environ.ie). Written submissions received to date as part of the consultation process are currently being considered. While the formal closing date for written submissions has passed, I will still welcome and consider any views and observations that are put forward by interested individuals and organisations.

In developing and bringing forward proposals for the establishment of an independent Electoral Commission, based on the commitments contained in the Programme for Government and the Renewed Programme for Government, I will take into account the report prepared by the UCD group and views put forward as part of the consultation process.

### **Local Authority Charges.**

164. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the appeals process for those who wish to lodge an appeal against a demand for the Non-Principal Private Residence charge by a local authority; if they can appeal the charge to the relevant local authority or the Appeals Commissioners in view of the fact that the charge is a form of taxation; and if he will make a statement on the matter. [46480/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Non-Principal Private Residence charge is a self assessment measure as it is, in the first instance, a matter for the owner of the property in question to assess whether he or she is liable to pay the charge. The Local Government (Charges) Act 2009 places the collection of the charge under the care and management of local authorities. Liability to pay the charge in individual cases should be discussed with the local authority in whose area the property is situated.

### **Private Rented Accommodation.**

165. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government his views on the low levels of inspections being carried out by some local auth-

orities regarding the enforcement of standards in the private rented sector in 2008 in view of the fact that only 17 of the 34 local authorities inspected less than 5% of registered tenancies; if he will take measures to ensure local authorities increase inspections; and if he will make a statement on the matter. [46481/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Minimum standards for rental accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations 2008 (as amended), made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. All landlords have a legal obligation to ensure that their rented properties comply with these regulations. Responsibility for enforcing the regulations rests with the relevant local authority, supported by a dedicated stream of funding allocated by my Department from part of the proceeds of tenancy registration fees collected by the Private Residential Tenancies Board. The allocations of this funding to local authorities increased significantly between 2005 and 2008, rising from €1.5m to €4m. The latter figure is being maintained in 2009, bringing total funding allocations since 2004 to €15m. The methodology for the payment of funding is kept under review by my Department and the majority of the funding is paid based on each local authority's inspection performance. Details of the amounts paid to each local authority in respect of the years 2004 — 2008 and of the first funding tranche for 2009 are available on my Department's website at [www.enviro.ie](http://www.enviro.ie) and in the Oireachtas Library.

Improved enforcement is a key element of the Action Programme to improve standards in the private rented sector, introduced on foot of a commitment in the partnership agreement Towards 2016, and it is also key to promoting compliance with the regulations. In general, local authorities have significantly expanded their inspection activity in recent years with the number of inspections more than doubling — from 6,815 to 17,202 — in the period 2005 to 2008. More detailed information on the number of inspections carried out each year up to and including 2008 is included in my Department's Annual Housing Statistics Bulletins, copies of which are also available on my Department's website. The 2008 data, published in August 2009, indicate an increase in activity of approximately 23% in a single year, with over 17,200 inspections completed in 2008. This is further evidence of the positive impact of the overall Action Programme on Standards, including increased funding, and the ongoing progress with the implementation of the Rental Accommodation Scheme.

It is a matter for each individual local authority to decide on the specific details of its inspection arrangements. However, in discharging their responsibilities in relation to the private rented sector, my Department encourages authorities to have regard to the report — Good Practice Guidelines for Local Authorities on Standards in the Private Rented Sector: Strategic Planning, Effective Enforcement — published by the Centre for Housing Research in November 2007, which makes a range of recommendations on matters relevant to inspection procedures such as identifying and targeting inspection requirements. It is not envisaged that local authorities would inspect all private rented accommodation. The type and quality of accommodation provided by the private rented sector varies and a substantial proportion of such accommodation is relatively new and of good quality and would not warrant priority for inspection. To target best use of resources, local authorities are asked to concentrate on categories of rented accommodation more likely to be non-compliant with the regulations, such as older properties.

Following the commencement on 1 December 2009 of relevant provisions in the Housing (Miscellaneous Provisions) Act 2009, local authorities will now have a strengthened sanctions regime available to them to enforce the minimum standards regulations and the Act also significantly increases the penalties for non-compliance with the regulations. In addition, a one day seminar entitled Standards for Rented Houses: Enforcement Practitioners' Seminar, hosted by Dublin City Council and sponsored by my Department, will take place on 15 December 2009.

