



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 2 February 2010.

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# DÁIL ÉIREANN

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*Dé Máirt, 2 Feabhra 2010.*

*Tuesday, 2 February 2010.*

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Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

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*Paidir.*

*Prayer.*

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## Ceisteanna — Questions.

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### Social Partnership.

1. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach his plans to initiate a resumption of the social partnership process in 2010; and if he will make a statement on the matter. [46882/09]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the work of the National Economic and Social Forum; and if he will make a statement on the matter. [46884/09]

3. **Deputy Enda Kenny** asked the Taoiseach when he will next meet with the social partners; and if he will make a statement on the matter. [48379/09]

4. **Deputy Enda Kenny** asked the Taoiseach if he will report on the recent activities of the National Implementation Body; and if he will make a statement on the matter. [48382/09]

5. **Deputy Enda Kenny** asked the Taoiseach the proposed work of the National Economic and Social Council during 2010; and if he will make a statement on the matter. [48393/09]

6. **Deputy Eamon Gilmore** asked the Taoiseach his plans to meet the social partners; and if he will make a statement on the matter. [48419/09]

7. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on the recent work of the National Economic and Social Forum and its work programme for the coming year. [48420/09]

8. **Deputy Leo Varadkar** asked the Taoiseach his views on the status of the national wage agreement regarding private sector firms; and if he will make a statement on the matter. [1840/10]

9. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the discussions he has had with trade unions regarding reform of the public service; and if he will make a statement on the matter. [3468/10]

10. **Deputy Willie Penrose** asked the Taoiseach his views on the implications for industrial relations of the decision of an organisation (details supplied) to withdraw from the Towards 2016 agreement; and if he will make a statement on the matter. [4826/10]

11. **Deputy Willie Penrose** asked the Taoiseach his views on the implications for industrial relations generally of the collapse of the social partnership process; and if he will make a statement on the matter. [4827/10]

12. **Deputy Willie Penrose** asked the Taoiseach the position regarding the National Implementation Body; when the body was last convened; and if he will make a statement on the matter. [4828/10]

13. **Deputy Leo Varadkar** asked the Taoiseach the implications of the decision to subsume the National Economic and Social Forum, the National Centre for Partnership and Performance into the National Economic and Social Council; the timeframe of implementation for this action; the estimated reduction in staff numbers to be achieved by this; the estimated cost savings; if any committee or entity will replace the council of the NCPP in the new arrangement; the implications for the future employment of the director and executive staff of the NCPP; if any committee or entity will replace the management committee of the NESF in the new arrangement; if any committee or entity will replace the membership of NESF in the new arrangement; the implications for the future employment of the director and the policy staff of the NESF; and if he will make a statement on the matter. [5069/10]

**The Taoiseach:** I propose to take Questions Nos. 1 to 13, inclusive, together.

As Deputies are aware, we engaged in intensive dialogue with the social partners throughout last year with the objective of agreeing an integrated strategic response to the unprecedented economic challenges the country is facing. As part of our engagement with the social partners last year, the Government held discussions with the public service unions aimed at agreeing a permanent structural reduction in the public service pay bill. Regrettably, as Deputies are aware, those efforts were not successful. I gave the House a detailed account of those discussions in my reply to questions asked on 9 December last.

Elsewhere, IBEC and ICTU held a series of informal discussions aimed at reaching an agreement on private sector pay matters late last year. I understand that those discussions, while constructive, did not yield an agreed outcome, as a consequence of which IBEC has announced its decision to withdraw from participation in the pay terms of the Towards 2016 review and transitional agreement. While the conclusion of a national pay agreement is a matter for the parties themselves, there is obvious merit in developing arrangements for the orderly conduct of industrial relations in the private sector in the period ahead.

The inability to reach agreement on this occasion does not mean that mutually beneficial collaboration and joint problem solving, which have been hallmarks of our model of social dialogue in this country for more than two decades, are no longer possible, relevant or desirable. It is true that, on this occasion, we have struggled to devise an agreed central framework under social partnership appropriate to current circumstances. This clearly suggests that our current model of social partnership needs to evolve further, as it has in the past, if it is to be capable of responding to the unique challenges we now face. This is something on which the Government and each of the social partners must reflect over the period ahead.

Notwithstanding recent developments, and as I stated in my reply of 9 December last, the Government continues to believe in the value of social dialogue as a way to maximise common understanding and engagement between all sectors of society. In particular, within the context of the ten-year framework agreement, Towards 2016, the Government will continue to consult,

as appropriate, with the social partners as key stakeholders in the development and implementation of relevant sectoral policies.

As regards the public service, the Government in its role as employer and the public service unions both recognise that change is important and both sides know what must be done in each sector to achieve change. There is a shared view on the sort of changes across the public service that would produce greater efficiency, better services for the public and more satisfactory working conditions for public servants. It is important for the public service and the citizen that there is engagement on this reform agenda and it is through such engagement that the issues of concern to public servants can be addressed.

One of the main benefits of our model of social partnership is the significant industrial peace the process has delivered over the past 22 years. Over the past decade, the National Implementation Body has played an important role by helping to avert and defuse a whole range of complex industrial disputes, successfully underpinning and reinforcing the role of the State's dispute resolution machinery. The body, which last met on 19 November, was established by the Government, employers and trade unions to monitor the implementation of national agreements, but it also had a role in terms of oversight of industrial relations more broadly and, in particular, regarding major industrial disputes or threatened action which could have significant implications for the economy. While clearly the role of monitoring national agreements does not arise at present, I see merit in a continuation of this type of engagement between the Government, employers and trade unions in respect of industrial relations matters generally.

Members will be aware of the ongoing efforts across the public service to achieve savings, to ensure synergies and to avoid duplication. In light of this and the value for money review carried out last year, the Government has decided to amalgamate the three constituent bodies of the National Economic and Social Development Office, NESDO, by absorbing the National Economic and Social Forum, NESF, and the National Centre for Partnership and Performance, NCPP, into the National Economic and Social Council, NESC. The overall grant-in-aid allocation for NESDO in this Department's Estimate for 2010 is €3.854 million, representing a decrease of €1.205 million over the 2009 Estimate. Work is still ongoing to finalise the transitional arrangements for the bodies.

Both the forum and the centre have played a valuable role over the last number of years in advising the Government on policies to achieve greater equality and social inclusion and on promoting and facilitating partnership-led change in the Irish workplace. I wish to acknowledge formally the work of all of the staff involved in both of these bodies, together with the members from across all of the social partners. In particular, I would like to thank Ms Maureen Gaffney, chairman of the National Economic and Social Forum, and Mr. Peter Cassells, chairman of the National Centre for Partnership and Performance, for their contribution. This decision does not reflect any diminution of the Government's support for social dialogue and the National Economic and Social Council will continue as a forum for engagement between the Government and the social partners in the period ahead. During 2010, the council will further adapt its work programme to ensure that appropriate aspects of the work of the NESF and NCPP are continued, while focusing on economic and social aspects of the ongoing crisis, including support for those who have lost their jobs, as well as on completion of its report on the role of the European Union in Ireland's economic and social development.

**Deputy Caoimhghín Ó Caoláin:** How can the Taoiseach justify the decision to exempt top civil servants from the full effect of the pay cuts through 2009 and into 2010 while, at the same time, those on lower to medium-income levels are being punished severely? Is it a case that the closer one is to the Minister the less one will suffer and that, therefore, an ordinary clerical

[Deputy Caoimhghín Ó Caoláin.]

worker in the Civil Service is out of sight and out of mind? These are the questions that people are asking in all our constituencies at this time. There is huge anger at the Government's position on this matter.

Following the savage budget cuts to wages, social welfare and public services there were immediate calls from some in business for a reduction in the minimum wage. That is exactly what we predicted would happen. We predicted that following the savage cuts in public service and sector incomes there would be those who would seek to have the same or comparable measures applied to those employed in the private sector. Will the Taoiseach use this opportunity to once and for all put to bed any notion that there will be any diminution or reduction in the minimum wage arrangements that apply in this economy? Will he avail of this opportunity in the Chamber to make it absolutely clear that there will be no further attacks on those who are already struggling to make ends meet at lower income levels?

Last week, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Dara Calleary, stated that he intends to allow employers to apply to the Labour Court for an exemption from the requirements of the employment regulation orders and registered employment agreements. These orders and agreements have existed for decades to protect workers from exploitation and to ensure that agreed minimum rates of pay apply in their respective sectors. They protect workers in a range of areas——

**An Ceann Comhairle:** The issue of pay cuts is a matter for the Minister for Finance. Perhaps a parliamentary question to that office might be more in order.

**Deputy Caoimhghín Ó Caoláin:** This is within the ambit of the questions I am addressing here. Social partnership is a central focus of our concerns as we speak but these protections have been in place primarily to give a guarantee to people involved in industries such as catering, hotel, construction, retail and grocery, hairdressing and printing. They help ensure that the rates of those workers are, as have been negotiated through long representative collective bargaining, at 8% above the minimum wage.

Does the Taoiseach realise that if these amendments are forced through they will see in place the drive to the bottom that certain interests in Irish society want to see achieved? Is this the intention of the Taoiseach and the Government? Will the Taoiseach avail of this opportunity to make it clear that there will be no drive down to or below the minimum wage as it applies to all of those on low to medium income levels at this point in time?

**The Taoiseach:** I have already answered the Deputy in detail on the claim he makes that there was a less than progressive adjustment in pay as one goes up the pay scale in the public service. That is not correct and it is a contention that Deputy Ó Caoláin continues to make without relevance to the facts.

**Deputy Caoimhghín Ó Caoláin:** It is representative of the reality for people.

**The Taoiseach:** I will explain it to the Deputy a second time.

**Deputy Caoimhghín Ó Caoláin:** I heard the Taoiseach the first time and I did not buy it then either.

**The Taoiseach:** Did you not?

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

**The Taoiseach:** Even in Deputy Ó Caoláin's world facts are facts.

The question on less of a reduction being applied to higher-paid people than lower-paid people is the central thesis of Deputy Ó Caoláin's argument.

We applied the pay reductions in a progressive way, as we did in regard to all the adjustments to the cost of public service pay. This has meant that lower paid public servants have suffered less of a net loss, proportionately, than those in higher grades. For example, a Civil Service clerical officer on the middle point of a scale will have suffered a net loss of 11.7% over the course of the three budgets since Autumn 2008. That loss, while significant, should be compared to the net loss of those in higher paid grades over the same period. An assistant secretary has suffered a net loss of over 24% of pay and a deputy secretary of over 27%. The most highly paid civil servants, level 1 Secretaries General, who volunteered for additional pay reductions, have seen reductions of more than one third to their net pay.

I am acutely aware of the difficulties that the reductions in public pay will cause but the Government had to take these decisions to stabilise the public finances. The reductions do not reflect any lack of recognition of public servants or the quality of the work they do. They are simply a matter of budgetary necessity in these extraordinarily difficult times.

The Minister of State at the Department of Enterprise, Trade and Employment with responsibility for labour affairs has indicated that he intends to include in the Industrial Relations (Amendment) Bill 2009 an inability to pay provision in respect of the employment regulation orders and registered employment agreements. Such a provision would have to balance current demands of trade unions and employers by continuing to modernise and streamline the joint labour committee system as well as strengthen the legal status of registered employment agreements, which alleviate the financial pressures employers face under the current arrangements. The final details of the provision remain to be decided. It is proposed to introduce an amendment to the Bill on Committee Stage in the Dáil to give effect to that objective.

The decisions which had to be taken by the Government were aimed at ensuring that we did not impose too great a burden through a reduction in the level of services which would have been required had we not considered the public service pay bill. They were taken after due consideration of the limited options available to us in the context of stabilising the public finances as our top priority. We must now see how we can proceed, having recognised that an agenda exists for further efficiencies on the non-pay side. We need to get more for less while continuing to stabilise the public finances. The aspirations of everybody in regard to these matters are reflected by the economic realities we all have to face. Our ability to cover the public sector pay bill is also determined by that consideration. The Government brought forward these proposals because they were necessary but we have no desire to follow the same route again. We want to engage on an agreed agenda in a proper context for further efficiencies on the non-pay side.

**Deputy Caoimhghín Ó Caoláin:** The Taoiseach's claim that the top paid civil servants have experienced a progressive reduction in comparison to lower earners does not hold up. We all know that, after the announcement, the scrapped bonus payments were factored into the calculation, resulting in a reduction in the order of 3% at the higher level as against 5% for low to middle income earners. The Taoiseach has been made aware of those facts not only by the Opposition benches, but also by backbenchers in his own party, who, I understand, raised this particularly vexed issue on numerous occasions.

**An Ceann Comhairle:** Deputy Ó Caoláin, that is a Second Stage speech.

**Deputy Caoimhghín Ó Caoláin:** I put it again to the Taoiseach that this is a matter he must address. Is he prepared to face the facts and the reality of the situation, not the spin that he and other of his colleagues are trying to have us believe?

Will the Government agree, in the context of social partnership and whatever hope and prospect there is of talks on resumed social partnership engagement, that a reversal of the decision on the percentage reduction for low income earners is an absolute necessity if we are to see any real engagement with the trade unions representing the public service workers across this State? Let the Taoiseach make no mistake, in the talks before the budget, the public service unions put forward imaginative proposals——

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Caoimhghín Ó Caoláin:** ——that entailed sweeping changes in work practices, and that would have had serious and important changes in terms of work practices, particularly applying to those across the health services. Why did the Taoiseach reject and turn his back on what was a very imaginative, brave and thoughtful set of proposals put forward by the trade union representatives? What chance is there of any resumption of social partnership talks while the Government continues to resist such a proposal?

**The Taoiseach:** I made clear to the Deputy that the reductions we have introduced and for which we had to legislate stand. They are part of a reduction in the overall pay bill that is necessary in the context of trying to stabilise the public finances. That situation has not changed on 1 February as compared to 1 December. The Government had to make those decisions because of the necessity of the situation that faced us and in recognition that if one was to seek to reduce expenditure, to avoid a situation where a contribution of approximately €1.3 billion would be made on the public pay side, would have meant seeking further savings of that magnitude on the services side, which would have greatly affected the quality and level of services that would be available to citizens in the course of the current year. That was not an option. It was a question of requiring a contribution to be made on the pay and non-pay side in order to meet the budgetary parameters that were set out and which were necessary. There was overall agreement in the House that such a level of saving was necessary. It was not an avoidable issue for the Government. We had to confront that issue, and we did so in a progressive way.

I do not accept the contention made because the pay rates of the category to which Deputy Ó Caoláin referred had taken into account in previous benchmarking exercises the fact that a bonus scheme was in place. Once one got rid of the bonus scheme, that was another consideration that had to be taken into account. The Government's actions, both in terms of the levy, taxation and pay reductions, in the series of three budgets discussed amounted to wage reductions of 24%. The reductions are 11% for people on lower wages. That is as it should be. It is a progressive system.

The continuing contention being made by Deputy Ó Caoláin is in an effort to be divisive and to suggest that the system is unfair. The reality is that the wages of a person at the lower end of the scale, which are still considerable, have reduced by 11%, one tenth, the income of another person who is higher up the scale has reduced by almost one quarter, and a person who is higher up the scale again has reduced by one third. That is the way it should be. I do not accept the contentions Deputy Ó Caoláin makes and I do not believe the facts bear them out.

The reasons that were given by the Minister on that issue have been well documented and set out. I similarly set out matters in great detail. There is no point in me repeating them. I refer the Deputy to the Official Report. We had considerable discussion on the breakdown of

the talks on 9 December. At that time I set out in great detail the Government's position on those matters. The issue now is whether we can devise a way forward.

It must be asked if a breakdown in industrial relations will result in any benefits for public servants. I do not believe it brings any benefits to public servants or to citizens. I do not see what benefits will emerge from it. While I am aware people are unhappy that pay cuts were necessary, the reality is we have to move on, get more from less and recognise that the present budgetary situation requires us to look at other areas now. We need to do that in a shared way on the basis of re-engagement. However, we can only re-engage when we have the proper context and an agreed agenda. It does not involve what the Deputy is proposing because the economic realities are the same now as they were on budget day.

**Deputy Enda Kenny:** I thought the bonuses were only to be paid in exceptional circumstances. It seems as if they are being paid to more than 600 public servants, according to the latest reports.

I listened to the chief executive officer of the Labour Relations Commission yesterday who believes considerable work must be done by the Government before the unions can sit down again around the table. Approximately 70,000 SIPTU members joined the work to rule yesterday indicating clearly that the Government has lost the trust of public service and the taxpayer in the management of both the economy and the reform of our public services.

The Fine Gael Party has put forward a different approach. We said the Government should give an assurance that there would be no additional pay cuts in the next budget, the work to rule should be called off by the unions and they should accept people who pay their taxes have a right to modern well-run public services. This would allow for a position where negotiations and discussions could begin again. I have said previously those negotiations should begin on the basis that the most recent pay cuts could be reversed over time as new contracts and new work practices in the public service are adopted sector by sector and provided the new contracts deliver better public services and real savings for the public.

I have two questions. First, what is the status of the National Implementation Body, which is chaired by the Taoiseach's Department? Is it meeting? Is it valid? Does it have any status now? If it had, the action taken by the air traffic controllers probably would not have gotten as far as it did. That is a serious and fundamental issue. Second, does the Taoiseach agree the work to rule by the trade unions in the public service should be called off and that he should ask them to do so while also saying clearly that there will be no additional cuts to public service pay in the next budget as a precursor to getting back around the table to discuss where we go from here?

**The Taoiseach:** Any industrial action that is taken is regrettable and I believe it does not achieve objectives. We have to do everything possible to minimise the impact of any industrial action that is taken. What form it takes and whether there is action is a matter for individual unions to consider. We need to reflect on whether objectives would be achieved through this means, the extent to which we can provide reassurance for public servants, on how we work and on how we can develop public services for the future. These could be better guaranteed in the context of engaging in an agenda that has been identified where further efficiencies can be implemented and to try to do that in a co-operative way. I recognise at the moment there is a lot of disagreement by the trade unions regarding what happened in December and we need to change the context if we can. We need to have an agreed agenda if we can but we need to engage on that agenda at the end of the day. The Government has no wish to seek further reductions in public service pay rates, but the only way to deal with the pay aspirations of public servants and their representatives is through engagement. It is through engagement



[The Taoiseach.]

on the agenda that has been identified — namely, changes across the public service that will result in greater efficiency, better services for the public and more satisfactory work conditions for public servants — rather than through industrial action that the issues of concern to public servants can best be addressed.

It is important to point out that we cannot undermine the budget. An important part of it was the savings that were identified and are now being implemented, and we cannot simply reverse that. It was important and necessary in order to stabilise the public finances. We must now try to proceed on the basis of the common agenda that has been identified. That is the best way of trying to meet people's requirements in the workplace over the longer term. The reversing of budgetary decisions that were made two months ago is not an option that is available to the Government.

**Deputy Enda Kenny:** I am not suggesting that the decisions made in the budget be reversed. The Taoiseach said the Government had no wish to see further cuts in public pay, but he is in a position to deliver on that. He knows as well as I do the pressure that thousands of public servants are under in managing from week to week while paying mortgages, bills  
3 o'clock for their children's education and all the other costs that arise in normal life. Somebody said to me the other day that a loss by 300 teachers of €3,000 apiece is the equivalent of one pay-off to a former public servant. The Government is in a position to tell public service workers that it wishes to consider the immense savings that can be made across all Departments in public procurement, how best to use the resources we have, and the question of quangos——

**An Ceann Comhairle:** Do you have a question, Deputy?

**Deputy Enda Kenny:** I do. Nobody is saying the Government should reverse decisions made two months ago, but it is in a position to say that while €3 billion will be taken out of the economy at the end of 2010, there will be no further cuts in public sector pay, with particular reference to those who are on the line as it is.

I asked the Taoiseach one more question, which he may have forgotten to answer. What is the status of the National Implementation Body? Arising from that, what sort of mechanisms are in place for sensitive sectors such as air traffic control? Nobody wants to see a repeat of the industrial action taken by those working in this sector, but if the implementation body had been in place, it might never have got that far. We are a long way from returning to that sort of relationship. What mechanisms are in place for such sectors?

**The Taoiseach:** As I have said, the Government considered the situation last December and, unfortunately, was obliged to take some necessary decisions on cuts in expenditure that included pay levels. We have no desire to go down that route again if we can have engagement on the other issues. There are still savings to be found and efficiencies that have been identified. There are ways forward that improve the position for people in the workplace as well as enabling them to get more from less. There has been much discussion on that; it was one of the benefits of the discussions that did take place, which had an intrinsic merit in their own right. On the basis that we are trying to stabilise the public finances and improve our financial position, we must be able to get more from the limited resources that are available in these areas. We need engagement on these matters.

There are no winners, either in the public service or among citizens, when disputes are escalated. I am simply outlining that the Government had to make decisions that were necessary in the circumstances of the budget. A common agenda can be identified to find improve-

ments in public service provision going forward. We have no desire to go down the route of direct pay cuts again but we need engagement on the other issues. It is vital that happens in order that we can move on to that agenda and approach rather than one where there are industrial relations issues, with all the attendant problems, that do not get us anywhere and that do not meet any aspirations of public servants because we are not in a proper industrial relations relationship that secures positive outcomes.

I have already said the National Implementation Body last met on 19 November. It cannot monitor national agreements, since those do not arise at present, but there is merit in the continuation of such contact between Government, employers and trade unions in industrial relations matters generally.

**Deputy Enda Kenny:** The president of SIPTU, Jack O'Connor, said on the other issues that this was the best offer any Government was ever made by the unions. When the Taoiseach says he wants to engage on the other issues, and the unions say they made the best offer ever to any Government, the Taoiseach is in a position to bring matters together by saying the Government recognises the scale of savings that can be made and could guarantee no further cuts in public sector pay, getting back to the offer on the other issues. The Taoiseach should say that because this is going to get worse.

**The Taoiseach:** We must make clear, in a way that is consistent with the public finance position as well, where we stand. I made the point on 9 December when we discussed these aspects in detail that there was no certainty in regard to 2011 and beyond regarding reductions in the public service pay bill. Unfortunately we did not reach a successful conclusion on that matter.

There are issues surrounding reforms that I believe will be an improvement for everyone, including public service workers, in due course. It is not just a question of calling people in, there must be a context and agenda that can be agreed. From our point of view, we cannot simply walk away from the budget strategy and decisions that were necessary on 1 December by saying on 1 February they no longer matter; of course they matter.

Those decisions have been taken and we must move on now to see what other areas of the public sector pay bill can be improved in terms of both services and the lot of workers through agreed arrangements.

**Deputy Eamon Gilmore:** I have been listening to the Taoiseach's replies to Deputy Ó Caoláin and Deputy Kenny. To be honest, they sound like replies from some time in the dim and distant past. The game has changed, the Taoiseach changed it when he sent the public service trade unions away from the bargaining table in his Department the week before the budget. There is now no social partnership. The Taoiseach ended the talks with the public service unions and IBEC has withdrawn from the pay terms of the partnership agreement. We are in a new situation where there is a free for all. It may not have manifested itself too clearly yet other than in the work to rule issues that have arisen in some areas since.

I have listened for the last half an hour to the Taoiseach talking about talks that I doubt will ever take place. Who will the Taoiseach engage with? Does he propose to engage with those people who, at the beginning of 2009, he led up the garden path and, when they had agreed cuts of €2 billion, sent them away and introduced the pension levy? The Government did the same in November, in that it led them up another garden path, brought them to the point at which seven or eight documents on public service reform were on the table and then collapsed that process, unilaterally cutting their pay. What type of engagement does the Taoiseach believe he will get and does he believe that those engaged in the previous talks will be in a position to

[Deputy Eamon Gilmore.]

deliver their members on something he has been discussing for the past 30 minutes but which I doubt will occur?

What will the Taoiseach do about our new circumstances? We are not in a centralised bargaining situation any more and we are not in a social partnership arrangement. We are in a new situation of a free-for-all wherein any group of workers is free, since there is no national agreement, to serve pay claims or, as a number have done, notice of industrial action if it wants. The issue now is what will the Government do to respond.

The second issue about which I would like to ask the Taoiseach concerns the decision made to vary the terms of the pay cut for senior civil servants. I want clarity from the Taoiseach on a number of aspects. Last week, we were led to believe that the number involved was 160. Now, we are told the number is 600. How many public servants are benefitting from the change made in the terms of the pay cut during the Christmas period and what is its total cost?

**The Taoiseach:** I do not have the detail for an exact reply to the second part of the Deputy's statement. It will have to be obtained from the Department of Finance and the Public Service, which have it. I can get it for him. As I said to the Deputy — I think last week — in regard to this matter, the reasoning for it was outlined publicly by the Minister for Finance. He and I have outlined to other Deputies here that the overall contribution from people at those grades is, as one would expect, progressively higher than people on lower grades. I have given some of the reasoning behind that.

With regard to industrial relations as they stand, I am aware of the fact that we do not have a level of engagement in the social partnership context. Social partnership is about more than one pay agreement. We have fora like the National Economic and Social Council, which predates social partnership, still available to us in terms of how we can engage with social partners on matters of economic and social importance.

The point to be made is that the Government had to reluctantly proceed with making decisions in the context of the budget without the full agreement of the social partners — I have acknowledged that — despite everyone's best efforts. The background is set out in the record of the House of 9 December.

While there has been a reaction to the decision by Government, the question remains as to what is the best way to proceed from here. It is, I believe, ultimately through re-engagement. I accept that the present atmosphere is not good for that but, as with all disputes and all industrial relations problems, employers and employees have to try to find the right context and agree the agenda in which to proceed. We have many areas in common, both as employers and employees, in terms of identifying ways and means by which public services can be provided in this country in the context of a very difficult financial situation. We should try to pursue that but, at the moment and as things stand today, that dialogue is not available to us. I believe it should be available to us as soon as we can arrange it, if that is possible.

**Deputy Pádraic McCormack:** Then the Taoiseach should answer the telephone.

**An Ceann Comhairle:** I will allow a brief supplementary question, as the time has expired.

**Deputy Eamon Gilmore:** I asked the Taoiseach about the details of the variation for the senior public servants. I appreciate that he will forward me the information on cost. I wish to ask him about the numbers affected. The two figures mentioned are wide apart. One was 160 while the other was 600. Which of these two figures is the closest to the mark? We do not currently have a social partnership arrangement or a national agreement on pay. Therefore, we do not have a national framework within which disputes over pay or any other industrial

relations problems likely to arise in the public service can be dealt with. As I interpret the Taoiseach's comments, he wishes for a return to some kind of centralised deal. We all have our own views as to what the prospects for that might be.

While we wait for that wish to be fulfilled, what is the mechanism by which disputes in the public service will be addressed and resolved? We are currently in a position where there is industrial action in a number of areas of the public service and from what I gather, it is growing. There is notice being served all the time of various kinds of work-to-rule arrangements and so on.

**Deputy Pádraic McCormack:** Nobody is answering the telephones.

**Deputy Eamon Gilmore:** There is no national agreement and, therefore, there is nothing to stop any group of workers serving a pay claim. How will those issues be dealt with between now and when the Taoiseach's wish for a national agreement comes home, if it ever does? Will a system of arbitration be put in place and how will individual disputes be resolved? Will we continue to see a free-for-all in industrial relations?

I appreciate we have not been here for the best part of a quarter of a century because there has been centralised bargaining. Even in the days when there was no national agreement before 1987, there were centralised agreements in the public sector. There has been a long period since we have been in a position of having no agreement, framework or rules, effectively, governing the industrial relations climate in the country.

Mr. Mulvey, who is responsible for the Labour Relations Commission, is exercised about what will happen but what is the Government's view? What is to be put in place?

**The Taoiseach:** The number involved in the grades mentioned with regard to the change in pay arrangements is close to 600.

**Deputy Eamon Gilmore:** It is 600.

**The Taoiseach:** That is the figure involved in those and other related grades.

**Deputy Eamon Gilmore:** What is the approximate cost?

**The Taoiseach:** I do not have——

**Deputy Eamon Gilmore:** Would the Taoiseach make a stab at it?

**The Taoiseach:** Sorry?

**Deputy Eamon Gilmore:** I thought the Taoiseach might make a stab at the cost. He is a figures man.

**The Taoiseach:** I know how highly the Deputy regards accuracy in these matters. I want to give him the exact amount because he is not a man prone to exaggeration himself.

**Deputy Eamon Gilmore:** I can appreciate that.

**The Taoiseach:** Industrial relations machinery is available and it would be far better for many people if there was a centralised pay agreement in place. I am sure there are ongoing talks and contacts between employers and unions in the private sector considering whether that is possible. There has been no outcome yet.

[The Taoiseach.]

As the employer on the public sector pay side, we are not in a position to look at changing pay arrangements until 2011, which the Minister for Finance has made clear. We are in a position whereby, not having had a successful outcome to the last effort, people must reflect on what will be the best way forward from everybody's point of view. An escalation of industrial action will not bring any benefits to citizens or to public servants and a large number of ordinary public servants recognise the necessity for what the Government had to do in the last budget.

**Deputy Pádraic McCormack:** They are not acting like it.

**The Taoiseach:** I firmly believe that. We must try to find a way in which we can engage again on a constructive basis. That is not necessarily easy to achieve and there must be a great deal of reflection on it. It is the best way forward in due course and I would rather it be done with a view to the agenda that has been already identified as a means of making sure we can get better and winning outcomes for everybody in due course. That would be better than simply escalating industrial action, which will not achieve any real constructive objective.

**An Leas-Cheann Comhairle:** That concludes questions to the Taoiseach.

### Priority Questions.

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#### Loan Guarantees.

99. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will provide a State backed loan guarantee system to encourage banks to lend to small and medium enterprises and to exporters of all sizes; and if she will make a statement on the matter. [5349/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Last week, I confirmed that work is under way in my Department on examination of a possible scheme of loan guarantees for the SME sector. This is in line with one of the recommendations in the Mazars report on credit availability. As I also made clear last week, there are significant issues to consider before any final decision can be made. For example, we need to be certain of the extent to which any scheme would assist SMEs, if a scheme would actually result in an increase in total lending and if the cost of borrowing by SMEs under such a scheme would not prove prohibitive. A properly tailored and targeted scheme could prove successful in assisting viable companies secure credit that they might not otherwise obtain.

Enterprise Ireland and Forfás have examined loan guarantee schemes in the UK and in some other countries. Forfás, together with the Department, is carrying out a further examination and on completion of this work, I will bring the results before the Government. We will need to ensure that any scheme developed assists businesses directly, while safeguarding the taxpayer.

**Deputy Leo Varadkar:** The Tánaiste is really taking her time on this issue. We are probably two years into a recession at this stage and great numbers of small businesses are closing. They are closing because they cannot get credit. The Government rushed into a bank guarantee overnight. It rushed the NAMA legislation through the Houses, yet it has taken almost two years to decide whether we will have an SME loan guarantee. There are 200,000 small businesses in the country, employing 800,000 people. One of their biggest problems is that they cannot get working capital. They are able to get new loans, but they cannot get loans turned over nor can they refinance. That is the core issue.

It seems that there is a row between the Tánaiste and the Minister for Finance and their Departments. She wants to do this but he is not permitting her to do it. Is there a dispute between the two Departments? When will the Tánaiste make a decision on this? Will we have to wait until the upturn before there is a decision?

**Deputy Mary Coughlan:** I am not having any row with the Minister for Finance, nor is there any row between both Departments on the issue. We have looked at several initiatives on how to stabilise some of our companies, such as the stabilisation fund and the subsidies scheme. We have also introduced other interventions to keep people in work. We have set up a credit supply group in my Department, in which we have had a greater working relationship between the representatives of business and banks.

One of the recommendations of the Mazars report was to investigate the possibility of a loan guarantee scheme. Other member states introduced such schemes and the impact of some of them on the SME sector has been negligible. We are taking a broader perspective on schemes that have worked and I am taking the UK scheme into consideration, as well as the schemes that were recently set up in Chile and the US.

I do not accept the claim that we are slow on this matter, given that risk analysis has to be undertaken to protect the taxpayer. Having said that, there is a common view held on all sides of the House that there continues to be difficulties in accessing credit, and this is one of the other initiatives that will be considered. I hope the analysis done by Forfás and Enterprise Ireland will soon be available to the Department.

**Deputy Leo Varadkar:** It is the Tánaiste's job to make decisions on these matters. Britain made its decision on the enterprise finance guarantee more than a year ago at this stage.

**Deputy Mary Coughlan:** That did not work.

**Deputy Leo Varadkar:** Nobody in this House under estimates the Tánaiste's capacity to commission reports, to appoint task forces or to ask agencies to study things. What we doubt is her ability to make decisions and to make them correctly and in a timely manner. When will we have a decision on this? The enterprise finance guarantee has been brought into the UK and it works. The British Government guarantee is a small portion of the loan which will ensure that the banks are prepared to extend credit to small businesses. When will the Tánaiste stop commissioning reports, appointing task forces and make a decision on this matter?

**Deputy Mary Coughlan:** The matter has not come to me for final decision. I will make the decision immediately after the work has been done. The best performing schemes have been those in which there was no subsidy. There is a 15% subsidy in the UK scheme. The UK introduced a number of initiatives that fell through and I will not invest time or taxpayers' money in schemes that will not work. I do not want to create an expectation that is well beyond the remit of any loan guarantee scheme, but the work is almost complete and the matter will be brought before the Government for consideration and final determination very soon.

### **Live Register.**

100. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she is taking to address the problem of youth unemployment in view of the fact that recent Central Statistic Office figures showed more than 84,000 persons under the age of 25 years on the live register; and if she will make a statement on the matter. [5050/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The statistics for 31 December 2009 show that the numbers signing on the live register stood at 423,600 and that of these, 84,398, or 19.9%, were people under the age of 25.

The Government is committed to tackling unemployment, including youth unemployment. In successive budgets, we have allocated substantial additional resources to provide increased training and education and work experience places for the unemployed. My Department will provide approximately 147,000 training and work experience places this year, primarily through FÁS. This compares to the 66,000 places that were delivered in 2008 and the 130,000 places delivered last year. Around 30,000 trainees, or 36% of those who participated on the FÁS training programmes in 2009 came from the under 25 age group. FÁS training provision for those who are under 25 will remain a priority for 2010.

For early school leavers, the main specific provision continues to be training at community training centres and VECs under the Youthreach programme. There are currently 6,000 places available nationwide under the Youthreach umbrella. The programme is directed at unemployed young early school leavers aged 15 to 20. The programme provides basic skills and work experience, while facilitating early school leavers with opportunities to acquire certification and progress to further training or employment.

Another initiative is the work placement programme, which prepares the unemployed for future job opportunities. This programme is aimed at providing nine-month work experience placements to the unemployed. The programme consists of two streams each consisting of 1,000 places. The first stream is for graduates and the second stream is for all others, with 250 places ring-fenced for those under 35 years of age. The response to this programme has been disappointing, and we have asked FÁS to prioritise its promotion during 2010.

In addition to the range of training and work experience measures, the Government introduced certain initiatives in the recent budget to encourage people under 25 into education or training.

*Additional information not provided on the floor of the House.*

The Government decided that unemployment benefit will be reduced to €100 per week for those aged under 23 and to €150 per week for those 23 and 24 years of age. However, should these individuals participate in full-time education, training and work experience programmes, then they will receive the full normal weekly allowance of €196. Along with this decision, an initiative was put in place to activate immediately 18 to 19 year olds, instead of waiting the usual three months for this automatic activation.

The budget also announced a new labour market activation fund, which will be for innovative proposals over and above mainstream training provision for the unemployed. This activation fund will focus training on the low skilled and those in structural unemployment, including those formerly employed in the construction, retail and manufacturing sectors. Priority will be given to those under 35 years of age and the long-term unemployed. It is expected that the fund will provide at least 3,500 training places this year. A call for proposals will issue shortly, and this is expected to lead to increased education and training provision this year and to assist young people currently unemployed.

**Deputy Willie Penrose:** It is 30 years since Pope John Paul said in Drogheda, “Young people of Ireland, I love you.” I would like to parody that for this Government and say, “Young people of Ireland, we have no interest in you.” That is the message going out to young people. No coherent or focused strategy has been put in place to tackle youth unemployment. The only

thing the Minister for Finance did in the budget was reduce their social welfare payment. Let us not fool ourselves with answers that are designed to conceal rather than reveal.

Are we going to nurture and encourage those young Celtic cubs, who are educated, innovative and well skilled? They are crucial to recovery, so what are we going to do for them? They feel as if the Government has deserted them as a group. Is the Minister of State satisfied that we will lose a generation of people? Are we happy to go back to losing young, skilled, innovative and motivated people? The budget was a real “downer” to them, because it offered little or no hope.

In a recent study carried out by a youth organisation on young people, 60% of those surveyed indicated that they expected to be unemployed after completing their education. There has been a 150% explosion in youth unemployment in the past two and a half years. It is having a negative impact on young people. Where are we going? What about the work placement programme? There are 1,000 places, with 250 geared for people under 35 years. Does the Minister of State agree this is a pathetic response to a problem that will not go away? It will get more serious unless we tackle this in a coherent way, with a strategy to deal with youth unemployment.

**Deputy Dara Calleary:** A range of other measures, apart from those mentioned by the Deputy, are included in the budget. This includes an activation fund of €20 million targeted at those under 35 years. We will call for proposals from the private sector for this in the coming weeks. This is specifically designed at that particular age group. We are committed to increasing the opportunities available in the work experience programme during 2010 if there is sufficient take-up. I point to the record take-up of third level courses and opportunities. This is not just an Irish problem. It affects the entire EU and was the focus of discussions at the Employment Council in Barcelona last weekend. It will continue to be the focus at EU level during the Spanish Presidency until the end of June.

**Deputy Willie Penrose:** Are we living in cloud cuckoo land? We are the only economy that has failed to put in place a stimulus package. Some €100 billion has been spent in the United States, with much of it allocated to education and creating employment opportunities for young people. Why do we think we are so special that we do not have to embark on that route? Why do we think we are different? When will we get rid of the barriers in respect of time limits and restrictions for the back to education allowance? This is nonsense. If young people want to get back into education, why not let them do so? How many additional places are there in the vocational training opportunities scheme, VTOS? The Minister of State is sincere and he is here as the mouthpiece of the Government, comprised of 15 Ministers gathered around the Cabinet table. We are fed up with being fobbed off. We need proper, focussed policies. Unless we design a stimulus package, we will come back in 12 months time with the problem accentuated and galloping away. I am extremely worried. Youth unemployment is a timebomb and we should get someone with a unified, co-ordinated strategy for this.

**Deputy Dara Calleary:** The budget includes a €12 billion capital programme this year and €135 million will be spent by this Department in guaranteeing 80,000 jobs. I agree this is a problem and I would be delighted to engage with Deputy Penrose in respect of the specific responses of the Joint Committee on Enterprise, Trade and Employment to this issue.

### **Economic Competitiveness.**

101. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the recommendations of the recent National Competitiveness Council report



[Deputy Deirdre Clune.]

aimed at promoting innovation will be implemented; and if she will make a statement on the matter. [5350/10]

**Deputy Mary Coughlan:** The renewed programme for Government, adopted in October 2009, recognises the importance of productive public investment in research and development and sets a target of achieving a national research and development investment target of 3% of GDP. We believe the significant infrastructure investment underpinning the strategy for science, technology and innovation over the period to 2013 is central to economic recovery. The commercialisation of our research investment and the generation of a strong reputation for higher education and research, as well as output of quality graduates at undergraduate and postgraduate levels, will allow us to build a sustainable enterprise base underpinned by productive innovation activity across the economy. The recommendations in the recent report of the National Competitiveness Council that are aimed at promoting investment in research, development and innovation are welcome as they coincide with our policy goals and a number of specific initiatives taken by Government as we seek to develop the knowledge economy.

The council's report focuses on measures to enhance the productivity of Irish exporters. To that end the council makes recommendations on prioritising Government research and development spending with strong industry relevance; co-ordinating public investment in research and development through development of a single stream of funding for science research, which is undertaken by my Minister of State; reviewing the research and development tax credit; and developing intellectual property competencies.

With regard to prioritising Government spending, the decision in budget 2010 to allocate almost €600 million to science, technology and innovation priorities of Departments reinforces the Government's commitment to science, technology and innovation as a productive investment for the future and an engine of economic growth. Our goal in 2010 and the immediate future is to leverage the investments made to date in research and development in order to return investment in terms of jobs and exports while consolidating what has been built and to secure it in the long term. In the budget, and looking forward to future years, we reoriented the focus of the spend on science, technology and innovation. The tripling of the public investment in science, technology and innovation over the past ten years concentrated on building infrastructure and productive human capital development. The reorientation of investment is now focused on deriving maximum commercial benefit from the sunk investment to date.

The NCC also made a recommendation for enhanced metrics to assess the efficiency of the public investment across the science, technology and innovation space. In 2009 a number of high-level indicators were agreed to monitor progress in implementation of science, technology and innovation and these are being updated on a rolling basis. I have also asked Forfás to review these to establish if it is possible to develop reliable metrics relating to exports, sales, employment and import substitution as these outcomes are an important outcome of science, technology and innovation investments.

*Additional information not given on the floor of the House*

The NCC report welcomes the introduction of a single stream with effect from 2010 for public science, technology and innovation investment. The intention to create a single funding line for the science, technology and innovation aims to enhance the efficiency of science, technology and innovation expenditure and enhance the State's ability to re-prioritise the public investment consistent with resources, with identified areas of science and with potential applications to support and develop the Irish economy. Consistent with the financial statement of

the Minister for Finance last December the single funding stream will be referenced in the 2010 Revised Estimates and will feature as a distinct item in the Estimates of future years.

Research and development grants, the research and development tax credit and the patent royalty exemption together form a suite of measures aimed at encouraging, supporting and promoting research, development and innovation within Ireland as essential features of the knowledge economy. Rebuilding our competitive advantage will depend on a strong performance in these areas from both indigenous and foreign business. It is a priority for us that Ireland remains a competitive location for investment that leverages RDI for product development. The Government is committed to ensuring that we will maintain our international reputation and attractiveness as an excellent location in which to build or locate RDI activity. This suite of measures will be kept under ongoing review to ensure that we maintain this position, and we look forward to consideration of any proposals in this area from the innovation task force which is due to report shortly.

The forthcoming report of the innovation task force has a focus on the development and coherence of our IP system such that there is a clear and consistent national policy on IP and rules for the ownership of and access to State-supported IP. To that end my Department, with Forfás, has conducted a review of the suitability of ownership and licensing arrangements so that this can inform the ITF recommendations, and implementation of these. In framing these recommendations regard will be had to the work and experience of the technology transfer offices run by Enterprise Ireland in each of our HEIs, and to international best practice.

**Deputy Deirdre Clune:** The funding for Science Foundation Ireland, €179 million in 2009, was reduced to €165 million in budget 2010. Enterprise Ireland's capital funding spending was reduced by €126 million and the science budget of the Department of Education and Science was reduced from €256 million to €150 million. There has been a severe reduction in the spending on science, technology and innovation. This requires that spending should be more focused, which is part of the recommendations from the NCC. Spending should be focused on bringing products that are near to market for commercialisation. I did not hear the Tánaiste refer to how she is directing State agencies working in this area to target this type of funding to ensure it leads to job creation and development of new products and those that are near to market.

**Deputy Mary Coughlan:** Under the chairmanship of the Minister of State, Deputy Lenihan, a process was undertaken to examine the overall spending on science, technology and innovation in all Departments. On that basis, we saw a 7% overall reduction targeted at the commercialisation aspects and the potential of that spend. One of the issues raised 18 months ago was how we can provide a metric to see that. Under the chairmanship of Mr. Lionel Alexander we set down a number of parameters in which this could be achieved. That work is now being done. With ten years of investment in science, technology and innovation we are behind some other countries. On that basis we frontloaded much of the spend. We will also continue to invest in working with EU programmes in the delivery and drawdown of further expenditure.

The task at hand is to embed the technology and use the expertise we have to commercialise. That is the focus of State enterprises. In the spend for foreign direct investment purposes through IDA Ireland and Enterprise Ireland we have seen a seismic change in where people are investing. It is moving towards research and development. That is where the jobs are. Creating opportunities for that commercialisation is strategic in what Enterprise Ireland is doing in supporting new ideas and concepts and bringing those to market.

**Deputy Deirdre Clune:** Can the Minister published those results and metrics so that we can see how things have changed and how the shift towards commercialisation has come about?

[Deputy Deirdre Clune.]

That is important. Can the Minister comment on the NCC and its comments on credits for research and development? Rather than having an emphasis on foreign companies and the benefit going to headquarters that may be abroad, there should be a re-focus on indigenous industries and Irish owned companies to ensure that benefits from tax credits remain within the country.

**Deputy Mary Coughlan:** I agree that we want to achieve a situation where we can take a thought process and commercialise it. We can do this through indigenous companies, which have done very well. Last year there were 70 HPSUs and the target is for another 70 next year through Enterprise Ireland and its supports. The innovation task force will come to the Taoiseach fairly soon and that will examine new ways in which we can develop innovative ways to support research and development. The tax credit is of great importance. The development of intellectual property in this country is new and different. In the context of tax policy we are working on refocusing our offerings for foreign direct investment or for indigenous companies. The clear message is that if we work towards economic growth and potential thereof, the collaborative work between third level institutes, those involved in business and the Government is of great importance. Science Foundation Ireland is looking at new innovative ways in which this can be expanded. We need a matrix, to see where the spend is and whether it will provide jobs. It is fine to spend the money but if we are not in a position to analyse its worth, we would be failing in our duty. The matrices are being set down on that basis. Any information available will be given to the Deputy.

#### **Work Permits.**

102. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to review the new work permit scheme; and if she will make a statement on the matter. [5351/10]

**Deputy Dara Calleary:** In the first half of 2009, my Department completed a review of employment permit arrangements, the purpose of which was to ensure that such arrangements continued to be appropriate to the needs of our changing labour market. Following the outcome of consultations with the social partners and other interest groups, a number of changes were implemented for non-EEA nationals applying to enter the Irish labour market under the work permit and green card schemes from 1 June 2009, including provision for those employment permit holders who are made redundant.

The arrangements included the refusal of almost all work permit applications where the applicant foreign national is currently outside the State; the removal of some categories from the green card list — these included construction and engineering categories; a 50% increase in fees at renewal stage for new first time employment permit applications from outside the EEA; and a strengthening of the labour market needs test for new first time work permit applications.

Currently, employment permit holders constitute approximately 1.2% of the total labour force. The numbers of permit applications and consequent numbers of total employment permits issued, including both new and renewal permits over the past year, have been showing a consistent downward trend from 13,500 in 2008 to 7,900 in 2009. New permits issued have also fallen from 8,500 in 2008 to 4,000 in 2009. Most new permits issued in 2009 were for non-EEA nationals already working in the State who wished to change jobs.

My Department will continue to keep employment permit arrangements under review to ensure that they remain suitable and relevant to current labour market conditions. As before,

the views of relevant stakeholders and interest groups will be taken into account in this ongoing review process.

**Deputy Denis Naughten:** I thank the Minister of State for his reply. It seems the Minister of State is washing his hands of this issue, considering he completed the review in the early half of 2009 and he seems to be satisfied with it. Is it not the case that it took him almost two years into the country's economic collapse before he actually reviewed the existing work permit rules in place up until June 2009?

While I accept that the majority of new applications issued may be for people already in the country, can he explain how it is that approximately one third of all the permits issued last year were new work permits but, in 2006, approximately one quarter of all work permits issued were new work permits? I argue the situation should be the exact opposite. Given that 85,000 additional young people are unemployed since this Government took office in 2007, and that 185,000 people became unemployed last year, is the Minister of State not concerned with the trend of those statistics?

**Deputy Dara Calleary:** The new arrangements have been in place since last June and I will be happy to review them again this June as I think one year is a suitable time to allow them to become embedded.

As I outlined, we have considerably restricted the classes for which work permits may be issued. The Deputy may be referring to the green card scheme under which permits are issued on the basis of demand. I will check the figures and revert to the Deputy with the analysis.

**Deputy Denis Naughten:** I accept that some of these permits being issued are new work permits for people who may have fallen out of the system — it is important that such people are given legitimate status — and for people who may be leaving one employment for another in the same sector. However, new employment permits are still being issued in the agriculture and catering areas and in the domestic and services industries. Many of these permits are for low-skilled jobs. A total of 185,000 people lost their jobs last year. Is the Minister of State not concerned about the proportion of new permits being issued compared to 2006? One would imagine that there would have been far more new permits, proportionately, issued at a time when the economy was expanding? Will the Minister of State carry out a review to ensure that the people currently residing here, whether Irish or non-Irish, have the opportunity to gain employment and be taken off the live register?

**Deputy Dara Calleary:** As part of that review, we considerably strengthened the labour market needs test so that jobs seeking a work permit had to be advertised through FÁS and in the national newspapers to ensure that the hidden way of advertising them in the past was done away with. I am happy the labour market needs test is strong enough to support the new applications issued. Many Deputies approach the Department regularly to try to get support for various work permits, particularly in the catering industry as we become more specialised in our tastes as a country and in the way the industry is responding to those tastes. I am happy with the current labour market needs test and I will consider a further review.

### **Research Funding.**

103. **Deputy Damien English** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the problems that companies looking to develop physical products, such as a new computing device for international markets, from inception, research and development, tooling manufacture and to packaging development and so on, are encountering when trying to source early stage capital funding between €1.5 million and €10 million such as

[Deputy Damien English.]

the fact that the funding requirements of up to €10 million are too big to attract angel investors, that the business expansion scheme is capped at €1.5 million and that they are too early in the product development stage and therefore perceived as too high a risk for development capital venture capital investors; the solutions she is prepared to put in place that will alleviate these shortcomings for such companies looking to bring physical products to the market; the resulting job opportunities for this State; and if she will make a statement on the matter. [5352/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan):** The availability of venture capital for start-up businesses is a very important issue. While my Department has addressed the issue of the availability of capital for early stage businesses in a number of ways as I will outline, there are certainly continuing challenges in relation to raising finance for new businesses. These include the fact that fewer people now have discretionary funds available for investment in early stage and other businesses due to the effect of the downturn on personal wealth. The raising of larger amounts of money for capital intensive projects is particularly difficult and requires greater success in getting overseas co-investment in Irish companies.

I am fully aware that a dynamic and healthy venture capital market is a prerequisite for the growth and development of high potential start-up companies in Ireland. Over the past 16 years, Enterprise Ireland has focused on stimulating venture capital funds in order to promote the availability of this important source of funding for companies that would have difficulty raising capital through traditional sources of finance. It has undertaken initiatives that have led to the creation and development of a vibrant Irish-based venture capital industry.

To date, Enterprise Ireland has been involved in three seed and venture capital programmes, through which support for venture capital funds has been undertaken by means of investment as a limited partner with other private investors on a *pari passu* basis. The management of these funds is in the hands of private sector venture capitalists who take investment decisions on a fully commercial basis.

Under the EU seed and venture capital measure for 1994 to 1999, some 15 separate venture capital initiatives were established, with €43.9 million committed under this programme. The first of these initiatives was launched in May 1996. Under the 2000 to 2006 programme, Enterprise Ireland committed €98 million to continue development of the venture capital market for small and medium-sized enterprises in Ireland. This programme committed capital to 15 funds.

The 2007 to 2012 seed and venture capital scheme was launched to promote the availability of funding for companies at both early and growth stages of development and to further develop the seed and venture capital industry in Ireland. Enterprise Ireland has committed to investing €175 million under this programme. Out of the overall allocation of €175 million, Enterprise Ireland has, to date, committed investment to ten funds. Of these, eight funds, with a total size of €525 million, have commenced operations. Two further funds with a total size of €150 million remain under negotiation.

I understand from data published by the Irish Venture Capital Association in its publication, *Venture Pulse 2009*, that in the first three quarters of 2009, approximately €220 million was invested by syndicates of investors, including Enterprise Ireland, in Irish small and medium-sized enterprises. Of the 61 investments made during that period, 57 were of a value of less than €10 million, representing a total of €120 million of the overall funds invested. A total of 23 of the 57 investments were in the range of €1.5 million to €10 million, totalling €94.7 million.

**Deputy Damien English:** I thank the Minister of State for his reply and for acknowledging that a problem exists. He did not really discuss the solutions but rather described the current situation. I wish to make clear that a problem exists in the venture capital market in the case of companies with a physical product which need funding of between €1million and €10 million. Enterprise Ireland can only give up to a total of €500,000 in these cases. I accept that Enterprise Ireland invests in certain funds but only 12 venture capital funds are operating in this country and it is not enough for real competition. Hundreds of companies miss out on the opportunity because the existing venture capital funds cherry-pick. Will the Minister of State give a commitment to ring-fence up to €400 million or €500 million to specifically aid companies in the early stage of product development? I know of a company who missed out in that Enterprise Ireland could only offer it €200,000 a year over three or four years. Such companies need Enterprise Ireland to come on board quicker and to put the money up first and not to say such companies will get the money after they have secured a venture capitalist.

The Government and its various organisations must offer support to entrepreneurs. The reality is that risks must be taken if jobs are to be created. However, several companies have contacted my colleagues and me to point out that Enterprise Ireland is, in some cases, acting as a filter rather than a funnel. As I said, funding must be ring-fenced and the allocation for the business expansion scheme, currently capped at €1.5 million, should be increased. For the first three years or so of a company's operation, unlimited investment should be allowed in respect of the business expansion scheme. What we are all ultimately about is job creation.

**Deputy Conor Lenihan:** I assure the Deputy that encouraging increased venture capital funding is one of the Government's main objectives. That is why the innovation task force, of which I and the Taoiseach are members, is tasked primarily with examining this issue in the context of our announcement under the smart economy framework initiative to create a €500 million innovation fund. The task force is expected to report to the Government before mid-March on the best approach to take in terms of securing venture capital funding. It is important to note that Ireland is not alone on this issue; governments throughout the European Union are experiencing difficulties in enticing United States venture capitalists to invest their money on this side of the Atlantic. It is an issue that is vexing Ministers throughout Europe.

It is important to emphasise that while Enterprise Ireland's funds are small, they are also vital.

**Deputy Damien English:** I recognise the important work done by Enterprise Ireland. My point is that funding is insufficient to meet the needs of the businesses to which I referred.

**Deputy Conor Lenihan:** It is an essential element of the equation. A paradox of the success of Enterprise Ireland is that many venture capitalists outside Ireland will not invest money in small and medium-sized enterprises on this island unless the Enterprise Ireland label is associated with the fund. In many cases, such investors are not merely seeking matched funding but also assurances that the State is involved.

**Deputy Damien English:** The Minister of State has made my point for me. In some cases Enterprise Ireland makes it a condition of its assistance that a company must first secure venture capital. It should be the other way around, and that is a simple matter to review. Second, the Minister of State said that the report of the innovation task force is due in a month. There is no room for delay in terms of action; we have already lost out on opportunities for job creation.

The reality is that this problem is unique to Ireland as a small market seeking investment by venture capitalists. As I said, there are 12 funds and the best prospects are being cherry-picked

[Deputy Damien English.]

while many others miss out. Will the Department seek to discover from Enterprise Ireland and other bodies the names of companies that were refused assistance? This problem also applies in regard to enterprise boards. It is all very well to talk about how successful we are in offering support to business, but what about the companies we have been unable to help? We have a duty to help people who are coming forward with new ideas and to encourage them to take risks. The Government must find ways of matching that investment, through the business expansion scheme and by facilitating venture capital investment specifically for the early stage development of products. That is where the problem lies and time is of the essence in tackling it.

**Deputy Conor Lenihan:** I reassure the Deputy that the encouragement of venture capital funding is the centrepiece of the work of the innovation task force. It is important to emphasise that as well as early stage companies, the innovation fund will also look at the issue of scaling up. The Deputy and others have suggested that start-up and early stage companies are where we should concentrate our efforts.

**Deputy Damien English:** The early stage is the problem. Once a company is in operation it has a good chance of attracting funds. Attracting the funding to become established in the first instance is the difficulty.

**Deputy Conor Lenihan:** There is also a significant issue in terms of how we attract venture capital and innovation funding into companies that have the potential to scale up and become global operators. It is not just about early stage funding; it is also about how we support strong indigenous companies in scaling up.

**Deputy Damien English:** May I make a final brief comment?

**An Leas-Cheann Comhairle:** That is not possible as we have already gone over the time for priority questions. We must now proceed to take the next question in ordinary time.

**Deputy Damien English:** My point is that the main problem is in securing early stage funding. That is the difficulty.

**An Leas-Cheann Comhairle:** I ask the Deputy not to talk over the Chair.

**Deputy Damien English:** The Minister of State is missing the point.

**An Leas-Cheann Comhairle:** That may be a calamity but there you are. The time for priority questions has been exceeded by more than two minutes.

### Other Questions.

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### Job Losses.

104. **Deputy Jan O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the interim report of the mid-west task force established following the announcement of job losses at a company (details supplied) in County Limerick; the action she has taken arising from this report; and if she will make a statement on the matter. [4842/10]

105. **Deputy Joe Carey** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the recommendations of the mid-west task force, which she established when almost 2,000 workers at a company (details supplied) in County Limerick

were made redundant; the recommendations that she agrees with and those with which she disagrees; and if she will make a statement on the matter. [4942/10]

116. **Deputy Pat Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment the additional enterprise supports she is planning for the mid-west task force region; and if she will make a statement on the matter. [4932/10]

135. **Deputy Simon Coveney** asked the Tánaiste and Minister for Enterprise, Trade and Employment the initiatives she has taken to ensure the implementation of the recommendations of the mid-west task force with which she agrees; and if she will make a statement on the matter. [4951/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 104, 105, 116 and 135 together.

The Tánaiste made a detailed statement to the House last Thursday on this issue, as did I and my colleagues, the Minister for Defence, Deputy O’Dea, and the Minister of State, Deputy Kelleher. Fuller detail on the Government’s responses to the task force recommendations are in the statements, which have been circulated to Deputies, than in the summary I propose to provide today.

The task force completed an interim report which was presented to the Tánaiste by Mr. Brosnan last July. Since then the Government has responded to the recommendations under the various headings. Last September the Tánaiste sent the task force a report on responses up to that time. She has now completed a broad consultation, taking account of Departments’ budgets for 2010, with other Ministers and all relevant divisions and agencies within her Department. The Tánaiste will send a further report to the task force shortly.

Throughout 2009, a multi-agency response to the Dell-related job losses has been taking place at two levels, providing information and services to individual employees facing unemployment to facilitate them to retrain, re-educate or to start a new business, and delivering specific initiatives to indigenous sub-supply companies in the mid-west to explore alternative markets, products and business opportunities. These measures will be continued and expanded up to September 2011 under a successful application which the Tánaiste made last June under the European Union’s globalisation adjustment fund.

In regard to industrial employment in the mid-west, 1,100 new jobs are now coming on stream in Limerick and Clare in eight projects approved by the IDA and Shannon Development in 2008 and 2009. Five new high potential start-ups were established in the region in 2009 with Enterprise Ireland support. In addition, a €26 million Bank of Ireland seed and early stage equity fund supported by Enterprise Ireland and the University of Limerick Foundation to invest in start-up and early stage companies was recently announced. Shannon Development has begun the further development of the national technology park in Limerick into a more strategic site for the attraction of industrial investment from Irish and foreign companies. The Tánaiste has asked IDA in its new strategy, to be published later this month, to make a renewed effort in the regions, including the mid-west, and particularly the broader Limerick area, which have recently fared less well in industrial employment.

In regard to Shannon Airport, the Lynx Cargo Group and the Dublin Airport Authority are now completing an examination of the feasibility of developing a major cargo facility there. In addition to the national tourism marketing fund of €44.25 million in 2010, Tourism Ireland will engage in co-operative marketing campaigns with air carriers to promote ease of access and to stimulate demand for travel to the Shannon region from key source markets. Shannon Develop-



[Deputy Dara Calleary.]

ment will continue its annual tourism spend in the region, a support which is not available to other regions.

The response of the Minister for Transport in regard to roads in the mid-west will be included in full in the Tánaiste's next report to the task force. The region has recently seen the completion of projects such as the N18 Ennis bypass, the N85 western relief road and phase one of the N7 southern ring road. The National Roads Authority's work programme will see further extensive development to the road network in the region, including routes such as the N7, N18 and N17, the M20 to Cork, several link and bypass roads close to Limerick city, and the northern ring road. The Minister for the Environment, Heritage and Local Government is currently finalising arrangements to develop the governance structures in terms of the broader Limerick area.

Apart from initiatives relating specifically to the mid-west region, the Government has responded to the economic downturn generally and has taken several initiatives. Many of these respond to task force recommendations and the mid-west has already benefited from them.

4 o'clock Cost competitiveness and wage competitiveness have been significantly improved, and the price of energy for industry significantly reduced. The enterprise stabilisation fund has helped to keep viable businesses going and to keep jobs in place. Some 148 companies were approved for funding of €59 million under the scheme by the end of 2009. The Government has supported more than 80,000 jobs under the employment subsidy scheme, at a cost of some €135 million. The referral capacity for FÁS employment supports was doubled in 2009 to 147,000 places. The recent budget also introduced a new jobs stimulus measure for this year under the employer's PRSI incentive scheme.

The recommendations of the mid-west task force have been helpful in focusing the response of the relevant Departments and agencies at both regional and national level. We are all grateful for the work undertaken to date by Mr. Brosnan and the other members of the task force. The Tánaiste will continue to keep the task force informed on the Government's work on matters covered in the interim recommendations. The task force has identified several issues for further study in its final report, which we look forward to receiving in the coming months.

**Deputy Willie Penrose:** I thank the Minister of State for his comprehensive reply. When this matter was debated in the Chamber last Thursday, I allowed my colleague, Deputy Jan O'Sullivan, who is from the area, to make the Labour Party contribution. She did a great job and I was transfixed by the various contributions. I was a little taken aback by the hollowness and the tardiness of the response. A number of recommendations were made by the task force, which is under the chairmanship of an eminent person. Why can we not break out of the bureaucratic mentality and grab something that is innovative?

**Deputy Joe Carey:** Hear, hear.

**Deputy Willie Penrose:** It might make a difference.

**An Leas-Cheann Comhairle:** A question please, Deputy.

**Deputy Willie Penrose:** That is the question. Why can we not break out of the bureaucratic circle? Is that not a question? Are we afraid to break out of it? This new time needs new solutions and innovations.

**Deputy Kieran O'Donnell:** Absolutely.

**Deputy Willie Penrose:** Limerick and the mid-west are no different. I wonder if IDA Ireland, which was mentioned in the Minister of State's response, will have as much success in attracting industry to Limerick and Clare as it has had in attracting industry to Westmeath. It has not attracted anything to its 70-acre park in Mullingar.

**Deputy Kieran O'Donnell:** Join the club.

**Deputy Willie Penrose:** We have not got anything for ten years. Limerick has not got anything for four or five years. It will have to wait until it has reached the decade. I would like to ask a few simple questions. I understand that the 70-acre site behind the Vistakon plant is ready to be upgraded, although there is an infrastructural deficit in the area. When will money be provided from the €7 million fund? I think that was the figure.

**Deputy Joe Carey:** It is a €10 million fund.

**Deputy Willie Penrose:** I refer to the fund that has been provided to make sure the potential of the Shannon cargo hub is developed.

**Deputy Joe Carey:** That is the €7 million fund.

**Deputy Kieran O'Donnell:** Some €7 million has been provided for that.

**Deputy Willie Penrose:** I was right.

**Deputy Kieran O'Donnell:** There are two different funds, worth €17 million in total.

**Deputy Willie Penrose:** Right. It is important that we attract tourists to this country. I happen to live in the same county as somebody who acts as an entrepreneur. I am proud to say he went to the same school as me. Why was the travel tax introduced? It is stopping people who would spend money from coming to this country. It has caused a depression in the industry for the sake of collecting a measly few pounds. Why not take the innovative step of abolishing it to hell's blazes? If it is not worth a penny, it should not be there. It is an impediment.

**Deputy Kieran O'Donnell:** It was done for short-term gain.

**Deputy Willie Penrose:** I understand that the Minister of State met the workers to discuss the European globalisation fund. Is he prepared to guarantee that the fund will be operated in a flexible manner? Can he guarantee that this operation will not be imposed on people from the top down? Those who wish to start small businesses should be able to go into education. It should not be circumscribed.

**An Leas-Cheann Comhairle:** I would like to call a number of other Deputies.

**Deputy Willie Penrose:** This is a very important matter.

**An Leas-Cheann Comhairle:** It is indeed.

**Deputy Willie Penrose:** Will the Minister of State put in place specific targets, as part of this strategy, so that we can evaluate the progress made by the task force every three, six, nine or 12 months?

**Deputy Dara Calleary:** I will respond to the general thrust of the Deputy's remarks. We have provided for a specific response in the mid-west. We are engaging with Mr. Brosnan and the task force on a regular basis. As I was reflecting on that response, it struck me that I would

[Deputy Dara Calleary.]

give my left arm to have such a response in County Mayo. I refer to the commitment from the Government, for example. In respect of tourism, the expansion of some services from Shannon Airport was announced this morning. As the Deputy said, I met a group of Dell workers yesterday.

**Deputy Willie Penrose:** How did it go?

**Deputy Dara Calleary:** The Minister, Deputy Willie O’Dea, the Minister of State, Deputy Peter Power, and Deputies Kieran O’Donnell, Jan O’Sullivan, John Cregan, Niall Collins and Timmy Dooley were present at the meeting. It was a very robust engagement.

**Deputy Willie Penrose:** That is good.

**Deputy Dara Calleary:** I think it was very constructive, ultimately, as I would expect in Limerick.

**Deputy Kieran O’Donnell:** The Minister of State’s colleagues were the most robust.

**Deputy Dara Calleary:** An important two-day information fair will take place in the South Court Hotel on 11 and 12 February. Up to 40 agencies will be available at that forum to answer the questions of the 2,800 workers who have been contacted. Yesterday, we appointed Mr. David Smyth of FÁS to act as a link person with regard to the implementation of the globalisation fund in the mid-west. He has already established a relationship with the workers’ group. I have given a commitment to visit Limerick again at the end of February to meet all concerned and to reflect on the two-day fair. We have also said that a full review of the globalisation response in the mid-west will take place in June of this year, for example, to ensure its expenditure profile is on target.

**Deputy Joe Carey:** I wish to ask the Minister of State about the Government’s commitment to the Lynx Cargo facility that is proposed for Shannon Airport. The time for talk is over. We want action with regard to the project, which has the potential to breathe life back into the mid-west. That is what we need at this juncture. The facility would provide valuable construction jobs in the short term and would attract manufacturing and assembly jobs to the region in the longer term. Between €5 million and €7 million is needed to roll out the facility. Is the Government committed to the project? Is it prepared to give the Dublin Airport Authority the €7 million that is required to drive it? Is the Minister of State prepared to put his shoulder to the wheel and deliver for the mid-west region? If the regions are strong, the whole country will be strong. If the Government is committed to this project, it should put its money where its mouth is. Is it committed to the Lynx Cargo facility project? Will it provide the €7 million that is required?

**Deputy Dara Calleary:** We have made a commitment to the development of the entire mid-west region. The Tánaiste has discussed the specific project mentioned by the Deputy with the Minister for Transport. It appears that certain EU issues need to be resolved if progress is to be made. We are addressing them at EU level. We will continue to keep the Deputy updated on the matter.

**Deputy Kieran O’Donnell:** During the Dáil debate, the Minister, Deputy Willie O’Dea, said that an announcement on the Lynx Cargo project was “imminent”. I would like to know how the Minister of State, Deputy Calleary, would define “imminent”, as he appears to be suggesting that an announcement is a little further away. When Mr. Denis Brosnan gave a briefing to Members of the Oireachtas last week, I asked him to name the IDA Ireland officials with

whom the task force had held meetings. He said that meetings had taken place at regional level only. The task force had not met Mr. Barry O'Leary of IDA Ireland. Will the Tánaiste arrange for Mr. O'Leary to meet Mr. Brosnan of the task force, so that Limerick and the rest of the mid-west can become a priority region for foreign direct investment? Contrary to what the Minister of State, Deputy Calleary, has said, Mr. Brosnan felt it necessary to call a public meeting with Members of the Oireachtas, at which he expressed his dissatisfaction and frustration about the ignoring of the report of the task force. Does the Tánaiste agree that the report in question, which is very good, needs to be implemented in full? I suggest that an organisation like Shannon Development should be responsible for implementing the recommendations of the report and given sufficient resources to that end. It should have the power to borrow funds, for example, to develop the technology park in Plassey. It does not have that power at present. We have an opportunity to allow the region to take up the reins. It needs to be given the resources and controls to enable it to do so. I welcome the fact that the Dell fund is on stream. I am pleased that the Minister of State, Deputy Calleary, came to Limerick. The most important thing is that we ensure the fund has the flexibility to get up and running. There needs to be proper consultation with the Dell workers. The key factor is that the entire process should lead to jobs.

**Deputy Dara Calleary:** I have taken on board the message that was transmitted at yesterday's meeting. We will continue to have discussions on the issue of flexibility, particularly in the areas of enterprise development and support. A high-level official in IDA Ireland is responsible for promoting the mid-west. If the task force wishes to meet the chief executive of IDA Ireland, we will be happy to facilitate that. Mr. John O'Brien, who is a significant and heavyweight official in IDA Ireland, is addressing the issues. There is ongoing contact between——

**Deputy Kieran O'Donnell:** With all due respect——

**An Leas-Cheann Comhairle:** No, no.

**Deputy Kieran O'Donnell:** On a point of order——

**An Leas-Cheann Comhairle:** What is your point of order?

**Deputy Kieran O'Donnell:** The point of order is that IDA Ireland saw fit not to take part in the task force.

**An Leas-Cheann Comhairle:** That is not a point of order. A number of people want to ask supplementary questions. I understood the Deputy was in a hurry, so I facilitated him.

**Deputy Kieran O'Donnell:** I am.

**An Leas-Cheann Comhairle:** Let the Minister of State answer your questions.

**Deputy Dara Calleary:** There are ongoing discussions between the Tánaiste, the Department and the mid-west task force. We are engaging with the task force on the basis of its interim report. We will respond to the report's recommendations in the context of the 2010 budgetary decisions. There is an ongoing dialogue on these matters.

**Deputy Kieran O'Donnell:** What about giving Shannon Development responsibility for implementing the report of the task force?

**An Leas-Cheann Comhairle:** I ask the Deputy not to barrack other Members of the House.

**Deputy Arthur Morgan:** Not for the first time, a Government reply has totally baffled me. Does the Minister of State understand why I feel misled by his answer, in which he described the task force's recommendations as "helpful" and thanked the chairman of the task force, Mr. Brosnan, for his work? I am baffled because a full six months after the Government received the report, not one of its 20 recommendations has been implemented.

Does the Minister of State accept this makes it appear to the House as though the task force was a cosmetic exercise in the first instance? It makes it appear as though the Government is not taking seriously the entire issue of the jobs crisis in the mid-west. Does the Minister of State accept that when one compares and contrasts the Government's inactivity regarding this report and its 20 recommendations with the way it managed to get finance through to the banks, it demonstrates a lack of credibility on the Government's part, particularly in desolated regions such as the mid-west?

**Deputy Dara Calleary:** Again, a large thread—

**Deputy Mary Coughlan:** What about the north east?

**An Leas-Cheann Comhairle:** The Tánaiste should allow the Minister of State to speak.

**Deputy Dara Calleary:** —of the task force's report related to general macro-competitiveness issues. My response outlined how such issues have been addressed, including energy costs and a range of issues.

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

**Deputy Dara Calleary:** The Government is engaging to a considerable degree on specific regional recommendations, such as the example I provided in respect of the cargo facility, and will continue to do so. The Government does not have a magic wand and I cannot wish this report into action.

**Deputy Arthur Morgan:** The Minister of State has not introduced the recommendations.

**Deputy Dara Calleary:** The Deputy and I served together on the Joint Committee on Enterprise, Trade and Employment on which we attempted to address the issue of bank credit. This issue is intimately linked with recapitalising the banks and unfortunately this cannot be ignored.

**Deputy Leo Varadkar:** The issue is simple. A group was appointed and an eminent person was asked to chair it. It has issued an interim report containing approximately 20 recommendations, most of which are very good and should be implemented. At the very least, the Government should issue a reasoned response. Will it do so on a recommendation by recommendation basis? It should state which recommendations it intends to implement and the time-frame involved, as well as which ones it will not implement and the reason. This is the simplest thing to do but the Minister of State did not do so last Thursday. He came nowhere near doing so.

**Deputy Dara Calleary:** A highly detailed response was given to the interim report. I repeat there is ongoing engagement in the context of budget 2010—

**Deputy Leo Varadkar:** Ongoing engagement again.

**Deputy Dara Calleary:** —and the specific recommendations will be included therein. It is neither right nor true to state that no response has been given to that report.

**An Leas-Cheann Comhairle:** As there is time, did Deputy O'Donnell wish to ask a further supplementary question?

**Deputy Kieran O'Donnell:** I did. I would have many supplementary questions to ask, were the Leas-Cheann Comhairle to afford me the time.

**Deputy Willie Penrose:** I thought the Deputy was in a hurry.

**Deputy Denis Naughten:** Would he receive a reply?

**An Leas-Cheann Comhairle:** We only have time for one.

**Deputy Kieran O'Donnell:** I thank the Leas-Cheann Comhairle for his indulgence. Briefly, would the Tánaiste not see fit to appoint an organisation such as Shannon Development, which has a regional remit in the mid-west, to oversee the implementation of the task force report's recommendations? The Tánaiste should answer the question herself rather than effectively spoon-feeding her junior Minister.

**An Leas-Cheann Comhairle:** Please.

**Deputy Mary Coughlan:** I take umbrage to those remarks. The Minister of State is more than competent to deal with the responses.

**Deputy Kieran O'Donnell:** This is a hugely important issue to the mid-west.

**An Leas-Cheann Comhairle:** Please, if the Deputy would simply——

**Deputy Mary Coughlan:** Why is the chief executive office of Shannon Development the secretary of the task force?

**An Leas-Cheann Comhairle:** Does the Tánaiste intend to answer the question?

**Deputy Kieran O'Donnell:** I refer to funding. That is a matter related to the task force. I seek the appointment of——

**An Leas-Cheann Comhairle:** Will the Tánaiste or the Minister of State answer the question?

**Deputy Kieran O'Donnell:** ——Shannon Development to oversee the implementation of the task force report's recommendations.

**Deputy Willie Penrose:** The Leas-Cheann Comhairle is losing control of the House.

**An Leas-Cheann Comhairle:** Will the Tánaiste answer the question?

**Deputy Mary Coughlan:** I will do so.

**An Leas-Cheann Comhairle:** The Minister of State will yield to the Tánaiste.

**Deputy Mary Coughlan:** I have been hugely supportive of the role of Shannon Development.

**An Leas-Cheann Comhairle:** Sorry, before I call on the Tánaiste to respond, I will take one final supplementary question from Deputy Joe Carey.

**Deputy Joe Carey:** I wish to establish the Tánaiste's views on the removal of the €10 travel tax. Is she committed to reviewing this issue in the near future and will she do so in the interests of Shannon?

**Deputy Mary Coughlan:** First, of all the Ministers who have been supportive of the mid-west region, my team and I have been to the fore. Second, as for Shannon Development and its role, Members may have read the suggestion in the bord snip nua report that Shannon Development should be abolished. I have augmented and supported the development of Shannon Development, as well as the appointment of its chief executive officer to be fully integrated as secretary to the task force. I also provided resources from Forfás to ensure these issues were dealt with. Many pertain to national competitive issues that are ongoing and are being dealt with. I provided an extremely accurate report and response to the task force. I have met many of my colleagues in respect of the delivery of other recommendations. A final report will be produced in due course and in that context, I will continue to support the regional development needs of that area.

**Deputy Joe Carey:** What about the travel tax?

**Deputy Mary Coughlan:** I do not simply refer to the city of Limerick but to all the other counties within the mid-west region.

**Deputy Kieran O'Donnell:** Yes, the mid-west.

**Deputy Noel J. Coonan:** The Tánaiste should not forget north Tipperary.

**Deputy Mary Coughlan:** My Department is working on getting people back to work and on training and investment. These matters are under the stewardship of my Minister of State, who is more than competent to deliver that programme and to deal with the issues pertaining to the mid-west.

**Deputy Kieran O'Donnell:** No one said otherwise.

**Deputy Mary Coughlan:** Moreover, I will continue to have further engagement with those whom I appointed to that task force on the basis of their experience, expertise and ability to take on board the absolute necessities of the mid-west region. I look forward to the chairman's final report and I will work with him to deliver those recommendations, which will be of great importance to the development of that region.

**Deputy Kieran O'Donnell:** He sought that the recommendations of the interim report be delivered on before considering the final report.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Burke — the works that will take place in south County Galway to prevent a reoccurrence of flooding; (2) Deputy Creighton — the reductions in PRSI benefits in respect of dental, optical and aural treatment; (3) Deputy Stagg — the site on which the Waterways housing estate in Sallins, County Kildare was developed; (4) Deputy Breen — the future of special needs assistants employed in schools in County Clare; (5) Deputy Michael McGrath — the remuneration paid to chief executives in the commercial semi-State sector; (6) Deputy Perry — the closure, after a 40-year presence, of the Department of Agriculture, Fisheries and Food offices in Sligo, which constitutes a huge blow to the local farming community and leaves Sligo as the only county in Connacht without such an office and means that many farmers in Sligo must now travel an extra 40-mile journey to Drumshanbo in County Leitrim to avail of

services which heretofore were provided in Sligo and the need of the Minister to reverse with immediate effect the decision to close this vital service to Sligo's agricultural community, which also will cause the upheaval and redeployment of many long-serving staff; (7) Deputy Ó Caoláin — the need for the Minister of State for Children as a matter of urgency to reform the regulations regarding age qualification for the free preschool year in early childhood care and education since the regulations as currently framed create an age gap that discriminates against some children who will not be able to avail of this scheme in advance of commencing primary school education; (8) Deputy Ring — to ask the Minister for the Environment, Heritage and Local Government when consent and advice will be given by his Department to the Office of Public Works in order that proposed flood mitigation works in the Roundfort-Hollymount area of County Mayo will proceed and if he will make a statement on the matter; (9) Deputy Mattie McGrath — the proposed transfer of acute services from St. Michael's Psychiatric Hospital, Clonmel to Kilkenny; (10) Deputy Deenihan — the effect on carpentry and joinery courses in Tralee, County Kerry of the decision to centralise centres of apprenticeship education; (11) Deputy Clune — the need to provide funding to implement the recommendations of the Lee catchment flood risk assessment and management study; (12) Deputy O'Dowd — to ask the Minister for Transport to discuss his recent reduction in the annual allocation for roads; (13) Deputy Upton — that the Minister for the Environment, Heritage and Local Government initiates an urgent investigation into the failure of Dublin City Council to progress the addition of the chapel at St. James Hospital, Dublin 8, onto the record of protected structures, as instructed by the relevant area committee, as this site is now subject to the development of a private hospital; (14) Deputy Doyle — the sudden proposal to close the National Horticulture Centre at Kinsealy, the implications for its multiannual research programme, its training programme, its integrated advisory service, and the future of the horticulture industry in Ireland, and the serious lack of consultation or discussion of alternatives by the Department of Agriculture and Teagasc; (15) Deputy Neville — the increase in rates of suicide in the first half of 2009; (16) Deputy Bannon — the implementation of the River Shannon basin management plan and (17) Deputy Sherlock — the need for a review of the FÁS work placement programme, particularly in some instances where it appears that some unscrupulous employers seek to abuse the scheme to avail of cheap labour at the taxpayers expense.

The matters raised by Deputies Michael McGrath, Neville, Creighton and Deenihan have been selected for discussion.

### **Leaders' Questions.**

**Deputy Enda Kenny:** On Monday last, the Permanent TSB announced an increase in its interest rates for standard variable rate mortgages, which will result in €42 million being taken from its mortgage payers. The clear indication is that other banks intend to follow suit, which would mean the removal of a further €300 million from the pockets of mortgage holders, of whom up to 350,000 may be affected. As the Taoiseach is aware, banks always have had a duty of care. However, although there have been many instances of people being offered loans amounting to five, six or ten times their salary or of people being approved for loans for which they never applied, there has been no concession in respect of debt forgiveness by the banks, which knew what they were doing. While the Government has given the banks a guarantee, has established NAMA and engaged in recapitalisation, the end result is further pressure on up to 350,000 mortgage holders. What has the Government done to suggest to banks that there is another way and that they do not need to impose interest rate increases on standard variable mortgages held by hard-pressed people? What has the Government done to prevent further mortgage increases taking place?



**The Taoiseach:** The Minister for Finance outlined the position on this matter in the House last week when he took the Order of Business. It is important to note that the question of funding for the cost of finance into our banking system is a matter that is of clear concern to the Government. It has been following policies that have ensured that the cost of money and terms used by the Government or available to the banking system is in line with what bond markets are paying. We have not been at the higher end of that scale for some time because of the decisions the Government has been taking.

On this issue, codes of conduct are in place in respect of mortgage arrears for those who have problems paying their mortgages. The Government will examine further measures in addition to what it already has decided. The Minister mentioned initiatives in the budget regarding the extension of the mortgage interest subsidy to 2015 for those who require it, namely, those who bought since 2004 when the price of housing was at its higher end. All those measures are in place to assist people in this way and to ensure they receive fair play and engage with the banks in trying to reschedule their commitments.

**Deputy Enda Kenny:** The Government appointed public interest directors to serve on the boards of banks. Is it in the public interest that at this time of economic difficulty, mortgage interest rates should rise, having been driven up by the banks that have been given a guarantee, a recapitalisation and NAMA? As the Taoiseach is aware, the banks' cost structures have not been kept down in line with their European counterparts. I understand that if Allied Irish Banks and Bank of Ireland were to reduce their cost bases to levels comparable to Lloyds or Banco Santander they would save €1.3 billion, which is more than three times the amount they expect to take from mortgage payers. That cost base structure could be reduced by considering private dining rooms, private art galleries, limousines and all of the other excesses that banks and bank boards have put together over the years. Were the banks to reduce their cost structures to European levels, there would not be the necessity to have an increase in mortgage interest. Prior to the banks ever contemplating such an increase, will the Taoiseach — as the Government is the largest shareholder in the banks with public interest directors on the boards — see to it that the Minister for Finance calls in the banks and demands to see their plans for cost structure reduction to bring them into line with European banks and create savings of more than €1 billion? This would also mean there would be no necessity to impose further mortgage increases on 350,000 mortgage payers, 27 of whom came to my office yesterday.

This has gone beyond a joke. The commercial reality is that the dogs on the street know the banks will increase variable mortgage rates. The Government is the biggest shareholder and has provided NAMA, a guarantee and recapitalisation and as such can tell the banks it wants to see their plans for cost structure reduction. Will the Taoiseach give the House a guarantee that the Minister for Finance will call in the banks and demand to see their plans for cost structure reduction prior to them ever contemplating imposing further mortgage increases on 350,000 mortgage holders?

**The Taoiseach:** The levels of mortgage interest rates at any given time reflect a broad range of factors, including ECB base rates, deposit rates, market funding costs, the competitive environment and an institution's overall funding. I do not know what level of retail outlets the Deputy wishes to see closed to make up some of the cost savings he claims he can make in banking services in this country. Mortgage rates are at an historic low and whatever trends there may be in the future, the important thing is to try to help people who have difficulties with their mortgages. As I stated, initiatives have been taken by the Government and by an interdepartmental group working on the issue and the Minister for Finance will consider these in due course. We consider all of these issues in a way to be helpful to those with problems but, at the same time, we must ensure that we have a competitive banking system here.

**Deputy Eamon Gilmore:** Ever since people started to lose their jobs in the economic downturn and the level of unemployment started to rise dramatically, the Labour Party has been arguing that the Government needs to provide additional places in higher and further education to meet the needs of those who lose their jobs. We tabled a Private Members' motion on the issue in May 2008, and others in October 2008, March 2009 and June 2009. We published a document on it in April 2009 and it was a major element in our pre-budget submission. The argument is that people who lose their jobs ought to be provided with educational opportunities rather than simply being on the dole, as they wish themselves.

The figures published by the CAO yesterday on the numbers of people applying for admission to third level colleges are clear — every place has two applicants. The Government made a number of announcements over the course of the past year but the numbers involved are very small. The Government has not provided sufficient places in higher and further education to meet the need and demand that exists at present. If the Government does not do so between now and September, people who have lost their jobs who wish to return to education and training will be denied their place and will have to stay on the dole or the young people who are today preparing for their leaving certificate examination will be denied the place in third level or further education that they had hoped to get because the points for entry will have increased.

The good news from yesterday's CAO figures is that there are so many people who want to enter higher education. The bad news is that the places are not there for them. Will the Government make additional places available in higher and further education so that all of those people applying for places will be accommodated in September; that the points for the courses that the young people sitting the leaving certificate examination hope to enter will not increase as a result of increased demand and that they will get the places they hope for; and that there will be places for those who have lost their jobs and who want to improve their life-chances and skills to be in a better position to benefit from recovery, whenever it comes?

**The Taoiseach:** The Minister for Education and Science will continue to work through the Higher Education Authority to see in what way he can monitor demand and identify opportunities to maximise the use of existing and available resources in responding to growing demand. The number of on-line applications for 2010 is 71,232. This means the current ratio of applicants to places is 1.6:1 rather than the ratio of 2:1 which was mentioned. At any rate, in any given year the eventual number of entrants to higher education will be considerably less than the number of initial applicants, perhaps due to applicants not meeting academic entry requirements for their courses of choice, leaving certificate students deciding to repeat, applicants deciding to defer places or taking places in Northern Ireland or other parts of the UK, applicants entering post-leaving certificate or apprenticeship programmes or simply changing their minds about going to the college. The Minister will continue to see in what way he can assist with the available resources to maximise the places available.

**Deputy Eamon Gilmore:** That does not really tell us anything. As a result of the downturn in construction, apprenticeship opportunities have greatly diminished. This is one of the reasons for the increase in the numbers applying through the CAO system. As a result of the fact that people have lost their jobs, there is an increase in the number of adult or mature students applying to enter higher education colleges. This is quite understandable and it is very good that they improve their educational opportunities. With more applicants, the number of points required will increase for those sitting the leaving certificate in June.

People are now in the second half of the second year preparing for their leaving certificates. They had a reasonable expectation that a course might require 400 points but with more applicants it might require 450 points. As a result, many young people will be denied the course

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they want. People who have lost their jobs will also be denied an opportunity as some of those trying to enter a course will not do so and will have to remain on the dole. The solution, which it is possible to put in place by September, is to make arrangements with the higher education institutions, colleges of further education and the Higher Education Authority to provide additional places. This is about places and numbers. In this country we have empty buildings that will be going into NAMA.

**An Ceann Comhairle:** The Deputy must ask a question.

**Deputy Eamon Gilmore:** They could be put to use. People are available to provide tutoring and education. This is an investment in recovery. To avoid the glut we will have in September, with people not being able to get places, more places should be provided.

It is a matter of planning and doing the right thing. It is not a case of letting it all roll on until next September and seeing how many fail to make the grade. We now know there are far more applicants than places and I am simply suggesting that we have an opportunity between now and September to increase the number of places and ensure those who want to benefit from an education can do so. That would be a good use of public moneys and an investment in our future in terms of helping our economic and social recovery.

**The Taoiseach:** The higher education sector recognises and shares a commitment to the need to maximise available resources. This year's recurrent and capital spend on higher education is more than €2 billion. I am simply making the point that the number of applications made at this point does not necessarily reflect the number of people who will be seeking places. However, I acknowledge the Deputy's assertion that the issue concerns how we can maximise available resources, achieve economies and work with the Higher Education Authority.

I welcome the commitment that has been given by all the institutions to work together in finding a way to accommodate the growing demand. A timely exercise is also being conducted under the chairmanship of Dr. Colin Hunt on a national strategy for higher education, in which regard a report should issue in spring. This exercise will help us to plan for higher demand on foot of the increase from 12% to 14% in the proportion of mature student applications. This is perhaps a reflection of the limited number of job opportunities and the desire of people to upskill. I welcome that demand for higher education places but we have to work within the budgetary parameters. The budgets are substantial and there is room to accommodate this increased demand by means of better co-operation between institutions. This work is under way as we speak under the auspices of the Higher Education Authority.

### **Requests to move Adjournment of Dáil under Standing Order 32.**

**An Ceann Comhairle:** Before coming to the Order of Business, I propose to deal with a notice under Standing Order 32 from Deputy Finian McGrath.

**Deputy Finian McGrath:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the urgent need for the Minister for the Environment, Heritage and Local Government to order an investigation into the serious allegations of inappropriate housing allocations by Dublin City Council; to call for the publication of the council's audit committee report; and to ensure that all families on the housing list are treated in a fair and equitable manner.

**An Ceann Comhairle:** Having considered the matter raised, I do not consider it to be in order under Standing Order 32.

### Order of Business.

**The Taoiseach:** The Order of Business today shall be as follows: No. 12 — motion re referral to select committee of proposed approval by Dáil Éireann of the terms of an agreement between Ireland and the European Bank for Reconstruction and Development on participation in the multilateral carbon credit fund; No. 13 — motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the agreement on social security between the Government of Ireland and the Government of Japan; No. 14 — motion re referral to joint committee of the proposed re-appointment of an Coimisinéir Teanga; No. 15 — motion re proposed approval by Dáil Éireann of the Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2010 (back from committee); No. 16 — motion re proposed approval by Dáil Éireann of the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2007 (back from committee); No. 17 — motion re proposed approval by Dáil Éireann of the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2008 (back from committee); and No. 26 — Inland Fisheries Bill 2009 Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that Nos. 12 to 17, inclusive, shall be decided without debate. Private Members' Business shall be No. 82 — motion re gangland crime.

**An Ceann Comhairle:** Is the proposal for dealing with Nos. 12 to 17, inclusive, agreed to?

**Deputy Enda Kenny:** I understand the money for the purchase of carbon credits was paid into the European Bank for Reconstruction and Development in 2006. Does the Taoiseach know how much was paid out? Will he be making a decision on an appointment to the bank?

In respect of the agreement between Ireland and Japan, which I support, can he provide figures on the number of Japanese persons who made contributions in Ireland, and *vice versa*?

Maidir le Uimh. 14, sílim go bhfuil jab maith déanta ag an Coimisinéir Teanga, Seán Ó Cuirreáin, agus tréasláim leis as go mbeidh an jab aige as seo amach arís. Tá sin tábhachtach ó thaobh fhorbairt na teanga de agus ó thaobh na hoibre agus an phlean atá curtha i gcrích aige go dtí seo.

**Deputy Caoimhghín Ó Caoláin:** Ní aontaíonn Teachtaí Shinn Féin leis an moladh chun an rún, athcheapadh an Choimisinéara Teanga -tá botún ansin — a glacadh gan díospóireacht. Is annamh a bhíonn seans againn an teanga Gaeilge agus stádas na teanga a phlé sa Teach seo. Ba chóir díospóireacht a bheith againn. Is cearta teanga atá i gceist anseo, rud atá á phlé sna cainteanna ó Thuaidh faoi láthair. Inár thuairimse, is seans maith é seo stádas an teanga Gaeilge a phlé anseo sa Dáil.

I recall that the Taoiseach practised and encouraged the use of the Irish language for a considerable period after his appointment to his present office. He described it in his opening address as an important focus of his tenure. I hope he will agree that the appointment of an Coimisinéir Teanga is an appropriate opportunity for Members to debate the state of the Irish language in this jurisdiction. We will have a lost opportunity if we take this proposition without debate. My Sinn Féin colleagues and I believe we should avail of the opportunity to focus on stádas na Gaeilge ag an am seo.

**Deputy Eamon Gilmore:** Glacann Páirtí an Lucht Oibre leis an rún go mbeadh Seán Ó Cuirreáin athtofamar Coimisinéir Teanga. Aontaím leis an Teachta Kenny go bhfuil jab maith déanta ag an tUasal Ó Cuirreáin sa phost sin. Tá an ceart ag an Teachta Ó Caoláin gur ceart go mbeadh díospóireacht againn sa Dáil faoin ábhar seo, ach bheadh sé níos fearr go mbeadh

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an díospóireacht sin ar na tuarascálacha atá déanta ag an coimisinéir, mar tá roinnt maith moltaí suimiúla sna tuarascálacha sin. B'fhéidir gur ceart go mbeadh díospóireacht againn orthu sin amach anseo. Maidir leis an rún os ár gcomhair, aontaíonn agus glacann Páirtí an Lucht Oibre go gcuirfean an rún os comhair an chomhchoiste agus go mbeidh an tUasal Ó Cuirreáin athtfofa mar Coimisinéir Teanga.

**The Taoiseach:** Maidir leis an coimisinéir, an rún atá os ár gcomhair ná go molann Dáil Éireann an tUasal Seán Ó Cuirreáin lena hathcheapadh ag an Uachtarán mar Coimisinéir Teanga. Sin cinneadh an Uachtaráin. Tá an rún ag dul go dtí an comhchoiste i dtús báire in aon chor agus tá díospóireacht ar siúl ar straitéis 20 bliain don teanga sa chomhchoiste agus tá siad ag dul go Gaillimh chun comhrá eile a bheith acu ansin. Tá a lán deiseanna againn chun díospóireacht a bheith againn ar stádas na teanga, ní hamháin anseo, agus i dtaobh an cinneadh atá le déanamh ag an Uachtarán tar éis an rún seo a bheith molta ag an Dáil agus an Seanad.

Regarding the matter mentioned by Deputy Kenny, a once-off provision of €20 million was provided at that time in the European Bank for Reconstruction and Development's multilateral carbon credit fund by way of a contribution agreement with that body. No formal decision has been made in respect of a vacancy that is coming up shortly. I will see what the detail is and revert to the Deputy on the other matter.

**Deputy Seán Barrett:** Nos. 16 and 17 are reports on the Defence Forces that are back from committee——

**An Ceann Comhairle:** Deputy Barrett will have to find an alternative time to intervene.

**Deputy Seán Barrett:** No, it relates to a motion.

**An Ceann Comhairle:** Yes, but we are on the Order of Business.

**Deputy Seán Barrett:** It is on the Order of Business.

**An Ceann Comhairle:** I will be putting the proposal to the House.

**Deputy Seán Barrett:** When the legislation was enacted enabling the Defence Forces to engage in peacemaking as distinct from peacekeeping, we on this side of the House proposed an amendment that a report would be made to the Dáil each year. I find it rather objectionable that the Dáil does not get at least half an hour to debate the report. The whole purpose of the exercise——

**An Ceann Comhairle:** We cannot have a Second Stage speech at this stage.

**Deputy Seán Barrett:** This is a very serious matter.

**An Ceann Comhairle:** It is, but there will be another time to articulate those concerns.

**Deputy Seán Barrett:** The Ceann Comhairle is putting a proposal in the Chamber.

**An Ceann Comhairle:** Yes, I am.

**Deputy Emmet Stagg:** Where? It will not be in the Chamber.

**Deputy Seán Barrett:** I am putting a proposal. The House is not getting an opportunity to discuss the operation of the Defence Forces in respect of United Nations missions.

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

**An Ceann Comhairle:** Deputy Barrett.

**Deputy Seán Barrett:** That is an expansion of its role.

**An Ceann Comhairle:** The normal arrangement on the Order of Business is that we have one spokesperson on behalf of each party.