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This seminar will provide an important opportunity for local authority staff involved in the enforcement of standards in rented accommodation to discuss the implementation of the Housing (Standards for Rented Houses) Regulations 2008 and to further develop inspection performance so as to ensure effective enforcement of standards in the rented sector.

### **Departmental Agencies.**

166. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the State agencies under the aegis of his Department to which the new Code of Practice for the Governance of State Bodies applies; and if he will make a statement on the matter. [46482/09]

167. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if all the boards of State agencies under the aegis of his Department, which are required to implement the new code of practice for the governance of State bodies, have formally adopted the Code at a Board meeting; if they have undertaken training to ensure proper implementation of this code; if they have in place monitoring procedures to ensure proper compliance with this code; and if he will make a statement on the matter. [46483/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 166 and 167 together. My Department takes seriously the governance arrangements of agencies under its aegis. Agencies are required to confirm that they comply with the up-to-date requirements of the Code of Practice for the Governance of State Bodies (published May 2009), and are regularly reminded of the corporate governance provisions contained in both their own specific and other relevant legislation. There are currently 20 agencies of varying size and function operating under the Department's aegis. In line with recent Government Decisions, work is ongoing to progress the amalgamation of some of these agencies, including the Local Government Management and Computer Services Boards and a number of housing-related agencies (including the Affordable Homes Partnership and National Building Agency). The Code makes provision for certain requirements to be applied proportionately to smaller bodies. In particular cases, the Code is considered to have a disproportionate effect on such bodies because of either the nature or scale of their activities, the resources available to them, or their governing statutes. In other cases, some agencies within my remit have particular governing structures (e.g. tribunal structures) which differ from the conventional Board structure of state agencies. This group of agencies include the Building Regulations Advisory Board, Designated Appeals Advisory Board, Comhar, Fire Services Council and the Rent Tribunal. My Department is working with these organisations to agree the extent to which the requirements of the Code might suitably be adopted in each case. The table sets out the position regarding the adoption of the revised Code of Practice in all of the agencies under the Department's remit. My Department will continue to work with all the agencies concerned to ensure that both the internal practices of the bodies and their external relations with the Government, the Oireachtas, the Minister for Finance and my own Department, meet the highest standards of corporate governance.

Agency	Revised Code adopted at Board Meeting	Training Undertaken	Monitoring In Place
Affordable Homes Partnership	Yes	Yes Executive training has been provided in relation to performance management. Advice has been received on implementation issues for new areas of the Code including risk and performance management.	Yes The Board has requested that the Audit and Risk Committee ensures that, as part of the annual audit plan, procedures are put in place to provide assurance on compliance with the Code. A Chief Risk Officer has been appointed.
An Bord Pleanála	Not as yet	Yes Staff from the agency have received training and the IPA have been engaged to provide guidance on a strategy framework for the organisation.	Yes There are monitoring procedures in place through the Director of Corporate Affairs, Board Secretary and Internal Auditor to ensure compliance with the previous code of practice. The Board is fully aware of the new Code and is reviewing its procedures to determine what changes, if any, are required to these.
An Comhairle Leabharlanna	Not as yet Scheduled for next meeting of the Board	Not as yet Training being arranged with the LGMSB.	Yes Existing procedures will be reviewed after formal adoption of revised code.
Building Regulations Advisory Board	<i>*see earlier note in relation to the application of the Code being proportional to the size and structure of the body</i>	n/a	n/a
Comhar	<i>*see earlier note in relation to the application of the Code being proportional to the size and structure of the body</i>	n/a	n/a
Designated Appeals Advisory Board	<i>*see earlier note in relation to the application of the Code being proportional to the size and structure of the body</i>	n/a	n/a

Agency	Revised Code adopted at Board Meeting	Training Undertaken	Monitoring In Place
Dublin Docklands Development Authority	Yes	Not as yet	Yes Internal controls are in place, overseen by the Board, to ensure proper compliance. Some of these controls are being enhanced.
Fire Services Council	<i>*see earlier note in relation to the application of the Code being proportional to the size and structure of the body</i>	n/a	n/a
Local Government Computer Services Board	Not as yet	Not as yet Full adoption planned post merger. See note below.	Not as yet See note below
Local Government Management Services Board	Not as yet — see footnote above	Not as yet Full adoption planned post merger. See note below.	Not as yet See note below
Environmental Protection Agency	Not as yet Adoption planned after training is completed in early 2010.	Not as yet Training planned for January 2010.	Yes Current monitoring structures will be reviewed after adoption of new code
Heritage Council	Not as yet Scheduled for next meeting of the Board in February 2010	Not as yet The Board will consider this at its meeting in February	Yes Current monitoring structures will be reviewed after adoption of new code
Housing Finance Agency	Yes	Yes Directors of the agency receive induction training on corporate governance matters, including the Code. Further training is planned.	Yes