**Deputy Seán Barrett:** Yes, but the Order of Business states that there is a proposal——

**An Ceann Comhairle:** I accept that.

**Deputy Seán Barrett:** I am speaking to the motion.

**An Ceann Comhairle:** Deputy Kenny spoke on the matter previously.

**Deputy Jim O’Keeffe:** The House is becoming a total rubber stamp.

**An Ceann Comhairle:** It is not a total rubber stamp; it is the Order of Business.

**Deputy Seán Barrett:** It is outrageous.

**An Ceann Comhairle:** Order will break down in the House if we dispense with the normal routine of the Order of Business.

**Deputy Jim O’Keeffe:** We will have to change the Order of Business.

**An Ceann Comhairle:** We have one proposal to put to the House.

**Deputy Seán Barrett:** This is a very important issue.

**An Ceann Comhairle:** I accept that point. The Deputy has made his point.

**Deputy Aengus Ó Snodaigh:** I wish to make a point of order on the grouping of the motions. We have six motions to pass on a range of unconnected issues.

**Deputy Ruairí Quinn:** That is the point.

**Deputy Aengus Ó Snodaigh:** Deputy Barrett raised one motion in particular that relates to Dáil approval of the report from the Minister for Defence, but there are other motions. It is difficult to oppose that range in a short period. The motions should be taken individually to allow——

**An Ceann Comhairle:** The Chair does not have responsibility for the grouping. The Government put the proposal on those matters. I advise the Deputy that under Standing Order 26 on the Order of Business, one spokesperson per party is allowed to speak.

**Deputy Aengus Ó Snodaigh:** I was making a point of order.

**An Ceann Comhairle:** Two parties have already broken that regulation.

**Deputy Aengus Ó Snodaigh:** I made a point of order. I did not raise objections to the content but we would like to have the opportunity to deal with the content. I did so in committee and I wish to give the Dáil an opportunity for debate. This is a problem with the ordering of business; that we do not have an opportunity to say whether we are for or against each individ-

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ual motion on the Order of Business. One then ends up voting for or against that grouping, even though one might agree with most of it. That in itself is a problem. We should consider each motion individually.

**An Ceann Comhairle:** I advise the Deputy that a proposal on the Order of Business is a narrow, procedural motion making arrangements for the taking of business for that day and nothing else. We will have to find other times to articulate those points.

**Deputy Jim O’Keeffe:** The Government orders the business.

**Deputy Aengus Ó Snodaigh:** We should be able to vote on whether we agree with each individual motion.

**Deputy Jim O’Keeffe:** Why do we bother turning up at all?

**An Ceann Comhairle:** We have one proposal to put to the House today. Is the proposal agreed?

**Deputies:** No.

Question, “That the proposal for dealing with Nos. 12 to 17, inclusive, without debate, be agreed to,” put and declared carried.

**Deputy Emmet Stagg:** On a point of order. Is it accurate, a Cheann Comhairle, that motions that will now be taken without debate must be voted on in the House before they go to committee?

**The Taoiseach:** Yes, that is the normal procedure.

**An Ceann Comhairle:** The answer is “Yes”.

**Deputy Enda Kenny:** Is it proposed to allocate any time for statements on the discussions on the Northern Ireland Assembly? The Taoiseach will be aware that during his required absence in Stormont last week the House was fully supportive of the efforts of Government. I understand that the BBC is carrying a report that within the DUP the proposed agreement was voted on 60:40, which is an indication of some serious difficulties within the party. It is obvious that if the Minister for Foreign Affairs is in attendance in Stormont he does not have any input into the difficulties or discussions within the DUP. Is it proposed to set aside some time for an update for the Members of the House who are supportive of the matter being concluded?

In view of the public comments that have been made about the difficulties for people in nursing care, arising from the consultancy report by PA Consulting on the real costs of care in the community, will the Taoiseach advise the Chief Whip that this is an appropriate document for discussion in the House at an appropriate time? Will the Taoiseach confirm that?

In order to be helpful to the Ceann Comhairle, in respect of No. 17, the issue raised by Deputy Barrett, having accepted the report back from committee, as this is a matter of public importance, is this not an issue on which we could have a series of statements in the House in the context of the Defence Forces? I am not asking for such a debate today or tomorrow but in view of the service given by the Defence Forces with the United Nations in 2008, it is a matter for reflection by the House to consider what further support should be given to it in the future.

**The Taoiseach:** The nursing home issue is one that could be discussed in the first instance by the Oireachtas Joint Committee on Health and Children. It is a matter of finding the best way to proceed with that issue.

The question of a debate in the House on the role of the Defence Forces and peacekeeping is a matter for the Whips to arrange in due course.

It is best to allow the process of engagement in Northern Ireland that is currently ongoing to be completed. I very much appreciate the unanimous support of the House for the efforts that are being made to effect a completion of all devolution arrangements in Northern Ireland by agreement between the parties, which the Governments have been seeking to facilitate and assist in terms of the detailed and prolonged discussions that have been ongoing. Perhaps we should await the outcome of the present discussions before deciding to debate them because then we will have a full picture of the issues involved. Personally, I believe that would be a better way to proceed. I will brief the leaders on the matter on my return.

**Deputy Eamon Gilmore:** First, I thank the Taoiseach for the briefing he gave me on the progress to date in the discussions on Northern Ireland. I agree with Deputy Kenny that we should discuss the issue in the House in a way that can be helpful, having regard to what the Taoiseach has said about the state of the discussions.

I wish to raise two matters with the Taoiseach. First, arising from the discussion we had on the Order of Business on Thursday with the Minister for Finance concerning the difficulties facing homeowners in respect of increases in mortgage interest rates, which have been now confirmed, I was pleased that the Minister for Communications, Energy and Natural Resources announced last weekend that the Government would do something for homeowners who are hard pressed to pay their mortgages and at risk of repossession. I listened to some good interviews the Minister did on the issue. However, I am disappointed to find that the Department of Finance does not appear to know anything about it, that the Government has not made any decision on it and that all this amounts to is the appointment of some experts to have a look at the issue.

**Deputy Jim O’Keeffe:** The Government has an empty wallet.

**Deputy Eamon Gilmore:** Will proposals be brought before the House to provide some comfort to the 6,500 householders who were unable to pay their mortgage at all last year, the 26,000 homeowners who are in mortgage arrears for more than three months and the increasing number of householders who are being threatened with repossession or was what we heard from the Minister at the weekend just more hot air and more cruel misleading of people who are in difficulty because the last thing they want is a Minister coming out blowing his own trumpet and giving them a bum steer?

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

**Deputy Eamon Gilmore:** I refer to the statement made by the Deputy Leader of the Seanad over the weekend in which he said, he is “satisfied that an Oireachtas committee will be established shortly to contribute to the scoping document and will significantly influence the terms of reference of the banking inquiry”. Is that accurate? Will an Oireachtas committee be appointed to contribute to the scoping document and the terms of reference of the inquiry? When will the Government bring the motion to establish the committee before the House?

**Deputy Denis Naughten:** That is in the fiction category.



**Deputy Caoimhghín Ó Caoláin:** On the same issue, what legislation is likely to emerge in the short term regarding what the Minister for Communications, Energy and Natural Resources indicated? Surely the Taoiseach will accept that an expert group is the last thing we need as people face potential repossession and the reality of losing their homes. The Central Bank Bill is on the legislative list for the current session. Would that offer an opportunity to address the type of measures necessary to stave off the fear of being evicted or having one's home repossessed and to give assurance and support to ordinary homeowners paying exorbitant mortgages with significantly reduced incomes? I strongly support Deputy Gilmore's appeal and I urge the Taoiseach to translate the Minister's oft trundled out statement of the past number of days into a reality for these people, otherwise we will be looking at another old soggy lettuce coming from the Green Party.

**The Taoiseach:** I do not agree with the rather dismissive and puerile view that some Deputies have taken on this matter. It is a matter of concern to us all how we can assist families who may encounter difficulties in the present economic circumstances regarding the repayment of mortgages on their homes. There are references to that in the renewed programme for Government, which were rightly adverted to by the Minister. An interdepartmental working group is looking at this matter and the Minister for Finance, in due course, will consider any proposal from that group in addition to what is already being done by the Government.

Deputy Gilmore referred to 6,000 families in difficulty. Support through the mortgage interest scheme under the supplementary welfare allowance system provides vital support for more than 14,000 householders with mortgage difficulties currently,

**Deputy Olwyn Enright:** How many have been turned down?

**The Taoiseach:** What is being done with that single initiative far exceeds the stated demand Deputy Gilmore suggests requires attention. The new code of conduct on mortgage arrears applies to all mortgage lenders. They must wait six months before initiating legal action from the time arrears arise and this period was increased to 12 months for Allied Irish Banks and Bank of Ireland under the recapitalisation arrangements. MABS provides important advice to people on debt management. Refocusing the mortgage interest relief scheme to support those who purchased their homes when house prices were at their peak from 2004 onwards means it will be extended until 2017. That is an important assistance to people in meeting their mortgage commitments over an extended period. A seven-year term was provided for under the original scheme. These are important measures.

The Government continues to examine whether anything else can be done to meet particular circumstances. There is also the question of insolvency law and so on and what we can do in this regard. These issues are being examined by various Departments and the Minister for Finance will bring forward any further proposals he believes will be practical and effective in due course.

**Deputy Fergus O'Dowd:** Does the Taoiseach agree there is an urgent need to repair our local and regional roads, which are in an appalling state? It is estimated it will cost——

**An Ceann Comhairle:** The Order of Business is not the appropriate place at all to raise this.

**Deputy Fergus O'Dowd:** I have a question on legislation. Given the Government has cut the national roads budget by more than €325 million——

**An Ceann Comhairle:** No legislation is involved. The Deputy will find have to find another way to raise this.

**Deputy Fergus O'Dowd:** I refer to the local government services legislation. Does the Taoiseach agree the Government must urgently reappraise the cutbacks in funding for local, regional and national roads? It has never been cheaper to construct roads and there has been never been a greater need to repair these roads. It is 40 years since we experienced such bad weather and the roads have disintegrated. Will the Taoiseach examine this issue again urgently?

**An Ceann Comhairle:** I call Deputy McManus on the same issue.

**Deputy Liz McManus:** It is not on the same issue, although I plead with the Taoiseach to take on board the fact that €14 million will be needed to repair roads in my county after all the damage.

The new broadcasting legislation required the Joint Oireachtas Committee on Communications, Marine and Natural Resources to carry out an exhaustive process to come up with recommendations for appointments to the RTE board and the Broadcasting Authority of Ireland, BAI. Five Cabinet meetings later, we still have no indication about whether the appointments have been made or whether the Minister has come forward with recommendations for them. Will the Taoiseach defend the honour of the Government on this issue?

**Deputy Jim O'Keeffe:** Is that a joke?

**Deputy Liz McManus:** If the people we recommended were members or supporters of the Green Party, there would have been no delay.

**An Ceann Comhairle:** The detail required should be the subject of a parliamentary question. It is unfair to expect a reply to this on the Order of Business.

**Deputy Liz McManus:** Two months after the recommendations were made, the vacancies remain. Decisions are being made by the BAI even though board members have not been appointed. What is the problem? Why have the appointments not been made? The joint Oireachtas committee was not found wanting and the proposals were made. It is up to the Minister. He does not have to accept them but he must act on them. Instead, he seems to be able to talk about everything else under the sun, except the job of work he was appointed by the Taoiseach to carry out.

**An Ceann Comhairle:** A parliamentary question would be more appropriate.

**The Taoiseach:** I cannot provide a detailed response to the Deputy in that respect. Presumably these matters are still under consideration but I will have the matter checked out. I cannot give an exact and accurate reply without notice.

On the matter raised by Deputy O'Dowd, there has been a significant investment in our road network over the past decade with €15 billion spent on national and secondary roads and more than €5.5 billion on our regional and local road network. We must try to see in what way we can protect that investment and the Minister for Transport and other Ministers will be acutely aware of the need to see how we can assist in the matter. However, there is a strong need for local authorities to give full priority to use whatever resources are available to them, including their own resources. Some of them only use 5% of their resources for road maintenance and improvements. There is a need for them to prioritise that spend in whatever way they can based on the allocations they have and whatever else the Minister will be able to apply.

*5 o'clock*

**Deputy Denis Naughten:** On 23 December last, the UK Government banned a number of psychoactive substances that were on sale in head shops there. As a result, these toxic drugs will be dumped on the Irish market because we have not banned them.

**An Ceann Comhairle:** Deputy, this is not appropriate to the Order of Business.

**Deputy Denis Naughten:** It is. I ask the Ceann Comhairle to hear me out.

**Deputy Jim O’Keeffe:** It is about legislation.

**An Ceann Comhairle:** Questions on the Order of Business are about legislation. I will allow the Deputy to continue briefly.

**Deputy Denis Naughten:** On the Order of Business last week I raised this issue with regard to secondary legislation under the Misuse of Drugs Act 1977, which is required to ensure that the chemicals that are now banned in the UK are also banned in this country. The Taoiseach was away last week and I had the opportunity to ask the Minister for Health and Children, in a written question, her plans to introduce secondary legislation. However, she does not seem to have any plans to do so, even though it would require no more than a copy and paste from the UK regulations to here.

In light of this and in view of the fact that two pieces of secondary legislation are required — one from the Minister for Health and Children and one from the Taoiseach — I have taken the liberty to draft the statutory instrument. Will the Taoiseach put his name to it and ensure these drugs, which have been found in the UK to be toxic and to have caused damage to young people, are banned here before they are dumped on the market and pawned off to children?

**Deputies:** Hear, hear.

**The Taoiseach:** The UK legislation to which the Deputy referred is running into trouble at the moment with regard to its adequacy and whether it can be implemented properly as envisaged. Thus, I am afraid it is not a question of cut and paste. I acknowledge the work the Deputy has done and ask him to contact the Minister for Health and Children and provide her with any documentation that could be helpful in dealing with these issues. The Minister will deal with it constructively. We are currently preparing regulations which will introduce controls similar to those introduced in the UK — although, as I said, the legislative initiative in the UK has run into trouble. These regulations pertain to a range of substances that are on sale and need to be regulated. Perhaps the Deputy could convey the work he has done to the relevant Minister and we will seek to assist him.

**Deputy Ciarán Lynch:** While it is difficult to predict the bottoming out of the property market, and particularly the housing market, it has been interesting to note——

**An Ceann Comhairle:** Deputy, we are seeking inquiries about legislation.

**Deputy Ciarán Lynch:** If the Ceann Comhairle will give me the same degree of latitude he has given other speakers, I would appreciate it. I will continue, if I may.

Based upon speculation as to when the property market will reach its lowest point, it was interesting to hear some commentators, particularly those with an interest in the area, make statements that house prices might actually increase this year.

**An Ceann Comhairle:** That is not appropriate for the Order of Business.

**Deputy Ciarán Lynch:** Yes, it is.

**An Ceann Comhairle:** A Second Stage speech on the issue of the housing market is not appropriate.

**Deputy Ciarán Lynch:** If the Ceann Comhairle does not interrupt me, I will continue.

**An Ceann Comhairle:** Please, Deputy. Are you inquiring about promised legislation?

**Deputy Ciarán Lynch:** Fair is fair. If I may continue without interruption, I will make my point and then sit down, and the Taoiseach can respond to me.

**Deputy Ruairí Quinn:** He is laying the foundation for the question.

**Deputy Ciarán Lynch:** I would like to give the Taoiseach the context of my question in order that he can give a proper and full response to it. The Taoiseach will appreciate that.

**The Taoiseach:** I know the Deputy is trying to be helpful.

**Deputy Ciarán Lynch:** This was the type of information we heard at the height of the property bubble. One of the things stated in the programme for Government was that a national house price database would be established. I believe this may have legislative implications with regard to the Data Protection Act and other measures. Given that the property market has yet to bottom out——

**An Ceann Comhairle:** The Deputy may submit a parliamentary question on the matter.

**Deputy Ciarán Lynch:** With regard to the programme for Government, will there be legislation establishing a house price database?

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

**The Taoiseach:** I do not think it would require legislation.

**An Ceann Comhairle:** That is fine. We will move on.

**Deputy Bernard J. Durkan:** Apropos of the issue raised by various other people, including the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, and arising from promised legislation, will the Taoiseach inform us, notwithstanding Deputy Ryan's intervention, whether it is intended to make any interim intervention to help people who are now seriously in arrears with their mortgages, as opposed to waiting until the summer or some vague time in the future?

**An Ceann Comhairle:** This question was asked previously.

**Deputy Bernard J. Durkan:** It was not asked previously.

I ask the Taoiseach to provide me with an answer to that question. I have another one also.

**An Ceann Comhairle:** Let us have the two now, please. We will not have a process of interrogation on the Order of Business. If the Deputy has an inquiry about legislation, let us have it.

**Deputy Ruairí Quinn:** A special Ceann Comhairle's offer — two for the price of one.

**Deputy Bernard J. Durkan:** With all due respect, a Cheann Comhairle, I am not conducting a process of interrogation. The other question, however, is separate and unrelated to the first.

**An Ceann Comhairle:** The Taoiseach may answer briefly.

**The Taoiseach:** I have already indicated the effective interim initiatives that have been taken. Up to 14,000 families, for example, are being assisted under the mortgage interest relief scheme at the moment.

**Deputy Bernard J. Durkan:** The measures are not effective, because mortgage arrears are accumulating on a daily basis in a frightening fashion.

My other question is about legislation that has been promised as often as the drainage of the Shannon and, therefore, the Taoiseach will recognise it readily. I refer to the Multi-Unit Developments Bill 2009, which, along with the landlord and tenant Bill, has been promised repeatedly in this House. The Tánaiste gave information to the House last week which was somewhat misleading, although I presume this was not deliberate. My concern is that the Bill has been abandoned — that it is lying somewhere in the Seanad with no further contributions being made to it. The various stakeholders, whoever they were, have been consulted and as a result confusion now reigns. I ask the Taoiseach to take control of the Bill. Many householders throughout the country are awaiting its outcome, and its introduction to this House, with some degree of concern.

**The Taoiseach:** A number of concerns have been raised by Deputies about this Bill on an ongoing basis. As Members know, it is a complex Bill and is being dealt with at the Department of Justice, Equality and Law Reform. I will remind the Minister to continue to work as expeditiously as possible on the Bill as I would also like to see it published.

**Deputy Ruairí Quinn:** I have a long and complicated question and I hope the Ceann Comhairle will bear with me.

**Deputy Denis Naughten:** Good luck.

**Deputy Ruairí Quinn:** When is it proposed to take the George Mitchell Scholarship Fund Act 1998 (Amendment) Bill?

**The Taoiseach:** It has just been published and is awaiting Second Stage. It is matter for the Whips, but it may be the week after next.

**Deputy Michael D. Higgins:** Last week I asked when Ireland proposed to sign the optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Tánaiste undertook to have somebody communicate with me, but I have not yet received any information. Ireland was represented on 10 December 2008 at the 60th anniversary of the signing of the Universal Declaration of Human Rights, upon which Irish officials of the Department of Foreign Affairs had worked. The optional protocol was adopted by consensus and Ireland attended the signing ceremony even though we were not in a position to sign. The Minister for Foreign Affairs wrote to me on 29 September saying he was making every effort to ensure the consideration of Ireland's signature would be speeded up; hence my question.

The importance of the protocol is that it would have enabled individuals and groups to make complaints to the United Nations committee directly if there were breaches of their economic, social or cultural rights. Will we be signing the protocol in the lifetime of this Government? I am not talking about ratification, but we have stopped short of even signing this very basic instrument on human rights.

**An Ceann Comhairle:** We might be able to obtain some information in that regard.

**Deputy Michael D. Higgins:** I will continue to ask about this in the House.

**The Taoiseach:** I apologise to the Deputy. The Tánaiste did arrange for the Minister for Foreign Affairs to communicate with Deputy Higgins in this regard, but unfortunately the Minister has been elsewhere in the past week.

**Deputy Michael D. Higgins:** Of course. I understand that.

**The Taoiseach:** I will ask that the communication be forwarded to the Deputy.

**Deputy Michael D. Higgins:** Is it the Taoiseach's aspiration to sign the protocol within the lifetime of this Government?

**The Taoiseach:** It is something towards which we should be positively disposed. The accusative case in Latin suggests motion towards without actually getting there.

**Deputy Joe McHugh:** I ran into trouble last week with the Ceann Comhairle's understudy for raising a matter that was not on the Order of Business. I do not want to do that two weeks running, but I might need his indulgence because the matter I wish to raise is not on the Order Paper or on the Order of Business. It is to do with 246 jobs we are trying to protect at Marine Harvest Ireland.

**An Ceann Comhairle:** The Deputy will have to find another way to raise this.

**Deputy Joe McHugh:** Could the Ceann Comhairle suggest——

**An Ceann Comhairle:** A parliamentary question——

**Deputy Joe McHugh:** I can table a parliamentary question from Letterkenny, and I would not even need to come to Dublin.

**An Ceann Comhairle:** ——or a matter on the Adjournment.

**Deputy Joe McHugh:** Perhaps the Ceann Comhairle might check whether the Internet server in his office is working. I have submitted six matters on the Adjournment since he became Ceann Comhairle and I have had a 100% refusal rate.

*(Interruptions).*

**Deputy Joe McHugh:** I know there are 166 Deputies but, a Cheann Comhairle——

**The Taoiseach:** The Deputy obviously wants to maintain that high rate.

**An Ceann Comhairle:** I ask the Deputy to submit the matter a seventh time.

**Deputy Joe McHugh:** Will the Ceann Comhairle consider that favourably?

**An Ceann Comhairle:** We will look at it.

**Deputy Billy Timmins:** Deputy McHugh's e-mail is still on the way from Donegal.

The Swedish Government is to close its embassy in Dublin in August. Is the Taoiseach concerned about that? Are there implications for the extension of external relations services set up after the Lisbon treaty for embassies across Europe? Is this a once-off and will he ask the Minister for Foreign Affairs to contact his counterpart in Sweden to seek to reverse the decision?

**The Taoiseach:** We must respect the decisions of governments in times of difficulty in public finances, when they must make decisions they would not normally contemplate. Our own Government has had to do likewise and we must recognise that good bilateral relations between Sweden and Ireland will continue. While one regrets that an embassy is closing, it does not take away from the good and friendly relations we have with the Swedish Government and people.

**Deputy Simon Coveney:** The Taoiseach is aware that we are required by EU directive to have a full and open liberalised postal market by the end of this year. That requires complex legislation that must be passed and implemented well before the end of the year. When are we likely to see the postal services Bill that is promised for some time this year? Will it be before the House before the summer?

**The Taoiseach:** I cannot be that specific. The heads of the Bill are being prepared at the moment.

#### **Carbon Credits: Motion.**

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

That the proposal that Dáil Éireann approves the terms of an AAU Authorisation Agreement (Green Carbon Fund) between Ireland and the European Bank for Reconstruction and Development on Ireland's participation in the Multilateral Carbon Credit Fund (Green Carbon Fund), copies of which were laid before Dáil Éireann on 28 January 2010, be referred to the Select Committee on the Environment, Heritage and Local Government, in accordance with paragraph (1) of the Orders of Reference of that committee, which, not later than 11 February 2010, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

#### **Bilateral Social Security Agreement: Motion.**

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

That the proposal that Dáil Éireann approves the terms of the Agreement on Social Security between the Government of Ireland and the Government of Japan which was signed at Dublin on 29 October 2009, and was laid before Dáil Éireann on 25 January 2010, be referred to the Select Committee on Social and Family Affairs, in accordance with paragraph (1) of the Orders of Reference of that committee, which, not later than 16 February 2010, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

#### **Appointment of An Coimisinéir Teanga: Motion.**

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

That the proposal that Dáil Éireann recommends Mr. Seán Ó Cuirreáin for reappointment by the President to be An Coimisinéir Teanga, be referred to the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 18 February 2010, shall

send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

**Commercial Fishing Licences: Motion.**

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

That Dáil Éireann approves the following Order in draft:

Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2010, copies of which were laid before Dáil Éireann on 13 January 2010.

Question put and agreed to.

**Service by Defence Forces with United Nations: Motion.**

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

That Dáil Éireann approves the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2007, copies of which were laid before Dáil Éireann on 28 November 2008, in accordance with section 13 of the Defence (Amendment) Act 2006.

Question put and declared carried.

**Inland Fisheries Bill 2009: Second Stage (Resumed).**

Question again proposed: "That the Bill be now read a Second Time."

**Deputy M. J. Nolan:** I welcome the opportunity to speak on this Bill. It was published in November and it was hoped then that it would be enacted before the end of 2009. Unfortunately, that did not happen but we are now towards the latter stages of agreeing this legislation.

The Minister in the budget spoke about the rationalisation of State agencies and this Bill will rationalise the Central Fisheries Board and the seven regional fisheries boards. There are many good, dedicated people involved in these fisheries boards. It is a pity that so many of them will lose their positions but I accept the principle behind the rationalisation and hope the individuals who were members of the boards will find a forum in which they can offer their expertise and experience.

My contacts with anglers lead me to believe there is no one as passionate as fishermen. They love their hobby and are genuinely dedicated to fostering it, particularly in inland fisheries. They tell us that the best policemen for the rivers are the fishermen themselves and that is the case. Their pastime is based on the retention of a healthy stock of fish and if the fish are not in the rivers, their pastime will be affected. It is in their interests that legislation enacted by this House is successful.

Recent problems with the diminishing stock of salmon and the role taken by the Department to ensure stocks were not depleted to extinction is evidenced by reports recently of increased salmon stocks. In some rivers, such as the Slaney in my constituency, different rules were set down for salmon fisheries. In the Barrow, salmon fishing was banned completely, while catch and return was allowed on other rivers. That is to be welcomed. Genuine anglers accepted the implementation of that recommendation. It is unfortunate that so many of these dedicated



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individuals who served on the fisheries boards will no longer have this forum in which to offer their expertise.

In the budget speech, the Minister spoke of rationalising the numbers of State bodies. As part of this process, the new inland fisheries authority will be established and this new authority will be in place in the near future. An interim chief executive was appointed by the Minister of State in August and has taken up his role. He is an experienced executive who brings a lot to the table and he will be in charge of an organisation with a budget of €30 million.

Some of the areas he must look at include river quality. This new organisation must work with organisations such as Waterways Ireland and the OPW. The quality of our rivers has improved over the years because more stringent regulations have been put in place for planning permissions regarding effluent. That has led to improvements that allow for vibrant fish life.

The greatest threat to fish life in the past 20 years comes from off-shore netting, of salmon in particular. Canada has successfully overcome that problem by buying out many of the net owners. I have raised the issue in the House previously and we should not lose sight of it.

Fishing and angling are a source of revenue to Irish tourism. The various tourism organisations acknowledge the role and input of fishing. It must also be acknowledged that it is an indigenous sport for local fishermen.

I refer briefly to the appointment of the board. The Ministers for Communications, Energy and Natural Resources and the Environment, Heritage and Local Government make appointments and one board member will be elected by the board's staff following the standard procedure. The Committee on Communications, Energy and Natural Resources will have the right to recommend to the Minister the appointment of three nominees. This is a new departure in terms of appointments to State boards and the Minister is to be commended for introducing it. It was first developed in respect of appointees to the RTE board and the Broadcasting Authority of Ireland, in which respect an Oireachtas sub-committee had an input.

This process is over and done with, the recommendations are with the Government and we are awaiting appointments. Two weeks ago, the committee met to evaluate the process used in making its recommendations. It has made other recommendations based on our experience and, I hope, fine tuned the process to ensure that the best quality people are recommended to be appointed as board members.

I wish this legislation a successful passage through the House. The Bill updates the penalties applicable to certain offences under its remit. In this regard, I do not understand why legislation is not index-linked with the cost of living. In this way, primary legislation would not be necessary to make a change. Instead, penalties would be reviewed annually.

The Committee on Communications, Energy and Natural Resources examined the situation in the Loughs Agency, a joint venture between the Northern Ireland fishery authorities and the authorities in County Donegal. We could all learn from what it is doing. Conservation methods on both sides of the Border are working successfully and could be applied in other areas.

**Deputy John Browne:** I thank Deputy Nolan for sharing time. Having been in the Department for a few years, I am well aware of the Bill and the implications of the new set-up for fisheries. I spent two years ensuring that the Bill did not enter the House because I do not agree with the top-down approach to this development. I always believed the seven regional fishery boards represented all of the country and had a vast knowledge of the areas in which they operated. While different governments took a bottom-up approach during the past ten

years, we were going in the opposite direction. The Minister has obviously given this matter much consideration and I am sure he believes it is the best approach in the modern era.

The seven regional boards and the Central Fisheries Board have existed since 1980 and served the inland fisheries adequately. Many of their members of recent years possess much expertise and experience, so some formula should be found to ensure they are not lost to an important fishery sector. The Minister refers to setting up a forum and advisory councils, but these should be strongly stitched into the legislation. We should not just hope that this will be handled by the new inland fisheries Ireland. We need strong guidelines to ensure that this will be done. Many of those heading up new inland fisheries Ireland were senior members of the fisheries boards and might not take too kindly to having the same people directing or advising them again, but I ask the Minister of State to ensure that the expertise of the people in question is brought to bear.

Will the Minister of State address a few issues in his reply? I was in the Department when we spent €30 million buying out the drift net fishermen. We were assured by scientists at the time, although I have serious reservations about scientists and what they might tell one. It is like the expertise in the economic sphere, in that much of the advice one gets sometimes bears no relevance to the issue on the ground. Three years on and salmon fishing is still not allowed in the River Slaney. There is catch and release on the estuaries of the rivers Nore, Barrow and Suir. The Minister of State might advise us on what scientists are now saying and whether it will take another one, two or five years before the River Slaney is full of salmon. It is one of our great salmon rivers, yet there is no salmon fishing. At the time, we told rod fishermen to come along with us because, in three or four years time, salmon would return to our rivers, but that does not seem to be the case.

On catch and release, when we made the decision to ban drift net fishing, I understood that there would be training schedules for fishermen in areas where catch and release was allowed. In Scotland and elsewhere, people are trained in this area, but it is not the case in Ireland. Will the Minister of State arrange for FÁS or another Government agency in the training area to train fishermen in this regard? Genuine rod fishermen tell me that, when they catch and release, many salmon die because they are not caught or released properly. This is causing much concern. Will the Minister of State arrange for training facilities?

At the time the licence fee was increased, it was to be ring-fenced to provide adequate staff for a river inspectorate. Fishermen tell me that while we banned drift netting and stopped fishermen from fishing, poaching is alive and well on all of our rivers. It has increased substantially, since fishermen are no longer on the rivers to protect them. They knew where poachers and illegal fishing were operating. However, we now have a staff shortage and no fishermen are on the rivers. Poaching is alarmingly strong. Will the Minister of State comment on this? What plans will the new body have to take on more staff? In what way will our rivers be protected? Will those involved be employed full-time or part-time? Many people are unemployed. Could we arrange for FÁS schemes whereby people could be employed to help the inadequate number of staff currently on our rivers? The policy among fisheries boards during certain months was always to take on temporary staff. The Minister of State might comment on the fact, as I understand it, that this will not happen. The new body has indicated it has a reduced amount of money and will not be able to take on the temporary staff which was taken on every year from April to December, helping the permanent staff.

I have reservations about the new structure, which will become a top-heavy and top-down approach that may not be good in the long term. The Minister of State and his officials have obviously decided this is the way to go and I respect that decision. I ask him to ensure that

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local fora and advisory structures are set up so that the expertise that has existed for years on the fisheries boards can work in them.

I am a member of the relevant Oireachtas committee. I welcome that the committee will have some input but I am not sure what kind of people are being sought for input. Will they be rod men, the draft net men on some of our rivers, legal people or personnel from an economic background? What kind of people are intended for this committee as it is very important to have people from the industry? Rod fishing and angling is very important to the economy of this country and there is tremendous scope to develop the issues outlined by the Minister of State in his speech. People should be allowed to fish on our rivers and thus allow an advantage to tourism.

I am a member of a fishing club although I have never fished. Many fishing clubs are closed shops and if people want to come just for a day's fishing, they may find it very difficult to get involved in fishing clubs or be allowed to fish on the River Slaney, for example. The fishing club I am involved with has approximately 30 members and if a person is not a member, he or she just cannot fish. I have tried to have some members of family being allowed to fish but that is not allowed either.

There is a need to open the rivers for certain periods of the summer to people coming from Scotland, England and Wales, as well as from other parts of this country if they want a day's fishing. Such practice is allowed in some parts of the country but not others. The Minister must find some formula, although this will not be easy. Rod men and fishing clubs are very protective and what they have, they hold. It is important in generating tourism in an area like Wexford, Carlow or other counties with strong salmon rivers. There should be a pass for a day or a week to allow such people to fish. The Minister of State may need to test his negotiating skills to get around some of the fisheries clubs in this country to do that but I am sure he is capable.

I wish the Minister of State well with the Bill. I have my reservations and I did my best to stop it when I worked within the Department for two years, as the officials know. The new Minister feels this is the right way to go and I wish it well.

**Acting Chairman (Deputy Charlie O'Connor):** The next speaker is Deputy James Bannon and he has 20 minutes.

**Deputy James Bannon:** All to myself.

**Acting Chairman:** Without interruption.

**Deputy James Bannon:** I am delighted the Acting Chairman is here to protect me this evening.

**Acting Chairman:** I will do my best.

**Deputy James Bannon:** I have no doubt that there will be no foreign channels intervening, not even Deputy Peter Kelly on the back benches of the Government side of the House.

**Acting Chairman:** He is the mildest mannered Deputy in the House.

**Deputy James Bannon:** I am glad the Acting Chairman thinks so. I have been aware for some time of the importance of a Bill such as this to establish inland fisheries Ireland to replace the Central Fisheries Board and seven regional fisheries boards. However, it was only when in anticipation of this debate I telephoned two regional offices in the midlands to speak to an

office dealing with the issue of inland fisheries and failed to connect with any office or body to help in my inquiry that alarm bells rang.

I am hopeful that a centralised system will lead to improved organisational and communications outcomes but I am conscious of the element of cutbacks involved in this decision. It is all about cutbacks and I am glad to hear Deputy Browne saying that he has some reservations about the Bill. As a representative of Longford-Westmeath in the proposed River Shannon basin district, which relies on recreational fishing for its tourism industry, such cost saving could be to the detriment of inland fisheries. This is a serious concern which has been brought to my attention and which I am sure has been brought to the Minister of State's notice by various people involved in the industry and recreation.

Freshwater lakes cover approximately 144,480 hectares of the area of the country, along with 13,840 km of main channel rivers. These are inhabited by a number of fish, including game species such as salmon, sea trout, brown trout and coarse species such as roach, pike and bream. In my constituency, covering Longford and Westmeath, there are major concerns over fish stocks, which much be appeased. Over the past three to four years our roach have been threatened by a British species of coarse fish called chub. The Minister of State is very much aware of the concern of fishermen over this species as I put down an Adjournment matter in the Dáil and before that in the Seanad. These fish have put our angling and coarse fishing industry at risk.

Chub have been discovered in large quantities in the River Inny and have the potential to cause very serious damage to our angling industry by attacking native trout and bream. They must be eradicated. However, it is imperative that this be handled in a competent way as electrification of the Inny when the roach are spawning would further endanger fish stocks. The issue must be addressed as we do not want to threaten other species when getting the chub fish out of the waterways.

Salmon runs on the Inny have also been affected as the fish are unable to make their way along the river due to various impediments such as structures utilised by the ESB, etc. That should also be addressed. Serious questions relating to angling tourism caused by this and other problems with fish stocks in the midlands need to be asked and answered by a competent body which will not pass the buck from one office to another. There is a fear that it will come down to "us and them" rather than having everybody working together in the interest of developing angling tourism and the activity in general.

I welcome the reopening of sections of the Royal Canal last year, which will boost midlands tourism significantly. The canal is now navigable from Dublin to my own backyard in Abbeyshrule and further to Ballymahon and Keenagh. I hope it will go to Killashee, Clondra and continue to have some link with the River Shannon. That would open the waterways to a great extent.

Local fishermen, the tourism angling industry and hoteliers have been concerned with the failure of the fisheries board to stock the waterways with tench and bream. At a time of a major fall-off in tourism figures, with hotels closing as they are failing to maintain viable numbers, this fall in fish stock is deterring British anglers, who were the mainstay of the industry. From talking to members of angling clubs, they notice that numbers have been down by several percentage points last year on previous years. I am sure the downturn in the economy has affected this.

The recent flooding is also having a huge impact on fish stocks in the River Shannon. The fisheries board, local environmentalists and fishermen have been trying to restore wild salmon to the river, but the flooding has set back their plans. Extra funding must come on stream to restock our rivers. According to a local member of the board, it is becoming a nearly impossible

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task to restore salmon to the River Shannon. The small supply of trout in the Shannon is also expected to diminish as a result of the flooding. This was brought home to me at public meetings with various tourism interest groups, hoteliers and so on. According to the wild salmon and sea trout statistics report for 2008, the total number of salmon caught and released in this period was 11,977, a decrease of 1,023 on the previous year.

There is a serious problem with access to our waterways. Many of our waterways are in private ownership and they often go through farmers' lands. I was the chairperson of the Inny Anglers Development Association for many years. We did great work over the years and we got wonderful co-operation from local landowners and farmers alike, and from the fisheries board. We erected a great number of sealed footbridges over small tributaries of the River Inny. This served to improve access for people using the waterways.

A problem arose a few years ago with the REPS scheme, where farmers were forced to erect electric fences in close proximity to the rivers, such as the River Inny, the River Suck and others. This issue was highlighted several times by the IFA. There needs to be greater co-operation between the Department of Agriculture, Fisheries and Food, local fishing clubs and farmers. I know of cases where people touched electric fences, got angry and snipped the fences, and as a result, a REPS inspector would call out and penalise the farmer, who might lose up to 15% of his REPS payments as a result. Common sense should prevail and there should be a little bit more co-operation in that area. It is not the farmer's fault, as it was probably an angling tourist that caused the problem, yet the farmer still has to pay the price. That creates bad feelings between land owners and those who use the waterways, so there should be greater co-operation in that area.

The issue of mooring areas for boats needs to be addressed. A number of small farmers in my area made an application to the relevant local authorities for mooring rings for fewer than ten boats, but they were refused. Local authority officials gave them the impression that they would facilitate the mooring rings, but national bodies such as An Taisce came in and objected to mooring rings. This problem is very relevant in south Longford along the Shannon. A good friend of mine spent over €20,000 trying to acquire planning permission, but his hopes were dashed when planning was refused for a mooring area. I think that is wrong.

Looking at the old Ordinance Survey maps of 1913, it is notable that boathouses were a feature of several townlands, especially in the midlands. These were a part of our heritage, but they were taken away following the drainage scheme of the 1960s. Boathouses in the Boyne catchment area were destroyed and never replaced. We should look at protecting our heritage and I do not see anything wrong with replacing an old feature with an up to date version. This adds to the character of the river.

The marketing of our waterways needs to be addressed. Local knowledge is very important for the production of quality brochures. Nobody knows better about an area than those who lived there all their lifetime. They can tell us the good stretches of water that contain perch, roach or salmon. Several generations of people would know about the Red Bridge at Ballymahon, Abbeyshrule, or the Lock at Tennialick, Kinnard and so on, and the particular species of fish for which each location is noted. It is important that we get local knowledge when we are compiling any brochure, rather than outsourcing it to a company that would be bland in its description of an area.

The restocking of rivers is very important. It is important to involve local angling groups in this because they are the guardians of our waterways and they have a sense of pride and loyalty to a stretch of river. There should be grants available for the construction of weirs in the tributaries to our main waterways.

I was looking at old photographs that were taken prior to 1960 and there were lovely scenes along the rivers where huge groups of people congregated at the river bank on a Sunday afternoon. They provided their own entertainment with their own sport, and I have never seen such a gathering in my lifetime along the River Inny. It is something that should be examined to develop that unique culture in rural areas.

Deputy Browne spoke about being a member of a club and not getting much time to fish. I am also a member, but since I entered politics, I have unfortunately been too busy to go off for an afternoon. A politician seems to work 24 hours a day, seven days a week, and there is very little time to get involved like we used to do before we entered politics.

It is important that we open up our rivers to tourism and this new Bill will hopefully help in that respect. Insurance is a major issue, and a scheme should be examined whereby the State could assist people with land adjoining rivers, because premiums rise for such people. As a landowner and a farmer I know this because I have a front onto the River Inny for a few miles. I must mention this for my insurance policy and I am sure a few bob is added to the insurance premium every year for that reason.

The canals will be a major benefit and a tourism asset for our country. It is important that we maintain and manage our canals and have them restocked. We should also examine other activities along the banks of the canal where the horses used to move in bygone days. Perhaps walking tracks or other leisure activity facilities could be developed in order to encourage more people to get involved. We should use the banks of rivers. There are walking routes around Kerry and Connemara. A leisure walking route from Dublin to the Shannon should be developed. Funding should be provided for such a development. Our canals run through scenic parts of the country and through free land. It is important that they are developed.

It is important to keep in contact with local anglers and local groups. Local angling clubs should not be shut out. We should work with them in co-operation. We would like to see less bureaucracy from the new boards. I hope the Minister of State will do what he can to ensure bureaucracy is kept out of the new inland fisheries board. Local knowledge will promote our fishing industry and local people are the best promoters of our waterways. I have some reservations but we need change and I hope this change will be for the better. Much money needs to be invested in the development of Ireland's angling industry.

**Deputy Peter Kelly:** The Acting Chairman can stop me before my time is up.

**Acting Chairman:** I would never stop Deputy Kelly.

**Deputy Peter Kelly:** I am delighted to be here with my colleague, the Minister of State, Deputy Conor Lenihan. I listened to my colleague, Deputy Bannon, and agreed with much of what he said. We agree most of the time, believe it or believe it not. He would make a great fisherman. I would recommend taking up fishing because Deputy Bannon could do with some relaxation. He is working too hard.

**Acting Chairman:** That is a compliment.

**Deputy Peter Kelly:** I agree with much of what Deputy Bannon said, which was common sense. Deputy Bannon knows the areas involved, the rivers, lakes and the Royal Canal in Longford and Westmeath. Great work is being carried out on the Royal Canal. At the end of 2010 the Acting Chairman will be able to get into his little boat in Tallaght and can come down to Clondra, County Longford. At the moment we are spending €1 million on the harbour in Clondra. Great work is being done there and it will be completed by the end of 2010.

[Deputy Peter Kelly.]

This Bill concerns the restructuring of the inland fisheries sector. The Bill will establish a new body, inland fisheries Ireland, that will subsume the existing central board and the seven regional fisheries boards set up in 1980. I am sorry to see the regional fisheries boards going because they did good work and were interested in and had a love of fishing. In the interests of fishing it is important that they are streamlined. It is Government policy to streamline boards and bring them into focus by the end of the year.

Under Government policy on the rationalisation of State agencies, the existing boards are to be replaced with a single national Inland fisheries authority. The Bill provides that inland fisheries Ireland will have a board of nine people. The chairperson and two others will be appointed on the Minister's nomination. Two board members will be appointed on the nomination of the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs. One will be a staff representative appointed following an election process. I welcome this, which is right and proper. Everyone should be involved in and have a say on this board. The remaining three members will be appointed having regard to the advice of the Joint Committee on Communications, Energy and Natural Resources. The Bill states that the appointees must have experience of or have shown capacity in one or more of the areas of agriculture, aquaculture, business and commercial affairs, commercial fishing, environmental biodiversity matters, fish processing, legal or regulatory affairs, matters pertaining to disability, repairing and ownership of fisheries, recreational fisheries, regional development and tourism. The inclusion of recreational fisheries, angling, commercial fishing, ownership of fisheries and tourism interests demonstrates that angling interests are not precluded from being appointed to the board of inland fisheries Ireland.

**Deputy James Bannon:** Deputy Kelly is giving us a mouthful there.

**Deputy Peter Kelly:** Yes.

**Acting Chairman:** I will give Deputy Kelly protection if he needs it.

**Deputy Peter Kelly:** I do not need any protection. I thank Deputy Bannon for staying to listen to me and I hope he is taking it all in. This restructuring will ensure greater conservation and sustainable exploitation of our inland fisheries. This change reflects the Government's plans to streamline State bodies, as first set out by the Minister for Finance in 2008. The establishment of a single, central, efficient, streamlined structure will ensure we are best positioned to deal with challenges facing our inland fisheries. These challenges include pollution, habitat degradation, water quality factors and over-exploitation. The new body will also be tasked with tackling certain activities at sea such as the protection of salmon and sea trout and the support of sea angling.

Currently the central and regional fisheries boards are made up of over 150 board members. We all know that such an unwieldy setup can cause problems. The new board of inland fisheries Ireland will comprise only nine core members. I welcome the news that an Oireachtas joint committee will be involved in the appointment of some of these new members. Oireachtas joint committees should be more involved in decision-making and appointments to Government boards. All political parties are represented on such committees and one gets fair representation. A smaller board will allow for greater accountability. It will also have a clear focus on efficiency and value for money. The Minister is committed to value for money on instructions from the Minister for Finance. With regard to the inland fisheries forum, existing board members who genuinely wish to remain involved in the development of our inland fisheries will have ample opportunity to contribute their valuable knowledge and ideas to a new inland

fisheries forum which will be set up under this Bill. As pointed out by Deputy Bannon, it is important that any information should be sought locally from the people who know what they are talking about, know the area and know the rivers and the fishing, rather than from someone who is not involved in the local area. One cannot beat the local knowledge of the people on the ground.

Recognising the importance of stakeholder involvement at local level, the forum will establish local advisory structures which will capitalise on the goodwill and expertise available in the community. Fishing is a very relaxing pastime. There are many fishermen in County Longford who are completely committed and dedicated and who love fishing. They are cool, calm, decent, concerned citizens who fish for many hours on the banks of the rivers and are as happy as Larry doing so.

The forum will also replace the National Salmon Commission in providing advice on the management of the national salmon resource. Much work has been done in terms of conserving our salmon stocks in recent times, for example, the closure of commercial mixed stock salmon fishery and the subsequent creation of a €30 million salmon hardship fund. Further work in this area of salmon fishery will be facilitated by the new forum.

Another function of Inland Fisheries Ireland will be to operate a scheme which would distribute the resources of the eight fisheries co-operative societies which are being wound down. The new body will ensure that the resources will be put to good use by means of a grant scheme for local development groups.

There are no costs associated with this Bill and, in fact, it will lead to initial and immediate savings through efficiencies resulting from the winding down of the array of boards and societies and the National Salmon Commission. Over the years, Ireland's responsibilities under EU law have grown substantially in areas relating to inland fisheries. The habitats directive and the water framework directive which deal with environmental and habitat protection across all animal species, have placed various obligations on the Government which must be met. Inland Fisheries Ireland will manage and report on its operations on the basis of the river basin districts established for the implementation of the water framework directive. This will have a number of benefits. It will make it easier, for example, to implement future EU measures in the sector. It has been agreed that Inland Fisheries Ireland will have strong regional executive structures which will be aligned with the river basin districts as set out in the European Communities (Water Policy) Regulations 2003, which implements the EU water framework directive. This should ensure enhanced delivery of the relevant functions under the water framework directive and an approach consistent with that adopted for implementing policy in this area. It will also be beneficial in terms of implementing future EU sponsored measures in the sector.

There are six river basin districts within the area covered by the existing seven regional fisheries boards. Accordingly, there had been opposition to this approach from the existing western and north-western regional fisheries boards, whose areas are encompassed by one river basin district. However, in recognition of the scale and variety of activities and the location and number of staff across the north-west and western regions, the Government has decided that the retention of offices in both Galway and Ballina, within the western river basin district, is warranted for an initial period at least.

Ultimately, this Bill proposes to streamline and improve the structures that are currently in place in the inland fisheries sector. This will help ensure that the sector thrives and achieves its true potential. I wish the Minister of State, Deputy Conor Lenihan, well in his endeavours in order that the sector thrives and its full potential is realised.