Agency	Revised Code adopted at Board Meeting	Training Undertaken	Monitoring In Place
Irish Water Safety	Yes	Not as yet The requirement for training is under review by the Board	Yes Ongoing monitoring by the Finance Committee
Limerick Northside Regeneration Agency	Yes	Not as yet A suite of Governance Manuals (10) have been prepared and circulated within the agency to reflect the revised Code	Yes Internal compliance mechanisms in place
Limerick Southside Regeneration Agency	Yes	Not as yet A suite of Governance Manuals (10) have been prepared and circulated within the agency to reflect the revised Code	Yes Internal compliance mechanisms in place
National Building Agency	Not as yet Formal adoption scheduled for next meeting of the Board in mid-December 09 — 2 presentations given to date to Board on new procedures	Yes CEO and Company Secretary have received formal training and have presented outcomes to Board	Yes Monitoring being overseen by current Board. However new range of monitoring procedures will be adopted once final decisions have been made on merging of housing agencies and new structures in 2010.
Private Residential Tenancies Board	Yes	Yes	Yes
Radiological Protection Institute of Ireland	Not as yet Scheduled for Board meeting in early 2010	Not as yet The Executive of the agency are reviewing changes in the new code and preparing to update their Corporate Governance Manual	Yes The RPII Audit Committee regularly reviews compliance with the Code.
Rent Tribunal	<i>*see earlier note in relation to the application of the Code being proportional to the size and structure of the body</i>		

The LGMSB will shortly be merged with the LGCSB to form the LGMA, which will comply fully with the new Code. Pending the enactment of the necessary legislation, both Boards have appointed the same members to their respective Boards and continue to comply with the 2001 Code.



### **Water and Sewerage Schemes.**

168. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government when funding will be allocated for the completion of schemes (details supplied) in County Kerry; and if he will make a statement on the matter. [46540/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Waterville Water Supply and Sewerage Schemes are included for funding in my Department's Water Services Investment Programme 2007 — 2009.

The water main and sewer networks contract is substantially completed. Kerry County Council has submitted to my Department a tender recommendation to procure the water and wastewater treatment plants under a single Design Build Operate (DBO) contract and this is currently under examination. A decision will be conveyed to the Council as soon as possible.

Local authorities were asked in July to submit an assessment of needs for water and sewerage services to my Department by 23 October last. My Department has commenced consideration of these assessments, which will form a key input to the development of the 2010 to 2012 Water Services Investment Programme. In conducting their assessments, local authorities were asked to prioritise schemes and contracts for progression over the coming years based on key environmental and economic criteria. It is anticipated that the Water Services Investment Programme 2010 to 2012 will be published in early 2010.

### **National Parks.**

169. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government if the equine devices intended for use on the Jarveys' horses in Killarney National Park, County Kerry, are health and safety compliant; if the Health and Safety Authority have satisfied themselves with the proposed use on the two wheel carriages in the national park; and if he will make a statement on the matter. [46542/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** During consideration of the dung catcher option, contact was made by an outside Health and Safety Advisor contracted to my Department with the Health and Safety Authority (HSA). The HSA advised that no specific guidance was available on dung catchers but suggested that a risk assessment by a competent person be carried out and that in addition, best practice from other jurisdictions be taken into account.

The subsequent practical trials and demonstrations undertaken by the National Parks and Wildlife Service (NPWS) of my Department were overseen and risk assessed by competent persons, one of whom is a leading veterinary expert in Irish equine matters, and the other of whom is a UK-based expert with extensive knowledge of international practice in relation to dung catcher use and who facilitated the successful introduction of such devices in Blackpool in the UK. These trials which used two-wheeled carriages, demonstrated the successful and safe use of the devices. The trials were also attended by an independent locally-based veterinary officer and a representative of the Kerry Society for the Prevention of Cruelty to Animals. I am satisfied that the devices are suitable from a health and safety perspective and indeed, if used by the jarveys, would contribute to an improvement in the health and safety aspect of Killarney National Park for all visitors.