**Deputy Martin Ferris:** It has taken an inordinate time for this legislation to come before the House. In introducing the Bill, the Minister made the valid point that the bodies responsible for the sector needed to be restructured but it has certainly taken time to do so, this at a time when the inland fisheries are facing serious problems, but also great potential in some areas which require that such an authority be put in place and which should have been put in place before now.

One of the consequences of the delay has been the placing in limbo of the existing regional authorities. This has meant that the postponement of elections has become an annual feature here. It is obvious there has been no opportunity to rejuvenate the bodies concerned. The elections have been postponed for five years at this stage.

It is also fair to say that the replacement of the old regional boards — which had many members on the different bodies — by Inland Fisheries Ireland, which will have just nine members, has not been universally welcomed. Some groups have claimed that the new authority will be less representative and accountable and thus less well able to put forward the views of the broad section of people involved in inland fisheries in various contexts. Some critics have also claimed that the new structure will reduce the input of knowledge as well as lessening local accountability. Some people are concerned about the number of board members to be appointed by two Ministers, effectively giving the ministerial appointees a majority on the core board. Going on past experience, those appointed by the Ministers as political conduits to the local representatives, will leave much to be desired. This does not necessarily have to be the case if members of the new authority are properly selected and have the requisite knowledge, experience and contacts within the sector to allow them to take a proper overview of the sector and come up with the right policies for the future.

One of the reasons it is important to have a new authority in place is to develop areas with the potential for economic growth and employment. Aquaculture is a relatively underdeveloped sector in this country but there is significant potential here for expansion if the proper structures and policies are put in place. Perhaps the authority might also pay heed to those within the sector who have difficulties in respect of the manner in which the European Union sets policy, which is not always in the interests of those seeking to make a livelihood in this State.

Policy is central to the future direction of inland fisheries. Section 10 affords the Minister the power to give policy directions to inland fisheries Ireland and stipulates that the latter must comply with those directions. This suggests that the Minister takes a very centralist view of policy-making. I see the Minister of State, Deputy Conor Lenihan, is nodding his head at that. What mechanisms, if any, will be put in place to facilitate input from the new authority into the consideration and framing of policy? It is important that all parties with a direct interest in the sector, particularly those who are dependent on inland fisheries for their livelihoods, are allowed to participate in the discussion of policy and thereby have some influence on the decision-making process. In addition, angling groups, conservationists and so on should also be able to make their views known before decisions are taken.

Provision seems to have been made for this in the creation of a forum that will hopefully include the types of interest groups to which I have referred and will function in a manner that allows their views to be taken on board, not only after decisions have been made but as part of a broad consultation within the sector on key issues and policies. The same applies to the standing scientific committee which it is hoped will keep the authority and the Minister up to date with issues that arise in regard to fish stocks, conservation and water quality.

The serious consequences of a lack of consultation and accountability were illustrated by the process whereby drift net salmon fishermen were put out of business. There was little or no

attempt by the Department to consult with those involved or to consider alternative scientific reports or alternative proposals. The virtually unanimous opposition of the Oireachtas committee was also ignored. In many coastal communities people who had devoted their lives to this pursuit, maintaining the tradition of the generations before them, had their way of life ended by the stroke of a pen. As someone from a coastal area, I understood the detrimental effect this would have on the communities affected. I took the view at the time, and still maintain, that it was the incorrect decision. Drift net fishermen — and perhaps the draft net fishermen too — were penalised for the sins of others.

The criteria for selecting the nine members of the authority are set out in section 12, with the Minister having the greatest say in the selection process. There is a reference to the requirement that all nominees have proven experience and background in areas relevant to the sector. It is essential that all interest groups have an input into the selection process so that their collective expertise can be harnessed into the future. There is also provision in the Bill for the Oireachtas Joint Committee on Communications, Energy and Natural Resources to have a role in the selection and appointment of ministerial nominees, with the emphasis on the suitability of their qualifications. Section 38 refers to the responsibility on the part of the new authority to submit a five-year corporate plan. In the context of policy and its importance for the sector into the future, will the Minister indicate whether the plan will incorporate policy issues?

Another issue to consider is the authority the new body will have over the various river basins. As I said last week during the relevant Private Members' debate, the diffusion of authority over the River Shannon — of which inland fisheries Ireland will now be part — meant there was no overall authority, and that was unhelpful when it came to dealing with the crisis arising from the recent flooding. Although flooding is not one of the key areas of concern for the proposed inland fisheries authority, it will have some responsibility in this area in regard to the upkeep of rivers and lakes and the possible impact that structures placed on rivers may have in the event of similar rain and flood patterns in the future. The authority may also have an input into planning applications for housing developments close to rivers.

I hope the Minister of State will address all these issues in his reply. It is important that the new authority be established swiftly. It is disgraceful that the outgoing authorities have been in limbo for the last five years, without any reconfiguration of their membership. It is in everybody's interest that action is taken in this regard as soon as possible.

**Deputy Tom Hayes:** I am pleased to have an opportunity to contribute to the debate on this important legislation. While it might not be of immediate interest to everybody, it is of vital interest to communities throughout the State. My party welcomes the proposed centralisation of the existing fisheries boards into one centralised authority which we hope will lead to greater efficiency throughout the State. In light of the various directives from Brussels in this area, we must be more organised and efficient in the way we do our business in order to tackle the issues affecting people's livelihoods. We have approximately 144,480 hectares of lakes and 13,840 km of rivers in this State — a substantial quantity of waterways to be protected. The potential of those waterways in this time of economic crisis, when we are seeking ways to create employment, cannot be overstated, particularly as a means of promoting tourism.

I live close to the River Suir in Tipperary and clearly recall the large volumes of salmon and other fish that could be found there some 30 or 40 years ago. As a young person I recall fishermen and tourists enjoying the wealth of the river, with whole families being fed on its produce. Despite the many European Union directives seeking to protect our waterways, rivers throughout the State are starved of fish. The Government must act in a strategic way to reactivate those rivers. There is potential throughout the south-east region and elsewhere in the State

[Deputy Tom Hayes.]

to encourage visitors from all over Europe. A recent report indicated the potential for that type of tourism but also an awareness of the depletion of fish stocks. Seasoned fishermen in Europe know we do not have sufficient fish in our rivers to meet their requirements. That problem must be addressed by the new authority, as I am sure the Minister and many of his colleagues will agree. There are people in rural areas who can offer accommodation in their houses, in addition to a high quality of life. We can build other facilities to complement fishing tourism. We have a major opportunity to develop fishing holidays, competitions and festivals in inland parts of the country. When people come here with a fishing rod, which is a simple thing, we should be able to cater for them.

I am concerned about the towns and villages in my constituency through which the River Suir passes. I refer to towns like Cahir, Clonmel and Carrick-on-Suir and villages like Ardfinnan, Golden and Newcastle, all of which in my home county. There is huge potential in other counties like Wexford, Kilkenny, Carlow and Cork, not to mention the midlands region. We are spending a few hours discussing this Bill today. We will consider it again on Committee Stage before it is enacted. While I welcome the fact that we are doing something about this sector, we must follow through on it. We should deal with the issues other speakers and I have raised. I refer specifically to the need to develop the potential of fishing tourism.

We need to do something about several rivers in this country. I note that the body being established under this legislation will have to deal with local authorities. Many habitats are under serious threat of environmental denigration, including pollution, and water quality is suffering as a result. There was a time when farmers were blamed for polluting the River Suir, but I suggest that local authorities now constitute the biggest polluters of the river. Is it right, in this day and age, that raw sewage is allowed to enter waterways in villages in my constituency? I refer to the River Suir because I live near it and know a little about it.

Trees have fallen into tributaries of the River Suir, such as the River Multeen. Cleansing and dredging work needs to be done. At a time when over 400,000 people are unemployed, there is huge potential in this area. Will it be possible for the new body to link up with the Department of Enterprise, Trade and Employment, or some other agency, to start work on our inland waterways? Deputies will be familiar with the results of the heavy flooding of recent months. It caused a great deal of trouble for local authorities and families throughout the country. I have spoken previously in this House about the potential for local authorities to get unemployed people to help to clean our rivers. Many such people would be glad of the work. We can create local employment by providing for a scheme whereby rivers and lakes are restored to their previous condition.

The Bill provides that two offices will remain open. I wonder what will happen to the headquarters of the Southern Regional Fisheries Board in Clonmel. I have made the case for the potential of south Tipperary. I suggest that the headquarters should be left open. I have already said I am perfectly in favour of what the Minister is doing. I would like to know what the future of the Clonmel office will be. Perhaps it could be used in support of what I am saying, for example as a sub-office that co-ordinates the potential that exists. The Minister should consider the potential of the office before a decision is made on whether to close or sell it. I suggest that my constituents in south Tipperary would be able to use the office to meet the great potential that exists in the locality.

I feel very strongly about the potential of this country's waterways. We have paid lip service to this natural resource over many years, but we have not looked after it. I remind the Minister of the need to rise to the challenge we face, which is to do more to improve our waterways, in

the interests of those associated with the tourism and fishing industries, now and in the generations to come.

**An Ceann Comhairle:** There are two more speakers before I invite the Minister of State, Deputy Conor Lenihan, to bring this debate to a conclusion.

**Deputy Joe McHugh:** I thank the Minister of State for allowing me to speak briefly at this juncture. This is the first chance I have had to congratulate him on his new position. As a rural politician, I could respond cynically to his appointment by suggesting that he will be unable to get his head around the various rivers and tributaries in this country. However, I am aware that he is well travelled and is familiar with various parts of my constituency. I understand he has been to my home village of Carrigart. I know the Minister of State will be eager to learn in his new position.

In welcoming this Bill, it is important to state that any standardisation in legislation has to be examined critically. Many people may be sceptical and suggest that we are going back to the old days of centralising everything and implementing Dublin policy. That is a danger. I expect the Minister of State to use his vast network throughout the Twenty-six Counties to ensure that active clubs have a key role in driving this legislation forward. We all know that legislation, like certain football teams, can look good on paper. The grassroots agenda, as represented by active game angling clubs, needs to be driven forward. That agenda has run into problems and difficulties in my native county. As the Minister of State has primary ministerial responsibility in this regard, he has an important role to play.

I wish to speak about the various regional fisheries boards that have been active over recent years. I am familiar with the activities of the Northern Regional Fisheries Board. I am aware of many of the board's new practices. It is employing new technology as part of its enforcement efforts, which are aimed at improving the policing of rivers and maintaining fish stocks. I admire many of the practices and initiatives that have been introduced. I am aware from my contacts in other fisheries boards that different agendas have been pursued across the seven boards. Different practices have been driven by the chief executive officers at the top of the various boards. It is obvious that the officers' individual philosophies came into play as they tried to carry out their aims and objectives. This goes back to the *raison d'être* for this legislation, namely, to have uniformity and standardisation.

As for other linkages, I highlighted at the outset that the needs and wants of game angling clubs have been left out. Their needs and wants do not differ from what is being attempted by incorporating this national legislation. They are into conservation, inclusion and trying to drive a local agenda, which includes reaching out to schools and court systems. My research suggests that in some European countries, under certain circumstances youth offenders may, as part of their rehabilitation, engage in some form of positive recidivism involving fishing in the inland waterways. Moreover, the Loughs Agency in Northern Ireland also is engaged in this practice. Perhaps the Minister of State could examine critically the opportunity to do this, rather than simply engaging with schools and the youth.

I am sure the Minister of State has been in contact with the aforementioned Loughs Agency, which is under the leadership of Mr. Derick Anderson. It is singing from the same hymn sheet in that it also promotes conservation, fishing and the opportunities associated with inland fisheries. It will be important to have constant engagement with the Loughs Agency, which obviously was in close collaboration with the northern regional fisheries board. However, it will be important to have in place such linkage once the new administration has been set in stone. This should not purely be on the basis that it is a prerogative of the Good Friday

[Deputy Joe McHugh.]

Agreement of 1998 to have integrated marine strategies but because it make sense and that obviously, certain tributary rivers and streams for which the Loughs Agency has responsibility straddle different jurisdictions.

The obvious challenge will relate to working together and one need only recall the fishing rod licence dispute to be aware that many tensions exist in respect of fishing in inland fisheries. However, given what is happening in respect of the advancement of aquaculture and the associated opportunities along the north-west coast, one must strive for a balance in which different specialties and industries must work hand in hand and the Minister of State will have responsibility in this regard. As the Minister of State will lead the new board and will be involved in driving forward the legislation, how does he intend to hold onto the ethos of subsidiarity? This may sound somewhat ironic as this legislation will get rid of the regional dimension, but one need only consider what has happened in respect of the health boards and the creation of the HSE monster. How does the Minister of State intend to avoid the pitfalls of creating a centrally-led model without holding on to the bottom-up philosophy of local involvement and grassroots participation?

While that was my main question to the Minister of State, I refer to the opportunity that has been missed for the past 20 years with regard to tourism. The Minister of State needs to engage with the Minister for Arts, Sport and Tourism and impress on him the desirability of creating the same kind of standardisation and uniformity that this legislation seeks to achieve. For such a small country, Ireland has many different groups and quangos, to use a word that has frequently been bandied about, but there is very little standardisation with regard to promoting our product and the Minister of State has a role in this regard. We must be confident that tourism will be an area in which this economy will be driven forward once costs have been reduced. In addition, a form of single marketing model must be put in place that has fishing to the fore. There is an opportunity to have on offer a quality game angling product, as well as canoeing, kayaking, lakeland drives and leisure boating and that is what the Minister of State must do.

Without assuming too much, I presume the Minister of State intends to go on a nationwide tour. While it may not encompass every river in Ireland and I do not know whether he himself is a fisherman, I presume he intends to engage with angling clubs. I am sure he aware of the many tensions that exist in County Donegal. The Minister of State should give the volunteer element the respect they deserve but which they have not been receiving. They have been ploughing away in their attempts to restock rivers for salmon beds and although they have been trying to do this work on their own, they receive little assistance. While they do not seek money, they seek some form of empowerment and they should be given a role.

I will not filibuster for the sake of it because Fine Gael is on the same hymn sheet in this regard and agrees with the legislation. However, to recap, standardisation only works if one empowers people in the regions. I stated it is ironic because the legislation moves away from a regional dimension. However, this legislation alone will not achieve proper standardisation with regard to policing, marketing opportunities or driving the tourism agenda. It must go hand in glove with the activities of the Minister for Arts, Sport and Tourism, Deputy Cullen. Over a cup of coffee or a pint of beer, the Minister of State should request the Minister, Deputy Cullen, to consider what is being done in respect of fisheries. In a non-patronising fashion, the Minister of State should invite his ministerial colleague to consider Ireland's fractured tourism model. While different regions exist, we do not have a standardised version. In the dominant areas in the south of the country, private operators have driven the tourism agenda over the

years and have excelled in this regard. For example, they have created brands such as the Ring of Kerry or the Cliffs of Moher. However, to standardise tourism in Ireland and link it to what is being attempted in respect of fishing, the Minister for Arts, Sport and Tourism must take a leaf from the Minister of State's book. The Minister of State must ask the aforementioned Minister to study what he is trying to do and perhaps learn a lesson on standardising policy in tourism, sport and recreation. These matters go hand in glove together and there is no point in discussing a single legislative measure without thinking across the board and across ministerial divides.

**Deputy Simon Coveney:** Hear, hear. That was a good point.

**Deputy Jimmy Deenihan:** Like all Members, I welcome this Bill. The creation of a single national body that will include the functions of the present Central Fisheries Board and the seven regional fishery boards appears to be a logical progression. I have some understanding of the operation of such matters because I was born and reared close to the River Feale. Although I fished more in my younger days than I do at present, I still am closely connected with the fishing fraternity on that river. At one time, the River Feale was one of the better-known rivers in Europe and a thriving tourism industry was attached to it. I can recall that in the 1960s and earlier, one might have encountered five or six different nationalities at the local anglers' rest. However, the tourism aspect of fishing, on the River Feale in particular, declined due to a number of factors. Initially, this was because of an outbreak of disease in the late 1950s and early 1960s but there also were other reasons, the principal one being that not enough salmon were coming up the river to attract fishing tourists. I hope following this amalgamation and re-focusing that a river such as the Feale would be examined separately and that a proper management plan would be put in place to tap its undoubted potential.

We all thought, and may have contributed to the debate on the matter, that the banning of drift net fishing would allow salmon and sea trout back into our rivers. The first test of this was last season but it did not happen. Major questions are raised as to why salmon did not appear in our rivers last year if drift net fishermen were not taking them. I do not know the precise figure of how many they had been taking but it was fairly substantial with perhaps approximately 60,000 salmon being taken the previous year. The salmon did not appear in the River Feale. There was a late run of salmon but during the summer less salmon were caught on the River Feale than during the previous season when the drift nets were operating in the Atlantic.

There must be reasons for this and I hope they can be examined through this new structure. Is it because illegal fishing is still occurring in the Atlantic? That could be an international issue, but surely there must be an international solution to the decline of the salmon population. We can protect only our own waters but there is a bigger dimension, larger than that for which we can take total responsibility, such as the feeding grounds where the spawn go after leaving our rivers, and the fact that on their return journeys they are intercepted.

Issues also arise when salmon come into our rivers and this applies to draft net fishermen and anglers. Draft net fishermen operate in most of the estuaries in our rivers and that is a tradition that must be retained. It is in their interests also that there is a salmon population. The effect of a growing seal population on the salmon population must be examined. The effect of the heron on the salmon population must also be examined as must this issue of river management with regard to how the spawning grounds are being disturbed and, perhaps, not being adequately looked after. One salmon can spawn up to 80,000 eggs. People must be aware that if the spawning grounds are disturbed or not treated properly it can ruin an entire salmon

[Deputy Jimmy Deenihan.]

population. There must be an overall approach with public education, responsibility and far more emphasis on preserving our salmon stock.

Placing it in an overall economic context, this is one of our greatest natural resources. I can see major potential, as previous speakers mentioned, in angling tourism. There is no about that, but the fish must be in the rivers. There are ways to protect and increase our salmon population but care must be taken.

Another aspect is the overall supervision of our rivers. I recently heard that there are four water-keepers to manage the entire River Feale, its tributaries and the other rivers in the catchment area of the former Shannon region. It would be impossible for them to look after the length of river they are supposed to look after and protect the habitats they are supposed to protect. It is hit and miss. Anybody poaching knows the river very well and it is nearly impossible for the bailiffs to police the river properly. Their movements are fairly well monitored and more people will have to be employed to better police the rivers. There are four or five very active clubs that police their own parts of the River Feale but in many cases it is very difficult for them to police the river where they may know the people who may be involved in poaching or not obeying the rules. There must be outside supervision and that is why the issue of water-keepers or bailiffs is so important.

I welcome the Bill as the previous situation was very unwieldy, with people duplicating work and different experts in different regions. This focus will certainly help in a major way. However, major issues exist including the decline in the salmon population when we thought it would increase because of the ban on drift net fishing. The National Salmon Commission will be amalgamated into this body. It is very important that the Minister of State immediately examines this matter, which is in his brief. There was an expected increase last year but in the River Feale there was a decrease and we must examine the reasons for this.

This is an area of real potential. As a country we must examine our natural resources and how and where we can attract angling tourists.

**Deputy Simon Coveney:** Hear, hear.

**Deputy Jimmy Deenihan:** We must examine whether we can give them incentives to come. However, they will not come if there are no fish. This is a real opportunity but the decline in salmon population, certainly after the banning of drift net fishing, gives rise to much concern. We all thought it was the fault of drift net fishing but obviously it was not at total fault.

I am delighted to have had the opportunity to speak on the Bill. I have seen at first hand the decline in fishing in the River Feale, which is local to me, over the years. Once it was teeming with fish and was one of the top fishing rivers in Europe. It had been in angling magazines for decades but it has been removed because there are no fish in the river. It is hoped that the mechanism and structure proposed this evening can address issues and problems such as the decline of salmon and sea trout in the River Feale.

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** I thank all Deputies for their contributions to this debate; they were very welcome. With regard to Deputy Deenihan's point, it is important to point out that the North Atlantic Salmon Conservation Organisation and the European Union have jointly sponsored significant research on why the salmon survival rate in the seas beyond our immediate shores is so low. Deputy Deenihan is quite right that there was an expectation that the ending of drift netting would lead to a revival of some type in fish stock numbers, particularly in

salmon, but this has not occurred. Wider issues exist beyond our immediate control that will need to be addressed and examined very carefully.

In the Bill we are trying to harmonise, as Deputy McHugh pointed out, the standards that apply, particularly with regard to management of the country's river and water resources. It is very important. We have come through a period when fragmentation was the order of the day.

We are now moving to standardised and higher forms of protection for the country's water resources, precisely for the reasons alluded to by Deputy Deenihan. We want to develop and exploit this resource and the water quality associated with it in order to increase tourism revenue. Unfortunately, the present state of our water quality prevents us from making the best use of the resource during this terrible recession.

Deputy McHugh raised a key point regarding the importance of local clubs and the ethos of subsidiarity. His timely warning about the monster of the HSE has been of concern to me since I took over this brief in May 2009. We need to be exceedingly careful when we create new centralised bodies that we do not repeat the mistakes made in the early days of the HSE. People were cynical about the HSE at its inception because they believed it was in effect a centralised body without local or regional roots and that a group of people in Dublin were dictating to managers up and down the country. Although the truth of that perception is a matter for debate, I am determined to avoid creating a disembodied organisation which operates at a centralised level while ignoring signals and expertise in the regional and local structures. I have instructed the chief executive designate to enter into regular consultations with advisory councils at a local level. The people previously known as chief executives and who will now become regional managers will link into local communities and nurture the networks that have been developed among anglers and the other parties involved in managing and protecting this resource. They will not be allowed to ignore the traditional interests in our water resources, which must be integral to any solution.

I have also instructed the chief executive to conduct his executive management meetings in a way that moves the operation around the country and involves local communities. Regional managers will be integral members of the management team of the new body. They are not subsidiary to the officials who are in charge of core functions. I also want to ensure that regional managers are tasked with national responsibilities so that they act in an integrated fashion as part of a seamless transition to this new body, which will be both local and national in character.

Deputy Tom Hayes made the case for the River Suir as one of the great rivers. The recovery of salmon stocks on that river has been attributed to the closure of the sea fishery and improvements in water quality. It is to be celebrated that angling will be allowed this year on a catch and release basis. The Deputy was passionate in expressing his hope that the Clonmel office will not be closed. There is no question of closing offices at this stage. My colleagues, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Calleary, and Deputy Flynn, were very determined in making the case for keeping the Ballina office open.

**Deputy Simon Coveney:** The Minister of State has given them a good plug.

**Deputy Conor Lenihan:** That has happened.

**Deputy Simon Coveney:** What about all the other people who contacted him?

**Deputy Conor Lenihan:** I assure the Deputy that Deputy Tom Hayes will not be disappointed because there is no threat to the Clonmel office. It is important this new body remains anchored



[Deputy Conor Lenihan.]

in the river basins and other localities for which it is responsible. We are mindful of the need to avoid creating another beast which bestrides the resource but does little.

Deputy Nolan spoke about the need to put local anglers at the forefront. Deputy Browne indicated his opposition to the centralising route we are taking. I assure him that we will not allow all power to congregate at the centre.

I was most impressed by Deputy Bannon, who spoke expertly about the river resources in his own county. He was perhaps the most knowledgeable and insightful of the contributors on Second Stage of the Bill.

Deputy Kelly tried to entice my constituency colleague, Deputy O'Connor, to take a trip down the Royal Canal from Tallaght to its terminal at Clondra, County Longford. I am sorry to disappoint Deputy Kelly but we cannot send Deputy O'Connor along the Royal Canal because it does not flow through Tallaght. The Grand Canal is the waterway which flows nearest to Deputy O'Connor. If I could put him on a barge I would do so tomorrow but, unfortunately, he is not keen on leaving his Tallaght base for fishing trips or canal journeys.

**Deputy Charlie O'Connor:** I will go.

**Deputy Conor Lenihan:** Deputy Ferris raised the issue of lack of knowledge and accountability and expressed disappointment that the majority of the nine members of the slimmed down board will be appointed by Ministers. It is important that we create a body that can take the necessary decisions. We do not have many years left to us and it would be disappointing—

**Deputy Simon Coveney:** Will the board comprise nine or 12 members?

**Deputy Charlie O'Connor:** It will have nine members, of whom three will be appointed by me, two by each of the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, and the Minister for the Environment, Heritage and Local Government, Deputy Gormley and one by the staff. Three members will be recommended by the Oireachtas committee. I will endeavour to avoid appointing people to the board outside of the committee's recommendation. It is important that we acknowledge the formal involvement of the Oireachtas in these selections if we are to achieve a wide range of people. I do not intend bypassing the views and recommendations of Deputies in regard to suitable nominees.

Now is a good time for our inland fisheries resources. Clearly, however, we must look down the road for other issues which can help us achieve efficiency, particularly in respect of the complementary functions of the National Parks and Wildlife Service. I would like to see an arrangement which allows synergies to develop among both organisations so that they can work together in an operational sense.

Question put and agreed to.

### **Inland Fisheries Bill 2009: Referral to Select Committee.**

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

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

Question put and agreed to.

**Private Members' Business.****Gangland Crime: Motion.**

**Deputy Charles Flanagan:** I move:

That Dáil Éireann:

notes with grave concern:

- the fact that five gangland gun murders have taken place in the first three weeks of 2010;
- the fact that criminal gangs are gaining a greater foothold in communities throughout the State;
- the drug abuse afflicting communities throughout the State;
- the involvement of criminal gangs in people trafficking and prostitution;
- the fact that a large number of vacancies have emerged in the senior ranks of the Garda Síochána but replacements are not being appointed;
- the fact that community gardaí make up only 6% of the force;
- the pathetically low conviction rate for gangland gun murders;
- the absence of any convictions to date under anti-gangland legislation introduced in 2009;
- that in situations where gangsters are incarcerated they continue to direct their operations from within our prisons through use of mobile phones;
- the wholly inadequate measures in place at ports, airports and along the coastline to prevent massive quantities of illegal drugs from flowing into the jurisdiction; and
- the consequent fear and anxiety of communities where gangland violence is commonplace and the havoc that drugs are wreaking on our communities;

calls on the Minister for Justice, Equality and Law Reform to:

- immediately fill senior Garda vacancies;
- introduce a mandatory minimum life sentence of 25 years for gangland gun murders;
- introduce measures in prisons such as full body scanners for visitors to prevent gangsters from operating from within prisons;
- increase community policing by implementing Fine Gael's policies on quotas and incentives; and

calls on the Minister for Finance to significantly enhance the Customs and Excise presence at ports and airports, and in particular at small and private airports.

I wish to share time with Deputies O'Donnell, Doyle, Tom Hayes, Clune and Bannon.

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

**Deputy Charles Flanagan:** The motion is self-explanatory. It says a great deal about the Government's attitude to gangland crime that it requires an Opposition motion to have this crucial matter debated in the Dáil.

The tentacles of gangland crime have such a far-reaching grip in society that we require a whole package of solutions, rather than a piecemeal gesture here and there, designed to convince the public that the Government is getting to grips with the problem. The decision of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, to introduce harsh new laws last year reflects his Government's approach; talk tough at the microphone but remain silent and in the background when it comes to crucial issues such as Garda resources, Customs and Excise and Revenue checks or the non-existent conviction rates for those held responsible for brutal organised crime murders.

If the State is to take on organised crime with a hope of winning, we require a well-resourced, comprehensive strategy across a number of Departments, but especially the Departments of Finance and Justice, Equality and Law Reform. The first step must be to cut off the source of gangsters' money, power and influence. That requires stemming the tide of drugs flooding the country. It is clear there is a lack of will on the part of Government to do that, which is why, to quote the Taoiseach in what has become an already hackneyed phrase that we hear from a procession of Ministers on a daily basis, "We are where we are".

We are where we are as far as murders are concerned. In the first three weeks of this year, there were five so-called gangland gun murders. John Paul Joyce, Brendan Molyneux, Paddy Mooney, Noel Deans and Gerard Stanton lost their lives. Paddy Mooney had no involvement in gangland crime; he was the unfortunate victim of being in the wrong place at the wrong time. He is not the first innocent victim to be hit by a bullet fired by a gangland criminal and no doubt he will not be the last. There appears to be an unspoken attitude that as long as organised criminals kill each other, it does not matter — it is one less criminal about whom to worry. The Minister might say that is not the case but the conviction rates suggest otherwise.

Department of Justice, Equality and Law Reform figures from May 2009 reveal that no convictions were secured for firearms murders between 2007 and 2009. I would like the Minister to explain to the House what the conviction rate is now. For example, how many convictions have been secured for the 20 gangland gun murders that took place last year? Who has been convicted for the following murders which took place between January and October 2009 — Michael "Roly" Cronin, his driver, James Maloney, Stephen O'Halloran, Graham McNally, Michael Hendrick, John Carroll, Michael Murray, Seamus O'Byrne, Liam Carroll, David Fred Lynch, Roy Collins, John "BJ" Clarke, Charles Sinanapayen, Paul Smith, Tommy Joyce, Wayne Doherty, Anthony Cannon, Pierce Reid, David Thomas and Jason Egan? Who has paid the price for murdering innocent bystanders in recent years — people who were not known to the Garda and who were not involved in organised criminal activity? Who has been convicted and jailed for murdering Roy Collins, Sean Poland, Darren Coughlan, Anthony Campbell and Eddie Ward? The late Donna Cleary's alleged killer died while in custody and, therefore, her family did not see justice done in that case either.

The few gangland criminals that are placed behind bars clearly do not see prison as an obstacle to carrying on their business. This week in the newspapers it was reported that in July 2008 two searches of the prison cell of Mr. John Gilligan resulted in the discovery of a number of interesting items, among them a mobile telephone, a charger, a SIM card, a syringe bar and eight and a half blue tablets. A total of 2,174 mobile telephones were seized in prisons in 2009. It is evidently easy to smuggle mobile telephones into prison and easy for gangsters to use

them and direct their operations from behind the bars of their prison cells. One could ask why the criminal justice system is failing.

We are where we are in terms of Garda resources. A glance at the most recent report of the Garda Inspectorate might shed some light on the problems faced by the State and the correlating advantages enjoyed by criminals. In a report published last week, the Garda Inspectorate revealed disturbing findings, including the fact that as many as 1,650 gardaí are required each day to provide administrative services to the public at Garda stations, that is, 14% of all members of sergeant and garda rank assigned to divisions. More than 3 million hours in overtime were clocked up in 2007. That is the equivalent of adding 1,737 extra gardaí to the force. Much of that time was spent on attendance in court. After many years of promises and commitments, it is clear that little has been achieved in introducing new systems to ensure that gardaí do not have to waste time hanging around court houses. What will the slashing of overtime mean to the service provided by the Garda? It will mean less visibility of a Garda presence. There will be fewer gardaí on the front line and fewer on the beat on the streets.

While Garda stations have computers, they are stand-alone personal computers without Internet access or email facilities. There is no GPS system and, therefore, there is no way of knowing where Garda cars are at any given time, which is crucial in the text of organised and gangland crime. The absence of data on demand for Garda services is unacceptable, and must be addressed as a priority. The Garda Inspectorate noted, "Such absence is exceptional in modern police services." The Garda Síochána does not have systems in place to routinely collect and analyse workload data for individual units across the organisation. There is no dedicated Garda team or individual responsible for monitoring workload and advising Garda management on deployment. The rostering system is completely outdated and outmoded.

What has happened to the Garda Reserve? We have not heard about it in a long time. I believe I have never heard the Minister speak on the subject. The Garda Reserve lacks a clearly defined role, matched by appropriate training and direction. While criminal gangsters have top of the range technology at their fingertips, the gardaí who face the grim task of defeating them are operating in a time warp. The Garda Inspectorate has made 27 recommendations. I expect the Government will ensure they are implemented without delay. I take this opportunity, as will other Members, to congratulate Chief Inspector, Kathleen O'Toole, and her team on an excellent report, which is one of many. The excellence of the reports will be seen only in the manner in which the Government is prepared to implement the recommendations as contained therein.

A new problem faced by the Garda this year involves garda retirements. The cumbersome way in which the Government dealt with the issue of increased taxation led to an unprecedented exodus from the ranks in 2009. Figures from November 2009 indicate that three assistant commissioners retired, 12 chief superintendents, 28 superintendents, 31 inspectors, 170 sergeants and 464 gardaí, totalling in excess of 700 members of the force, almost triple the amount compared with the previous year. I would like the Minister to inform the Dáil of how many of those gardaí have been replaced to date, not how many he would like to replace nor how many he intends to replace, but how many of those vacancies have been filled, as of 2 February 2010. Are we still operating with three fewer assistant commissioners, 12 fewer chief superintendents and 28 fewer superintendents? Is the National Bureau of Criminal Investigation and the special detective unit still without a dedicated superintendent in charge? Are community Garda levels still a mere 6% of the force? Introducing tough new legislation and then expecting a Garda force with outmoded resources, a hole in its senior ranks and depleted

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morale to enforce this legislation is not a recipe for success. It is simply a means of shifting the blame for the Minister to the Garda Síochána.

We are where we are in terms of the Customs and Excise service. The gardaí who are charged with defeating gangsters are at the end of a chain. The first link in that chain is drug smuggling. I have no doubt that being an Irish drug smuggler is wonderful. Until recently, there was only one single Revenue cutter to monitor 4,300 km of coastline. We now have two cutters but the Naval Service patrols that supplemented Revenue have been slashed by 200 days recently. This country has the dubious distinction of being the drugs gateway for the whole of western Europe, so easy is it to import illegal drugs into the State. Smuggling drugs in via a port is relatively straightforward. One simply finds out which ports are going to have the container X-ray scanner *in situ* that day, and one chooses an alternative route. It is a stroll in the park. Alternatively, one could use a private airport. According to figures supplied by the Government, the majority of private airports never or rarely see a customs patrol or officer. It appears that it is too expensive. Last year, a private airport, Weston Airport, experienced 50% fewer customs checks compared to the previous years.

It is ironic that it was also last year that Judge Hunt expressed concern that private airports were being used to smuggle drugs into the State. He made this warning as he sentenced John Kinsella for conspiring to import €7 million worth of heroin and cocaine through Weston Airport in 2007. Judge Hunt further stated that the customs systems in place at ports and large airports are “set at nought” if private airports allow such controls to be bypassed. The systems at large airports to which the judge referred also deteriorated last year. Customs checks fell by almost 500,000 at Dublin Airport and fell by 68,100 at Cork Airport in 2009 compared to the previous year.

Comparing 2009 to the previous year, the figures show that customs checks at airports fell by 73% at Waterford Airport; 50% at Weston Airport; 40% at Shannon Airport; 33% at Kerry Airport; 27% at Galway Airport; 21% at Cork Airport; 15% at Donegal Airport; and 11% at Dublin Airport. One can only conclude it is easier to be a drug dealer in Ireland than to run a legitimate business. The blame for this must lie fairly and squarely on the Government’s shoulders. It is not good enough to expect the Garda to take on and tackle dangerous drug barons on the streets while, at the same time, the Government cannot be bothered to seize drugs at the point of entry to the State. Until the deficit in customs and Revenue is addressed, the Garda will be always fighting a losing battle.

I refer to the social cost of where we are. Drugs are tearing our communities apart. Recently, a senior Garda officer, Chief Superintendent Gerry Phillips of the Dublin northern division, stated juveniles as young as 14 are being caught by gardaí holding guns and drugs. They do so as a means of ingratiating themselves with gang leaders because they wish to follow suit and become like them with the SUVs, gold rings, money, power and fear that they instil in communities. One can only imagine the havoc visited on a community when a gangland murder takes place such as those this year in Pearse Street and Coolock in Dublin and in Cork.

These murders are a stark illustration of the impact of drugs but there is also the scourge of drug addiction Heroin has “spread to every county” in the State with a increase of 130% in treatment cases outside Dublin since 2002, according to a report published last September by the Health Research Board. Carlow, one of the smaller counties, has almost the same incidence of cases of heroin treatment as Dublin, followed by my own county of Laois and the Minister’s county of Louth. Merchant’s Quay Ireland has echoed the findings of the Health Research

Board, stating that heroin use has become a national crisis. In 2008, almost 20 new drug injectors attended the charity every week for needle exchange services.

Meanwhile, the national advisory committee on drugs has highlighted that the number of opiate takers outside Dublin soared by 165% in the period 2001-06, although Dublin remains the greatest heroin blackspot. Merchant's Quay Ireland delivers services in many locations outside Dublin including Carlow, Westmeath, Longford and in my own constituency of counties Laois and Offaly. There has been a near doubling of cases for cocaine treatment across the country while crack cocaine addiction is also on the rise.

Criminal gangsters have gained a strong foothold in this State. They have done so with the tacit consent of a Government that is not willing to take the steps required to stop them. We in Fine Gael have a range of proposals aimed at crippling gangland crime and bringing a halt to organised crime. They are contained in the motion. I have dealt with the problems tonight and I will deal with the solutions tomorrow night. We are calling on the Minister to fill senior Garda vacancies immediately. We do not want him to tell us he will do it or he will talk to the Garda Commissioner and the Minister for Finance about it. It needs to be done now, given it should have been done weeks ago.

We in Fine Gael pledged ourselves to support the robust, harsh gangland legislation introduced by the Minister in a blaze of publicity last summer. He promised action during the summer. The passing of the legislation could not even await the summer recess because the Minister had lined up a posse of top gardaí to act on his behalf to round up the criminals and put them all behind the bars. Will the Minister give us a progress report on the legislation before the conclusion of the debate? Will he introduce legislation to act as a deterrent to the crime of murder? Life in this country has been cheapened because of gangland and gun murders and organised crime. That is why a mandatory minimum life sentence of 25 years should be introduced for gangland murders. I was horrified by a comment from a witness in a murder trial who swore on oath about a conversation he had with the defendant who was ultimately convicted. The murderer, a foreign national who had lived in a number of jurisdictions but who had settled in Ireland, said to the witness, his brother-in-law, "If you're going to commit a murder, commit it in Ireland because you'll be out after a few years". That is a sad indictment of the criminal justice system over which the Minister presides.

I would like him to introduce new measures in prisons for those who are convicted. For example, full body scanners should be used and screened visits should become the norm to prevent gangsters from operating behind bars. If people are convicted of having contraband in prison, penalties should be imposed on them such as non-contact screened visits and the withdrawal of privileges enjoyed by many in our prisons.

Community policing should be enhanced by implementing quotas and incentives, as Fine Gael has proposed. I will outline our proposals in greater detail tomorrow night and I would like the Minister, for once and for all, to deal with gangland crime and organised criminals in a manner which to date he has sadly neglected to do.

**Deputy Kieran O'Donnell:** I compliment Deputy Flanagan on tabling the motion, which is timely, opportune and important. I would like to refer to the issue of Garda resources in the context of my constituency, Limerick East, and Limerick city. In reply to a question I tabled to the Minister before Christmas, I was informed 8% of the Garda force in Limerick had applied to retire up to mid-December. This amounted to 49 gardaí, comprising one superintendent, four inspectors, seven sergeants and 37 ordinary members. This has made it impossible for the force to operate in an effective manner combatting gangland crime in the city. In

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particular, inspectors are very much involved in bringing cases to court and the loss of four inspectors will make it much more difficult for the Garda to do so.

In addition, all the retired gardaí have a minimum of 30 years service. Their reservoir of knowledge and expertise regarding what is happening on the ground will be impossible to replace. Many of them are in their early 50s and their knowledge and expertise of dealing with gangland crime in Limerick will not be passed on to younger members of the force who are doing excellent work. Like Deputy Flanagan, I call on the Minister to ensure senior gardaí are replaced with immediate effect, in particular, the chief superintendent, the four inspectors and the seven sergeants in Limerick. Rank and file gardaí are being taken away from ordinary patrolling activities, including fighting anti-social behaviour, and placed in special units that are being set up to combat drugs. They need to be replaced as this is compromising the Garda's normal work on the ground.

In 2009 there were three murders in Limerick; this is three too many. One of those was the murder of Roy Collins, which was a senseless killing of an innocent victim and should never have happened. Senior gardaí must be replaced. I have no doubt the Minister is aware that the Limerick Garda was successful in defusing three pipe bombs that were found at Roxboro shopping centre last week. I praise the work of the Garda in doing this, but it sends out the message that criminality and gangland crime continue to be an issue. Resources are a key factor in dealing with this.

Drugs have become pervasive in every city and town in Ireland but nowhere more so than in Limerick, where there have been seizures of heroin in the last week. We must intercept drugs at the point of entry, but this has not happened to date. In addition, there is a problem with the bail laws. The granting of bail to a person caught in possession of a firearm defies logic. It should not happen. Furthermore, there should be mandatory sentencing of 25 years. A life sentence does not mean life — it means eight or nine years. In many cases we have a revolving system of early release, which means there is no deterrent.

We need a commitment from the Minister that he will replace the gardaí who have effectively retired, particularly the chief superintendent in Limerick, as well as the four inspectors, seven sergeants and 37 gardaí. I ask the Minister to assure the House that he will provide the resources for these to be replaced with immediate effect in order that the Garda can continue to fight these heinous crimes.

**Deputy Andrew Doyle:** I commend Deputy Flanagan on tabling this motion. A successful gangland criminal must have control over people's lives, whether it be the worker bees or the slaves on the lower level who live lives of misery in order that those on the upper level can profit. It has become so lucrative that those involved are now killing each other willy-nilly, because of an insult or a dirty look, just to have complete control.

Deputy Flanagan called on the Minister to fill senior Garda positions. For a whole host of reasons there have been more than 700 retirements from the Garda in the past year, not least because of the cumbersome issue of retirement gratuities. Speaking to gardaí, one finds that anyone with 30 years of service is now contemplating retirement, even if he or she previously had no intention of leaving the force. When we put this together with the data restrictions gardaí encounter in their everyday work when they are on duty, we can see they are being asked to take on the criminal with one hand tied behind their backs.

There are other matters, to do with the way the system works, which must be addressed. The rostering system means the same number of gardaí are on the beat on a Monday morning

as on a Saturday night. As has been said before by experts, in many ways the solution to crime is as simple as having a Garda presence on the street. The streets of Manhattan have seen a transformation in the past ten or 15 years; at one time one dared not walk down certain streets even in broad daylight, but now one can walk there 24 hours a day, all because policing was dealt with from the top down and from the bottom up.

The area in which I live, sadly, has been a burial ground for victims of subversive organisations over the years. It was confirmed only today that remains found there recently were those of an unfortunate person who was abducted and had been missing for some time. The road leading from Dublin to the Sally Gap is no man's land. It is bandit country. If the Minister went up there tonight on his own he probably would be hijacked and have his car taken from him by gangs of criminals who, for sport, steal cars in the city, drive them around in rallies, burn them out and then steal other people's cars to go home. Coupled with this, since the advent of the new divisional structures, west Wicklow has had no holding facilities for criminals. The nearest holding facilities in the division are miles away in Bray. There has been a lack of co-operation, as the new structure has been introduced, between the Garda in Wicklow and those in Kildare and Carlow.

These are the issues that are working against the security forces in their efforts to take on crime. What we have asked for is simple. It is disingenuous for the Government to turn our proposal to introduce a mandatory life sentence of 25 years on its head by stating in its amendment "... rejects the implication that such prisoners should have an expectation of release after serving 25 years in prison", knowing full well that is not what is intended by our proposal. The Government amendment goes on to do the same with all our proposals, implying that we are attacking the Garda and not the Government.

I support the motion wholeheartedly. I hope the Government will do what it usually does, which is to implement the proposal in its own language some time soon.

**Deputy Tom Hayes:** I join with my colleagues in commending Deputy Flanagan's action in tabling this important motion for debate on Private Members' time. People have many worries nowadays, including worries about finances and employment. However, the greatest of these is the increase in crime levels, whether in rural or urban Ireland. This problem is not being dealt with. The number of gardaí on the beat and in towns is falling, while the number who are leaving the force and not being replaced is rising. Morale among gardaí has never been so low. We all have brothers, cousins or other relatives in the Garda and any one of them will tell one that morale is low. If we are to tackle crime we must increase morale in the force. There is only one person who can do this, namely, the Minister for Justice, Equality and Law Reform. He must show leadership to help those people go out and deal with crime.

The most important issue is that of drugs. The dogs in the street will tell one that large amounts of drugs are coming in. There are figures to prove that more people are being fined and brought before the courts on drug-related charges. The problem of drugs is growing by the day and this is having knock-on effects. Day in, day out we hear about criminal cases in which the young people involved were high on drugs. All communities are being saturated with drugs. This is a problem the Minister must face. The Government has failed miserably with regard to drugs. We are letting the problem run away with us. Nobody is tackling it in the way it should be tackled. If ever there was a time to deal with this issue, it is right now.

Another issue is the movement of people from high-crime areas to other, quieter communities. Recently, in my constituency, a young man was stabbed to death. It happened in a quiet rural village, Lattin, where there was never any trouble, when someone came from a different



[Deputy Tom Hayes.]

area. I am not trying to say people are not welcome in parts of the country but in that area there is no Garda station. I hear Fianna Fáil TDs and councillors claiming they will retain the rural Garda stations but in my constituency and every other rural constituency, Garda stations are not being manned, they are being closed down and Garda attendance is being reduced drastically.

I support this motion. We could spend hours debating it, embarrassing the Government worse than what we have. We need to tackle the issues that are affecting ordinary people going about their ordinary lives.

**Deputy Deirdre Clune:** There have been five gangland murders in the first three weeks of 2010. One of them was in Cork when Gerard Staunton, 42 years of age, was shot in front of his partner and children in a quiet, residential area near Wilton. That has had a chilling, shocking and frightening effect on the local community. A garda reported last week that one shot hit the rear seat of a car where the two children were sitting; it could have taken the life of one of those two innocent children.

This is the sort of incident that communities throughout the country are living with. There was an uncomfortable twist to the story last week when the *Evening Echo* newspaper received a letter from a group claiming the Real IRA had killed Mr. Staunton and had threatened further action against drug dealers in the community. This follows an incident in September 2009 when leaflets were distributed around purporting to be from the Real IRA claiming it would deal with those who continued to deal drugs. We have no room for this type of vigilante activity. The people living in these communities, parents trying to rear young children and elderly people, are living with the fear that things will blow up at any stage in their neighbourhood where a family member could be involved in an innocent situation.

People want to know what is being done. Many proposals have been put forward in the Fine Gael motion but the most important is to resource the Garda, provide them with the necessary equipment and to increase the numbers working in the community. I cannot emphasise enough the importance of community gardaí. Only 6% of the force works in this area but the information they can gather and support they can give to local communities, the work they can do with young people and the information they relay back to senior gardaí are invaluable. It gives those living in the community a sense of confidence and comfort that there is support for them. At the moment they do not see that and do not have that comfort.

Almost 14% of the gardaí are involved in administrative duties. Why not release them from those duties to ensure they can do the job they were trained to do and that they want to do — protecting their local communities?

The criminal gangs involved in the type of reckless behaviour that frightens local communities must be tackled. They are dealing and supplying drugs to our young people and are responsible for gang turf wars that are claiming the lives of innocent people. There has been an increase in tiger kidnappings, all on the watch of this Minister for Justice, Equality and Law Reform, who has produced emergency legislation to deal with the situation but it has not been dealt with. People want to know what the Minister is doing, and I look forward to his response, to ensure people living in our communities can feel safe in their homes tonight.

**Deputy James Bannon:** I thank my colleague Deputy Flanagan for bringing the important issue of escalating gangland crime before the House.

As a representative of Longford-Westmeath, a constituency which is at the mercy of the “day tripper” gangs, who see the midlands as being just a short drive for a grab and run attack on the old and vulnerable, I would like highlight the Government’s lack of provision for the safety and protection of the elderly in rural Ireland.