### **Fishing Licences.**

170. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural

Resources his plans to grant restricted licences to traditional salmon fishermen (details supplied); and if he will make a statement on the matter. [46491/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** The harvest of salmon by any means is permitted in those rivers that are meeting their conservation limits and which have an identified surplus following appropriate assessment and scientific advice. Such rivers are specified in the Wild Salmon and Sea Trout Tagging Scheme Regulations.

The allocation of salmon fishing licences on rivers where fishing is permitted under the Regulations is provided for in the Control of Fishing for Salmon Order. The current Control of Fishing for Salmon Order, 2009 (SI No. 142 2009) provides for the issue of fishing licences to persons who previously held fishing licences and who did not avail of the Salmon Hardship Scheme.

#### **Inland Fisheries.**

171. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources the position regarding the salmon stocks on the Munster Blackwater for 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [46492/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** The Standing Scientific Committee in its draft Report on the Status of Irish Salmon Stocks in 2009 and Precautionary Catch Advice for 2010, has advised that stocks of salmon in the Munster Blackwater (including the Glenshelane and Finnisk) is estimated to reach 37% above its conservation limit in 2010. Any excess over the Conservation Limit is classified as surplus and determines the total allowable catch (TAC) available for harvest by both commercial and recreational users on an annual basis.

The TAC anticipated in the draft Wild Salmon and Sea Trout Tagging Scheme Regulations for 2010, currently the subject of a public consultation process, is estimated at 5,054. The river had a TAC of 4,433 in 2009, 7,787 in 2008, 4,463 in 2007 and for the Lismore Fishery District, which also includes the Rivers Bride, Lickey, Tourig, and Womanagh, the quota was 3,928 in 2006.

#### **Pigmeat Sector.**

172. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the amount of compensation awarded to the various interests arising from the contamination of pig feed by dioxin in 2008; the persons who benefited; the amount in each case; and if he will make a statement on the matter. [46405/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Two schemes were introduced by the Government to assist those affected by the dioxin contamination of 2008: these were the Pigmeat Recall Scheme and the Pig and Cattle Disposal Scheme.

To date, a total of €69m has been paid to qualifying applicants under the Pigmeat Recall Scheme, €35m in 2008 and €34m to date in 2009. Of this, €30m has been paid to primary processors and €39m to secondary processors. Payments are still continuing and it is not possible to provide a final list of all beneficiaries, or the total sums involved. However, a list of the applicants who have received payment to date is being supplied separately to the Deputy.

Under the Pig and Cattle Disposal Scheme a total of €28.3m has been paid to producers and general creditors to-date. Compensation amounting to €17.6m has been processed and paid to 13 pig producers, €6m has been processed and paid to 27 cattle producers and €4.7m has been

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paid to general creditors. I am not in a position to provide the names of beneficiaries under this scheme.

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Primary Processors

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BALLON MEATS  
FINNS MEATS  
GARBALLY MANUFACTURING LTD  
GREEN PASTURE MEATS  
McCARREN & CO LTD  
MICHAEL MCHALE  
QUEALLY PIG SLAUGHTERING LTD  
ROSDERRA IRISH MEATS GROUP LTD  
STAUNTON FOODS LTD

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Secondary Processors

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AIBP CAHIR LTD  
ANTNONY CONSIDINE T/A HANLEY  
ARTHUR MALLON FOODS LTD  
ASHGROVE MEATS LIMITED  
ATHEA HOMEMADE PUDDINGS LTD  
BALLAGHADERREEN BACON LTD  
BALLINEEN FINE FOODS LTD  
BILL CUMMINS MEATS LTD  
BILLY MURPHY  
BRADY FAMILY LTD  
BREEO FOODS LTD  
C & M FOODS  
CAHERBEG FREE RANGE PORK LTD  
CALLAN BACON CO  
CARROLL MEATS  
CLONAKILTY FOOD CO  
CO HERLIHYS (BACON) LTD  
CONNOLLY MEATS  
CONTINENTAL SAUSAGES LTD  
COUNTRY STYLE FOOD LTD  
CROWE MEATS (DUNDRUM) LTD  
DALE MEATS LTD  
DAWN FARM FOODS  
DAWN MEATS (EXPORTS) LTD  
DEMPSEY MEAT PRODUCTS LTD  
DEW VALLEY FOODS LTD  
DIVILLYS LTD  
DONAL LORDAN  
DROVER FOODS LTD  
DUFFY MEATS T/A KERRY FOODS  
DUFFYS PORK AND BACON LTD  
DUNLAVIN BACON COMPANY LTD

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**Secondary Processors**

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F X BUCKLEY LTD  
FARNEY FOODS LTD  
FELDHUES GMBH  
FERBANE PORK & BACON LTD  
FINOLA FOODS LTD  
FIRRIN FOODS LTD  
GERMAN SALAMI CO DDALK LTD  
GERRY DORAN BACON COMPANY  
GILLIGAN FARM FRESH MEATS LT  
GLEN AINE FOODS  
GLENSIDE BACON CO  
GLOBAL FINE FOODS LIMITED  
GRANBY LTD  
GREEN FARM FOODS LTD  
GUBBEEN FARMHOUSE PRDCT LTD  
HEANEY MEATS CATERING CO  
HILTON MEATS  
HODGINS SAUSAGES LTD  
HOMESTYLE MEATS  
IRISH BACON SLICERS LTD  
IRISH CASING CO LTD  
J HICK & SONS GOURMET FOODS  
JM FOOD SERVICES LTD  
JOYCES IRISH LEAN COUNTRY BA  
KEENAN & KENNEDY BUTCHERS LT  
KELLY BROS BUTCHERS LTD  
KELLY MANUFACTURING  
KENNELLY QUALITY MEATS LTD  
KEPAK CORK  
KEPAK GLASNEVIN  
KIELY MEATS LTD  
KIERAN HARTNETT PORK & BACON WHOLESALE LTD  
LEEWAY FOODS LTD  
LOUGH ALLEN FOODS LTD  
LOUIS HERTERICH  
LUNDY FOODS LTD  
M & M WALSHE LTD  
MALONE FOOD PRODUCTS  
MCCAUGHEY FOODS  
MCCONNON MEATS LTD  
MCLOUGHLIN BUTCHERS LTD  
MEERES PORK PRODUCTS  
MEYCLERS BUTCHERS  
MICHAEL CARR MEATS  
MICHAEL CULL  
MICHAEL WALDRON MEATS LTD  
MILLMEATS LIMITED  
MOYCULLEN MEATS

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Secondary Processors

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NEWBRIDGE FOODS LTD  
 NEWBRIDGE MEATS  
 NOLAN BUTCHERS  
 NORTHERN DELIGHTS  
 O DONNELL MEAT DISTRIBUTOR  
 OAKPARK FOODS LTD  
 OLHAUSENS LTD  
 OLIVER CARTY  
 O'MAHONY MEATS LTD  
 P & A QUINN LTD  
 PIDGEONS LTD  
 PRESTIGE FOODS LTD  
 RANGELAND FOODS LTD  
 RUDDS FINE FOODS LTD  
 SEAN LOUGHNANE (GALWAY) LTD  
 STRAIGHT SAUSAGES LTD  
 TENDER MEATS LTD  
 TOM WHELAN MEAT PRODUCTS LTD  
 TONY BUTLER MEATS  
 TULLAMORE MEATS CO-OPERATIVE  
 UNA O DWYER  
 WALSH FAMILY FOODS LTD  
 WEST CORK MEATS  
 WHELANS OF DUBLIN MANUFACTURER

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**Grant Payments.**

173. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food when payment of a REP scheme will be awarded in respect of a person (details supplied) in County Donegal. [46453/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A REPS 3 payment to the person named has been approved and he will receive it in the coming week.

**Schools Building Projects.**

174. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a school (details supplied) in Dublin 3. [46396/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The project to which the Deputy refers is currently at an advanced stage of architectural planning. Representatives from the school and its design team recently attended a briefing by my Department on the requirements for completing stage 2(b) of architectural planning, following which the project was approved to progress to stage 2(b).