That aggravated burglary has risen dramatically is not a myth, it is very much a fact according to the latest CSO figures, which show a 51% increase in aggravated burglaries in the three months to the end of September 2009. If that percentage were to be updated today, it would be considerably higher. That such an increase in violent burglary has been accompanied by a cowardly and shameful targeting of vulnerable elderly people in their own homes is a double indictment of the failure of the Government to tackle rising crime rates and to provide the necessary security for the most vulnerable.

In my constituency of Longford-Westmeath, an elderly couple were held hostage in a bathroom of their home in Clondra, County Longford last December during an aggravated burglary. The couple, aged 74 and 65, managed to escape and raise the alarm. The physical and emotional damage done to this couple is immense. Detectives described the attack as horrendous, leaving the couple bleeding heavily and severely traumatised and afraid to return to their home. This burglary is just one of a pattern of escalating rural crime and attacks on the elderly, which are shocking communities around the country, but which the Government chooses to ignore. Society has become more violent and crime-ridden on this Government’s watch. Break-ins and violent incidences are now an everyday occurrence in rural Ireland.

What is the response of the Government? A savage cutback in the community support scheme for older people. The shameful reductions in this scheme, which allows vulnerable people to install important safeguards such as personal alarms and window locks, is placing the lives of such people at risk.

The community support scheme in Westmeath has been decimated, with the 2008 figure of €137,160 cut by €103,885 in 2009, leaving funding for the county at the miserable level of €33,275. Longford saw its already low 2008 funding of €26,687 slashed by €14,422 to a 2009 low level of €12,264, leaving the elderly victims of a system that is rotten to the core. With a lack of community gardaí and restricted opening hours for rural Garda stations, it is essential that the Government empower the elderly and vulnerable to look after themselves, particularly those living alone. The main way to do this is to restore the funding for the community support scheme for older people.

The other obvious answer to a reduction in crime is an increased Garda presence: 24 hour Garda stations, more patrol cars, extra gardaí on the beat, an increase in the number of community gardaí and updated equipment. With a well-known lack of these essential crime deterrents, Dublin gangs are hitting rural Ireland, targeting the most vulnerable and creating a fabric of violence, with, it appears, the Government’s complicity. Allied to the cutbacks in the community support scheme, the small number of community gardaí, who make up only 6% of the force, is a further indication of the lack of duty of care for the elderly by the Government.

There have been calls for mandatory sentencing in cases of aggravated burglary, in which elderly people are terrorised and assaulted in their own homes. It is also high time that the impression given to criminals that life is cheap is knocked on the head with a minimum sentence of 25 years set for gangland murder. It is more than time that the Minister considered these deterrents and put some fear into the criminal element——

**Acting Chairman (Deputy Kathleen Lynch):** Deputy Bannon.

**Deputy James Bannon:** —as opposed to that being experienced by the old and vulnerable.

**Acting Chairman:** I am assuming the Deputy cannot hear me, but his time has concluded.

**Deputy James Bannon:** I will finish on this point.

**Acting Chairman:** No.

**Deputy James Bannon:** I do not need to tell the Minister that actions speak louder than words. His lack of action in terms of support for the Garda gives the lie to his words. It is time he faced up to the fact that he is losing the war on crime by his own inept approach to crime control.

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

To delete all words after “Dáil Éireann” and substitute the following:

- “— condemns all unlawful killings and the criminal disregard for human life they demonstrate and expresses its sympathy to the families of the victims of all such killings;
- strongly supports the work of An Garda Síochána and its specialist units such as the Organised Crime Unit in their determined fight against gangland crime and notes the significant successes they have had in this regard;
- notes that Garda numbers stand at historically high levels, with the force numbering over 14,500 members at the end of 2009, compared with 14,412 at the end of 2008 and 13,755 at the end of 2007;
- commends the record provision of new prison places in recent years and the provision of over €29 million for further capital works in 2010 including an extension to the Midlands Prison, in contrast to the failure of the last Fine Gael and Labour Government which failed to provide any additional prison places during its term;
- commends the decision to maintain record funding levels for the Criminal Assets Bureau (CAB) and Operation Anvil despite the economic downturn;
- notes that the recently published crime statistics for 2009 show decreases in nine of the fourteen crime groups;
- wholeheartedly supports the Government in its ongoing determination to confront criminal gangs head-on by introducing tough legislative measures to make significant new powers available to An Garda Síochána to detect criminal behaviour and to make its prosecution more efficient and effective before the courts;
- notes in this regard the extensive legislation introduced by this Government in recent years to target those involved in serious and organised crime, including in 2009 the Criminal Justice (Surveillance) Act, the Criminal Justice (Amendment) Act and the Criminal Justice (Miscellaneous Provisions) Act;
- notes that An Garda Síochána has been making full use of this legislation since it has been enacted to build up criminal cases against gangland figures and that a

number of investigation files have been submitted to the Director of Public Prosecutions;

- notes further proposals by the Government to strengthen the criminal law, including the Criminal Justice (Forensic Evidence and DNA Database System) Bill 2010 and the Criminal Procedure Bill 2009;
- notes the difficulties for An Garda Síochána in obtaining evidence in shootings which are the result of gangland activities;
- notes that the mandatory penalty for murder is life imprisonment and for manslaughter the penalty is up to life;
- notes that existing policies mean that those convicted of gangland gun murders serve their full sentences in accordance with the law;
- notes that no prisoner convicted of such murders has been released early by the current Minister or his immediate predecessors;
- rejects the implication that such prisoners should have an expectation of release after serving 25 years in prison;
- commends the Government's commitment to enhancing security measures in our prisons and places of detention through the introduction of a wide range of additional security measures which are showing significant results;
- commends the Government's continued commitment to the modernisation of the prison estate and the continued development and roll out of a wide range of therapeutic services for prisoners;
- welcomes the recent approval by the Government of a significant number of promotions across all ranks of An Garda Síochána;
- notes that the service provided by all members of An Garda Síochána is driven by a community policing ethos;
- welcomes the increase of 67% between 2007 and 2009 in the number of Gardaí specifically assigned to community policing;
- welcomes the decision by Government to develop a White Paper on Crime;
- welcomes the success of CAB in seizing nearly €7.5 million of the proceeds of crime and collecting just over €6 million in taxes and interest in 2008;
- welcomes the continuing focus of CAB on the assets of both the leaders of criminal gangs and their middle ranking members;
- acknowledges the ongoing development within An Garda Síochána of the Asset Profiler Network which is providing vital local knowledge to CAB;
- recognises that the global problem of drug misuse as experienced in Ireland must continue to be tackled in an integrated manner across the different pillar headings of the National Drugs Strategy through a co-operative partnership approach involving the statutory, community and voluntary treatment sectors;

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- wholeheartedly supports the Government on their implementation of the Interim National Drugs Strategy 2009-2016 and their development of a new National Substance Misuse Strategy from 2010, which will incorporate drugs and alcohol into the one Strategy;
- notes that the Customs Service is continuously engaged in the analysis and evaluation of drug seizure trends, routes and smuggling risks, international trends and best practice with a view to targeted operations against those involved in such activities;
- congratulates the Customs Service on the success of Operation Samhna in making the largest seizure of smuggled cigarettes recorded in the EU to date and welcomes the international co-operation that supported the operation;
- warmly commends the co-ordinated efforts of the Irish Drugs Joint Task Force and the Lisbon-based Maritime Analysis and Operations Centre (Narcotics) to interdict drugs destined for Ireland and for the EU;
- recognises the importance of international multi agency co-operation in the fight against drug trafficking and other forms of organised crime;
- welcomes the establishment of the Anti-Human Trafficking Unit as an Executive Agency of the Department of Justice, Equality and Law Reform and the publication of the National Action Plan to Prevent and Combat Trafficking in Human Beings; and
- welcomes the commitment of the Minister for Justice, Equality and Law Reform that the criminals involved in trafficking of human beings will be brought to justice.”

I propose to share time with the Minister of State, Deputy Curran.

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

**Deputy Dermot Ahern:** Tomorrow night, the Minister of State, Deputy Mansergh, will refer to the issues raised by Deputy Charles Flanagan regarding Customs and Excise. I have made it clear in this House and I will say it again that I will listen to any constructive suggestions made from any side of the House on how to deal with the problem of gangland activities. However, I regret that the motion before the House is designed to be anything but constructive. Instead, it is a highly selective litany. For example, it mentions five gangland murders that occurred in the first three weeks of this year but makes no mention whatsoever of the fact that the Garda has been active in a number of these cases. Whatever the solutions are to the problems of gangland crime, they do not lie in crass motions that fail to acknowledge the difficulties faced by the Garda in tackling gangland crime or contain one word of commendation or encouragement on its efforts.

Let me be clear about one thing — the Government will continue to support fully the efforts of the Garda and the other agencies of the criminal justice system in their fight against gangland crime. This commitment is not mere rhetoric. Time and again, it has been backed up by ensuring that the resources are there, both legislative and financial, to allow the Garda to get on with its work. As I have previously stated in the House, the fight against these gangs is going to be a long one and will be waged relentlessly. There will be setbacks, but it is wrong not to

acknowledge the Garda's successes in bringing those involved to justice. Indeed, the pressure we are experiencing on our prison accommodation is in many cases a reflection of those Garda successes.

The Garda faces severe challenges in dealing with gangland murders. In some cases, persons who have been identified by the Garda as being at risk not only fail to co-operate with it, but seek to thwart it at every turn so as that they can get on with their gangland activities. When persons are murdered, their associates offer no assistance to the Garda. 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.

Of course, the criminal justice system has a role to play in attempting to stop these killings. The Garda will continue to do all it can to bring the people involved to justice. However, let no one forget that the blame for these killings does not lie with the failings of the Garda or the Government. Rather, it lies clearly with those evil perpetrators who show a complete disregard for the value of human life.

It was partly against the background of the difficulties in obtaining evidence in these cases that, last year, I introduced two groundbreaking Acts, namely, the Criminal Justice (Surveillance) Act and the Criminal Justice (Amendment) Act. The motion before the House refers to the absence of any convictions under this legislation. It seems hypocritical on a breath-taking scale for a party that wanted to dilute and delay the enactment of the Criminal Justice (Amendment) Act to complain now about the fact that convictions have not yet been secured under it. The facts of the matter are quite simple. Since the legislation was enacted six months ago, the Garda has been utilising it fully to build up cases against those involved in gangland crime. Some files are with the Director of Public Prosecutions and more are being prepared for submission to him.

Of course, like anyone else involved in the criminal justice system, I feel frustration that it inevitably takes time to gather evidence that will stand up in court against these people. However, we are a country governed rightly by the rule of law under our Constitution. I assure the House that, however long it takes, the so-called godfathers involved in gangland activities will be targeted under this legislation. Over time, I am confident that the legislation I introduced will be seen to have been a vital turning point in the fight against gangland activities.

If we had taken Fine Gael's approach, the legislation would have been diluted and delayed for God knows how long.

**Deputy Charles Flanagan:** Not true.

**Deputy Dermot Ahern:** In the meantime, the Garda would not have been able to amass the evidence it needed while the gangs went about their criminal business. If we had taken the Labour Party approach, the Criminal Justice (Amendment) Act would not have been enacted at all. It is all very well for people to come into this House to deprecate the activities of gangs, but it is of little use if they flinch from taking the requisite action when it is needed.

**Deputy Charles Flanagan:** The Minister huffed and he puffed on the plinth and outside his Department.

**Deputy Dermot Ahern:** My amendment to the motion shows the comprehensive measures which the Government has taken. I have time to mention just some of these in my contribution. Before doing so, I want to reiterate the Government's determination to continue to do all it

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can to take whatever measures are necessary to deal with gangland crime. All the better if we can do so with the support of the parties opposite, but we will do so one way or the other.

I continue to table significant legislative proposals. The Criminal Procedure Bill 2009, which is currently before the House and has been passed by the Seanad, 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 specific circumstances.

Recently, I published the Criminal Justice (Forensic Evidence and DNA Database System) Bill, which will see the establishment for the first time of a national DNA database. This year's Estimates include a sum of €4.1 million for the setting up of that database. This represents a major step forward in the fight against serious crime. It will give the Garda access to intelligence on a scale and of a quality that has never before been available. When the Bill becomes law, everyone who is arrested for a serious offence will be required to give a sample. Everyone serving a sentence for a serious offence when this law comes into force will also be required to give a sample. Analysis of this material will produce hits that may indicate a link between the person and other offences where that person was previously involved but no link had previously come to light.

We are also providing An Garda Síochána with the resources to tackle serious crime. There has been a considerable increase in Garda resources in recent years, with the number of attested members rising from 11,895 at the end of 2002 to 13,755 at the end of 2007 and 14,547 at the end of last year. Even in a year of budgetary constraints, there were two intakes of 100 recruits each and some 900 student gardaí became attested in 2009 with more attestations due in 2010. The combined strength of both attested gardaí and recruits in training as at 30 December 2009 was 14,779. In addition, there are more than 2,650 civilian staff in the Garda Síochána in a variety of positions such as administration and technical roles.

I was pleased to announce last week that, in consultation with the Minister for Finance, I had obtained approval for a significant number of promotions across all ranks of An Garda Síochána, notwithstanding the current moratorium in the public service. As a result, some 170 vacancies will be filled at various ranks in the force. This development will allow the Commissioner to allocate the necessary resources to senior management and supervisory positions throughout the force. I should point out that these promotions will be in addition to the filling of some key vacancies in the force in 2009, when two assistant commissioner, three chief superintendent and ten superintendent positions were filled.

There has been an unprecedented level of investment in the Garda over the past number of years to provide the necessary resources to protect communities around the country. The gross allocation for the Garda Vote for each of the past two years has been in the order of €1.6 billion. This unprecedented level of investment has not only facilitated the increase in Garda numbers to record levels, but has also allowed for the deployment of new state-of-the-art IT and telecommunications systems to support the Garda in its efforts to protect communities and tackle the scourge of gangland crime. A prime example of this is the ongoing roll-out of the new national digital radio system, which is now fully operational in the Dublin metropolitan and eastern regions. It will shortly be rolled out to gardaí in the southern divisions, including the cities of Limerick and Cork. The new secure digital radio system, which will be fully rolled out nationwide by spring 2011, provides a number of benefits to the Garda. It provides increased protection of radio transmissions from interception and eavesdropping, increased protection for garda officers on operational duty, coverage for air support and offshore oper-

ations, interoperability with other emergency services such as the fire, ambulance, customs and Coast Guard services, full integration with mobile telephones and land lines, data transmission, including text and images, and interoperability with other police forces such as the PSNI. As well as digital radio, the past three years have seen the introduction of new IT systems such as automated fingerprint and ballistics identification systems, a new automated number plate recognition system and significant enhancements and upgrades to the PULSE system.

I have been consistent and clear in my approach of prioritising expenditure on the fight against crime despite the criticisms this has led to from Members opposite. The Commissioner and I are determined that the resources available will continue to be directed towards front-line policing, which remains a high priority.

Those involved in criminal gangs are of keen interest to the Criminal Assets Bureau, which relentlessly pursues the assets of those who seek to profit and benefit from criminality. The House is aware of the CAB's successes but it is worthwhile reminding ourselves of just how successful it has been. In 2008 alone, the CAB obtained interim orders to the value of over €5 million and interlocutory orders — final restraint orders — to the value of over €2.5 million. It collected almost €6 million in taxes and interest and made social welfare savings of over €712,000 and recoveries of over €358,000. Since its inception in October 1996 and up to the end of 2008, the bureau has obtained interim and final restraint orders to the value of over €76 million and €38 million respectively. In the same period, taxes and interest demanded was almost €136 million, with over €124 million collected. If it were not for the concerted, ongoing and determined efforts of bureau officers on behalf of the State, this is money which would otherwise have lined the pockets of criminals.

The ongoing development and support by the CAB of the divisional asset profiler programme ensures that local knowledge can be combined with the bureau's expertise in stripping criminals of illegally gained assets to ensure that life is being made progressively more difficult for those who seek to profit from criminality and the consequent misery of others. There are currently 127 asset profilers in An Garda Síochána based in every county in Ireland, and this number will be reviewed in the light of changing needs and requirements.

It is also important to note that the CAB does not just target the most important or best known criminals — it has a policy of targeting the lower-value assets of emerging and mid-ranking criminals. I have spoken before in this House about how these low-level drug dealers are a constant source of concern to parents and community workers who are trying to keep young people on the right path. The CAB activities in this area offer the community a very visible and effective example of law enforcement confronting criminals and making life difficult for them. It is evidence of law enforcement activity which I am certain this House fully supports and endorses.

In the light of our experience of the operation of the proceeds of crime legislation and to ensure that the legislation remains a strong and effective deterrent to criminality, I have asked that the CAB and my Department review the law in this area. The review will look at areas such as decreasing the amount of time which must elapse before criminal assets which have been frozen become the property of the State; increasing the powers of receivers over properties so as to deprive criminals of the use of those properties immediately; the short-term seizure of assets believed to be the proceeds of crime pending determination of the courts; further improving arrangements for sharing information with similar organisations in other countries; and entering into arrangements with other countries where assets which are forfeited as a result of joint investigations can be shared.



[Deputy Dermot Ahern.]

An important aspect of front-line policing is community policing. Policing in local communities is a matter for all gardaí and not just those assigned to the roles of community policing. The total strength and number of gardaí dedicated to community policing who are specifically tasked with the duty of liaising with communities within their districts has increased considerably in recent times. The figures available at the end of 2009 show that there are 1,058 members of An Garda Síochána specifically assigned to community policing compared to the total attested strength of 14,547. At the end of 2007, only 630 members were assigned to community policing. The present number therefore represents an increase of 68% to the end of 2009.

The Commissioner and I launched the new Garda Síochána national model of community policing early in 2009. This new model is about renewing, reinvigorating and restructuring the community policing function within An Garda Síochána to deliver a consistent national structure and a more co-ordinated and efficient Garda service to the community. This model will provide a structured and cohesive approach to community policing on a national basis. I strongly support the concept of community policing but there is no point in pretending that, particularly in the area of gangland crime, community policing of itself is some form of panacea. The perpetrators have to be pursued and brought to justice and that will always be a core function of An Garda Síochána.

The motion refers to introducing a mandatory minimum life sentence of 25 years. I have difficulty with the concept of a life sentence expressed in years. Life sentences are already mandatory for any type of murder in this jurisdiction. A person who receives such a sentence is subject to that sentence for the rest of his or her natural life and has no entitlement to be released after serving a specified period of imprisonment.

Neither I nor my predecessors would contemplate the early release of a person convicted of gangland gun murders. I would be concerned that introducing a mandatory minimum tariff of 25 years as proposed would change the nature of the existing life sentence and seriously undermine the ability of the Minister of the day to safeguard public safety. A system that involves a minimum tariff would under the case law of the European Court of Human Rights impose a requirement for that person's continued detention to be subject to review by an independent body and as a result would take the decision out of the remit of the Minister, which no Minister for Justice, Equality and Law Reform would agree to.

A decision to grant extended temporary release to a person convicted of murder is not made lightly. A number of persons convicted of murder have served more than 30 years in prison and continue to serve their sentence in prison. To the best of my knowledge no person convicted of a gangland gun murder has ever been given extended temporary release and nor can I envisage circumstances where such a person would be given extended temporary release, as there would be a clearly posed threat to public order and safety.

The Irish Prison Service has been proactively engaged in an ongoing extensive programme of investment in prisons infrastructure, involving 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 been provided. Furthermore, current projects will see a further 250 spaces provided by means of a new block in Wheatfield Prison, which will accommodate around 250 prisoners, and the reopening of the separation unit in Mountjoy, which will provide an additional 50 spaces. In addition, work is expected to commence this year on a new accommodation block in the Portlaoise Midlands prison complex, which will provide 300 prison spaces. In the longer term, the Government remains firmly committed to replacing the prisons in the Mountjoy complex with modern prison accommodation at Thornton. This extensive prison-building programme speaks

for itself and is in stark contrast to the failure of the last Fine Gael and Labour Government to provide any additional prison places during its term.

A major challenge facing all prisons is the need to prevent contraband, such as mobile phones, weapons and drugs, entering the prison. To meet this challenge, major initiatives have been introduced by the Irish Prison Service to modernise and enhance existing security measures. All persons entering our closed prisons are now subject to full airport type security screening using X-ray machines and scanning equipment. Body orifice security scanner, BOSS, chairs have been introduced in all closed prisons, and the high-tech chair enables the detection of weapons, phones and other contraband that are hidden by inmates in body cavities or on their person.

Efforts have intensified to ensure that prohibited items within the prisons are removed. Some of the security measures being used include mobile phone detectors, the use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, underfloor boards and other cavities, and walk-through metal detectors at entry points to exercise yards to detect potential weapons.

A new unit was opened in Cloverhill Prison in 2007 to isolate serious criminal gang members on remand so as to stop them continuing to engage in criminality while in prison and exerting influence over other prisoners. A block in Portlaoise is also used for a similar purpose for sentenced prisoners. The Irish Prison Service is undertaking trials of three different types of mobile phone inhibition systems at three separate locations — Mountjoy and Limerick prisons and the Portlaoise Midlands prison complex. All three systems are currently undergoing a rigorous evaluation process which includes external independent analysis. Legislation was also introduced in 2007 to deal with unauthorised possession of mobile phones in prisons.

The Government takes the crime of human trafficking very seriously and is determined to ensure that Ireland remains an inhospitable place for those criminals who attempt to trade in the misery of others. The Criminal Law (Human Trafficking) Act 2008 provides for very severe

*8 o'clock* penalties of up to life imprisonment for sexual and labour exploitation, the removal of a person's organs and trafficking for the purpose of prostitution. The Garda has identified tackling trafficking in human beings as one of its priorities. A dedicated human trafficking investigation and co-ordination unit was established within the Garda National Immigration Bureau in January 2009 to provide advice, guidance and operational support for investigations where there is an element of human trafficking. The Garda authorities have placed particular importance on ensuring that its members receive training in the investigation of human trafficking, as well as in prevention and in the protection of victims.

The motion before the House tonight is, to put it at its most charitable, inadequate. Nevertheless, I welcome the opportunity it provides to discuss one of the most important issues facing the country. When the opportunism and shoddiness of the motion are left aside, the House can unite in sending a message to those who engage in gangland activities. The State, on behalf of the people, is determined that, however long it takes, they will have no hiding place and justice will prevail.

I commend the amendment to the House.

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** I welcome the opportunity to address the House this evening. I will focus on the drug related matters raised during this debate.

The Government remains resolutely committed to tackling the drugs issue. Problem drug use continues to be one of the most significant challenges facing us. It has the potential to

[Deputy John Curran.]

devastate the lives of the individuals involved, as well as those of their families, and to cause serious problems for whole communities. We must examine the problem in the wider context in which it takes place, and take cognisance of the fact that the demand for and the use of illegal drugs is what fuels the drugs trade. The measures we put in place to address the problem must take account of this.

The national drugs strategy for 2009-16 has been developed in partnership with a wide range of Departments and agencies, together with the community and voluntary sectors. Real partnership is evident across the initiatives of the national drugs strategy at national, regional and local level. The approach of sustained inter-agency and inter-sector work is very effective in addressing many areas affected by the drugs problem. In fact, it is the very basis of the Government's interim national drugs strategy and this fundamentally underpins all of my work and that of the drugs office. Nobody in the Government under estimates the challenge of the problem, as drug abuse is a societal ill faced by all countries of the developed world. That is why we place such emphasis on having a co-ordinated and integrated approach in place.

The strategy brings together all the elements of our response to drugs misuse in a co-ordinated manner and will deliver results through the implementation of its 63 specific actions and its related key performance indicators. The new structures recently put in place under the strategy to oversee and co-ordinate all of our efforts such as the new office for the Minister of State with responsibility for drugs and the oversight forum on drugs are already bedded down and working well. The continued roles and contribution made by our local and regional drug task forces, backed up by the research expertise of our national advisory committee on drugs, also remain key as part of our collective response.

In excess of €31 million has been made available to fund the activities of drugs task forces in 2010. Despite the overall reduction in funding available, I am confident the work of the drugs task forces will continue to make a positive impact on the lives of those affected by drug misuse. I met all drugs task forces towards the end of last year and funding for 2010 was among the issues discussed in all cases. I emphasised the need to prioritise projects with a view to ensuring the most effective use of resources and the most beneficial outcome for service users.

Needs and priorities change over time and consequently, drugs task forces and service providers must ensure that funding is realigned to match changing circumstances. The task forces are fully engaged in this process and I gave them the scope to redirect funding within their allocations to address the realigned priorities they identified for their areas of operation. I am satisfied that this approach has helped to minimise the impact from the reduction in funding in 2010.

The Government's welcome support for my proposals last year to develop a new national substance misuse strategy will combine a comprehensive response to alcohol issues with the provisions we have already agreed regarding illegal drugs, and this will further strengthen our policy response in dealing with these complex issues. Work towards the development of this new combined strategy, which is being led out by the drugs office in partnership with the Department of Health and Children, is well under way. The drugs strategy, which was launched in September 2009, has the strategic objective to continue to tackle the harm caused to individuals and society by the misuse of drugs through a concerted focus on the five pillars of supply reduction, prevention, treatment, rehabilitation and research.

As part of our response, drug law enforcement is a vital feature of our policy framework. The objectives of the supply reduction pillar of the strategy are to reduce the volume of illicit drugs, to disrupt the activities of organised criminal networks and to target income from illicit

drug trafficking. In examining our drug law enforcement response, I applaud the ongoing efforts and successes of the Garda Síochána and the Customs Service in continuing to prevent significant quantities of illegal drugs arriving in our communities. Both law enforcement agencies exceeded the drug supply reduction targets set for them under our previous national drugs strategy. Since then, they have consistently continued to seize substantial volumes of drugs. It is important to acknowledge that during public debates such as this. Their ongoing successes in this respect are a tribute to their professionalism and hard work and I acknowledge that this evening.

Given the lucrative business that drug trafficking entails, it is not surprising that trafficking and distribution is such an attractive prospect for organised crime around the world. Criminal networks organise themselves along business models. Established criminal networks involved in the drugs trade display the same organisational substructures as conventional businesses incorporating procurement, processing, marketing, distribution, finance and administration. Our law enforcement agencies must be able to tackle this head on and proactively pursue those involved in such activity through intelligence led approaches.

The Government will continue to place emphasis on this issue as a priority. In setting the policing priorities for the Garda Síochána in 2010, the Minister specifically asked the Garda Commissioner to continue the focus of the force on tackling serious crime, in particular targeting organised crime including its involvement in drug trafficking. This is also reflected in the Garda policing plan for this year, which was launched earlier today. It is vital that this Government direction is backed up by ensuring that the Garda Síochána has the necessary level of resources and support it needs to tackle drug trafficking effectively, and in ensuring that our legislative response remains effective in dealing with this issue.

In his contribution, the Minister amply demonstrated in detail the extensive action the Government has taken in backing up such commitments, including the record level of resources being provided to the Garda Síochána to tackle crime, the increase in Garda numbers to record levels, and the extensive suite of crime legislation introduced in recent years to tackle organised crime including drug trafficking.

With all of this in place, the Garda Síochána will continue to pursue vigorously all of those involved in drug crime. The Minister has already referred to the ongoing work carried out by the Garda national drugs unit, the divisional drug units, the organised crime unit and the national bureau of criminal investigation, all of whose work is backed up by the Criminal Assets Bureau. The national unit works in close co-operation with other agencies and jurisdictions on drug issues. Garda liaison officers based in London, The Hague, Madrid, Europol and Interpol provide specific assistance to the national unit on international aspects of operations which target drug traffickers.

Ireland is also a full member of the MAOC group based in Lisbon, which is an international intelligence led operation against drug trafficking at sea. As we saw with Operation Seabight, the centre has a significant role to play in assisting in the interception of narcotic shipments, especially cocaine, destined for the European Union and arriving from the Americas. Irish personnel are permanently based at the centre. Given the nature of drug trafficking, the Customs Service works very closely on an ongoing basis with the Garda Síochána in carrying out drug law enforcement. During his input to this debate tomorrow, the Minister of State, Deputy Mansergh, will outline the specific role of the Customs Service in our law enforcement efforts on drug trafficking.

[Deputy John Curran.]

On the development of the joint policing committee initiative and action needed to tackle the emergence of headshop outlets, joint policing committees have been established in the vast majority of our local authority areas. Through involvement of the Garda Síochána, the community and voluntary sectors, elected local authority members and Oireachtas Members, the issue of drugs and drug related intimidation will remain central to the work of these committees and I support and urge such a focus.

I have already voiced my grave concerns at the activities of headshop outlets on numerous occasions since my appointment as Minister of State, and the representation of substances as “legal highs”. I am currently co-ordinating the Government response across various Departments to tackle the problems associated with the proliferation of these shops, which I know is a matter of serious concern to the public. In line with this, I have asked the Minister for Health and Children, Deputy Mary Harney, who has responsibility for the designation and controlling of substances under the Misuse of Drugs Act, to ensure that every effort is made to expedite the response to this issue through the early control of substances under that legislation and I hope that steps can be taken to progress this as soon as possible.

I have also raised insurance and consumer protection issues with the Department of Enterprise, Trade and Employment, as well as planning issues with the Department of the Environment, Heritage and Local Government. This issue shows the need for the integrated approach on which I am placing so much emphasis in the drugs arena. I reiterate that the Government remains resolutely committed to tackling the drugs issue and will continue to do so through a co-ordinated and partnership approach outlined in the national strategy. Accordingly, I commend the Government’s amendment to the House.

**Deputy Pat Rabbitte:** I propose to share time with Deputies Ó Snodaigh, Costello and Upton. The Minister for Justice, Equality and Law Reform, Deputy Ahern, has described this motion as opportunist and shoddy. Given the way politics is going in this country and outside this country, a hard neck is an essential ingredient to survive. One must really take off one’s cap to the major party in this Government in that regard. For the Minister for Justice, Equality and Law Reform to describe this as an opportunist and shoddy motion belies the reality of life on the ground but, above all, conveniently forgets what this House was like in the mid-1990s when Fianna Fáil was in opposition. Given how long the Minister for Justice, Equality and Law Reform is in this House, could he have forgotten what zero tolerance was like? Could he have forgotten the scenes in this House when the crime situation was not remotely similar to the vicious spiral that is the reality now? Fianna Fáil Members came into this House with their then spokesman on justice and jumped up and down every morning. Was any regard given to responsibility? No, there was not. It paid dividends in the subsequent general election in 1997. That is my view and is shared by many.

Irresponsible beating of the drum on crime in the mid-1990s brought electoral dividends. Instead of being provocative, the Minister for Justice, Equality and Law Reform should be on his knees every night, praying to whatever God he believes in thanking him that such a responsible position on crime is taken by the Opposition parties in this House now. He referred to the fact that the Labour Party opposed to the Criminal Justice (Amendment) Act passed last summer. The Labour Party did not do so; it opposed section 8 of that Act, which asked the House to declare the ordinary court courts inadequate for the administration of justice and that crime bosses should be brought before the non-jury Special Criminal Court. At the time, the Minister’s agents fed to the newspapers the story that 300 gang bosses would be rounded up at the weekend and that 300 gang bosses were ready for incarceration as soon as the Pres-

ident signed the Bill. I have the press cuttings from the time. That was in late June or early July. Eight months later, we can reasonably ask how many times the emergency legislation, brought in with such fanfare and brouhaha, has been invoked and how many cases have been before the Special Criminal Court. The answer is none, not one. The last thing the serious crime situation in this country requires is another legislative stunt. On that occasion I took offence at the rolling out of the relatives of victims of terrible tragedies of violence to praise the Minister's initiative and to welcome the step he took. The step was never necessary; the ordinary courts of this land are able to do the business. As this motion points out, the business lies in the enforcement of the existing law and better detection and convictions. The Minister boasts about the Criminal Justice (Surveillance) Act. One and a half years earlier I published a Garda Surveillance Bill and Deputy Ahern's predecessor described it as a Bill that would alert the criminal fraternity to Garda techniques. The quote sticks in one's mind if one has a mind like the Minister for Justice, Equality and Law Reform and myself. When one looks at the state of crime, one can set one's clock by the certainty that human life will have been taken in a violent incident at the end of the week. That is as certain as Saturday and Sunday dawn. The Minister should be a little more humble and should acknowledge the seriousness and responsibility of the Opposition in dealing with a matter with which Fianna Fáil would make hay in opposition.

I am a great admirer of the Irish Civil Service and the political aficionados who help the Minister to write his speeches. There is great detail in his speech. I do my best to compare the Minister's exposition with the report from the Garda Síochána Inspectorate last week. One is left with the view that we are in two different countries. I know there are thousands of dedicated policemen led by a Commissioner with a reputation that has rightly earned widespread respect. I was shocked by the report of the Garda Síochána Inspectorate. It was brief, accessible, intelligible, common sense and a sensible report on what the inspectorate views as the state of the police force, its management, the deployment of resources, the technology available and the methodology pursued. It makes the most disturbing reading, recommendation after recommendation.

Deputy Andrew Doyle referred to the fact that gardaí are being rostered on Monday morning the same as on a Friday or Saturday night. I heard a spokesman for the Association of Garda Sergeants and Inspectors on radio saying that most Garda stations do not have e-mail facilities. That is almost beyond belief in 2010. When one reads the report, is it any wonder, with regard to the technology available and the familiarity of the Garda Síochána with it, that we are in this situation?

The entire purpose of civilianisation was the use of competent civilians to free gardaí for front line policing duties. This has not happened; it has been a complete failure. The Government has not displaced a single garda. The Minister, Deputy Dermot Ahern, the Taoiseach and the Celtic tiger would have recruited anybody especially if they had the right colour. The Government recruited civilians but it did not free up one garda for front-line duty. The civilianisation programme is highlighted in the recommendations of the Garda Síochána Inspectorate. I take no pleasure in this situation.

Will the Minister explain how it is that after five or six years actively talking about reform in the Garda Síochána, along with the Garda Síochána Act and the Garda Ombudsman being established, a sober, competent, professional police officer from Boston and her colleagues could make such findings? Never mind the polite language or the verbal felicities that accompanied the publication of the report, the reality is set out in those recommendations. If we do not deal with it, and if the Minister does not deal with it as it is his responsibility, we

[Deputy Pat Rabbitte.]

will continue to see the Garda Síochána unable to operate to the maximum efficiency in dealing with the crime wave.

**Deputy Aengus Ó Snodaigh:** Gabhaim buíochas le Páirtí an Lucht Oibre as an deis a thabhairt dom labhairt ar an rún ríthábhachtach seo, agus ar an leasú ón Rialtas go háirithe. Gabhaim comhbhróm le clann Kenneth Fetherston, a fuarthas a chorp i sléibhte Bhaile Átha Cliath inné in uaigh uaigneach. I also extend my condolences to others who have been visited by the gangland killings since the beginning of this year. There have been five killings since January: John Paul Joyce, Paddy Mooney, Brendan Molyneux, Noel Deans and Gerard Stanton. Our thoughts are with the families and the communities who have witnessed and have been traumatised by these killings. There will be very few tears shed for some of them but this does not alter the fact that these gangland killings are becoming all too commonplace. All such killings must be condemned. They brutalise society and the communities in which they happen. They undermine the fabric of our communities and the justice system which is the key aspect of this problem.

It is a pity the Government does not understand the underlying sentiment of the Fine Gael motion tabled by Deputy Charles Flanagan and accept there has been a total failure in the past number of years to fully address the problems. I am in agreement with some of the Fine Gael proposals and there is nothing major in this motion that is objectionable. However, the Government amendment to the motion is disgraceful and self-congratulatory. It seeks in its tone to deny the real facts which are that gangland killings are on the increase. There have been five killings in one month. The Garda Síochána has exceeded its target on the capture of drugs — which is to be welcomed. I have gone out of my way to welcome this success and I have encouraged Minister after Minister to do more because the wealth to be achieved in the drugs trade is what underlies gangland killings and the gangland drugs trade. If the drugs trade is tackled head-on properly, then the Government will deliver.

I hope the Garda will continue to exceed it but perhaps the target was too low and the scale of the problem may have been under-estimated. The figures released by the Central Statistics Office last week showed a drop of 19% in those charged with drugs-related offences but this does not give the scale of the success of the Garda Síochána in terms of the weight of drugs it has captured. From what I can see in my constituency, one of the areas hardest hit by the drugs trade, there is availability of all types of drugs, not only illegal drugs but now what is available in the head shops. This is a debate for another day and I welcome the Minister's approach that he will tackle the problem. I hope the House will have an opportunity to debate the issue and we will come up with imaginative proposals. I do not believe the blame lies solely in this country. Ireland is a member of the European Union and that means an open market. I urge the Minister to talk to his European counterparts and to block this material getting into the European Union in the first place. If they cannot be prevented from coming from one country in particular — New Zealand — by means of trade agreements, then what is the use of the European Union and our trade agreements to date?

The Government amendment to the motion congratulates the successes of the Criminal Assets Bureau. I agree the CAB arrived in a fanfare of publicity and has been quite successful. However, it has not been successful on the ground because at a low and medium level the criminal fraternity is still lording it. Its members have the best cars and houses, they can have parties and six or seven foreign holidays a year and they are not being tackled. This is where communities are frustrated and they are demanding action. Some areas do not have confidence in the Garda Síochána. This is due to a breakdown in confidence over a period of time and also

because the Garda Síochána is not properly resourced. Ten years after it was first discussed, the Tetrus system has not been rolled out across the country and it is still being piloted. It is ridiculous in this day and age that the Garda Síochána does not have a secure digital network. Some of the offices do not even have e-mails and the opening hours do not give full access to the public.

The report of the Garda Síochána Inspectorate was referred to. Ms Kathleen O'Toole was damning in terms of the management of the Garda Síochána. It is hoped the Garda Commissioner and the Minister will listen to her proposals. I met her a number of years ago and this is what she was talking about at that stage, the management of resources. She now believes that the Garda management does not know exactly where the resources are allocated. One of the examples is the need for an urgent roll-out of civilianisation. The Garda Síochána members are fully trained as crime fighters, having been trained for two years, yet they are stuck behind desks filling out forms. I refer to Blanchardstown Garda Station which was mentioned in Ms O'Toole's report and where 60 forms are filled out by gardaí which could be filled out by anyone such as any civil servant or any other staff members in other State agencies.

I wrote to the Garda Síochána recently regarding a court warrant that needed to be executed in a family law case. The person who wanted it executed was informed it would take a year to be executed against a person living in a house. It was not the case that the person was on the run. These are simple problems but if we do not deal with the simple problems then the gardaí will not be released to work on the streets nor will there be more community gardaí. If there are more community gardaí then there will be more information coming through and communities will start to have confidence in the Garda Síochána.

Community gardaí have done tremendous work with scant resources and the change of attitude that has taken place within the force is welcome. Information is garnered through the work done by PC Plod walking the beat and engaging with people. That type of engagement will deliver the information that is needed. The Government's amendment "notes the difficulties for An Garda Síochána in obtaining evidence in shootings which are the result of gangland activities". That type of evidence will be obtained with far greater ease if adequate resources are in place to assist community gardaí.

The Fine Gael motion proposes the introduction of full body scanners in prisons. It is worth noting in this context that there are only two scanners for trucks in the country. Such scanners should be installed at every port, in addition to increased use of sniffer dogs, in order to intercept drugs shipments.

Debate adjourned.

### **Adjournment Debate.**

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### **Semi-State Sector.**

**Deputy Michael McGrath:** I thank the Ceann Comhairle for allowing me to raise the matter of the level of remuneration of chief executive officers in the commercial semi-State sector. It is a matter that has been well ventilated in the media at a time when so many have lost their jobs or are coping with significantly reduced incomes as we attempt to work our way through the current economic recession. I have no doubt that those who occupy chief executive officer positions in commercial semi-State bodies are people of integrity and ability, who work hard and fulfil their functions competently. The concerns I express do not relate to any specific



[Deputy Michael McGrath.]

personalities; I am not acquainted with any of the individuals involved. Moreover, I accept that these responsible positions should be well remunerated.

The question to consider is what constitutes an appropriate level of remuneration. The reality is that some of the packages currently enjoyed by the holders of these positions are grossly excessive. It is high time for the Government to intervene given the failure of the boards of these companies, which are generally responsible for setting the remuneration of their chief executive officers, to act responsibly in this regard. The remuneration assigned by the board generally requires the consent of the relevant line Minister who would normally give that consent with the approval of the Minister for Finance.

In recent weeks I tabled several parliamentary questions which sought to discover the details of the remuneration packages being paid in recent years at the various commercial semi-State bodies. Not all the information I received was up-to-date but it was indicative of what has been happening. For example, in 2007 the chief executive officer of An Post had an overall remuneration package of €523,000, reduced in 2008 to €493,000. Also in 2007 the chief executive officer of ESB had an overall package of €654,000, reduced in 2008 to €535,000. In 2008 the chief executive officer of Coillte received a remuneration package of €489,000, including a bonus payment of €74,000, reduced in 2009 to a total package of €414,000. These levels of remuneration are not acceptable. According to media reports — I did not receive this information by way of parliamentary reply — the chief executive officer of the Dublin Airport Authority enjoyed an overall remuneration package of €698,000 in 2007. This is the company which admitted some months ago that it had insufficient cash to run the business according to the existing model and was obliged to undertake a major redundancy and cost-cutting programme.

How did the boards of these commercial semi-State companies approve such ridiculously excessive levels of remuneration for their chief executive officers? There is a distinct lack of consistency across the sector, with some chief executive officers paid in the region of €150,000 to €200,000 while others enjoy packages up to and in excess of €500,000. According to media reports, the chief executive officer of the IDA had a salary of some €200,000 in 2007. The function of that office is to secure inward investment which will lead directly to the creation of jobs. I cannot understand how the person responsible for running the three State airports, although that is also an important job, could be paid up to €700,000 while his or her counterpart in the IDA, who has a key position in terms of our efforts to secure economic renewal, is paid only €200,000.

How then do we place a value on the respective roles of chief executive officers in the commercial semi-State sector? It has been argued in some quarters that benchmarking their remuneration against that of private sector counterparts suggests their pay is not excessive. I dispute that analysis because it takes no account of the radically changed environment in the private sector in the last two years. Moreover, commercial semi-State companies operate within the broader public sector family even though they have a commercial mandate. As such, many of their senior executives enjoy security of employment and the other entitlements of public sector employment but have not, despite their generous pension arrangements, been subjected to the pension levy. These companies are not floated and are not therefore subject to stock market disciplines. The Government is the only shareholder and in many cases a dividend is not required to be paid. In addition, many of them also function as monopolies within their sector.

The Government should consider the possibility of introducing a cap on remuneration in the semi-State sector. The high salaries being paid to chief executive officers and other senior managers are feeding into an environment of high energy, transport and compliance costs and so on, making our economy less competitive. I acknowledge that many of these people have taken a 10% pay reduction in response to the call by the Minister for Finance. Notwithstanding that, I urge the Government to establish a review body to update the 2007 Hay Group report in order to set more realistic remuneration levels for chief executive officers in the commercial semi-State sector in order to reflect the changed economic situation. Remuneration should be based strictly on performance.

**Minister of State at the Department of Education and Science (Deputy John Moloney):** I am taking this matter on behalf of my colleague, the Minister for Finance, Deputy Brian Lenihan. I thank Deputy Michael McGrath for his contribution to this debate. There is considerable variation in the size and capacity of State commercial companies. They include large companies such as ESB, CIE, the Dublin Airport Authority and Bord na Móna which play a critical role in national productivity. State commercial companies have been central to the development and modernisation of our economy. They also provide many of our essential infrastructural needs.

In the past, recommendations regarding the remuneration of chief executive officers of commercial State bodies came within the remit of the Review Body on Higher Remuneration in the Public Sector. Following recommendations by the review body in 1996, the Government adopted new arrangements for the system of determining the remuneration of these chief executive officers. Under this system, management consultants review the pay of these posts from time to time based on comparison with posts in the private sector.

Pay ranges recommended through this system were approved by the Government in 1999 and 2007. Currently, the remuneration of chief executive officers of commercial State bodies is set within the range of 80% to 100% of the median of private sector rates. In addition, chief executive officers are eligible to take part in performance-related pay schemes which, since 2008, provide for a possible annual performance bonus of up to 35% of salary, 10% of which must be based on achieving rigorous measurable targets at the end of three to four-year periods.

The Financial Emergency Measures in the Public Interest (No. 2) Act 2009 provides for reductions in the pay of public servants including staff of non-commercial State-sponsored bodies. The Act does not, however, cover commercial State-sponsored bodies. As the Minister explained during the debate on this legislation, pay cuts in commercial State-sponsored bodies such as Bord Gáis and the ESB would have no impact on the public service pay bill because the pay of the employees of those bodies is funded through their own commercial efforts. Historically, these bodies have not been covered by the public service element of pay rounds and have taken an independent approach to controlling their pay bills. RTE, for example, achieved voluntary pay reductions in recent months by agreement of its staff. Similarly, there have been a number of voluntary redundancy schemes in the ESB. While these companies must be allowed to act commercially and in accordance with the normal industrial relations process, the Government believes they should be subject to pay restraint in the interests of fulfilling the long-term national goal of ensuring competitive pricing for energy and other goods. The Minister for Finance has indicated that he is concerned about top-level pay across the economy. He has said he will bring proposals to the Government to review the arrangements governing the pay of chief executives of commercial State-sponsored bodies. Accordingly, the issue under debate is being addressed. The nature and extent of the proposed review is under consideration by the Minister for Finance. I can confirm that the Minister will bring proposals to the Government shortly.

### **Suicide Incidence.**

**Deputy Dan Neville:** I thank the Ceann Comhairle for allowing me to raise this matter. I thank the Minister of State with responsibility for mental health and suicide, Deputy Moloney, for coming to the Chamber to respond to this debate.

The Government must address the emergency that has arisen following the announcement of an increase in suicide rates in the first half of 2009. The latest figures from the Central Statistics Office show the number of deaths by suicide increased by 35% in the first half of 2009, when compared to the same period in 2008. Some 228 people took their own lives in the first six months of last year, compared to 169 in the first six months of 2008. The Government must pay heed to the link between unemployment and suicide. It is alarming that figures for births, marriages and deaths also show an increase in the number of people dying by suicide. Those figures show that 77% of deaths by suicide are among men and 40% of those who take their own lives are under the age of 35. The Government should regard the 35% increase in the incidence of suicide as warranting an emergency response. Instead, it has been ignoring its duty to respond to the mental health crisis brought about by these times of recession.

The link between suicide and financial disaster is well established. Unemployment, insecure employment, threat to or loss of home and restricted access to credit take a heavy psychological toll on public health. There is a reduction in mental well-being and an increase in mental health problems, substance misuse, relationship breakdown and divorce. In recessionary times, there is a sudden gap between material needs and resources. Frustration increases during economic downturns, as an increasing proportion of people cannot realise their financial goals. This can increase aggression, including suicide. Research published in 1967 found that the absolute value of change in the stock market prices was associated with an increase in male suicide rates during 1929 to 1940. This confirmed the thesis that downward economic change in the business cycle increases suicide. The rate of unemployment emerged in earlier studies as the leading predictor of suicide rates. There have been numerous studies of this type over the years, most of which continue to illustrate a clear link between unemployment and suicide rates. This is especially true for males.

All studies indicate higher rates of psychological and physical ill health among men and women who are in insecure work or are unemployed. A protracted period of unemployment at a young age seems to have a particularly deleterious effect on the mental health of young men, regardless of their social background. Unemployment has a profound effect on people, especially the young and those in middle age. Irish society awards status and prestige in accordance with a person's position and contribution to work. Unemployment is associated with loss of face and prestige. Those who are unemployed are six times more likely to suffer from a psychiatric disorder than those who are in employment. The unemployed are between four and six times more likely to take their own lives than the general population. The high rate and threat of home foreclosures is of concern. Homes are the primary investment of most Irish people. I have been warning the Government about this trend for some time. Just under €4 million has been allocated to the National Office for Suicide Prevention. I suggest to the Government that a modest €10 million be allocated.

I would like to conclude by congratulating the Minister of State on his contribution to last Sunday's "Marian Finucane" radio programme, to which I listened. Some of my colleagues at the Irish Association of Suicidology, including the other directors, asked me to convey their congratulations to the Minister of State on his excellent and brave remarks.

**Deputy Lucinda Creighton:** Hear, hear.

**Deputy John Moloney:** I thank those who prepared my script for this debate. As it deals mostly with specific numbers, I wish to depart from it in my response to Deputy Neville. I am not responding directly to his concluding remarks when I say that over the 20 months I have spent travelling the country and meeting groups, I have always found that the Deputy presents these issues in a genuine manner. The manner in which he has soldiered on with regard to this issue, over so many years, proves his commitment. I have heard his arguments and I fully accept the point he made about funding. I assure Deputies that the necessary commitment exists in the Vision for Change document. While money is an issue, all the funding in the world will not make that much difference if people are not aware of the services that are available and if the issue is not destigmatised. Rather than speaking about the targets that have been set, I would like to say that when I was appointed to this job 20 months ago, I gave a clear commitment that I would produce a capital programme by March 2010. I intended to do that at Farmleigh House on 1 March next. I fully accept Deputy Neville's point that this is not all about new buildings or new structures. At the same time, the old structures that served us well in the past century have passed their sell-by dates. We must assure service users that we intend to meet our commitment to ring-fence the fund for the capital programme. The programme must have a specific timeframe and price tag. I will outline my proposals in that regard on 1 March next.

I would like to respond specifically to Deputy Neville's comments. Regardless of the commitments I have mentioned, our major challenge is to make people understand that mental health should be treated the same as physical health. In the past 20 months, I have brought together people from different walks of life to deal specifically with the stigma that attaches to mental health. As I have always believed that one cannot talk about such matters forever, I intend to produce a national programme, *See Change*, in April or May of this year. I have asked Mr. John Saunders, the former director of Schizophrenia Ireland, to lead the national programme. We have met once a month in recent months to do a great deal of valuable work. I recognise the huge commitment of Mr. Geoff Day of the National Office for Suicide Prevention. I would also like to mention people in the Department like the new director, Mr. Martin Rogan, as well as Barbara, Dora and Joan. I am not getting carried away with a Barack Obama-style motivational policy. However, it is important to organise and provide funding for town hall meetings that are attended by professionals, and at which we will encourage people to talk about the issue of mental well-being. I have talked about this for a long time, but the time for action is around the corner. It will come in April or May, as I have said.

I am not approaching this issue from a professional background. As a funeral undertaker, however, over the years I have seen the difficulty and distress of families bereaved by suicide. The real challenge is to get people to understand that nothing should be hidden in this area. I have always believed that while national campaigns can be very successful, targeted local campaigns are also needed. Local radio stations will be involved in the upcoming campaign, as part of an attempt to encourage people to come forward. The theme of each week's meeting will be "well-being and mental health". I am looking forward to getting five or six local personalities, for example from sport, politics or the arts, to speak each week to show what Vision for Change is all about. I refer to the recovery model and to be able to confirm locally that services exist. It is up to the Government to provide such services and it must live up to that commitment. This is part of A Vision for Change, which has been running for four years and has a further five years to go and now is the time to try to encourage belief.

I accept fully that the figures referred to by Deputy Neville give great cause for concern. I will not pretend for a second that the economic decline means this trend will be only temporary.

[Deputy John Moloney.]

I also believe in the importance of awareness among all accident and emergency units. I have invited accident and emergency personnel to Dublin to try to encourage them to conform with a uniform policy of spotting self-harming and tendencies towards depression to ensure that follow-ups take place in this regard.

I heard what Deputy Neville said and respect him for his comments and I have taken up this matter since the time I chaired the Joint Committee on Health and Children. While it is important for the Government to set targets, I also believe that one must put together the principles. Rather than simply reading out that funding has been spent or that commitments are in place, it is more important that they should come with that national programme. While I am tempted to ask the Government to nominate 2010 to be mental health year, I do not wish to do so until specific proposals are in place that can be delivered, lest it is again perceived as an attempt at pretence. However, a commitment will be made in March in respect of the capital programme for A Vision for Change and the focus in April will be on stigma eradication. I hope that all Members can get behind this initiative to try to deal with the huge difficulties that exist on this island.

### **Social Insurance.**

**Deputy Lucinda Creighton:** I thank the Minister of State for taking this Adjournment matter. I wish to raise the issue of the abolition of the PRSI scheme for dental and optical services for people throughout this State. I wish to put on record that my party and I are more than disappointed by the scrapping in the recent budget of essential services for which people pay. I believe the full impact and implications of this course have not yet been realised by the public at large. However, people will realise this as the year progresses. They will make appointments to have their regular checkups, to have their teeth cleaned or to undergo the usual treatments they have come to expect under the PRSI scheme, only to find they are no longer available to them. First, I wish to stress that the treatments that were available for dental and optical services under the PRSI scheme were not free, as they were paid for through the PRSI scheme. People pay PRSI from their pay-cheques to participate in and avail of these highly successful schemes. For example, the optical scheme was introduced well over 40 years ago, I believe by a Fine Gael-led Government. Negotiations took place at which it was agreed that basic needs of ordinary people would be covered by this scheme into which people paid and made a contribution.

It is fair to state that both the optical and dental schemes have played a highly significant role in improving the health of ordinary people nationwide. They have ensured that the optical and dental well-being of people has improved greatly and has been transformed over the past two decades. It is lamentable that the Government can be so short-sighted, if Members will pardon the pun, to eliminate such services almost completely for such short-term financial gains. Moreover, the Minister of State should not attempt to dress this up as these schemes have been virtually completely wiped out in the recent budget.

To put this in context, the optical scheme is very interesting. Approximately 200,000 people benefited from the scheme on an annual basis at a cost of just €15 million to the Exchequer. Consequently, no major saving is involved. It is a minor and unnecessary saving in the grand scheme of things, when one considers the type of savings that were being found in the most recent budget. Similarly, with regard to the dental scheme, it is estimated that in 2008, 400,000 patients presented under the PRSI scheme for approximately 1.5 million dental treatments at an estimated cost of approximately €100 million. Consequently, in the grand scheme of things,

the savings achieved are extremely small when compared with the benefit that was derived from the operation of such schemes.

It is no exaggeration to state this will do untold damage to the nation's health because the early detection that resulted on foot of the provision under both schemes of checkups, in particular, will be a significant loss and will lead to a deterioration in the nation's health. I also believe it will cost more to the Exchequer in the long term to try to repair the damage that is being done by unravelling the scheme. From a business perspective, I know of opticians who have invested significant sums of money in new equipment to be able to compete in the world of Specsavers and similar chainstore opticians. Although such people raised their game to meet this challenge, they were given only three weeks notice of the abolition of a scheme that had existed for more than four decades. Moreover, even their contracts with the State stipulated that they should have been given three months notice. Although there is a question as to whether a breach of contract took place, perhaps that is a discussion for another day. I will conclude by referring to a cliché that has been bandied about but that also is a fact. The Government was happy to bail out bankers when the time came and was happy to underwrite the debts incurred voluntarily by reckless developers. However, it also is happy to sacrifice the health of the nation to make minuscule savings. People are beginning to wake up and realise what has happened in the most recent budget. By the end of the year, the Government will be faced by hundreds of thousands of angry people who are being denied essential services by the State.

**Deputy John Moloney:** I wish to respond on behalf of the Minister by stating that treatment benefits are paid to insured persons from the social insurance fund, SIF. Although the SIF has operated a surplus since 1996, this position began to change in 2008, when expenditure had to be partially funded from the accumulated surplus. Expenditure continued to exceed PRSI and investment income to the fund in 2009 and it is expected that the accumulated surplus will be completely exhausted in the first half of 2010.

It is further estimated that the Exchequer will be required to subvent the fund by more than €1 billion this year. The McCarthy report of the special group on public service numbers and expenditure programmes advised the Government that, given the other pressures on the social insurance fund, continuation of the treatment benefit scheme was no longer affordable. It is against this backdrop that the Government took the difficult decision to reduce expenditure on the scheme and changes were announced in budget 2010.

From 1 January 2010, people claiming under the optical and dental elements will receive a free examination. The medical appliances element of the scheme has not changed and hearing aids and contact lenses required for medical reasons will continue to be provided for on the same basis as before. This means that a grant of 50% of the purchase price, to a maximum of €760, is available towards the cost of an appliance or appliances under the scheme. People who, at 31 December 2009, were undergoing a course of dental or optical treatment or who had applied for approval to commence treatment, will have their applications processed under the rules which operated prior to 1 January 2010.

In the period between the budget announcement and the end of December 2009, more than 150,000 applications for approval in respect of dental treatments and more than 20,000 in respect of optical treatment were received from practitioners on behalf of the customers. These approval requests have been processed and notification issued to the dental and optical practices concerned. Treatments must commence within three months of approval being given and must be completed with six months of commencement.

[Deputy John Moloney.]

Savings of €54 million were originally envisaged in 2010 and while the increased level of inquiries for treatment in the last few weeks of 2009 will have an impact on that figure, it still is anticipated that substantial savings will result in 2010. More than 2 million PRSI contributors still are eligible for the free dental and optical examination and medical appliance benefit in 2010. In 2009, more than 418,000 customers claimed a free dental examination at a cost of more than €14 million. In addition, 219,000 free eye examinations, at a cost of almost €5.5 million, also were provided. There also were 7,500 treatments under the medical appliance scheme, at a cost of more than €7.5 million. Similar level of applications can be expected this year. The continued provision of a free examination will allow people to continue to have regular optical and dental check-ups and help ensure the early detection of disease and other health issues.

The Department of Health and Children, under the medical card scheme, provides dental and optical services for customers on low incomes. The service is provided through the same group of contractors that supply services under the treatment benefit scheme. It should be noted that treatment benefits are just one of a range of pensions and benefits from which pay related social insurance, PRSI, contributors can benefit. Recent statements from some parties have suggested that employed people are paying up to €53 a week in social insurance and getting no benefit from it. On the contrary, the provision of a wide range of pensions, injury, unemployment and other benefits are and continue to be directly funded by PRSI contributions via the social insurance fund. The Government has indicated that it will review its decision on the treatments benefit scheme in advance of the next budget in the light of prevailing financial circumstances at that time.

**Deputy Lucinda Creighton:** The next election more like.

**Deputy John Moloney:** The Government is a bit long in the tooth for that.

**Deputy Lucinda Creighton:** There is still life in the old dog.

### **Third Level Courses.**

**Deputy Jimmy Deenihan:** Recently, there was serious concern among the staff of the carpentry and joinery section of the engineering department of the Institute of Technology Tralee when they were informed of a proposal to centralise apprenticeship education into two national centres which may not include the Institute of Technology Tralee.

Carpentry and joinery education has been catered for continuously in Kerry by Kerry VEC, Tralee VEC, Tralee RTC and the Institute of Technology Tralee, through peaks and troughs in the building industry and through every recession since the vocational system was established in 1930. Back then, the apprenticeship system was controlled and maintained by the Department of Education. In more recent times, FÁS was given central control of the apprenticeship scheme.

The Institute of Technology Tralee has catered for the needs of carpentry and joinery for the construction industry. It has been providing services in the south west region for all these years and has a strong connection with the construction industry and the public in general. The institute also runs the only agricultural mechanics course for apprentices in the country. It enforces the need to maintain the trade of carpentry and joinery as there is commonality of theoretical subjects such as mathematics and geometry.

The Institute of Technology Tralee has invested heavily in facilities to ensure that its apprentices are trained to the highest standards for current and future industrial requirements. Parallel to this, student numbers have grown to reach a peak of 1,628 three times a year. In the past, the institute has facilitated requests to run summer blocks to alleviate backlogs of student numbers up to and including the summer of 2009.

The institute was the only one in the country to maintain carpentry and joinery courses through the 1980s recession and has been a mainstay for the trade over the years. Some institutes have only returned to the trade in recent years and consequently lack the continuity of experience which the Institute of Technology Tralee offers. Initially, the institute catered for students from the catchment area of Kerry, north Cork and west Limerick but due to the boom in the construction industry students have been travelling to Tralee from all over the country. These increased numbers have been of huge economic benefit to the town of Tralee which has suffered considerably from a lack of industrial jobs over the past 20 years in particular.

The 12 members of staff have taken an active role in the development of the carpentry and joinery section, including syllabi feedback, student support and self study, writing texts for the trade, participation in assessment procedures and development of state of the art workshops. The institute has an impeccable record of health and safety in carpentry and joinery, due in part to the diligence of staff but also to the constant updating of modern machinery and facilities.

The provision of carpentry and joinery, if lost, could be very difficult to replace. Therefore, it is imperative that the Institute of Technology Tralee maintains a core student enrolment in carpentry and joinery throughout the downturn so as to enable the institute to cater for the future provision once the recession has passed.

The management of the Institute of Technology Tralee met with Higher Education Authority representatives in December 2009 to present them with the arguments to maintain this education service in the college. The future of carpentry and joinery education in the institute will be determined by the HEA in conjunction with the Minister for Education and Science, Deputy Batt O’Keeffe. The south west region has suffered loss of services in other areas such as health and transport so it is vital for the region that we do not suffer further losses in education. This is why it is critical that we preserve the provision of carpentry and joinery education at the Institute of Technology Tralee.

**Deputy John Moloney:** I thank Deputy Deenihan. I will respond on behalf of the Minister, Deputy Batt O’Keeffe, who cannot be here.

Apprenticeship is a blended training programme, with part of the training delivered by employers and part by FÁS and educational institutions. In most of the trades, FÁS apprentices undertake a seven phase training programme, with phases 4 and 6 provided by the education sector in institutes of technology and in two colleges of further education. The number of places provided for phase 4 and 6 apprentices is determined by the number of registered apprentices ready to progress to these phases. Accordingly, the number of places is determined by the level of demand in any given year.

As Deputy Deenihan is aware, the downturn in the construction sector has resulted in a significant fall-off in the numbers of apprentices being recruited nationally. The number of FÁS registered apprentices requiring education and training has declined from 8,300 in 2006 to 1,535 in 2009, a reduction of more than 80%. Construction related trades, including carpentry and joinery, have been particularly affected.



[Deputy John Moloney.]

To plan for the reduced requirement for education and training provision in construction related trades, a group comprising representatives from the Department of Education and Science, the Department of Enterprise, Trade and Employment, the Higher Education Authority and FÁS was established to examine relevant data and forecast, in so far as it is possible, expected construction related recruitment levels over the next number of years. Based on the group's forecasts, the Higher Education Authority notified institutions of the reduced requirement for education provision and consulted with individual institutions to assess the impact of the forecast reduction in numbers on the education sector.

Having regard to the inputs received and to enable the necessary reduction in education provision for the construction and related trades to be implemented on an objective basis across the country, an independent evaluation panel was established to advise the HEA on the appropriate levels of provision required within the education sector to meet likely future demand. The independent panel evaluated submissions and presentations from 12 institutes of technology and two colleges of further education regarding future provision at reduced levels of demand and has made recommendations on the allocation of reductions in provision that take account of national and regional factors, funding and efficiency levels, as well as the impact of reductions on education providers. The recommendations provide for a phased reduction in the number of annual apprenticeship blocks from 655 in the 2008-09 academic year to 447 in 2014-15. The overall recommendations are made on the basis of rationalised distributed provision rather than concentrating courses in a small number of national centres.

On 20 January 2010 the institutions were notified of the provisional recommendations and given opportunities to make observations on them. While the panel has recommended a reduction in carpentry and joinery provision in Institute of Technology Tralee, education provision in that trade will continue to be provided by the institute at a reduced level. This is in line with reductions in other institutions and reflects the likely demand for provision in that trade in the south west. I understand that the HEA has arranged to meet the presidents of the affected institutes of technology later this month to discuss the general approach to the management of the reductions and will meet separately with each institute over the coming weeks to clarify the implications of the allocations.

The allocated reductions will not take place before the 2011 academic year because significant numbers of apprentices who commenced their apprenticeships before the downturn in recruitment continue to progress through the system. It is also proposed to keep the future demand for apprentice provision under a five year rolling review.

I thank Deputy Deenihan again for raising this issue and providing me with an opportunity to outline the recent developments in apprenticeship education provision and to clarify the process used to enable the necessary reductions in provision to be implemented on an objective basis.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 3 February 2010.

## 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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*Questions Nos. 1 to 13, inclusive, answered orally.*

*Questions Nos. 14 to 98, inclusive, resubmitted.*

*Questions Nos. 99 to 105, inclusive, answered orally.*

### **Job Creation.**

106. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she will take to address the continuing high level of unemployment indicated by the live register figures; if she has plans to provide new training opportunities for persons who have lost their jobs and to encourage the creation of new employment opportunities; and if she will make a statement on the matter. [4822/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Government is determined to tackle Ireland's unemployment levels and has introduced a range of measures to address the unemployment challenge by:

- Firstly, supporting the creation of new jobs,
- Secondly, protecting vulnerable jobs and,
- Thirdly, supporting the unemployed back into employment through job search, training and work experience supports.

In terms of **supporting the creation of new employment** opportunities, the State development agencies, Enterprise Ireland and IDA Ireland, together with the County and City Enterprise Boards assist and promote enterprise development and employment growth in businesses.

Enterprise Ireland has prepared a recovery strategy to identify the actions that will be undertaken to help clients in 2010 and has refocused its efforts on strengthening and sustaining companies of strategic importance through a range of initiatives.

The Enterprise Stabilisation Fund is one such initiative introduced by Government with 148 projects with a value of €58 million approved for funding.

[Deputy Mary Coughlan.]

The Government is in the process of reviewing a new strategy for the future direction of FDI, which the IDA has developed and, subject to my approval, it will shortly be published. This strategy will identify the opportunities in the FDI markets, while stressing the importance of restoring our relative international competitiveness if we are to maximise FDI potential.

Despite the global turbulence 2009 was a good year for inward investments, with the IDA winning 125 investments and already in 2010 there have been 7 announcements with a potential to create at least 280 jobs in Dublin, Galway and Tullamore.

The County and City Enterprise Boards provide support for small businesses in the start-up and expansion phases. Job creation is an inherent consideration in the activities of the Boards. The Boards provide assistance through direct grant aid to businesses and a range of other important business supports designed to boost employment creation.

To **protect vulnerable jobs** and to prevent people being made redundant the Government introduced the Employment Subsidy Scheme last year. Between this year and last €135 million has been allocated to this Scheme and it is expected that this will either directly or indirectly protect 80,000 jobs.

To **support the unemployed**, the Government have almost doubled the capacity of the FÁS job search support services, to an annual National Employment Action Plan referral capacity of 147,000 persons. In addition, this year the total number of training and work experience activation places funded by my Department will be 147,000.

In Budget 2010 my Department received an additional €90 million to train the unemployed and this will enable my Department to train a further 16,500 people compared to last year. This provision is comprised of an additional 9,000 FAS training courses, the new Labour Market Activation Fund, which will provide at least 3,500 training places, and the 3,500 places to be delivered through the European Globalisation Adjustment Fund. It also includes the 500 additional Community Places the Government will provide this year bringing the total Community Employment places to 23,300.

Finally, last year the Government introduced the Work Placement Programme to provide the unemployed with up to 9 months work experience. This programme aims to keep participants active and close to the labour market and will provide them with on-the-job training and valuable experience.

### **Industrial Development.**

107. **Deputy George Lee** asked the Tánaiste and Minister for Enterprise, Trade and Employment the efforts she is making to import new industries to County Donegal in view of the high unemployment figures there and in an effort to employ persons that have already lost their jobs or persons seeking employment for the first time; and if she will make a statement on the matter. [4993/10]

156. **Deputy Dinny McGinley** asked the Tánaiste and Minister for Enterprise, Trade and Employment the efforts that are being made by her to import new industries to County Donegal in view of the high unemployment figures there in an effort to employ persons who have already lost their jobs or persons who are seeking employment for the first time; and if she will make a statement on the matter. [4875/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 107 and 156 together.

IDA Ireland is actively encouraging new investment in Donegal in knowledge-based industries. This is part of a focused strategy to replace the traditional clothing and textile industries that have been declining in the North West Region in recent years. During the last 5 years IDA-supported companies in Donegal have created over 663 new jobs.

There are presently 12 IDA Ireland-supported companies in Donegal, trading internationally and employing 1,683 Full Time and 128 Part Time people in Software Development, Systems Development and the Medical Technology industry. Donegal's industry base is transforming from the clothing and textile industry to high tech, high skill activity. Companies such as Pramerica and UnitedHealth, which have located in Donegal are continuously growing and recruiting.

The agency's emphasis is to build up an international and financial services cluster and is making strides in delivering on this, evidenced by the existing quality of the companies and the announcement of an expansion of 123 jobs by SITA INC. In addition IDA is actively promoting Donegal as a successful location for high-end manufacturing mainly to companies in the medical technologies sector. This is proving successful with projects from Medisize and Zeus Industrial Products Inc. who have opened a European Operations Centre for the production and distribution of precision medical tubing products.

Another primary focus for IDA in Donegal is the designated linked Gateway of Letterkenny/Derry and significant investment has also been undertaken in developing property solutions through the provision of a Business and Technology Park along with three advance buildings in Letterkenny.

This focus involves developing stronger economic links with Invest Northern Ireland, which includes initiatives like the North West Business & Technology Zone. This is aimed at promoting the linked Gateway of Letterkenny/Derry in line with the objectives of the NSS 2002 — 2020 and the NI Regional Development Strategy 2025.

The delivery of physical, social and economic infrastructure is key to securing inward investment and IDA Ireland continues to be engaged in identifying and prioritizing investment in these areas in association with local partners.

EI is also focused on the creation of new jobs through supporting entrepreneurs setting up new High Potential Start-Up Companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions. Enterprise Ireland provides a range of supports for high potential start up companies including, financial supports, business and marketing advice, mentoring, product development etc. Eight HPSUs were created in Donegal since 2005. EI approved grant payments of some €5.3M in 2009 to companies. 14 Donegal companies have been approved for €2.2M under the Employment Subsidy Scheme with a further 5 companies being approved for €1.75m under the Enterprise Stabilisation Fund.

### **EU Directives.**

108. **Deputy Michael D. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding and timeframe for the transposition of the Services Directive; and if she will make a statement on the matter. [4835/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Regulations to bring the Services Directive into law are well advanced but not yet ready for signature. My Department is working with the Office of Parliamentary Counsel with a view to

[Deputy Mary Coughlan.]

completing the legislation as soon as possible. This will involve, mainly but not exclusively, ensuring that the provisions of the Directive are reflected in the transposing instrument.

The timeframe for the completion of the legislative work is difficult to say but it will take a number of months. The Services Directive affects almost every service — a small number are excluded from its scope — and affects almost every Department. Consequently, there will be considerable inter-departmental input into the process to ensure consistency between the transposing Regulations and other legislation covering services administered by a range of Departments.

The draft Regulatory Impact Analysis (RIA) will have to be updated and approved by the Government for publication when the Regulations have been completed and before they are signed into law.

The Directive is unusual in that the transposition process involves a great deal of administrative work as well as legal drafting. The work is detailed and technical. Among the administrative and technical features of the transposition process has been the creation of a point of single contact to allow service providers from this and other Member States to set up a business here. The point of single contact is now operational.

I am pleased to say that the administrative work, although not complete, has reached a point where the Directive can be applied administratively, to a considerable extent, ahead of the coming into force of the legislation. My Department will be advising the European Commission, the other Member States, other Departments and stakeholders in the next few days that the Directive is to all intents and purposes largely operational and that Ireland is broadly applying its provisions in advance of formal transposition.

### **Industrial Disputes.**

109. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the report of the inquiry into the dispute between a union (details supplied) and employers in the electrical contracting industry; and if she will make a statement on the matter. [4831/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** On 15 December 2009, the Tánaiste and I published the independent report into the industrial relations dispute between the Technical Engineering and Electrical Union and Employers in the electrical contracting industry that resulted in a nationwide strike in July, 2009. The report was commissioned under Section 38(2) of the Industrial Relations Act 1990.

The report focuses attention on the areas that can be usefully addressed to improve relationships between all the parties in the electrical contracting sector. It affords all stakeholders a timely opportunity for reflection on the best means of achieving a comprehensive integrated solution to all the issues raised in the context of the dispute.

The report sets out a series of recommendations that highlight the scope for

- effecting improvements in the representative decision making structures dealing with industrial relations issues in the sector;
- adapting the current sectoral collective agreement to the changing needs of the sector and the wider economy in the current environment; and
- effecting improvements in the current system for achieving compliance with employment standards within the sector.

The main thrust of the recommendations in the report is directed to the stakeholders in the electrical contracting sector. There are also a number of areas in which the report has highlighted how the State's industrial relations agencies together with the public bodies responsible for the public procurement policy, can assist those involved in establishing better and more inclusive negotiating arrangements.

My Department had written to representatives of all stakeholders involved in the sector encouraging them to consult within their organisations on the conclusions and recommendations in the report and inviting them to participate on an Implementation Group comprising of representatives of those organisations who have accepted the conclusions and recommendations of the Report. A number of the stakeholder bodies have since requested additional time to consider the report and their responses are awaited.

Both the Tánaiste and I endorse the main conclusion of the report that the National Joint Industrial Council should be totally reformed through the introduction of new rules. I agree, moreover, that the establishment of the proposed Implementation Group would provide the best means of completing that task.

### **Community Employment Schemes.**

110. **Deputy Damien English** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will explore the possibility of developing a tourism driven walkway and cycleway on the old Letterkenny to Burtonport railway line, with a view to developing the project through a community employment scheme; and if she will make a statement on the matter. [4967/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** Community Employment is first and foremost an active labour market programme with the primary objective of progressing participants into the open labour market. It is specifically targeted at equipping the long-term unemployed, through identified worthwhile work and training, with the skills that will allow them to enter the labour force. While the programme is a valuable support to groups in the delivery of services, this is not the primary purpose of the scheme.

FÁS is the agency responsible for approving projects and welcomes all proposals from sponsors to carry out projects such as those mentioned by the Deputy.

Eligible projects are those which:

- Respond to an identified community need;
- Provide development for participants in areas involving heritage, arts, culture, tourism, sport and the environment;
- Have the agreement of relevant trade unions;
- Do not displace or replace existing jobs;
- Offer valuable work experience for participants.

The FÁS Community Services Offices in Letterkenny or Gweedore would be in a position to explore the above-mentioned proposal identified by the Deputy.

### **Employment Subsidy Scheme.**

111. **Deputy Dan Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment the uptake of the employment subsidy scheme; if exceptions will be made to the regu-

[Deputy Dan Neville.]

lations of this scheme in the second round regarding the support for part-time workers or persons working less than 35 hours per week; if there will be a third round of this scheme with amended criteria of qualification; and if she will make a statement on the matter. [4986/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Employment Subsidy Scheme (Temporary) is designed to support the maintenance of vulnerable jobs, help the economy retain its productive capacity and employers retain the labour, knowledge and skills of their workforce thereby supporting a faster return to sustainable growth.

The Scheme provides financial support to vulnerable but viable enterprises. As part of the Scheme, enterprises receive a subsidy of up to €9,100 for each subsidised job. In order to qualify for support, enterprises must commit to retaining a multiple of the number of jobs they receive subsidies for until the end of 2010.

To date there have been two calls under the Scheme. I launched the First Call of the Scheme on 6th August 2009. This Call was restricted to companies that were in the internationally traded services and manufacturing sectors and engaged in exporting. As a result of the First Call, 457 enterprises qualified for support and approximately 35,000 jobs are being directly and indirectly supported.

I launched the Second of the Scheme on 4th December. This Call was broader than the First call as it was open to companies from all sectors of the economy provided that they employed a minimum of 10 full time employees. The Second Call closed on 23rd December and a total of 2,590 applications were received. Enterprise Ireland, who are managing the Scheme are currently assessing these applications.

In order to qualify for support under the First Call of the Scheme subsidies could only be provided to enterprises whose employees were full time and working an average of 35 hours per weeks. However this was amended in the Second Call to allow enterprises apply for subsidies if they had placed some of their employees on reduced working hours in response to the economic downturn. The Second Call therefore contained two different subsidy levels, one for full time employees working an average of 35 or more hours per week and one for part time employees working an average of between 21 and 35 hours per week.

The full time subsidy in the Second Call is €9,100 per subsidised employee, which is the same as the subsidy from the First Call. The part time subsidy in the Second Call is €6,370 per subsidised employee.

Between the First and Second Calls the Government have allocated €135 million under the Employment Subsidy Scheme for the retention of vulnerable but viable employment. Consequently it is expected that between the Scheme's two Calls approximately 80,000 jobs will be either directly or indirectly supported.

There are no plans at this stage to have a third call of the Employment Subsidy Scheme.

### **Departmental Reports.**

112. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the actions she has taken on foot of receiving the research report on acquired disability and employment; and if she will make a statement on the matter. [4922/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** This consultancy study entitled, *Research Report on Acquired Disability and Employment*, was commissioned by the Department of Enterprise, Trade and Employment following

discussions with its Consultative Forum on an employment strategy for people with disabilities, and completed in 2008.

Key findings in the study explore the incidence of disability acquired by people during their working life, leading to long-term absence from work, and the perceived barriers to retention in employment following such a disability.

A number of key recommendations in the report relate to achieving a reduction in the inflow of long term receipt of Invalidity Benefit, and reducing the stock of long term recipients of Invalidity Benefit. These are matters for consideration by the Department of Social and Family Affairs. A number of recommendations are also directed to employers with regard to increasing their responsibility and involvement in the retention and re-integration of employees. Other supporting recommendations are directed to the Department of Enterprise, Trade and Employment and State bodies including the Health and Safety Authority, the National Employment Rights Authority, FÁS, the National Disability Authority and the Equality Authority.

In so far as recommendations concern my Department, the matter of workplace health of all kinds is supported in a number of ways by the HSA. The HSA is working on extending its range of activities in this area and has planned this in its range of activities for 2010. It has an increasing focus on occupational health. In the general area of workplace health, including mental health, bullying and stress, the HSA has a Code of Practice on the Prevention of Workplace Bullying in place since 2006, and in its inspection programme monitors workplaces for policies on workplace bullying. The HSA plans to update its existing guidelines on workplace stress in 2010. The HSA also monitors workplaces in the financial sector for policies on stress.

In 2009 the HSA updated its Work Positive Audit Tool and in 2010 plans to do more work on it. It published an employer's guide to implementing inclusive health and safety practices for employees with disabilities in March, 2009.

Other actions on foot of the recommendations, that are of interest to the Department of Enterprise, Trade and Employment are subject to on-going consideration, and will inform future policy in the context of the further advancement of a comprehensive strategy for people with disabilities. In this regard, NERA has indicated its readiness to co-operate in any initiative at the Department's behest, subject to resources, and its appropriateness to the NERA remit.

### **Work Permits.**

113. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to review the green card rules; and if she will make a statement on the matter. [4872/10]

159. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to review the issuing of work permits; and if she will make a statement on the matter. [4871/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 113 and 159 together.

In the first half of 2009 my Department completed a review of employment permit arrangements, the purpose of which was to ensure that such arrangements continued to be appropriate to the needs of our changing labour market. Following the outcome of consultations with the Social Partners and other interest groups, a number of changes were implemented for non-EEA nationals applying to enter the Irish labour market under the Work Permit and Green Card schemes from 1 June 2009, including provision for those employment permit holders who are made redundant. The arrangements included:



[Deputy Dara Calleary.]

- Firstly, the refusal of almost all Work Permits applications where the applicant foreign national is currently outside the State,
- secondly, the removal of some categories from the Green Card list — these included construction and engineering categories,
- thirdly, a 50% increase in fees at renewal stage for new first time employment permit applications from outside the EEA, and
- fourthly, a strengthening of the Labour Market Needs Test for new first time Work Permit applications.

Currently employment permit holders constitute approximately 1.2% of the total labour force. The numbers of permit applications and consequent numbers of total employment permits issued, including both new and renewal permits, over the last year have been showing a consistent downward trend from 13,500 in 2008 to 7,900 in 2009.

Within this, new permits issued have also fallen from 8,500 in 2008 to 4,000 in 2009. Most new permits issued in 2009 were for non-EEA nationals already working in the State who wished to change jobs.

My Department will continue to keep employment permit arrangements under review to ensure they remain suitable and relevant to current labour market conditions. As before, the views of relevant stakeholders and interest groups will be taken into account in this ongoing review process.

### **Economic Competitiveness.**

114. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether there should be a freeze on all Government charges as a first step in developing a competitiveness action plan followed by setting targets for reductions in public and private sector prices when scope exists for greater price competitiveness.  
[45168/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Government's strategy to support businesses, improve competitiveness and sustain employment is aimed at a return to export-led growth. In order to move towards a lower cost environment, a number of issues are being tackled together. These include incomes policy, government controlled prices and costs, regulatory burden and the level of competition in our economy. The Government is acting in a concerted way and with urgency to address all of these areas.

At the moment, Ireland is undergoing a sharp price correction. Prices and rents are dropping. As measured by the HICP, Ireland's inflation rate during 2009 fell by an estimated 1.7%, compared with an increase of 0.3% in the eurozone as a whole. We have also seen a decline in unit labour costs, which has a direct effect on competitiveness. A further relative improvement in price levels is expected this year — again improving Ireland's competitive position.

In respect of local authority administered charges, the Central Statistics Office figures show that there has been no overall increase in water, refuse or other services over the past twelve months — there has actually been a marginal decline. It should also be noted that there has been no increase in planning fees in nearly a decade.

In addition, a number of local authorities are introducing reductions in commercial rates for this year, or leaving their rates unchanged. The Government have also stepped in to prohibit

upward only rent reviews and is helping to drive down the cost of professional fees by imposing an 8% reduction for professional services to the public sector.

Energy costs have fallen over the past year. The drop in industrial energy prices in Ireland in the twelve-month period to June 2009 was the third largest in the EU. Elsewhere, 22 out of 27 EU countries experienced increases on industrial energy prices over the same period. In fact, the rate of decline in gas prices for industrial users fell by almost 16%, double the European average. A report by Sustainable Energy Ireland (SEI) published on 24th January showed that gas prices are now 7 per cent to 10 per cent below the EU average in the two main consumption bands for business.

A key pillar of our Competitiveness agenda is the programme of Better Regulation initiatives being pursued across Government. The High Level Action Group on Better Regulation published its first report in August last year and had already identified more than €20 million of administrative cost savings for business. The Group has a strong work-programme for this year, and welcomes any concrete, workable ideas that can be used to reduce red tape costs for business.

The Government will continue to exert downward pressure on prices in all relevant areas and build on the significant progress made in the past year.

### **Community Employment Schemes.**

115. **Deputy Martin Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment the consultations she has had with FÁS, community sector groups and unemployment groups prior to Budget 2010 in view of her decision to cut the FÁS training allowances for community employment and jobs initiatives participants and to cut funding for training and materials in respect of those on CE programmes; and if she will make a statement on the matter. [4681/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department consulted with a wide range of bodies prior to 2010 Budget including FÁS, some unemployment groups and community groups.

Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

Budget 2010 contained some changes to Community Employment Schemes however, the qualifying criteria and rules for participation remain unchanged.

A number of savings were identified, mainly in the area of training allowances that are linked to Social Welfare payments and certain FÁS Allowances that are provided in addition to the core training allowances. The FÁS allowance for CE and JI participants will be reduced from €24.40 and €48.80 per week to €20 and €40 per week respectively. In addition, new entrants to FÁS training programmes will only be paid an allowance if they had been entitled to Job Seekers Allowance or Job Seekers Benefit.

The funding in respect of training and materials for those on CE programmes will be reduced from €1,500 to €750 per head per annum.

These savings will allow for increased activation of the unemployed including an additional 500 CE places bringing the total number of places available to 23,300.

*Question No. 116 answered with Question No. 104.*

### **Redundancy Payments.**

117. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of redundancies notified to her Department in respect of each year from 2002 to 2009 and to date in 2010; the number of projected redundancies for 2010; the amount of money paid out in statutory redundancy payment in respect of each year from 2002 to 2009; and if she will make a statement on the matter. [4844/10]

140. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of claims for redundancy payments waiting to be processed within her Department at the latest date for which figures are available; the average time taken to process a claim; the steps she is taking to speed up this process; and if she will make a statement on the matter. [4845/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 117 and 140 together.

Table 1 below sets out the number of statutory redundancies for the years 2002 to 2009 and provisional figures up to 29 January, 2010. These figures reflect the number of employees who actually qualified for statutory redundancy lump sum payments. They do not reflect those who lost their jobs with less than two years service in employment. It is not possible to project the number of redundancies which will arise in 2010 as this will depend on a number of factors, including economic factors and the rate of recovery in the economy. However, the figures available for January 2010 suggest that the pattern, which became evident in 2009, of an average weekly intake of 1,500 new claims is unfortunately continuing.

Table 2 sets out the monies paid out of the Social Insurance Fund in respect of redundancy claims for the years 2002-2009 and up to 27 January, 2010. It is not possible to project the amount which will be paid out in 2010 as this will hinge on a number of variables including the number of claims received, the length of service of the claimants etc.

The latest figures available to the start of January 2010 indicate that the number of redundancy claims on hand and awaiting processing stands at 41,249. I should point out that my Department has, in 2009, processed 50,664 claims, up 70% on last year, and made corresponding payments totalling €336m which results in average weekly payments to the value of €6.5m being issued. In the period 2007-2009, the level of new claims lodged with my Department has increased cumulatively by 200%. This contrasts with the period 2005-2006 in which period the increase in new claims lodged was just 10%.

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.

The Redundancy Payments Section of my Department is currently processing rebate applications submitted by post from May 2009 and those filed on-line from June 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 in instances where employers are unable to pay the statutory redundancy entitlements, the Section is, in general, processing claims dating from July 2009.

I should point out that efforts have been made by the Tánaiste and myself 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 are monitoring closely the impact of these changes against the continuing influx of redundancy claims and it is clear that additional measures are required to help reduce the backlog of claims which currently stands in excess of 40,000. The Department is currently actively engaged in efforts to secure up to 16 additional staff resources deployed to the area in the first quarter of 2010.

Table 1: Actual Statutory Redundancies for years 2002 to 2009 and up to 29 January 2010 Levels of redundancy claims lodged 2002-29 January 2010:

2002	2003	2004	2005	2006	2007	2008	2009	2010*
24,432	25,769	25,041	23,156	23,684	25,459	40,607	77,001	6,465

\*Provisional figures.

Table 2: Expenditure on Statutory Redundancies for years 2002 to 2009 and up to 27 January, 2010

(€000)

2002	2003	2004	2005	2006	2007	2008*	2009*	2010*
53,978	88,933	152,162	149,172	166,483	183,328	193,711	336,404	22,411

\*Provisional figures.

### Unemployment Levels.

118. **Deputy P. J. Sheehan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures she is taking to address the unemployment crisis in the mid-west

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region where unemployment is running at 13.8% which is 1% above the national rate; and if she will make a statement on the matter. [4930/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Last February I established the Mid West Region Task Force, to consider and make recommendations concerning the implications the economic downturn was having on the region. The rising unemployment rate in the region is one of the key issues the Task Force is examining. I have received the Task Force's Interim Report and last week I made a detailed Statement to the House on how the Government was responding to the Task Force's recommendations.

The key measure enacted is that a multi-agency response to the Dell-related job losses has been taking place at two levels. The first level focuses on providing information and support services to individuals facing unemployment. The second level includes the delivery of specific initiatives to indigenous sub-supply companies in the Mid-West to explore alternative markets, products and business opportunities.

These measures will now be continued and expanded up to September 2011 under a successful application, which I made last June under the EU's European Globalisation Adjustment Fund. This application has been approved at EU level and is already being put into effect. Under this application the EU will co-fund the delivery of a personalised package of occupational guidance, training, employment, entrepreneurship and educational measures for 2,400 redundant workers.

At a national level the Government has enacted several measures and substantially increased the resources to assisting the unemployed. For instance, we have almost doubled the job search support services of FÁS, to an annual referral capacity under the National Employment Action Plan, to 147,000 places. This year my Department will invest €781 million in the provision of training and work experience opportunities for the unemployed. This will deliver approximately 147,000 places, which is significantly higher than the 66,000 delivered in 2008.

To protect vulnerable employment, last year I introduced the Employment Subsidy Scheme. This Scheme provides subsidies to enterprises to retain their employees that may otherwise have been in danger of being made redundant. Between this year and last year, €135 million has been allocated to the Scheme and it is expected that this will either directly or indirectly support approximately 80,000 jobs.

In terms of job creation my Department's development agencies continue to seek to attract and support new projects in the Mid West region. As a result, 1,100 new jobs are now coming on stream in Limerick and Clare in eight projects approved by IDA and Shannon Development in 2008 and 2009. I have also asked the IDA in its new Strategy, to be published later this month, to make a renewed stronger effort in the regions, including the Mid-West.

The Government also announced as part of Budget 2010 a jobs stimulus measure entitled the Employer Jobs PRSI Incentive Scheme. Under this scheme employers who recruit people from the Live Register will receive a PRSI exemption for one year. I expect that this scheme in addition with the other measures I have mentioned will assist in tackling the current unemployment problem in the Mid West region.

### **Departmental Bodies.**

119. **Deputy Jim O'Keeffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment her proposals for the rationalisation of bodies involved in the encouragement of enterprise here; and if she will make a statement on the matter. [4821/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** As with all recommendations of the Special Group on Public Service Numbers and Expenditure Programmes relevant to my Department, I am examining the relevant recommendations and evaluating the potential impact on the provision of services to enterprise and on my efforts to protect and promote employment.

Since the recommendations impact on the responsibilities of several Government Departments, the views of those Departments need to be taken fully into account. In addition, as the objective of the Special Group was to secure Exchequer savings in the short term, it is essential that a realistic and fully informed assessment of all potential savings can be arrived at before any decision is taken towards rationalisation of the bodies concerned.

### **Community Employment Schemes.**

120. **Deputy Seymour Crawford** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to increase the number of places on community employment schemes during 2010 in view of the fact that there has been an increase in unemployment; her views on whether it would be in the interest of many, especially young men, if they were allowed to work on such schemes carrying out valuable work for communities rather than sitting at home or worse; her further views on the regulations regarding persons under 60 years and the limit of time for participants; and if she will make a statement on the matter. [4873/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

Eligible persons under 55 years of age may be eligible for a maximum of 3 years overall participation on Community Employment (CE). Eligible persons of 55 or over may be eligible to a maximum of 6 years overall participation on CE. Persons in receipt of any of the 4 disability-linked Social Welfare payments may be eligible for 1 additional year's participation.

In Budget 2010 provision was made for an increase of 500 CE places bringing the total number of places available to 23,300 during 2010.

### **Food Industry.**

121. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the EU Commission proposal COM(2009)591 on the European food supply chain and marketing will provide for Irish and European action for rebalancing the food supply chain; if the proposed code of conduct in the grocery retail sector will be redundant if these proposals are implemented; and if she will make a statement on the matter. [4975/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My colleague the Minister for Agriculture is directly involved in the discussions regarding the various initiatives proposed in the Commission's Communication and I, and my officials, are working with his Department in developing Ireland's position regarding these proposals.

As the Deputy may be aware, the EU Commission's Communication of October 2009 on "A better functioning food supply chain in Europe" followed on from earlier initiatives by the Commission in relation to the significant fluctuations in the price of food in recent years, the

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differences in prices along the supply chain and the effects these fluctuations were having on the various parts of the supply chain and on consumers. The Communication sets out a number of possible policy initiatives to overcome the challenges faced by the European supply chain. These initiatives are essentially concerned with:

- Promoting sustainable and market-based relationships between stakeholders in the food supply chain;
- Increasing transparency along the chain to encourage competition and improve its resilience to price volatility;
- Fostering the integration and competitiveness of the European food supply chain across Member States.

As regards the interaction between the initiatives proposed in the Commission's Communication and the commitment in the Renewed Programme for Government to introduce a Code of Practice in the Grocery Goods Sector, I do not see any conflict between these proposals. Whilst both indeed are concerned with the relationships between stakeholders in the food supply chain, the Communication fully recognises that sweeping generalisations cannot be made in relation to the state of relationships between stakeholders and that due cognisance must be taken of local market conditions. In the circumstances, therefore, I do not see that the introduction of a Code of Practice for the Grocery Goods Sector as proposed in the Programme for Government and the implementation of any proposals that may emanate from the discussions on the Commission's Communication as being mutually exclusive. It is the case that other Member States have introduced various measures to regulate the relationships between stakeholders in the food supply chain notwithstanding the publication of the Commission's Communication. It should also be appreciated that the discussions on the Communication are at a very early stage.

The importance of the food sector and food supply chain cannot be overstated, particularly in relation to a food exporting country like Ireland. I very much welcome the Commission's initiative in tackling the macro issues affecting the European supply chain. In terms of the domestic position, I am satisfied that the introduction of a Code of Practice will also help to tackle the issues affecting the grocery goods sector in this country. I am strongly of the view, therefore, that both these initiatives will help to increase transparency along the food supply chain and to promote sustainable and market based relationships between stakeholders, thereby, ensuring that the food sector can continue to prosper and deliver value right along the chain from the farm gate to the consumer.

### **EU Directives.**

122. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding the draft Consumer Rights Directive; if she is satisfied that the existing rights of consumers here, such as the right to reject, will be retained; and if she will make a statement on the matter. [4832/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The proposal for a Consumer Rights Directive was published in October 2008 and brings together in updated and consolidated form four existing Directives on doorstep selling, distance sales, consumer sales and guarantees, and unfair contract terms. Unlike the Directives it is intended to replace, the proposal has been drafted on a full harmonisation basis and, if adopted on this basis, would preclude Member States from going beyond its protections in national legislation.

In the case of a complex proposal like the proposed Consumer Rights Directive, arriving at an overall assessment of its implications for consumer rights is not a straightforward matter. Some proposals, such as the proposed extension of the withdrawal period for distance and off-premises contracts from seven to fourteen days and the provision that risk would pass with delivery in consumer sales contracts, would enhance Irish consumer rights. Other provisions, such as those on unfair contract terms, broadly reflect the existing legal position here and would neither enhance nor diminish consumer rights.

Concerns about the proposal's impact for consumer rights in Ireland centre mainly on its provisions on consumer remedies for faulty goods and in particular, as the Deputy's question suggests, on their implications for what is known as the right to reject. By this is meant the right to return faulty goods, obtain a refund of the price, and, in so doing, to terminate the contract. This is a well-established feature of our sale of goods law and, though qualified by quite complex provisions on the acceptance and rejection of goods, is an important safeguard for consumers and one that materially strengthens their hand in dealing with recalcitrant traders.

Though the proposed Directive makes provision for a broadly similar right to rescind the contract where goods are faulty, this applies only where the primary remedies of repair or replacement are unlawful, impossible or disproportionate, or are not made available by the trader, or fail to remedy the defect within a reasonable time or without significant inconvenience to the consumer, or if the same defect recurs more than once within a short period of time. A fully harmonised provision along these lines would, if adopted, mean that the right to reject would be a remedy of second rather than first resort for faulty goods. Though consumers are satisfied in many cases with the repair or replacement of faulty goods, the relegation of the right to reject to the status of a secondary remedy would have, and would be seen to have, an adverse effect on Irish consumer rights.

The Sales Law Review Group, which I established in November 2008, in order, among other things, to assess the implications of the proposed Directive for Irish consumer rights and law, produced a comprehensive assessment of the proposal in a position paper published in July 2009. Though the Review Group acknowledged the positive elements in the proposal, it stated that the provisions on remedies for faulty goods and a related provision that would reduce the liability period for faulty goods under Irish law from six to two years presented 'the greatest threat to the protections currently enjoyed by Irish consumers'. My Department has taken careful note of the points made by the Review Group and the Group's assessment has been of considerable benefit in informing our approach to the discussions on the proposed Directive.