The proposed building project will be considered in the context of the Department's multi-annual School Building and Modernisation Programme for 2010 and subsequent years. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

### Higher Education Grants.

175. **Deputy Richard Bruton** asked the Minister for Education and Science if he will review the restrictions that apply to grant eligibility for undertaking study at undergraduate level; his plans to introduce other tailored re-skilling or back to education programmes for graduates in job arrears in which demand has collapsed. [46424/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Under the terms of my Department’s student grant and free fees schemes, students who are entering approved courses for the first time are eligible for grants and free tuition fees where they satisfy the prescribed conditions of the individual schemes, including those relating to means, residency, nationality and previous academic attainment. In general, students who previously pursued a course of study are not eligible for grant assistance or free tuition fees in respect of a second period of study at the same level, irrespective of whether or not a grant or tuition fees were paid previously.

The main objective of this policy is to assist as many students as possible in obtaining one undergraduate degree and in progressing, where appropriate, to a postgraduate course of study. Subject to the conditions of the individual schemes, free tuition and grants are available where students are progressing to a course at a higher level.

An approved course for the purposes of the Schemes means a full-time undergraduate course of not less than two years duration and a full-time postgraduate course of not less than one year duration pursued in an approved institution.

While I have no plans at present to change the current progression requirements of the existing schemes, since the beginning of the year the Government has launched a number of new initiatives to support unemployed people return to education and engage in upskilling. In the higher education sector this includes the provision of 2,500 places to enable unemployed people to pursue undergraduate and postgraduate courses on a part-time basis. All 2,500 places are on courses that support the goals of the “Smart Economy” and particularly those relating to specific skills needs of exporting sectors identified by the Expert Group on Future Skills Needs. The scheme is open to people who have been on the Live Register for at least six months or who have been awarded statutory redundancy. Participants on the scheme are not required to pay the €1,500 registration fee and, while postgraduate students may be required to pay a nominal charge, students are not charged tuition fees. Participants who continue to meet all Department of Social and Family Affairs criteria on eligibility for Job Seekers Benefit and Job Seekers Allowance are entitled to retain their payments while studying on these programmes.

The scope to introduce further labour market activation initiatives is under consideration by my Department in the context of ongoing discussions with other Government Departments on developing appropriate upskilling training and education responses for unemployed people.

### Schools Refurbishment.

176. **Deputy Brian O’Shea** asked the Minister for Education and Science the position regarding an application under the summer works scheme 2010 in respect of a school (details supplied) in County Waterford; and if he will make a statement on the matter. [46427/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the Department has received an application under the Summer Works Scheme from the school to which the Deputy refers. Following an assessment process, projects will be selected for funding from all valid and approved applications on a top down basis in accordance with the prioritisation

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criteria published with the Scheme. In keeping with the timetable published with the governing Circular letter, I expect to be in a position to publish the list of successful applicants in March 2010.

### **School Textbooks.**

177. **Deputy Ciarán Cuffe** asked the Minister for Education and Science his plans to regulate the re-use of schoolbooks from year to year and move away from the use of workbooks to enable families to reduce the cost of schoolbooks and allow for recycling of existing schoolbooks; and if he will make a statement on the matter. [46428/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department does not approve or prescribe types of textbook or workbook to be used by schools. I can assure the Deputy that I have consistently urged schools to implement book rental schemes, which are the most effective means of lowering costs for parents and ensuring that books are recycled.

Decisions on which books to use are taken at school level. School authorities have been advised regularly that textbooks should be changed only to the extent that is absolutely necessary. Syllabus planners are conscious of the need to avoid over-frequent changes, primarily in order to minimise increases in the cost burden for parents. Textbooks have to be changed periodically, however, to enable teachers to keep their own and their students’ work educationally stimulating and to ensure that content and methodology are kept up to date. It is unavoidable, therefore, that some textbooks will become obsolete over time.

The Deputy will be aware that the Renewed Programme for Government provides for funding to be made available to allow schools to provide grant assistance for books. I am pleased to inform the Deputy that €7.65m of additional grant support has been made available as a result of the Budget for 2010, which is in addition to the €7m that was allocated for books to DEIS schools in 2009.

My officials will be consulting with the management bodies to consider the details of how these funds will be channelled to schools having regard to the desirability of streamlining grant payments. Schools will be advised of the arrangements following this process. I will continue to encourage schools to use this funding to establish book rental schemes.