I would like to assure the Deputy that my officials have expressed our concerns about the relevant aspects of the proposed Directive in clear and forthright terms. Those concerns were restated at political level in a policy debate on the proposed Directive at last December's Competitiveness Council.

It is important to recognise however that discussions on the proposed Directive have a considerable way to go at both official and Ministerial level. The European Parliament is also set to begin its detailed examination of the proposal in 2010. The European Commission is fully aware of our and other Member States' concerns about aspects of the proposal. In an address to the European Parliament's Internal Market and Consumer Protection Committee in March 2009, the then Consumer Commissioner, Meglena Kuneva, stated that the proposed Directive 'does not force Member States to give up their general contract law remedies in the case of faulty goods, for example the right to reject faulty goods...' She acknowledged the 'understandable and legitimate concerns about crucial issues' in Member States, including the provisions on remedies and the liability period for faulty goods. The Commissioner concluded by



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stating that she was ‘ready to work further on these questions’ and that ‘it may be that certain consumer rights need to be reinforced’.

### **Community Employment Schemes.**

123. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will reverse her decisions to cut the FÁS allowance for community employment and job initiative participants and to cut funding for training and materials for those on CE programmes, at a time when unemployment is high and policy should be geared at prioritising training persons for employment; and if she will make a statement on the matter. [4680/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Department of Enterprise, Trade and Employment and FÁS has been reviewing options regarding Community Employment and Job Initiative on an ongoing basis for making better use of the resources available in order to achieve the best outcomes for the maximum number of clients.

In Budget 2010 a number of savings were identified, mainly in the area of training allowances that are linked to Social Welfare payments and certain FÁS Allowances that are provided in addition to the core training allowances. In addition funding in respect of training and materials for those on CE programmes was reduced. These savings will allow for increased activation of the unemployed including an additional 500 CE places bringing the total number of places available to 23,300.

### **Prompt Payments System.**

124. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the fact that a number of Government Departments are falling short of meeting the targets set by her that suppliers would be paid within 15 days of the receipt of an invoice; the steps she will take to ensure greater compliance with the target set; and if she will make a statement on the matter. [4830/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On foot of the Government Decision of 19 May 2009 regarding the reduction of payment periods by Government Departments to 15 days, Departments are required to report quarterly to my Department on their performance in meeting this target. The first returns by Departments covered the period 15 June to 30 September 2009. The information supplied has been collated by my Department and published by me so that there is transparency in the overall performance across Departments.

These first returns show:

- A total of 62,860 payments were made by Departments in the above period amounting to €1.92bn;
- 49,890 payments totalling approximately €1.76bn were paid within 15 days. These payments represent 80% of total payments made by Departments; in value terms 91% were paid within 15 days;
- There was however, some variation between the performances of individual Departments, 5 Departments were paying in excess of 90% of invoices within 15 days, a further 7 Departments were paying in excess of 83% of invoices within 15 days, while the remaining three had paid almost 50% of their payments within 15 days;

- 9 Departments had paid between 98% and 100% of their invoices within 30 days a further 5 had paid between 93% and 96% of their invoices within 30 days, while the remaining Department had paid 87% of invoices within 30 days.

It is evident therefore, from the returns received, that, overall, Departments are playing their parts in assisting the cash flow of their suppliers, many of whom are Small and Medium Enterprises. The new procedures and processes introduced are having an impact in assisting Irish SMEs cash flow in the current difficult economic environment and this development must be welcomed.

It is the responsibility of each Department to meet its obligations under the terms of the Government Decision. Businesses that experience difficulties in receiving payment on foot of valid invoices within 15 days should contact the contracting Department to resolve their difficulties.

While the first set of returns shows that some Departments have not yet fully complied with their requirements, I would anticipate that subsequent returns should show an improvement in the situation. My Department will continue to collate future quarterly returns and I will continue to publish the information provided.

### **Employment Rights.**

125. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the preliminary report of the National Employment Rights Authority for 2009; and her views on whether the increase in the number of prosecutions taken against employers reflects a continuing high level of breaches of the law by some employees. [4852/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The role of the National Employment Rights Authority (NERA) is to secure greater compliance with employment rights legislation and I welcome the fact that this is being achieved with equal emphasis on awareness raising and inspection activity and, where necessary, by pursuing prosecutions. NERA's work is essential in assisting individual workers to obtain their statutory entitlements, and to ensure that employers operate on a level playing pitch whereby no competitive advantage can be gained by undercutting workers' legal entitlements in the area of pay and conditions.

In 2009, NERA's telephone information service dealt with some 150,000 callers representing an increase of almost 31% over 2008 levels. It is interesting that some 40% of these callers were employers which would indicate a need on the part also of employers for information which NERA is very happy to provide. During 2009, NERA also took on a significant function on behalf of my Department which is that of assuming the role of answering calls from employers and employees in relation to redundancy claims. This has enabled the staff of my Department to focus on prioritising the processing of Redundancy Payment claims. NERA's website continues to provide valuable information on employment law obligations and entitlements with over 1.5 million web page impressions being recorded in 2009. I am particularly pleased that the Authority participated in 35 events organised by trade unions, employer bodies and others in order to provide information and promote awareness of employment law.

NERA's information and awareness activities are supported by monitoring and enforcement of compliance with Employment legislation in the workplace. Some 8,800 employers were inspected by NERA in 2009 involving 22,445 discrete inspections across the range of employment legislation. NERA recovered some €2.5 million in unpaid wages in total in 2009 arising

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from breaches of certain employment rights legislation. This brings the total recovered by NERA since its establishment in 2007 to in excess of €8 million.

In terms of prosecutions, it is important to point out that the number of cases referred for prosecution, or the number of cases that result in legal proceedings are not, in themselves, primary indicators of compliance levels. This is because in the majority of cases employers cooperate in rectifying breaches of employment law brought to their attention by NERA inspectors. Hence, reliance on legal proceedings in such cases is not necessary. However, NERA reserves the right to initiate legal proceedings, generally as a last resort, in all cases and, in 2009, 87 cases were referred for the purposes of initiating legal proceedings. This represents a very small level — just over 3% — of the total number of cases involving breaches that were closed in 2009. A further 21 referrals related to requests by the Construction Industry Monitoring Agency for the initiation of proceedings against employers who failed to comply with Labour Court orders.

NERA currently employs two primary indicators of compliance in so far as its inspection activities are concerned namely: the ratio of compliant employers to inspection cases closed and the ratio of breaches detected to the total number of discrete inspections. In this regard, some 69% of the individual employer cases closed in 2009 and 81% of individual discrete inspections did not involve a breach of employment legislation. The comparable indicators of compliance for 2008 were 77% and 79% respectively.

The incidence of breaches detected in NERA inspections under individual pieces of employment legislation also provides a useful indication of the level of compliance. Based on inspections undertaken in 2009 and 2008 the compliance rates in this regard are as set out in the table 1. It is NERA's intention in 2010 to continue, through proactive education and awareness programmes underpinned by the use of focused and risk-based enforcement measures, to strive for enhanced compliance with employment law.

Legislation under which inspection undertaken	Compliance rate % 2009	Compliance rate % 2008
	%	%
National Minimum Wage Act	93	91
Payment of Wages Act	87	85
Organisation of Working Time Act	53	55
REAs/EROs	38	33
Protection of Young Persons Act	99	97

### **Proposed Legislation.**

126. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish the legislation to amend the Competition Acts 1991 to 2006 to uphold the right of certain freelance workers such as actors and musicians to engage in collective bargaining, which was promised as part of the review of the Towards 2016 agreement; and if she will make a statement on the matter. [4848/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In the Review of Towards 2016 the Government committed to introducing amending legislation to exclude voice-over actors, freelance journalists and session musicians from the provisions of Section 4 of the Competition Act 2002. This commitment takes into account, inter alia, that there would be negligible negative impacts on the economy or on the level of competition, and,

having regard to the specific attributes and nature of the work involved, is subject to consistency with EU competition rules.

I intend to give effect to this commitment in the legislation being prepared in the context of a review of competition law generally, the proposed merger of the Competition Authority and the National Consumer Agency and the Report of the Media Merger Advisory Group.

Work on the Heads of a Bill is at an advanced stage and I expect that the Bill will be published during 2010.

### **Job Initiative Programme.**

127. **Deputy Jan O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the introduction of additional social economy and job initiative schemes to help deal with the unemployment situation; and if she will make a statement on the matter. [4843/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** As stated in previous replies to the Deputy, responsibility for the Social Economy Programme transferred to the Department of Community, Rural & Gaeltacht Affairs on 1 January 2006 and it has been re-named as the Community Services Programme. FÁS as an agency of my Department operates Job Initiative (JI).

The Job Initiative Programme (JI) was launched in July 1996 and provides full time employment for people who are 35 years of age or over, unemployed for 5 years or more, and in receipt of Social Welfare payments over that period.

The main purpose of the programme is to assist long-term unemployed people to prepare for work opportunities by providing participants with work experience, training and development opportunities. The programme is sponsored by voluntary organisations and public bodies involved in not-for-profit activities.

Following changes introduced on 10 November 2004 by Minister Micheál Martin no new entrants have been admitted on to the Job Initiative Schemes. However, contracts for existing participants are renewed and CE participants replace those who leave voluntarily.

This Government will continue to support the positive role of FÁS Employment Schemes in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. The operation of the Scheme is being kept under constant review in the context of the current difficult unemployment situation.

### **Departmental Staff.**

128. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of personnel in her Department to whom the full public service pay cuts provided for by the Financial Emergency Measures in the Public Interest (No 2) Act 2009 will not apply by virtue of Circular 28/2009 issued by the Department of Finance on 22 December 2009; and if she will make a statement on the matter. [4825/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Circular 28/2009 issued by the Department of Finance on 22 December 2009 applies to all general civil service grades in my Department. In accordance with paragraphs 9 and 10 of the Circular, the reductions for the grades of Deputy Secretary and Assistant Secretary comprise a reduction in the salary scale and the termination of the scheme of performance-related awards previously payable to those grades which entailed an average payment of 10% of salary.

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The salaries of 14 officers in my Department, i.e. 7 Assistant Secretaries and 7 other officials who are at a grade equivalent to that of Assistant Secretary have been adjusted in accordance with paragraphs 9 and 10 of the Circular.

### **Economic Competitiveness.**

129. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she has taken or proposes to take to improve the industrial cost base here with particular reference to the need to restore competitiveness in the manufacturing, commercial and service sectors; the degree to which she has examined or proposes to address the costs deemed the most likely to impede our competitiveness at home and abroad; the degree to which she has identified the five most important factors now affecting this economy's competitiveness; the extent to which she has made comparison with other competing economies within the EU and elsewhere with a view to addressing the issues that have emerged; the discussions she has had with various employment generating sectors in an effort to identify the most important issues; the recommendations emerging from any such discussions; when it is intended to implement corrective action; and if she will make a statement on the matter.

[4914/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Ireland has consistently been regarded amongst the most competitive economies in the world for supporting enterprise. Reports such as the *'IBM Global Location Trends Annual Report 2009'* that was published in October of last year ranked Ireland 1st for attracting FDI on a per capita basis. They listed our key strengths in services and R&D as the reason for topping the list. Similarly, the World Bank's *'Ease of Doing Business 2010'* ranks Ireland 7th out of 181 countries, unchanged from a year previously. Last week Ireland was ranked the third most globalised nation, according to an index published by Ernst & Young at the World Economic Forum in Davos. The index is measured by a country's openness to trade, movement of capital, exchange of technology and ideas, labour movements and cultural integration. So, even though we face significant challenges, it is important to point to these enduring strengths. Ireland is still recognised as a prime location for enterprise to develop.

In Government, we are conscious that further improvement in Ireland's competitive position will foster economic growth. By maximising our resources, our job is to provide a suitable framework that will encourage enterprise development and opportunities. Energy costs have fallen over the past year. The drop in industrial energy prices in Ireland in the twelve-month period to June 2009 was the third largest in the EU. Elsewhere, 22 out of 27 EU countries experienced increases in industrial energy prices over the same period. In fact, the rate of decline in gas prices for industrial users fell by almost 16%, double the European average. A report by Sustainable Energy Ireland (SEI) published on January 24th, showed that gas prices are now 7 per cent to 10 per cent below the EU average in the two main consumption bands for business.

In fact, prices across the economy have fallen substantially. The last Consumer Price Index data from the Central Statistics Office show that prices fell by 5 per cent in December 2009 compared to December 2008. A further reduction in prices is forecast for next year, meaning our competitive position in relation to our trading partners is improving.

Labour costs also constitute a substantial cost for businesses. CSO data show that earnings across the private sector have fallen. Public sector pay has also been reduced. In recognition of these trends, the latest European Commission forecasts for Unit Labour Costs show Ireland's

competitiveness in this area is expected to improve considerably relative to the European average over the forecast period.

The National Competitiveness Council released its latest report on ‘Ireland’s Competitiveness Challenge’ last month. It identified a number of key areas that can boost Ireland’s competitiveness, namely: labour market supports and activation, reducing business costs and investing in infrastructure. The Government are already taking action in all these areas.

For example €364 million has been allocated to training and integration supports for the unemployed. €114.5 million is available in 2010 for the Employment Subsidy Scheme, which already helped protect more than 43,000 jobs last year. As I’ve already illustrated, business costs in the form of labour and energy prices have fallen. Survey evidence also shows that companies are shopping around more to find the best deals to suit their needs. A survey from the mobile operator 3 found that almost two-thirds (64pc) of Irish businesses have switched their phone, internet or electricity supplier, with 62pc of those that switched achieving savings of over 10pc.

Infrastructure investment is a key pillar of the government’s policy. The 2010 Budget includes a commitment of exchequer capital investment of over €39 billion for the period 2010-2016. Indeed, at 5% of Gross National Product, the 2010 allocation of €6.4 billion is proportionally very high in comparison to levels of capital investment across the EU.

### **Proposed Legislation.**

130. **Deputy Pat Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will publish anti-victimisation legislation, designed to protect those workers who choose to join a trade union and which was promised by March 2009 under the Review of Towards 2016; and if she will make a statement on the matter. [4846/10]

143. **Deputy Pat Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to publish legislation to address employee representation at work which was promised by June 2009 under the Review of Towards 2016; and if she will make a statement on the matter. [4847/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 130 and 143 together.

The Towards 2016 Review and Transitional Agreement 2008-2009 (paras 9.1-9.3) provides for the establishment of a review process to consider the legal and other steps necessary to enable the employee representation mechanisms that had been established under previous agreements — and in legislation — to operate as they had been intended. The Agreement (para 9.4) also commits the Government to bringing forward legislative proposals to prohibit the victimisation of trade union members and to prohibit the incentivisation of persons not to be members of a trade union.

In furtherance to these commitments, two informal meetings took place late last year, chaired by the Department of the Taoiseach and at which my Department; the Department of Finance; trade unions; and employers were represented. Position papers were prepared by the employer and trade union representatives on the issues which they saw as requiring to be addressed by any new legislation in this area.

While consideration is continuing within Government on proposals to address the issues involved, progress in bringing the work to a conclusion will have to take account of other priority legislative commitments to be delivered in the employment area, resource constraints

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within Departments, and the extent of agreement between the trade union and employer sides in this area.

### **Appointments to State Boards.**

131. **Deputy Joe McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the members of the new FÁS board; the number of the persons appointed that made an application; if she will submit their names for ratification to Dáil Éireann; and if she will make a statement on the matter. [5002/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On 21 January 2010 I appointed a new Board of FÁS, drawing on a wide range of experience from both the private and public sector. Members of the Board are as follows:

Michael Dempsey, (Chair), Former Senior Director, Bristol Myers Squibb

Tony Dempsey, Former Principal, Enniscorthy Vocational College

Martin Hogan, Innovation Manager, Dun Laoghaire Institute of Art, Design & Technology

Sean Gallagher, Managing Director, Smart Homes Ltd

Sean O'Longain, Chief Executive Officer, Co Donegal VEC

Margaret Sweeney, Chief Executive Officer, Postbank Ireland Ltd

Emer Gilvarry, Managing Partner, Mason Hayes & Curran

Dr Brendan Murphy, President, Cork Institute of Technology

Annette Hughes, Director, DKM Economic Consultants

Of the eleven members of the Board, five made a formal application as part of the public call for expressions of interest.

Mr Dermot Curran, Assistant Secretary, was appointed to Board as the Department of Enterprise, Trade & Employment representative and Mr Paul O' Toole, as Director General of FÁS, is an ex-officio member of the board.

The Labour Services (Amendment) Act does not include a requirement for ratification of the Board by either House of the Oireachtas.

### **National Minimum Wage.**

132. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has received a report from the Labour Court in regard to a possible change in the national minimum wage; if not, when she expects to receive its report; and if she will make a statement on the matter. [4840/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I understand that in November 2008, ICTU requested the Labour Court to review the national minimum wage and to make a recommendation to me concerning its adjustment. The Court subsequently invited submissions on the issue. Various submissions were received, including from IBEC, ICTU and the Department of Finance. The Labour Court also held discussions with these parties.

Under the National Minimum Wage Act, 2000, the Labour Court is required, in the first instance, to have regard to the prospects for any general agreement that may be reached between employer and employee representatives on the appropriate national minimum hourly rate of pay. In this context, the Court is required to conclude that there is no prospect of a general agreement being reached between the parties.

It would be inappropriate for me to comment further while the matter is still under consideration by the Court.

### **Workplace Accidents.**

133. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the report of the Health and Safety Authority on workplace accidents during 2009; the steps she will take to ensure that the decrease in workplace accidents and deaths continue; and if she will make a statement on the matter. [4849/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The Health and Safety Authority has said that in 2009 there were 43 reported workplace fatalities, as compared to 57 in 2008, an almost 25% decrease in worker deaths over 2008 and the lowest number of reported workplace deaths in 20 years.

I have welcomed this positive trend, albeit with some reservations because behind each of these unfortunate fatalities there are 43 families who are mourning the loss of a family member in a workplace accident and I extend my sympathy to those families.

The year 2009 has seen not only the lowest number of workplace fatalities in absolute terms, but it is also very encouraging to see a downward trend when one considers that the workforce has significantly increased over the same 20 year period.

The high-risk sectors, Agriculture and Construction which had the highest numbers of fatalities, have shown the largest falls in recent years. In Construction, the number of fatalities was 10 in 2009, compared with — for example — 13 fatalities in 2006, 18 in 2007 and 15 in 2008. Agriculture fatalities were 21 in 2008 and 10 in 2009.

The main message in workplace safety is that many accidents are preventable but the basic procedures as regards workplace safety have often been ignored. Identifying risk, assessing it, and following up by putting in place a system to minimise that risk are the absolute minimum requirements in all workplaces. It comes down to the need for a culture of safety in workplaces and, in this regard, workplaces can ultimately only be made safe by those who control and work in them.

I have recently agreed a Programme of Work for the Health and Safety Authority for 2010 that will focus on seeking to maintain the gains that we have made in recent years. I hope to launch that Programme in the near future. The Priorities that I have agreed with the Authority for 2010 include:

- A continuing focus on the highest risk areas of Agriculture and Construction
- Occupational health
- Manual handling
- Slips, trips and falls
- Work-related vehicle safety
- Healthcare sector



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- Special Chemicals Inspection Programme
- The Authority's role under the Chemicals Act 2008.

Other sectors that continue to be identified as hazardous or higher-risk will also continue to receive Authority attention in its inspection programme. Enforcement and prevention initiatives will continue to target the main causes of accidents and ill health in these sectors.

For 2010, my hope is that there will be an increase in awareness among workers in regard to safety in the workplace which together with the work of the Health and Safety Authority will lead to safer workplaces and even fewer injuries and fatalities.

### **Employment Support Services.**

134. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the timeline for the implementation of the new activation fund in terms of dates; the way proposals will be judged; if she will be issuing guidelines or terms of reference for groups hoping to make a proposal; and if she will make a statement on the matter. [4678/10]

136. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a call for proposals for the activation fund will be issued; the person who will be charged with examining these proposals and allocating funds; if there will be representation of unemployment groups and the community sector on the awarding authority; and if she will make a statement on the matter. [4677/10]

151. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the way the activation fund will be distributed in terms of geographic spread and equal regional allocation; if preference will be given to proposals that operate in blackspots of unemployment; if preference will be given to proposals that focus training and employment in local communities; and if she will make a statement on the matter. [4679/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 134, 136 and 151 together.

The Labour Market Activation Fund announced in the Budget 2010 is intended to provide additional effective training and education opportunities to the unemployed. It will specifically target the low skilled and those suffering from structural unemployment in the manufacturing, construction and retail sectors, and will seek to prioritise young people and those over one year unemployed.

The Government have made €20 million available for the Labour Market Activation Fund in 2010 and it is expected that a call for expressions of interest will issue very shortly with subsequent successful proposals starting to come on stream as soon as possible when contracts are awarded. All sectors of the economy including the public, private and community and voluntary sectors will be able to submit their proposals, which will be processed through my Department.

*Question No. 135 answered with Question No. 104.*

*Question No. 136 answered with Question No. 134.*

### **Departmental Expenditure.**

137. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on her Department's Estimate for 2010. [4823/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The 2010 Estimates which were published in parallel with the Budget on 9 December 2009 make provision for Gross Exchequer funding of €1,590,526 million for my Department this year. In addition, a sum of €426.431 million is being provided from the National Training Fund, giving my Department a total budget of €2,016,957 million for 2010.

Many programmes and agencies under my Department's remit are taking reductions on their 2009 Estimates in line with the need to improve efficiency in public spending. Overall, however, my Department's Estimate for 2010 represents a net increase of €70.7 million on the 2009 provision.

Additional funding is being made available, in particular, for targeted measures to support jobs and tackle unemployment. For example:

- A sum of €114.5 million is being made available in 2010 for the Temporary Employment Subsidy Scheme. This represents an increase of €94 million on the 2009 provision.
- An extra €20 million is being provided for a new Activation Fund, which will provide education and training opportunities for the unemployed.
- An extra €14 million is being provided to complement support from the European Globalisation Fund, which assists redundant workers to get back into employment.

Other key areas which will be a focus for my Department's funding in 2010 include restoring competitiveness through enterprise support, and building Ireland's Smart Economy through investing in Science, Technology and Innovation.

Some technical refinements to my Department's Estimate for 2010 will be made in the Revised Estimates Volume which will be published later this month. Full details of my objectives for the use of my Department's 2010 allocation will be presented to the Select Committee on Enterprise, Trade and Employment in due course.

### **Departmental Reports.**

138. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date by the high level action group on green enterprise; when she expects to receive the report; and if she will make a statement on the matter.

[4841/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The High Level Action Group on Green Enterprise was launched on 21 May 2009 and the Group continued to meet until 21 September 2009. The group also held a number of consultation sessions with interested parties over the Summer. The Report was finalised in October 2009 and submitted to Government on 3 November 2009. I published the Report on 2 December 2009 and launched it together with the Taoiseach and the Minister for Communications, Energy and Natural Resources on that day.

### **Legislative Programme.**

139. **Deputy Michael D. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding the work of the Company Law Review Group; the time-frame for the publication of legislation following the reports of this group; and if she will make a statement on the matter. [4834/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** In accordance with Section 70(1) of the Company Law Enforcement Act 2001, the Company Law Review Group's (CLRG) Work Programme is assigned by the Minister for Enterprise, Trade & Employment every two years. I expect to receive the Report of the Group on its 2008-2009 Work Programme before the end of March. Following consideration by the Government the Report will be laid before both Houses of the Oireachtas.

While there is no obligation on my part to legislate in respect of any recommendation from the CLRG, the main focus of the Group's work to date has been in relation to General Scheme of the Companies Consolidation and Reform Bill which was published in July 2007. The Government subsequently approved the drafting of a Bill along the lines of the General Scheme. The proposed Bill will consolidate all the existing Irish Companies Acts, dating from 1963 to 2009, as well as other regulations and common law provisions relating to the incorporation and operation of companies, into a single Act comprising more than 1,300 sections. Given its size and complexity it is envisaged that the Bill will not be published until October 2010 at the earliest.

*Question No. 140 answered with Question No. 117.*

### Job Statistics.

141. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs in the manufacturing sectors lost here in each of the past ten years to date in 2010 and deemed to have relocated to other economies; the reason for such relocation; the action she has taken to address the issues arising therefrom; the number of jobs created here through foreign direct investment in the same period; the extent to which she has studied the evidence arising; the action deemed appropriate in the circumstances; and if she will make a statement on the matter. [4915/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The number of jobs lost in the manufacturing sector in each year from 1999 to 2008 is as follows:

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
17,352	16,542	24,667	24,539	21,360	17,878	15,609	15,718	16,870	21,388

The number of jobs created in the same period through foreign direct investment is as follows:

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
21,064	24,997	15,169	11,529	9,854	11,996	12,802	12,788	10,770	9,692

Data in respect of 2009 is being compiled and is expected to be available later this month.

There are no figures available in respect of jobs relocated to other economies. There are many differing and complex factors that can influence a firm's decision to relocate and these are a reality of the modern globalised economic environment. Notwithstanding this, IDA Ireland has continued to attract and retain high value manufacturing investments from leading Global Corporations.

Job 'churn' occurs in the internationally trading sector of the economy, in a number of ways and for a variety of reasons. Companies adjust their plant location and utilisation strategies to address matters such as accessing new markets, moving production nearer to customers, meeting firm or market specific customer relationship issues, accessing technology, in addition to

business takeovers and consolidations. For much of the last decade, this churn has been positive for Ireland with companies replacing lower value activities with activities of higher value, resulting in better-paid, more highly skilled jobs.

This Government has been focusing on the *actual* priorities of businesses, such as energy and labour costs, together with the separate issue of credit availability. These are the main cost concerns of business. Where Government charges are an issue, we have maintained downward pressure, commercial rates being a case in point. In addition, I am satisfied that the policies and initiatives being pursued by the Industrial Development agencies and the CEBs will continue to bring about industrial development and employment opportunities for Ireland.

### **Community Employment Schemes.**

142. **Deputy Martin Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment the location of the additional 500 community employment scheme places; if the additional 500 places will be allocated in blackspots of long-term unemployment; if they will be spread equally across the regions; and if she will make a statement on the matter. [4682/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The allocation of the 500 additional places is still being finalised.

*Question No. 143 answered with Question No. 130.*

### **Labour Inspectorate.**

144. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of labour inspectors employed by the National Employment Rights Authority; the number of labour inspectors available for assignment on normal duties; the number of labour inspectors in training following recruitment; the position regarding the recruitment campaign to increase the labour inspectorate to 90 inspectors; and if she will make a statement on the matter. [4851/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** NERA currently has a team of 69 inspectors in place. Recruitment competitions have been held to bring the number of Inspectors from the original level of 31 Inspectors up to the level of 90 committed to under *Towards 2016*. 60 inspectors were assigned to NERA from these competitions. 22 Inspectors have left NERA over the past two years as a result of promotion or internal and external Departmental transfers and re-assignments. As a result, the total number of NERA Inspectors currently stands at 69.

All new inspectors completed the NERA Inspection Services Introductory Training Programme and have undertaken further training, including on-the-job training with experienced inspectors. This involves working with experienced Inspectors in carrying out inspections and other associated enquiries at places of work with a view to determining compliance with different employment rights legislation. Sixty inspectors have completed the Introductory Training Programme to date. The knowledge and skills of NERA Inspectors are continuously being developed through the provision of targeted training programmes and on-the-job training. All of these Inspectors are currently available for normal duties.

The moratorium on recruitment and promotions in the Public Service introduced on the 27th March 2009 has made it very unlikely that NERA will be able to increase the number of inspectors for the foreseeable future.

### Employment Rights.

145. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the criteria that will be attached to the inability-to-pay provision for the hotel, catering and retail sectors in respect of the way companies will demonstrate if they are in financial trouble that prevents them from paying their staff the minimum wage; the provisions that are being put in place by her Department as part of this clause that will prevent the exploitation of this legislation by employers who do not want to pay their employees the minimum wage; the steps that are being planned by her to make provision for workers in the business affected whose wages will be cut; if there will be a cut-off point at which employers will have to pay their employees a set wage below which they cannot go; if the remainder of the wage will be met by her Department; and if she will make a statement on the matter. [4684/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** As the Deputy will be aware, the Government intends to introduce an “inability to pay” provision that will be adapted to the specific context of Employment Regulation Orders (EROs) and Registered Employment Agreements (REAs) respectively. This will be effected through the Industrial Relations Amendment Bill 2009 which is currently receiving a second stage reading in the Dáil, having completed its passage through the Seanad. The specific amendment to the Bill is currently being finalised in anticipation of the Committee Stage reading of the Bill.

The precise details of the approach being taken are not settled. However, I can say with certainty that there will be no question of the State compensating anyone for adjustments to wages that may arise as a result.

I have committed to consult with the opposition spokesperson and the relevant social partners during the process.

### Employment Support Services.

146. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the changes she has introduced following the publication of the review of wage subsidy scheme; the further action she will take regarding the recommendations of the report; and if she will make a statement on the matter. [4923/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** A consultancy review of the operation of the pilot phase of the Wage Subsidy Scheme, that was commissioned by my Department, recommended that the scheme be placed on a permanent footing subject to a number of reforms being made to enhance its future operation, and improve take-up by both employers and people with disabilities.

These reforms are being implemented on an on-going basis and comprise:

- removing the two separate productivity levels for the scheme
- introducing a training element to the scheme
- allowing Wage Subsidy Scheme employees and employers to avail of support under the Supported Employment Programme
- promoting increased awareness of the scheme
- allowing temporary retention of the Medical Card for Wage Subsidy Scheme employees
- streamlining the administration of the scheme.

Subject to these reforms being successful, consideration will be given to extending eligibility for the Wage Subsidy Scheme to employment under the Disability Allowance Disregard Scheme operated by the Department of Social and Family Affairs, subject to the need for limiting deadweight costs.

### **EU Directives.**

147. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of EU directives for which her Department has responsibility remaining to be implemented; the directives that are overdue; the number of reasoned opinions received from the EU Commission since 2002 regarding delays or non-implementation of such directives; and if she will make a statement on the matter. [4850/10]

175. **Deputy Joe Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there are EU Directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when she intends to transpose them into domestic law; and if she will make a statement on the matter. [4712/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 147 and 175 together.

There are currently a total of 15 EU Directives due to be transposed by my Department up to 2012. The following table provides details of the current position in relation to each Directive currently awaiting transposition within my Department, the date of adoption of each Directive, whether transposition will be by way of Primary or Secondary legislation and the current deadline for transposition. In addition full details on the state of play of all current EU Directives due for transposition are maintained on the Department's website, [www.entemp.ie](http://www.entemp.ie).

My Department has received 26 Reasoned Opinions from the European Commission relating to Directives since 2002. All but one of the outstanding issues has been settled satisfactorily. The remaining issue concerns Directive 2006/43 which is currently overdue and awaiting transposition.

The transposition of EU Directives is an ongoing priority in my Department and is reported to the Management Board on a regular basis.

Directives as of 29 January 2010

Directives to be Transposed in 2008 (One)

Description of Directive	Date adopted	Primary/ Secondary Legislation	Deadline for Transposition	Current position
1. Directive 2006/43/EC on statutory audits of annual and consolidated accounts	17/05/2006	Secondary	29/6/2008 <i>Section: Company Law Administration</i>	Drafting regulations being finalised. Expected date of transposition 26 February 2010 Infringement: European Court of Justice proceedings (Case C-294/09) initiated by Commission on 26 June 2009. Infringement No. 2008/0552 OVERDUE

Directives to be Transposed in 2009 (Two)

Description of Directive	Date adopted	Primary/ Secondary Legislation	Deadline for Transposition	Current position
2. Directive 2006/123/EC on services in the internal market.	12/12/2006	Secondary	28/12/2009 <i>Section: Internal Market</i>	Work on the transposition of the Directive is continuing. On 9 March 2009, the Department published, on its website, a draft Regulatory Impact Analysis on the Directive. On 4th August 2009, the Department published a Consultation Document, also on its website, on the transposition of the Directive. The deadline for the receipt of comments on the Consultation Document (which will be published on the website) was 30 September 2009. The comments received from stakeholders were published on the Department's website. Expected date of transposition end July 2010 OVERDUE
3. Directive 2009/3/EC on units of measurement	11/03/2009	Secondary	31/12/2009 <i>Section: NSAI Liaison</i>	Regulations being prepared Expected date of transposition February 2010 OVERDUE

Directives to be Transposed in 2010 (Four)

Description of Directive	Date adopted	Primary/ Secondary Legislation	Deadline for Transposition	Current position
4. Directive 2006/25/EC on the minimum Health and Safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation)	05/04/2006	Secondary	27/4/2010 <i>Section: H.S.A. Liaison</i>	Drafting request issued to AG's Office
5. Directive 2009/121/EC naming a new textile Melamine	14/09/2009	Secondary	15/9/2010 <i>Section: Competition and Consumer Policy</i>	Drafting is in progress
6. Directive 2009/122/EC describing the method of analysis for "Melamine"	14/09/2009	Secondary	15/9/2010 <i>Section: Competition and Consumer Policy</i>	Drafting is in progress
7. Directive 2009/49/EC amendment regarding certain disclosure requirements for medium-sized companies and the obligation to draw up consolidated accounts	18/06/2009	Secondary	31/12/2010 <i>Section: Company Law</i>	Drafting has not yet commenced



Directives to be Transposed in 2011 (Seven)

Description of Directive	Date adopted	Primary/ Secondary Legislation	Deadline for Transposition	Current position
8. Directive 2009/48/EC on the safety of toys	18/06/2009	Secondary	20/01/2011 <i>Section: NSAI Liaison</i>	Drafting has not yet commenced
9. Directive 2008/122/EC on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts.	14/01/2009	Secondary	23/02/2011 <i>Section: Competition and Consumer Policy</i>	Draft Regulations have been forwarded to the OPC for drafting.
10. Directive 2009/38/EC on a European Works Council	06/05/2009	Primary	05/06/2011 <i>Section: Industrial Relations</i>	Consultation with the Social Partners about to commence. Primary legislation will then be drafted and transposition is expected to be completed by the deadline.
11. Directive 2009/127 on machinery for pesticide application	21/10/2009	Secondary	15/06/2011 <i>Section: NSAI Liaison</i>	Drafting has not yet commenced
12. Directive 2009/43/EC on simplifying terms and conditions of transfers of defence-related products within the Community	06/05/2009	Primary	30/06/2011 <i>Section: Market Access Unit</i>	Drafting has not yet commenced
13. Directive 2008/104/EC on temporary agency workers	19/11/2008	Primary	05/12/2011 <i>Section: Employment Rights</i>	Drafting has not yet commenced
14. Directive 2009/109/EC amendment on the reporting and documentation requirements in the case of mergers and divisions	16/09/2009	Secondary	30/06/2011 <i>Section: Company Law</i>	Drafting has not yet commenced

Directives to be Transposed in 2012 (One)

Description of Directive	Date Adopted	Primary/ Secondary Legislation	Deadline for Transposition	Current position
15. Directive 2008/46/EC amendment on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields)	23/04/2008	Secondary	27/4/2012 <i>Section: H.S.A. Liaison</i>	Transposition date delayed until 2012 as original Directive (2007/30/EC) is amended by Directive 2008/46/EC to take account of possible impact on MRI scanners

### **Proposed Legislation.**

148. **Deputy Kathleen Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will publish the legislation promised (details supplied) to clamp down on crony capitalism, to restrict cross-directorships and to prevent one person fulfilling the dual role of chair and chief executive of a company; and if she will make a statement on the matter. [4836/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The remarks attributed to the Minister for Finance in the interview in question would, no doubt, have been made with the banking sector in particular in mind.

In relation to the banking sector, I would refer the Deputy to previous parliamentary question 44958/09 of 2nd December last in which the Minister for Finance, *inter alia*, refers to proposals aimed at developing new statutory rules for the governance of major financial institutions in the context of the planned reform of the regulatory structures for financial regulation.

In the area of company law that falls within my responsibility, the Office of the Parliamentary Counsel is currently drafting the Company Law Consolidation and Reform Bill. It sets out the corporate duties of directors, company secretaries and auditors on a general basis across all sectors. The Bill will implement the recommendations of the Company Law Review Group in that the fiduciary duties owed by directors to the company will be stated in the new companies code.

At present company law does not prohibit cross directorships, whereby a person is a director of more than one company at the same time. The general position is that a person may not be a director of more than 25 companies subject to certain specific exceptions. Directorships of public limited companies (plcs) are not included in the limit of 25. Any consideration of a change in this position for the general cohort of companies operating in Ireland would need to take account of the contribution that non-executive directors make by imparting their mix of expertise and the cross fertilisation of ideas from other areas of the business community.

The Companies Acts do not prevent a person fulfilling the dual role of chair and chief executive of a company. This would in my opinion be unworkable for smaller companies. However, the Combined Code of Corporate Governance which applies to companies whose securities are listed and traded on the Irish Stock Exchange does provide that the roles of chairman and chief executive should not be exercised by the same individual. The “comply or explain” principle, which is now enshrined in law under Statutory Instrument 450 of 2009, requires companies to meet the best practice guidelines or explain publicly why not.

The Government and I are committed to ensuring that our corporate governance regime for the corporate sector generally, accords with best international practice. We will take account of the lessons which emerge from current enquiries and reviews arising from recent developments and we will address, as appropriate, any concerns in this area including by way of legislation if necessary.

149. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding legislation to provide for the amalgamation of the National Consumer Agency and the Competition Authority; the time-line for the publication of this legislation; and if she will make a statement on the matter. [4833/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Work on the Heads of a Bill to provide for, *inter alia*, the merger of the Competition Authority

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and the National Consumer Agency is at an advanced stage. I expect that the Bill will be published during 2010.

### Departmental Expenditure.

150. **Deputy Liz McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the recommendations of the Special Group on Public Service Numbers and Expenditure Programmes in so far as they relate to her Department and agencies for which she has responsibility; the recommendations which have been accepted; the recommendations that have been rejected; and if she will make a statement on the matter. [4839/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Report of the Special Group on Public Service Numbers and Expenditure Programmes included recommendations for the rationalisation of some services provided by my Department's agencies, and for reductions in certain programme and staffing costs.

I have already accepted a number of these recommendations in whole or in part and the resultant financial savings have been incorporated in my Department's Estimate for 2010. Details of these savings are provided on the table below.

In addition to the savings outlined on the table, further savings will be realised in 2010 through the reduction in staff numbers and in pay levels across my Department and its agencies. The 2010 Estimate for my Department which was published on 9 December 2009 included an indicative provisional sum of €39.658 million to be applied to my Department's allocation in respect of adjustments to be made to public service pay.

My Department is currently finalising the precise extent of the pay savings in consultation with the Department of Finance and the necessary adjustments will be reflected in the Revised Estimates Volume which is due to be published later this month.

My Department is continuing to examine all of the proposals made by the Special Group in respect of my Department and its agencies to determine the scope for the implementation of further recommendations.

Some proposals, such as the rationalisation of agencies, may be quite complex to implement and may require legislative provision if they are to be achieved. There are also a number of recommendations in the report affecting my Department which will require cross-Departmental consideration.

However, my Department will examine these proposals and will also look at alternative ways of finding efficiencies which meet the general thrust of the Special Group report.

Recommendation in the Report of the Special Group	Saving in 2010	Comments
	€m	
Reduce IDA capital and administrative costs, including rationalisation of regional offices in Ireland and shared services	0.857	Administrative costs have been reduced by €857,000 for 2010. The question of rationalisation of offices requires further consideration. IDA's Capital allocation for 2010 is directly related to its legal commitments. However, €10m was cut from the agency's budget in 2009 on a once-off basis.
Enterprise Ireland — efficiency saving in administration.	3.024	Enterprise Ireland's administrative budget has been reduced by €3.024m for 2010.
Cease funding <i>FÁS Services to Business</i> and <i>Skillnets</i>	6.000	Reduction of €6 million has been made in 2010 Estimates for FÁS's Services to Business

Recommendation in the Report of the Special Group	Saving in 2010	Comments
Abolish FAS training allowances for participants who do not qualify for Jobseekers Benefit/Allowance	€m 3.200	This recommendation is being implemented in 2010
Formally merge the functions of the Registrar of Friendly Societies and Companies Registration Office and secure additional efficiencies	0.146	The CRO and the RFS currently operate on a shared office basis. Legislative change is required to formally merge the bodies. The Department is currently reviewing the Industrial and Provident Societies (co-operatives) and Friendly Societies legislation. In the meantime, administrative efficiencies of €140,000 have been identified for 2010.
Savings in Corporate Services; reduction in Administrative Budget.	0.468	Non-Pay savings of €468,000 and substantial Pay savings in the Administrative Budget will be reflected in the Revised Estimates Volume.
TOTAL	13.695	

*Question No. 151 answered with Question No. 134.*

### **Foreign Direct Investment.**

152. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the figures for foreign direct investment here for each of the years from 2002 to 2009; the proposals she has to encourage such investment in 2010 and future years; and if she will make a statement on the matter. [4820/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In the period 2002 to 2009, there were a total of 916 foreign investments won by IDA for this country. The number of investments in each of those years is shown in the following tabular statement.

International investment will continue to be a key driver of employment, exports and growth. Ireland’s corporate tax rate of 12.5%, our multilingual skilled workforce and our strategic location to serve markets in Europe has served us well in attracting investors and will continue to do so. Many multinational companies are restructuring their global operations, leading to global rationalisation, making it particularly important to work to retain current investment, stimulate expansion, and secure new projects. We are working to develop the opportunities for Ireland to become a key European hub for the international funds industry. In this regard, I look forward to the proposed changes in the Finance Bill to strengthen Ireland’s competitive edge.

We will continue to market Ireland as a location of choice for the newcomer and for existing investors. In September, I launched the IDA’s new innovation focused overseas marketing campaign, designed to position Ireland as the pre-eminent location for companies who are seeking to invest in future innovation.

I am in the process of reviewing a new strategy for the future direction of FDI which IDA has developed, and subject to my approval, will shortly be published. This strategy will set out some specific initiatives which IDA will be undertaking to retain existing and secure new FDI. In addition, it will identify the opportunities in the FDI markets, while stressing the importance of restoring our relative international competitiveness if we are to maximise FDI potential.

[Deputy Mary Coughlan.]

During 2010, the IDA will continue their work to capitalise on our quality workforce, our creativity, our international attitude to business, attractive incentives for R&D and our favourable tax climate to attract multinationals to set up a base in Ireland as a launch pad for markets in Europe, Africa and the Middle East.

Despite the global turbulence 2009 was a good year for inward investments, with IDA winning 125 investments and already in 2010 there have been 7 announcements with a potential to create at least 280 jobs in Dublin, Galway and Tullamore.

Table showing the number of foreign investments won by IDA in each year 2002 to 2009

Year	2002	2003	2004	2005	2006	2007	2008	2009
Number of investments	88	105	108	121	125	114	130	125

### Grocery Industry.

153. **Deputy Liz McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on her proposed code of conduct for the grocery sector. [4838/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Renewed Programme for Government contains a specific commitment to “implement a Code of Practice for doing business in the Grocery Goods sector to develop a fair trading relationship between retailers and their suppliers” and “to review progress of the Code and if necessary to put in place a mandatory code”.

It is my intention to give effect to this commitment by including a specific provision in the legislation, currently being prepared by my Department to merge the National Consumer Agency and the Competition Authority, which will allow for the introduction of statutory Codes of Practice in areas such as the grocery goods sector. In the interim until the legislation is enacted, I intend to explore with all the relevant stakeholders the possibilities of agreeing a Voluntary Code which would respect the interests of all parties. It is my view that a Voluntary Code offers stakeholders the opportunity to develop a Code which is most appropriate to the dynamics of the grocery goods sector and which could also form the basis of any subsequent statutory Code.

The Government is strongly committed to ensuring that Ireland continues to have vibrant agri food and retail sectors, particularly given the importance of these sectors to the national economy. The Government considers it important, therefore, that there is balance in the relationship between the various players in the grocery goods sector. The introduction of a Code of Practice, as provided for in the Programme for Government, is intended to achieve such a balance taking into account the interests of all stakeholders in the grocery goods sector including the interests of the consumer and the need to ensure that there is no impediment to the passing-on of lower prices to consumers.

### Departmental Staff.

154. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the savings that will accrue to her Department arising from the public service pay cuts applied by the Financial Emergency Measures in the Public Interest (No 2) Act 2009; the number of personnel whose pay has been cut; the average reduction in each case; and if she will make a statement on the matter. [4824/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Financial Emergency Measures in the Public Interest (No 2) Act, 2009, made provision for the reduction of the remuneration of certain persons in the public service. The pay reductions provided for in the Act have been applied across my Department and its agencies with effect from 1 January 2010.

The 2010 Estimate for my Department which was published on 9 December 2009 included an indicative provisional reduction of €39.658 million to be applied to my Department's allocation in respect of adjustments to be made to public service pay across my Department and its agencies.

My Department is currently finalising the precise extent of the savings in consultation with the Department of Finance and the necessary adjustments will be reflected in the Revised Estimates Volume which is due to be published later this month.

The reductions will apply to over 5,200 whole time equivalent staff members who were serving in my Department and its agencies at the beginning of the year. The level of reduction varies depending on the salary scale of each employee. The detailed rates of reduction are set out in the Department of Finance's Circular 28/2009, which is published on that Department's website, [www.finance.gov.ie](http://www.finance.gov.ie), under the section on Civil/Public Service Information.

A pay reduction of 15% has been applied to my own remuneration as Tánaiste, while a 10% reduction has been applied to the remuneration of the Ministers of State at my Department.

#### **Departmental Agencies.**

155. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has met with the new board of FÁS; the occasions she has met with the new board; the details of these meetings; if she has scheduled meetings with the new board over the coming year on a regular basis to discuss their work; if she has given the new board of FÁS a work programme for 2010; and if she will make a statement on the matter. [4683/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I recently appointed a new board of FÁS under the terms of the Labour Services (Amendment) Act 2009. The Board has not yet had its first meeting. I have however already met with the Chair of the Board and will meet with the full Board as required during the course of the year.

*Question No. 156 answered with Question No. 107.*

#### **Proposed Legislation.**

157. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will publish the company law consolidation and reform Bill, as recommended by the company law reform group; and if she will make a statement on the matter. [4853/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The CLRG published its General Scheme of the Companies Consolidation and Reform Bill in July 2007. The Government subsequently approved the drafting of a Bill along the lines of the General Scheme. The proposed Bill will consolidate the existing Irish Companies Acts, dating from 1963 to 2009, as well as other regulations and common law provisions relating to the incorporation and operation of companies, into a single Act comprising more than 1,300 sections. Given its size and complexity it is envisaged that the Bill will not be published until October 2010 at the earliest.

### **Enterprise Stabilisation Fund.**

158. **Deputy Kathleen Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of companies that have applied to date in 2010 for assistance under the €100 million enterprise stabilisation fund; the number of applications accepted; the amount paid out to date in 2010; and if she will make a statement on the matter. [4837/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The provision of grant assistance to individual companies is a matter for the development agency or body concerned, and not one in which I have any function.

However, I have been informed by Enterprise Ireland, that 5 applications have been received to date in 2010 of which 3 companies have been approved for funding under the Enterprise Stabilisation Fund.

To date, no monies for 2010 approvals have been paid out.

*Question No. 159 answered with Question No. 113.*

### **Appointments to State Boards.**

160. **Deputy Joe Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment the criteria used in making the appointments to the board of FÁS, as announced by her on 22 January 2010; and if she will make a statement on the matter. [4829/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In selecting the new Board of FÁS, I drew on a wide range of experience from both the private and public sector. Members were chosen on the basis of relevant experience and competencies in areas such as the functions of FÁS, finance, corporate governance and public administration, as provided for in the Labour Services (Amendment) Act 2009.