### **Special Educational Needs.**

178. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding the allocation of a special needs assistant in respect of a child (details supplied) in County Cork. [46435/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can inform the Deputy that the school in question has applied to the National Council Special Education for an SNA. The Special Educational Needs Organiser will advise the school of the outcome of the application once it has been fully considered.

### **Home-School Liaison Scheme.**

179. **Deputy Jimmy Deenihan** asked the Minister for Education and Science when arrears of home tuition will be awarded to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [46450/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The home tuition scheme provides funding to parents to provide education at home for children who, for a number of

reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement. Home tuition grants are paid to the parents, who in turn make payment to the home tuition provider.

Following the introduction of an increased rate of pay to suitably qualified home tuition providers, arrears payments may be due to some tuition providers. My Department is currently examining the matter. Officials from my Department will be in contact with the tutor referred to by the Deputy in due course.

### **School Transport.**

180. **Deputy Paul Kehoe** asked the Minister for Education and Science if he will review a decision to rescind a bus ticket issued to a person (details supplied); if he will consider overturning the decision; and if he will make a statement on the matter. [46486/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Bus Éireann, which operates the School Transport Scheme, on behalf of my Department, are responsible for the day to day operation of services including the designation of pick up and set down points. Bus Eireann has advised that the designated pick up point in this case is considered to be as safe as other pick-up points being used by pupils travelling under the School Transport Scheme throughout the country.

### **Teaching Qualifications.**

181. **Deputy Ruairí Quinn** asked the Minister for Education and Science if the State funded Bachelor of Education Programme for primary teachers requires student teachers to take courses in religion or religious education and to teach religion on teaching practice; the provision made for student teachers who belong to a denomination which is not Christian, that is Muslim or Jewish, or who are humanists or atheists; and if he will make a statement on the matter. [46489/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Colleges of Education accept students of all faiths and none on the Bachelor of Education programmes. Places on the programme are allocated, in the main, through the CAO system. While actual course content varies from college to college, the B.Ed prepares students to teach in a range of school settings and this is reflected in teaching practice placements and in the content of the religious education modules, which aim to equip students to teach religious education in accordance with the wishes of the particular school in which they are employed.

Given the largely denominational nature of primary school sector, traditionally Religious Education methodology’s have been included in the content of the B.Ed. As with all elements of the B.Ed programme this area evolves and is reviewed in accordance with the changing educational landscape. The Colleges work with the various school patron bodies and Religious Education course content tends to include approaches and methodology’s relevant to diversity and all major world religions. For example, a number of the Colleges of Education are currently working collaboratively with Educate Together to better equip student teachers to teach in that setting.

The Colleges may also provide an optional and separate Certificate Course in Religious Studies, which is a qualification for teaching religion in catholic primary schools. Responses received from some the Colleges in relation to the question of provision being made for student teachers who belong to a denomination which is not Christian have indicated that this has not arisen to date.



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The situation in the Church of Ireland College of Education is somewhat different as its remit is to provide teachers for the Protestant primary school sector and it may reserve places on the B.Ed for students from Protestant backgrounds. In CICE, Religious Education is provided as a core subject in the B.Ed and students are expected to teach Religious Education on teaching practice unless they are placed in a non-Protestant school and that school requests that they be excused from teaching Religious Education. As part of the B.Ed’s Religious Education programme students are provided with lectures in comparative religions, and also have access to a programme of lectures on the Educate Together sector. Students are also required to study education and equality legislation, which includes an exploration of the rights of those of minority faith (including those of personal beliefs) in denominational schools.

*Question No. 182 withdrawn.*

### **Schools Building Projects.**

183. **Deputy Phil Hogan** asked the Minister for Education and Science if he received an application in respect of additional funding for the replacement of an existing prefab with a permanent structure from a school (details supplied) in County Carlow; when a decision will be made on this application; and if he will make a statement on the matter. [46552/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school referred to by the Deputy was approved €120,000 in grant-aid for the replacement of a prefab with a permanent classroom in 2008. The project was completed and the funding issued in 2008. Earlier this year the school was approved for further funding, this time under the Emergency Works Scheme, to replace some of the school windows. These works have also been completed and the approved grant amount has issued to the school. A further application for funding was subsequently received to replace the balance of the school windows. This application was also approved.