### **Social Partnership Agreements.**

161. **Deputy Leo Varadkar** asked the Taoiseach if the national wage agreement has any legal or other status to the extent that it applies to private sector employers and employees; and if he will make a statement on the matter. [4452/10]

**The Taoiseach:** The national wage agreements which have been negotiated centrally between employers and trade unions under the framework of social partnership have been voluntary agreements, in line with Ireland's voluntarist tradition of industrial relations.

Accordingly, such agreements do not have a legally binding status — there is no legal obligation on individual employers and trade unions to implement their provisions. However, there would be an expectation that the constituent members of employer and trade union organisations would adhere to the relevant provisions. It is also the practice for the parties to brief the Labour Relations Commission and the Labour Court on the terms of their agreements to facilitate in the resolution of disputes regarding the application of the terms.

The position regarding the private sector pay provisions of the most recent national wage agreement, the *Towards 2016 — Review and Transitional Agreement 2008-2009*, is that, in November 2008, the Construction Industry Federation did not ratify the Agreement. Subsequently, IBEC sought to agree a suspension of the pay terms, having regard to the significant deterioration in the economy since the Agreement was reached. IBEC and ICTU held a series of informal discussions on the pay provisions of the Agreement late last year. Those discussions did not yield an agreed outcome, as a consequence of which, in December 2009, IBEC announced its decision to withdraw from participation in the pay terms of the *Towards 2016*

— *Review and Transitional Agreement*. However, IBEC has indicated that further discussions would be sought with ICTU on measures for the orderly conduct of industrial relations in the private sector.

### Census of Population.

162. **Deputy Finian McGrath** asked the Taoiseach if it is possible to make further amendments to the 2011 census document (details supplied). [4615/10]

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** As I indicated in the House last week, the Government agreed in December last on the topics to be covered in the next census of population, in line with the advice of the Census Advisory Group. The Government also agreed that Census Day will be Sunday, 10 April 2011.

This followed comprehensive public consultation by the Central Statistics Office (CSO), and careful evaluation by the Census Advisory Group of the results of the Census Pilot Survey carried out in April 2009, including a specific focus on ensuring an appropriately balanced approach to the questions on disability-related issues. The final list of topics and the report of the Census Pilot Survey are available on the CSO website.

Successful delivery of the national census of population is a significant undertaking for which responsibility rests with the CSO, not least insofar as methodological issues are concerned. The carefully designed fieldwork that is necessary to test new questions means that it is not possible to consider amendments at this stage.

I am advised by the CSO that the content and layout of the census form have now been finalised. The contracted printer is scheduled to commence printing the 2 million English language household forms next month for delivery to the CSO warehouse between June and August 2010. Any disruption of these arrangements would compromise census preparations as well as giving rise to financial penalties.

### Departmental Staff.

163. **Deputy Leo Varadkar** asked the Taoiseach the value of the union subscriptions collected from payroll by his Department from civil servants in any given year; the breakdown of such by the union or staff association; and if he will make a statement on the matter. [4704/10]

**The Taoiseach:** The information requested by the Deputy for 2009 is contained in the table below:

Union	Amount
	€
Association of Assistant Secretaries and Higher Grades	1,581.92
AHCPS	17,389.29
PSEU	16,721.54
CPSU	16,793.35
IMPACT	5,435.20

164. **Deputy Leo Varadkar** asked the Taoiseach the number of days taken off for trade union leave in his Department by civil servants in 2007, 2008 and 2009; and if he will make a statement on the matter. [4705/10]



**The Taoiseach:** The table below provides details of the number of days taken off for trade union leave by civil servants in my Department in 2007, 2008 and 2009.

Year	Number of Days
2007	16.5
2008	15.5
2009	21.0

#### **EU Directives.**

165. **Deputy Joe Costello** asked the Taoiseach if there are EU Directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4719/10]

**The Taoiseach:** The Department of the Taoiseach has no EU Directives awaiting transposition.

#### **Venture Capital Programmes.**

166. **Deputy Damien English** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to promote venture capitalism in the market here; and if she will make a statement on the matter. [5353/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am fully aware that a dynamic and healthy venture capital market is a prerequisite for the growth and development of high potential start-up companies in Ireland. Enterprise Ireland provides financial support to high potential Irish companies. This financial support, based on an approved business plan, includes the areas of business feasibility study, product development and new company launch and development. Over the last 16 years Enterprise Ireland has focused on stimulating venture capital funds in order to promote the availability of this important source of funding for companies that would have difficulty raising capital through traditional sources of finance. It has undertaken initiatives that have led to the creation and development of a vibrant Irish-based VC industry.

To date, Enterprise Ireland has been involved in three Seed and Venture Capital Programmes as follows:

- Seed and Venture Capital Programme 2007-2012.
- Seed and Venture Capital Programme 2000-2006, under the National Development Plan.
- The EU Seed and Venture Capital Measure 1994-1999, under the Operational Programme.

Enterprise Ireland support for venture capital funds has been undertaken through investment as a limited partner with other private investors on a *pari passu* basis. The management of these funds is in the hands of private sector VCs who take investment decisions on a fully commercial basis.

Under the EU Seed and Venture Capital Measure 1994-1999, 15 separate venture capital initiatives were established with €43.9m committed under this Programme. The first of these initiatives was launched in May 1996.

Under the 2000-2006 Programme, Enterprise Ireland committed €98m to continue development of the venture capital market for small and medium sized enterprises (SMEs) in Ireland. This Programme committed capital to 15 funds.

The 2007-2012 Seed and Venture Capital Scheme was launched to promote the availability of funding for companies at both early and growth stages of development and to further develop the Seed and Venture Capital Industry in Ireland. Enterprise Ireland has committed to investing €175m under this programme. Out of the overall allocation of €175 million, Enterprise Ireland has to date committed investment to 10 funds. Of these, 8 funds, with a total size of €525 million, have commenced operations. Two further funds with a total size of €150 million remain under negotiation.

I understand from data published by the Irish Venture Capital Association in its publication 'Venture Pulse 2009' that, in the first three quarters of 2009, approximately €220m was invested by syndicates of investors (including Enterprise Ireland) in Irish SMEs. Of the 61 investments made during that period, 57 were of a value of less than €10m representing a total of €120m of the overall funds invested. 23 of the 57 investments were in the range of €1.5m to €10m, totalling €94.7m.

### **Community Employment Schemes.**

167. **Deputy Michael Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a person who is only signing for credits is entitled to go on a FÁS community employment scheme or a FÁS training course or if they must be in receipt of a social welfare payment; and if she will make a statement on the matter. [4466/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** Eligibility to participate on the Community Employment programme is linked to those in receipt of an Irish social welfare payment.

Those persons not meeting the criteria or who are signing for credits, or are receiving social welfare benefits from a different country, are not eligible to participate on Community Employment.

A person signing for credits may participate on a FÁS training course provided other eligibility criteria are met.

In addition, unemployed persons who are not in receipt of any social welfare payment may participate in the Work Placement Programme immediately.

### **Job Creation.**

168. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs delivered by the Industrial Development Authority in counties Wicklow, Carlow, Kilkenny, Waterford and Wexford over the past ten years. [4488/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Forfás Annual Employment Survey reports on job gains and losses in companies that are supported by the industrial development agencies. Data is compiled on an annualized basis and is aggregated at county level.

The survey shows that in the 10-year period, 2000 to 2009, a total of 8,970 new jobs were created in IDA supported companies in Counties Wicklow, Carlow, Kilkenny, Waterford and Wexford. A breakdown of this figure by year and by county is set out in the following tabular statement.

Table Showing the Number of New Jobs Created in IDA Supported Companies in Counties Carlow, Kilkenny, Waterford, Wexford and Wicklow in the 10-Year Period 2000 to 2009

County	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
Carlow	3	2	6	8	19	44	20	3	74	49	228
Kilkenny	36	82	105	2	66	95	15	93	1	0	495
Waterford	350	545	575	561	253	351	851	376	176	71	4,109
Wexford	125	72	164	134	333	71	98	67	91	8	1,163
Wicklow	383	390	357	814	246	374	140	190	53	28	2,975

### Redundancy Payments.

169. **Deputy Michael Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a person (details supplied) in County Mayo will be awarded their statutory redundancy entitlement; when this application was lodged with her Department; and when same will be finalised. [4489/10]

**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 claim for the individual concerned on 24 July 2009 claiming inability to pay on behalf of the employer. This claim awaits processing. In respect of lump sum payments paid directly to employees, such as in this instance, the Section is, in general, processing claims dating from July 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 2009 of 77,001. This figure exceeds the claims lodged for 2008 (40,607) by 90% 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 are monitoring closely the impact of these changes against the continuing influx of redundancy claims and it is clear that additional measures are required to help reduce the backlog of claims which currently stands in excess of 40,000. The Department is currently actively engaged in efforts to secure up to 16 additional staff resources deployed to the area in the first quarter of 2010.

### **FÁS Training Programmes.**

170. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, a person is a new entrant to a FÁS training course, will be able to receive an increase for a qualified adult payment and the part-time FÁS allowance that are available to persons on FÁS courses; and if she will make a statement on the matter. [4498/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** FÁS provides a range of training courses to suit participants' individual needs and circumstances. New entrants to FÁS who are in receipt of allowances from the Department of Social and Family Affairs and undertaking a full-time training course retain the same level of allowances whilst pursuing their training. Those in receipt of social welfare payments undertaking part-time training (20 hours a week) receive a part-time training allowance only. However, participants who undertake evening or on-line courses rather than part-time day courses and are thus available for work retain their existing level of social welfare benefits.

### **Community Employment Schemes.**

171. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there are plans to split up three-year adult education FÁS courses into three one-year courses in order that students will have to re-apply for the new and reduced allowances in view of Budget 2010; and if she will make a statement on the matter. [4499/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I understand that the Deputy is referring to Community Employment Schemes.

There are no three year adult education courses on Community Employment (CE).

This Government will continue to support the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. In this regard I am keeping the operation of the Scheme under constant review in the context of the current difficult unemployment situation.

### **Company Takeovers.**

172. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has received an assessment from the development agencies and the company of a proposed take-over of another company (details supplied); the actions she will to secure a future employment in plants here. [4543/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Enterprise Ireland is in constant contact with the Ireland management team of the company

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that is the subject of the proposed takeover and continues to advise my Department on developments as they occur. Once the takeover is confirmed, and as soon as it is appropriate to do so, Enterprise Ireland plans to develop a strategy as regards working with the company and initiating discussions with the new owners.

I would like to assure the Deputy that I, together with Enterprise Ireland and the other relevant State agencies, will take all possible action to protect the existing jobs in the company.

### **Work Placement Programme.**

173. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the take up rate under the work placement programme with a breakdown by graduate and non-graduate status. [4545/10]

214. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will report on the implementation on the work programme for graduates; and if she will make a statement on the matter. [5384/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 173 and 214 together.

There are 2,000 places on the Work Placement Programme, 1,000 for graduates and 1,000 for non-graduates. As of 27th January 2010, there have been a total of 297 people who have commenced their work placement. Graduates account for 198 of those placements with non-graduates accounting for the remaining 99 placements. There are another 593 places currently available and I anticipate that the take-up rate will improve significantly this year.

### **FÁS Training Programmes.**

174. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the additional 16,000 training places for the unemployed in 2010 as announced in Budget 2010; the types of courses on offer; the location of same; when they will take place; the persons who will run them; and the way persons may apply. [4547/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** In Budget 2010 it was announced that my Department will deliver an additional 16,000 training places for the unemployed. The additional places are comprised of several measures, which are as follows.

- 9,000 additional places on FAS short training courses.
- 3,500 training places to be delivered as part of Ireland's applications under the European Globalisation Adjustment Fund. This EU fund provides support for the upskilling of redundant workers in the case of large-scale company closures.
- At least 3,5000 training places to be delivered as part of the new Labour Market Activation Fund.
- My Department will also deliver an additional 500 Community Employment places this year.

These additional training places will be delivered by a range of different providers and will come on stream during the course of the year.

*Question No. 175 answered with Question No. 147.*

### **Loan Guarantees.**

176. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has considered the introduction of an small and medium enterprise working capital guarantee scheme to ensure access to credit for viable businesses particularly those with fewer than ten staff and with most difficulty accessing credit; and if she will make a statement on the matter. [44871/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Work is underway within my Department on the examination of a possible scheme of loan guarantees for the SME sector. This is in line with one of the recommendations contained in the Mazars report on credit availability.

There are significant issues to consider and weigh up before any final decision can be made. For example, we need to be certain of the extent to which any scheme would assist SMEs, if a scheme would actually result in an increase in total lending and if the cost of borrowing by SMEs under such a Scheme would not prove prohibitive. A properly tailored and targeted scheme could prove successful in assisting viable companies secure credit that they might not otherwise get.

Enterprise Ireland and Forfas have carried out examinations of loan guarantee schemes in the UK and in some other countries. Forfas, together with the Department, is carrying out a further examination and on completion of this work, I will bring the results before the Government. We will need to ensure that any scheme developed directly assists businesses while at the same time safeguards the taxpayer.

### **Aviation Industry.**

177. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the initiatives she and the Department of Transport are taking to secure a successor aviation maintenance business at a company plant (details supplied) in Dublin Airport in relation to the development of the Dublin Aerospace proposal; if other measures are being taken to increase employment in the aviation maintenance and engineering sector; her views on the lessons for Irish aviation strategic policy for her Department in the relocation of services to Malta; and if she will make a statement on the matter. [45880/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On September 2nd 2009, I announced the establishment of Dublin Aerospace Ltd, a new aviation maintenance provider supported by Government through Enterprise Ireland. Dublin Aerospace aims to establish a best-in-class Maintenance, Repair and Overhaul (MRO) facility at Dublin Airport, servicing APUs, Landing Gear, Base Maintenance and Training. The company has commenced operations with 70 initial employees recruited. This number is anticipated to grow to 226 jobs.

The Garage business unit of SR Technics has been taken over by the M50 Truck and Van Centre who were successful in securing the airside vehicle maintenance contract from SR Technics. Aer Lingus have decided to undertake line maintenance operations previously contracted to SRT. A number of employees will transfer from SRT to the new line maintenance operation at Aer Lingus.

The Government, through IDA Ireland, are committed to continued marketing of Ireland as a location for companies interested in establishing aircraft maintenance and aviation engin-

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eering businesses. State agencies such as FÁS and Enterprise Ireland have made, and continue to make, the full range of their employment, training, guidance and advisory services available to workers made redundant at SR Technics.

While the decision of SR Technics to move operations from Ireland is regrettable, the relocation of companies, and with them jobs, is a reality of the modern global economic environment for a highly developed economy such as Ireland. This shift in the structure of international trade poses challenges to economic policy makers in all developed countries, not just Ireland. It must be remembered that Ireland also experiences the benefits resulting from globalisation as new markets and business opportunities open up for Irish companies.

Last October, my Department submitted a provisional application to the European Commission for co-financing support from the European Globalisation Adjustment Fund (EGF) towards the cost of a personalized package of training, educational and entrepreneurial services to workers made redundant at SR Technics. The Commission has sought additional information in relation to the application which my Department is currently preparing.

### **Skill Shortages.**

178. **Deputy Liz McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plan in place to support PhD students following on from a report by the advisory council for science, technology and innovation that highlighted the importance of PhDs in the smart economy; and if she will make a statement on the matter. [3430/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Conor Lenihan):** Having regard to the significant increase in the number of PhD graduates in Ireland in recent years and the Government's objective to have more researchers in the enterprise sector, the Advisory Council for Science, Technology and Innovation (ACSTI) was requested to examine the skills that enterprise requires from 4th level Ireland, to review the role in enterprise that is filled by PhD graduates and to identify the barriers that reduce the attraction of graduates to enterprise. The Council published its report in December last.

The Council's report highlights the benefits that PhD graduates bring to firms and sheds much light on the role they can play as we strive to build Ireland's knowledge economy. The Council's recommendations form a strategy for the alignment of skills with enterprise needs. The report recommends that Ireland should continue to develop PhD qualifications and skills closely aligned with broader economic and social needs. Given the concentration of demand for advanced researcher skills in specific sectors, funding for structured PhD programmes should be broadly aligned with the sectors of the economy, both public and private, where there is evidence of demand, or expected demand.

The Council recommends that structured PhD programmes should impart both generic and discipline-specific skills in the education and training of PhD students. They also recommend that Higher Education Institutes should adopt systematic and formal consultation with employers in the development of such structured PhD programmes at discipline level within the institutions.

The Council recommends the introduction of an Industrial PhD model whereby an employee of enterprise earns their PhD based on research relevant to their company. The objectives of the programme would be to upskill researchers working in R&D active enterprise, to build know-how, knowledge dissemination and interaction between academic and research institutions and enterprises. The Council further recommends that, beginning with the PhD education and training period and continuing through to early postdoctoral research stage, there

should be an integrated programme of support and training specifically targeted at PhD students to enable them to commercialise their research.

Capacity to produce graduates with advanced researcher skills will be critical in expanding the mandate of foreign multinationals already located here and attracting globally mobile R&D investment. Restoring competitiveness to indigenous enterprise requires the stimulation of R&D intensity and the adoption of appropriate technologies.

It is essential, therefore, that the Council recommendations are advanced as we continue to put in place the foundations of the smart economy. Responsibility for implementing the Council recommendations will fall to my Department, the Department of Education and Science and agencies that report to both Departments. To ensure that a coordinated approach is taken in this matter and that all stakeholders are mobilised for delivery, the recommendations are being taken forward via the implementation structures of the Government's Strategy for Science, Technology and Innovation 2006-2013, with a view to their early and thorough implementation. This process will also have regard to any agreed initiatives emerging from the Innovation Task Force which might touch upon the same issues. That report is expected to be completed and published shortly.

### **Employment Strategy.**

179. **Deputy Joe McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department's comprehensive employment strategy contains a dedicated strand to consider specific approaches for persons with mental health problems; and if she will make a statement on the matter. [4742/10]

180. **Deputy Joe McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on establishing a mental health sub-group for the development of her Department's comprehensive employment strategy; her further views on appointing persons with direct experience of mental health issues to this committee; and if she will make a statement on the matter. [4743/10]

181. **Deputy Joe McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will implement all of the relevant recommendations of A Vision for Change; and if she will make a statement on the matter. [4744/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 179 to 181, inclusive, together.

My Department has led on the advancement of an outline for a Comprehensive Employment Strategy for people with disabilities in close consultation with other Government Departments and key stakeholder representatives on the Department's Consultative Forum. The aim of this strategy is to address the diversity of circumstances, needs and abilities of people with disabilities, and to work towards achieving the highest possible levels of employment for them.

To this end, my Department and the Department of Health and Children have established a Cross Sectoral Group on an employment strategy for people with disabilities. It includes representatives from the Departments of Enterprise, Trade and Employment, Health and Children, and Social and Family Affairs, together with FÁS and the HSE. It aims to provide a mechanism for a cross-sectoral approach between Departments and agencies with responsibility for the delivery of the mainstreaming agenda in respect of increasing the employment prospects of people with disabilities.



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The group will seek to progress a targeted action plan based on the commitments set out in the Departmental Sectoral Plans, including the further advancement of the Comprehensive Employment Strategy and the provision of a continuum of training and employment support services for all types of disability and impairment. The need for establishing any appropriate sub-groups in pursuance of this objective will be kept under review by the group.

The implementation of recommendations in A Vision for Change relevant to my Department is being progressed under the Department's Sectoral Plan under the Disability Act, 2005, and will be further advanced under the outline for a Comprehensive Employment Strategy for people with disabilities under this Plan.

### **Product Labelling.**

182. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the issues surrounding labelling of products from illegal Israeli settlements; and her plans to address these issues. [4816/10]

183. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the practice of shopping centres here renting floorspace to Israeli outlets selling Dead Sea products which are in fact products from illegal Israeli settlements; the action she will take regarding same. [4817/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 182 and 183 together.

The issue raised by the Deputy involves a number of different policy considerations. In so far as my own area of direct policy responsibility is concerned, the Consumer Protection Act 2007 includes specific provisions in relation to the provision of information to consumers in the course of commercial transactions. Specifically the Act provides that the provision of false information in relation to the geographical or commercial origin of a product and where that information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make, such a practice is a misleading commercial practice. Traders who engage in misleading commercial practices commit an offence and are liable on conviction on indictment or on summary conviction, as the case may be, to the fines and penalties provided for under the Act. Evidence of traders engaging in misleading commercial practices should be brought to the attention of the National Consumer Agency, which is the body responsible for the enforcement of the Consumer Protection Act 2007.

Should the products referred to in the Deputy's questions relate to food products, there are Regulations governing the labeling of certain food products. These Regulations are enforced by the Food Safety Authority of Ireland, which operates under the auspices of my colleague the Minister for Health and Children.

As regards issues relating to Israeli settlements, these issues essentially involve foreign policy considerations, which are the responsibility of the Minister for Foreign Affairs.

### **Semi-State Bodies.**

184. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the responsibilities the Office of the Director of Corporate Enforcement has over semi-State companies including the national ports in the context of the Companies Act and good corporate governance; and if she will make a statement on the matter. [4818/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** The Office of the Director of Corporate Enforcement was established on 28 November 2001 under the provisions of the Company Law Enforcement Act 2001 (No. 28 of 2001). The primary functions of the Director of Corporate Enforcement under the Act are to:

- To enforce the Companies Acts;
- To encourage compliance with the Companies Acts;
- To investigate suspected offences under the Companies Acts.

These functions apply to all companies formed and registered under the Companies Acts and related legislation.

### **Aviation Industry.**

185. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date in 2010 in finding opportunities to retain the skill base at a company (details supplied) in new or revived enterprises; when she will report the progress; and her views on the attitude of the European Commission to the projects involved. [4854/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On September 2nd 2009, I announced the establishment of Dublin Aerospace Ltd, a new aviation maintenance provider supported by Government through Enterprise Ireland. Dublin Aerospace aims to establish a best-in-class Maintenance, Repair and Overhaul (MRO) facility at Dublin Airport, servicing APUs, Landing Gear, Base Maintenance and Training. The company has commenced operations with 70 initial employees recruited. This number is anticipated to grow to 226 jobs.

The Garage business unit of SR Technics has been taken over by the M50 Truck and Van Centre who were successful in securing the airside vehicle maintenance contract from SR Technics. Aer Lingus have decided to undertake line maintenance operations previously contracted to SRT. A number of employees will transfer from SRT to the new line maintenance operation at Aer lingus. These new arrangements operate within the parameters of EU Single Market and State Aid rules, and are not subject to specific consultation with the EU Commission.

While the decision of SR Technics to move operations from Ireland is regrettable, the relocation of companies, and with them jobs, is a reality of the modern global economic environment for a highly developed economy such as Ireland. This shift in the structure of international trade poses challenges to economic policy makers in all developed countries, not just Ireland. It must be remembered that Ireland also experiences the benefits resulting from globalisation as new markets and business opportunities open up for Irish companies.

The Government, through IDA Ireland, are committed to continued marketing of Ireland as a location for companies interested in establishing aircraft maintenance and aviation engineering businesses. State agencies such as FÁS and Enterprise Ireland have made, and continue to make, the full range of their employment, training, guidance and advisory services available to workers made redundant at SR Technics.

Last October, my Department submitted a provisional application to the European Commission for co-financing support from the European Globalisation Adjustment Fund (EGF) towards the cost of a personalized package of training, educational and entrepreneurial services to workers made redundant at SR Technics. The Commission has sought additional information in relation to the application which my Department is currently preparing.

### **Redundancy Payments.**

186. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 205 of 26 January 2010, the number of cases in each of the past three years in which her Department acted in locus of an employer whose company was in liquidation or receivership; the number of redundancies represented in such cases in each of those years; the costs incurred by the Exchequer; the amounts recouped from the liquidator and receiver in each of these years; the amounts still outstanding; and if she will make a statement on the matter. [5053/10]

187. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 205 of 26 January 2010, the number of cases in each of the past three years in which her Department sought evidence from an employer of their inability to pay the redundancy entitlements of the employees in cases where the employer of their inability to pay the redundancy entitlements of the employees in cases where the employer did not formally wind up the company but went into informal insolvency; the number of redundancies represented in such cases in each of these years; the number of these employers who admitted liability for 40% of the total cost of the redundancy payments; the number of redundancies represented in such cases in each of these years; the number who did not admit liability; the number of redundancies represented in such cases in each of these years; the number of cases in which her Department pursued a company for payment of the 40% share; the amount recovered in each of these years; the amount still outstanding; and the costs to the Exchequer in these circumstances in each of these years. [5054/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I propose to take Questions Nos. 186 and 187 together.

I must advise the Deputy that the level of information requested in both questions is extremely detailed and would consume considerable resources within what is currently a very busy area of my Department to provide the information requested. I am sure the Deputy will appreciate that the main focus of the Redundancy Payments Section currently is to dispatch redundancy payment claims to individuals and businesses as quickly as possible.

Under the Redundancy Payments Acts 1967 — 2007, the objective is to ensure that statutory redundancy payments, due to eligible employees on being made redundant, are made in accordance with the legislative provisions. The legislation places the onus, in the first instance, on the employer to discharge the obligation to pay redundancy entitlement to employees. In so doing, the employer is entitled, by virtue of pay related social contributions made to the State, to recover a 60% rebate on the amount paid out in redundancy payments to employees. In the years the Deputy has enquired into i.e. 2007, 2008 and 2009 redundancy rebate payments paid out to employers totalled €167.4m, €161.8m and, €247.9m respectively.

In the case of liquidations/receiverships and in cases of informal insolvency where the Department paid the redundancy lump sums directly to the employees, the amounts paid out of the Social Insurance Fund in the years 2007, 2008 and 2009 amounted respectively to €14.6m, €29.8m and €85.5m. In these cases, the Department seeks to recover 40% of the amount paid out as this is the company's share of the liability of the employees' statutory payment. In cases where the employer simply refuses to pay a redundancy lump sum, the payment will be made from the fund and the Department then endeavors to recover the full 100% from the employer. Amounts paid in these cases amounted to €1.4m, €2.1m and €2.5m respectively for the years 2007 to 2009.

The Minister becomes a preferential creditor in a winding-up situation in recovering amounts paid from the Social Insurance Fund (SIF) and this debt stands against a company for as long as it is live on the Companies Register at the Company Registration Office. The total amounts paid by the Department from the Social Insurance Fund in the relevant years are shown in the following Table 1.

In the years 2007, 2008 and 2009, the Department has been successful in recovering to the Social Insurance Fund amounts of €0.6m, €0.9m and, €3.6m respectively. The cumulative debt outstanding to the Social Insurance Fund for the years in question are €37.7m, €48.4m and €78.7m respectively. The numbers of redundancies that occurred during the period 2007-2009 were 25,459, 40,607 and 77,001.

The above information is included in table format for ease of reference in tables 2, 3 and 4.

Table 1: Redundancy Payments made from the Social Insurance Fund (€)

Category	2007	2008*	2009*
Rebate	167,390,542	161,774,389	247,891,733
Lump Sum	14,564,375	29,803,995	85,475,883
Lump sum 100%	1,373,117	2,133,003	2,494,209
Total	183,328,034	193,711,387	335,861,925

Table 2: Recoveries in Respect of Redundancy Payments (€)

Year	€
2007	617,695
2008*	934,655
2009*	3,589,802

Note the amounts recovered in each year relates to monies recovered for the current year and earlier years.

Table 3: Amounts Outstanding due to SIF in respect of Redundancy Payments

Year	€
2007	37,712,490.76
2008*	48,446,507.17
2009*	78,673,864.61

All figures are cumulative figures

Please note that figures for both 2008 and 2009 in tables 1, 2 and 3 are \*provisional figures.

Table 4: Actual Statutory Redundancies lodged for years 2007 to 2009

2007	2008	2009
25,459	40,607	77,001

### Work Placement Programme.

188. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and

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Employment the position regarding a course (details supplied); and if she will make a statement on the matter. [5057/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Work Placement Programme is a joint labour market activation initiative between my Department and the Department of Social and Family Affairs. It provides the unemployed with the opportunity to secure work experience for up to nine months. Participation on the programme is voluntary and unpaid. Unemployed individuals participating on the programme are being kept close to the labour market and have the opportunity to gain on-the-job training and work experience. This Programme is designed to address an identified gap in policy provision for those unemployed people who need more experience to make them more attractive to employers. This will assist them in securing paid employment in the future.

While each placement is unpaid, participants who are in receipt of social welfare payments could retain these while on the programme, subject to the normal social welfare rules applying. However, as any payment to an individual on the programme is subject to the normal social welfare rules, individuals not in receipt of social welfare payments will therefore not be eligible for any payment. FAS highlight this possibility to potential participants and as the programme is voluntary it is entirely up to the individual whether they wish to participate.

#### **FÁS Training Courses.**

189. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the position of persons who are on a waiting list for training courses and are currently in receipt of jobseeker's benefit or allowance but who may no longer be in receipt of a jobseeker's payment when a place is offered and will not then receive a training allowance; her plans to rectify this situation; and if she will make a statement on the matter. [5062/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** FÁS training allowances are generally aligned to a person's entitlement to supports for jobseekers and Department of Social and Family Affairs' rules. In consequence, where a trainee is entitled to a benefit from the Department of Social and Family Affairs at course commencement, he/she will receive a FÁS training allowance for the duration of the training course.

#### **Company Takeovers.**

190. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will support a matter (details supplied). [5088/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Enterprise Ireland is in constant contact with the Ireland management team of the company that is the subject of the proposed takeover and continues to advise my Department on developments as they occur. Once the takeover is confirmed, and as soon as it is appropriate to do so, Enterprise Ireland plans to develop a strategy as regards working with the company and initiating discussions with the new owners.

I would like to assure the Deputy that I, together with Enterprise Ireland and the other relevant State agencies, will take all possible action to protect the existing jobs in the company.

#### **Imports and Exports.**

191. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and

Employment the top 20 countries to whom goods and services are exported; the top 20 countries from whom goods and services are imported; and if she will make a statement on the matter. [5118/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The following tables set out the top 20 destinations countries for Ireland's Merchandise and Services Exports and also the countries of origin of Merchandise and Services Imports, for 2008. Data for the full year 2009 is not yet available.

Destination of Merchandise Exports (Total €86,394m) 2008		Country of origin of Merchandise Imports (Total €57,585m) 2008	
Country	(€Million)	Country	(€Million)
USA	16,674	Great Britain	17,941
Great Britain	14,300	United States	6,763
Belgium	12,253	Germany	4,641
Germany	6,089	China	3,902
France	5,019	Netherlands	2,892
Spain	3,590	France	2,388
Netherlands	3,028	Italy	1,344
Italy	3,007	Belgium	1,321
Switzerland	2,561	Norway	1,306
Japan	1,708	Northern Ireland	1,261
China	1,609	Japan	1,145
Northern Ireland	1,565	Denmark	1,042
Malaysia	1,063	Spain	937
Sweden	873	Singapore	746
Poland	747	Taiwan	536
Australia	746	Switzerland	525
Hong Kong	715	South Korea	508
Singapore	556	Sweden	483
Mexico	541	Poland	439
Denmark	528	Turkey	412

Destination of Services Exports (Total €69,203m) 2008		Country of origin of Services Imports (Total €74,574m) 2008	
Country	€Million	Country	(€Million)
United Kingdom	15,311	United States	22,276
Germany	6,850	United Kingdom	11,377
USA	4,913	Netherlands	7,291
France	4,895	Luxembourg	3,975
Italy	4,514	France	3,443
Netherlands	2,930	Germany	3,069
Spain	2,166	Bermuda	2,327
Switzerland	1,637	Italy	2,303
Belgium	1,453	Spain	2,068
Sweden	1,426	Belgium	1,465

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Destination of Services Exports (Total €69,203m) 2008		Country of origin of Services Imports (Total €74,574m) 2008	
Country	€Million	Country	(€Million)
China	1,423	Switzerland	1,409
Russia	1,382	Portugal	568
Bermuda	1,102	Japan	468
Japan	1,066	China	395
Luxembourg	945	Sweden	394
Poland	887	Austria	352
Denmark	742	Australia	314
Norway	659	Poland	308
Portugal	649	Denmark	301
Australia	630	Canada	294

### Training Programmes.

192. **Deputy Thomas Byrne** asked the Tánaiste and Minister for Enterprise, Trade and Employment the training grants made available to former employees of a company (details supplied) who lost their jobs. [5124/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I understand that up to 15 former employees of SR Technics have received funding, through FÁS, totalling nearly €10,000 towards training under the Technical Employment Support Grant (TESG), over a period of 6 months following the redundancy announcement. FÁS has also provided funding to assist redundant apprentice aircraft mechanics who were employed by SR Technics to proceed with their apprenticeship. An off-the-job special training programme in the Dublin Institute of Technology commenced in April 2009 for 27 redundant apprentice aircraft mechanics. In addition to this, 23 redundant aircraft mechanics will commence phase 6 of their apprenticeship in the Dublin Institute of Technology on 22nd February 2010.

In addition, last October, my Department submitted a provisional application to the European Commission seeking co-financing support from the European Globalisation Adjustment Fund (EGF). The application relates to the provision of a personalised package of training, educational and entrepreneurial supports to workers made redundant at SR Technics. The Commission has recently sought additional information in relation to the application which my Department is currently preparing. State agencies such as FÁS, Enterprise Ireland and local Vocational Education Committees have made, and continue to make, the full range of their employment, training, guidance and advisory services available to workers made redundant at S.R. Technics.

### Industrial Relations.

193. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will respond to a query (details supplied); and if she will make a statement on the matter. [5133/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The administration of individual cases is a day-to-day matter for Enterprise Ireland as part of its responsibility under the Industrial Development (Enterprise Ireland) Act 1998. I therefore, as

Minister for Enterprise, Trade and Employment do not have a role in the administration of individual cases.

### Work Permits.

194. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits (details supplied) issued monthly in 2008 and 2009 (details supplied) by sector; and if she will make a statement on the matter. [5134/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I set out in the following table the figures as requested by the Deputy.

Employment Permits Issued Monthly by Sector for 2008 and 2009

Year		New	Renewals	Total Issued	Refused	Withdrawn
2008		8,521	5,000	13,521	2,225	339
	<i>Jan</i>	1,042	1,069	2,111	245	45
	Agriculture & Fisheries	34	56	90	7	1
	Catering	111	273	384	76	14
	Domestic	16	35	51	3	2
	Education	32	47	79	4	1
	Entertainment	9	3	12	1	0
	Industry	132	64	196	20	3
	Medical & Nursing	289	192	481	48	9
	Service Industry	415	395	810	86	14
	Sport	4	4	8	0	1
	<i>Feb</i>	740	796	1,536	197	46
	Agriculture & Fisheries	25	65	90	8	2
	Catering	94	197	291	56	12
	Domestic	9	20	29	1	2
	Education	20	14	34	5	1
	Entertainment	1	5	6	1	0
	Industry	107	50	157	24	2
	Medical & Nursing	171	120	291	23	7
	Service Industry	309	321	630	78	19
	Sport	4	4	8	1	1
	<i>Mar</i>	590	488	1,078	188	25
	Agriculture & Fisheries	9	31	40	7	1
	Catering	64	124	188	47	6
	Domestic	11	21	32	4	0
	Education	13	13	26	7	0
	Entertainment	0	1	1	0	0
	Industry	69	43	112	19	2
	Medical & Nursing	158	87	245	33	4
	Service Industry	255	166	421	68	12
	Sport	11	2	13	3	0



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Year		New	Renewals	Total Issued	Refused	Withdrawn
	<i>Apr</i>	720	430	1,150	206	26
	Agriculture & Fisheries	35	40	75	4	1
	Catering	92	108	200	71	0
	Domestic	14	12	26	4	1
	Education	23	22	45	2	0
	Entertainment	3	3	6	1	0
	Industry	65	32	97	8	1
	Medical & Nursing	178	67	245	30	3
	Service Industry	304	141	445	85	20
	Sport	6	5	11	1	0
	<i>May</i>	675	380	1,055	221	33
	Agriculture & Fisheries	21	25	46	13	0
	Catering	89	71	160	56	2
	Domestic	13	8	21	6	2
	Education	11	9	20	2	3
	Entertainment	4	0	4	0	0
	Industry	60	22	82	21	8
	Medical & Nursing	151	92	243	29	4
	Service Industry	324	151	475	94	14
	Sport	2	2	4	0	0
	<i>Jun</i>	729	320	1,049	230	19
	Agriculture & Fisheries	16	16	32	8	1
	Catering	113	59	172	82	6
	Domestic	7	6	13	5	1
	Education	19	3	22	4	1
	Entertainment	1	1	2	0	0
	Exchange Agreements	5	0	5	0	0
	Industry	77	21	98	24	2
	Medical & Nursing	197	88	285	31	2
	Service Industry	279	123	402	72	6
	Sport	15	3	18	4	0
	<i>Jul</i>	918	262	1,180	197	36
	Agriculture & Fisheries	63	9	72	5	1
	Catering	90	47	137	46	4
	Domestic	10	4	14	3	0
	Education	15	5	20	8	1
	Entertainment	10	2	12	5	0
	Exchange Agreements	4	0	4	0	0
	Industry	72	11	83	15	2
	Medical & Nursing	321	79	400	37	12
	Service Industry	319	102	421	78	16
	Sport	14	3	17	0	0

Year		New	Renewals	Total Issued	Refused	Withdrawn
	<i>Aug</i>	663	285	948	158	13
	Agriculture & Fisheries	19	14	33	12	0
	Catering	87	60	147	41	2
	Domestic	9	5	14	1	1
	Education	22	4	26	5	0
	Entertainment	1	3	4	3	0
	Industry	84	19	103	17	0
	Medical & Nursing	157	75	232	28	0
	Service Industry	265	105	370	49	10
	Sport	19	0	19	2	0
	<i>Sep</i>	619	281	900	168	17
	Agriculture & Fisheries	26	22	48	12	0
	Catering	73	52	125	59	6
	Domestic	5	6	11	0	0
	Education	16	7	23	4	0
	Entertainment	7	1	8	0	0
	Exchange Agreements	1	0	1	0	0
	Industry	64	22	86	11	0
	Medical & Nursing	118	56	174	23	2
	Service Industry	277	114	391	58	9
	Sport	32	1	33	1	0
	<i>Oct</i>	659	248	907	172	36
	Agriculture & Fisheries	31	17	48	9	2
	Catering	81	46	127	42	8
	Domestic	4	1	5	4	0
	Education	11	6	17	6	2
	Entertainment	2	0	2	1	1
	Industry	120	18	138	13	1
	Medical & Nursing	134	57	191	35	8
	Service Industry	258	103	361	59	13
	Sport	18	0	18	3	1
	<i>Nov</i>	657	245	902	152	27
	Agriculture & Fisheries	11	12	23	5	2
	Catering	76	45	121	49	1
	Domestic	10	8	18	8	0
	Education	13	9	22	4	0
	Entertainment	2	1	3	2	0
	Exchange Agreements	2	0	2	0	0
	Industry	112	14	126	19	3
	Medical & Nursing	127	60	187	20	6
	Service Industry	286	95	381	45	14
	Sport	18	1	19	0	1

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Year		New	Renewals	Total Issued	Refused	Withdrawn
	<i>Dec</i>	509	196	705	91	16
	Agriculture & Fisheries	10	7	17	9	0
	Catering	38	28	66	14	8
	Domestic	7	2	9	1	0
	Education	16	5	21	4	0
	Entertainment	3	2	5	1	0
	Industry	76	17	93	11	1
	Medical & Nursing	125	61	186	27	2
	Service Industry	224	74	298	22	5
	Sport	10	0	10	2	0
2009		4,000	3,924	7,924	1,872	442
	<i>Jan</i>	550	227	777	156	18
	Agriculture & Fisheries	11	7	18	10	1
	Catering	59	33	92	39	2
	Domestic	9	4	13	2	1
	Education	13	6	19	5	0
	Entertainment	7	0	7	1	0
	Industry	55	7	62	19	1
	Medical & Nursing	200	68	268	20	6
	Service Industry	190	100	290	60	7
	Sport	6	2	8	0	0
	<i>Feb</i>	468	337	805	129	21
	Agriculture & Fisheries	5	11	16	11	0
	Catering	63	69	132	24	10
	Domestic	7	5	12	1	1
	Education	11	9	20	4	1
	Entertainment	2	0	2	1	0
	Industry	68	26	94	16	2
	Medical & Nursing	106	94	200	22	3
	Service Industry	200	120	320	49	4
	Sport	6	3	9	1	0
	<i>Mar</i>	407	285	692	131	9
	Agriculture & Fisheries	14	4	18	6	4
	Catering	25	64	89	32	1
	Domestic	6	1	7	1	0
	Education	4	12	16	3	0
	Entertainment	6	3	9	10	0
	Industry	54	28	82	11	1
	Medical & Nursing	113	65	178	24	1
	Service Industry	179	107	286	43	2
	Sport	6	1	7	1	0

Year		New	Renewals	Total Issued	Refused	Withdrawn
	<i>Apr</i>	256	256	512	95	12
	Agriculture & Fisheries	11	19	30	4	1
	Catering	26	50	76	33	1
	Domestic	5	7	12	1	0
	Education	1	6	7	4	0
	Entertainment	4	0	4	1	0
	Industry	35	19	54	7	1
	Medical & Nursing	49	63	112	13	3
	Service Industry	119	92	211	31	6
	Sport	6	0	6	1	0
	<i>May</i>	321	292	613	83	10
	Agriculture & Fisheries	4	17	21	2	0
	Catering	34	74	108	31	2
	Domestic	15	11	26	2	0
	Education	4	2	6	0	0
	Entertainment	0	1	1	0	0
	Industry	66	27	93	6	1
	Medical & Nursing	51	62	113	16	5
	Service Industry	141	98	239	25	2
	Sport	6	0	6	1	0
	<i>Jun</i>	238	265	503	56	19
	Agriculture & Fisheries	6	23	29	0	2
	Catering	18	64	82	8	4
	Domestic	5	4	9	2	0
	Education	8	7	15	0	0
	Entertainment	3	1	4	0	0
	Exchange Agreements	3	0	3	0	0
	Industry	34	20	54	9	2
	Medical & Nursing	78	54	132	13	4
	Service Industry	83	90	173	24	7
	Sport	0	2	2	0	0
	<i>Jul</i>	309	296	605	63	26
	Agriculture & Fisheries	5	22	27	2	1
	Catering	22	66	88	26	5
	Domestic	2	4	6	0	1
	Education	7	7	14	4	0
	Entertainment	1	1	2	0	0
	Industry	18	20	38	5	0
	Medical & Nursing	147	69	216	8	4
	Service Industry	104	103	207	17	15
	Sport	3	4	7	1	0
	<i>Aug</i>	344	425	769	55	17
	Agriculture & Fisheries	15	21	36	7	0
	Catering	42	103	145	12	6
	Domestic	7	16	23	1	0
	Education	12	9	21	2	0
	Entertainment	1	4	5	0	0

## [Deputy Dara Calleary.]

Year		New	Renewals	Total Issued	Refused	Withdrawn
	Industry	41	27	68	4	3
	Medical & Nursing	132	80	212	7	4
	Service Industry	90	163	253	20	4
	Sport	4	2	6	2	0
	<i>Sep</i>	268	390	658	333	43
	Agriculture & Fisheries	7	18	25	34	2
	Catering	48	73	121	99	15
	Domestic	4	14	18	9	0
	Education	6	12	18	6	1
	Entertainment	1	0	1	0	0
	Exchange Agreements	1	0	1	0	0
	Industry	35	30	65	22	3
	Medical & Nursing	58	108	166	29	9
	Service Industry	99	133	232	133	11
	Sport	9	2	11	1	2
	<i>Oct</i>	289	405	694	407	64
	Agriculture & Fisheries	10	27	37	51	6
	Catering	45	73	118	136	20
	Domestic	2	5	7	7	2
	Education	7	18	25	6	0
	Entertainment	0	1	1	1	0
	Industry	25	23	48	24	4
	Medical & Nursing	78	111	189	35	9
	Service Industry	114	145	259	147	22
	Sport	8	2	10	0	1
	<i>Nov</i>	279	418	697	268	179
	Agriculture & Fisheries	14	24	38	34	3
	Catering	47	64	111	87	26
	Domestic	3	12	15	6	2
	Education	6	3	9	3	1
	Entertainment	0	0	0	1	0
	Industry	39	36	75	24	3
	Medical & Nursing	63	98	161	29	4
	Service Industry	106	178	284	81	140
	Sport	1	3	4	3	0
	<i>Dec</i>	271	328	599	96	24
	Agriculture & Fisheries	11	9	20	5	2
	Catering	42	73	115	32	7
	Domestic	2	11	13	0	1
	Education	3	9	12	2	2
	Entertainment	4	0	4	0	0
	Industry	27	20	47	13	1
	Medical & Nursing	73	96	169	4	3
	Service Industry	105	107	212	40	8
	Sport	4	3	7	0	0

### Redundancy Payments.

195. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding redundancy payment in respect of a person (details supplied) in County Kildare. [5164/10]

**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 claim for the individual concerned on 26 June 2009 claiming inability to pay on behalf of the employer and this claim is currently being examined. In respect of lump sum payments paid directly to employees, such as in this instance, the Section is, in general, processing claims dating from July 2009.

While my Department's examination of this claim is not yet complete, I expect that the Department will be in contact with the individual shortly.

### Job Creation.

196. **Deputy Máire Hctor** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs created by the Industrial Development Authority in north County Tipperary during the years 2004 to 2009 broken down by year. [5271/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Forfás Annual Employment Survey reports on job gains and losses in companies that are supported by the industrial development agencies. Data is compiled on an annualized basis and is aggregated at county level. It is therefore not possible to provide information for individual locations throughout the country. The survey shows that in the six-year period, 2004 to 2009 inclusive, there were a total of 1653 new jobs created in IDA supported companies in County Tipperary. Details of the number of new jobs created in each of those years are set out in the attached tabular statement.

Table showing the number of new jobs created in IDA supported companies in County Tipperary

2004	2005	2006	2007	2008	2009	Total
181	94	238	613	275	252	1,653

197. **Deputy Máire Hctor** asked the Tánaiste and Minister for Enterprise, Trade and Employment the level of financial support provided to Industrial Development Authority related companies in north Tipperary during the years 2004 to 2009 broken down by year. [5272/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I have been informed by IDA that in the period 2004 to 2009, a total of €13,063,004. was paid in grant support to IDA client companies in County Tipperary.

Details of the amount paid in each year is set out in the attached tabular statement. In the time available it has not been possible to provide this information in respect of North Tipperary only. Once the information comes to hand, I will arrange to have it forwarded to the Deputy.

[Deputy Mary Coughlan.]

Table showing the financial support paid to IDA supported companies in county Tipperary in each of the years 2004 to 2009

Year	2004	2005	2006	2007	2008	2009
Amount	€2,007,590	€0	€2,617,599	€4,278,944	€2,727,287	€1,431,584

198. **Deputy Máire Hocht** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs created by Enterprise Ireland in north Tipperary during the years 2004 to 2009 broken down by year. [5273/10]

199. **Deputy Máire Hocht** asked the Tánaiste and Minister for Enterprise, Trade and Employment the level of financial support provided to Enterprise Ireland supported jobs in north Tipperary during the years 2004 to 2009 broken down by year. [5274/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 198 and 199 together.

The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected on an annualised basis and is aggregated at county level.

I am informed by Enterprise Ireland (EI) that an amount of €5,997,767 was paid in grant aid to its client companies in North Tipperary in the six-year period 2004 to 2009. A breakdown is shown in the following tabular statement.

The numbers of new jobs created by EI supported companies in North Tipperary in each year of the six-year period 2004 — 2009 are shown in the following tabular statement.

EI Funding to client companies in North Tipperary

Year	Total Payments
	€
2004	97,554
2005	620,915
2006	257,721
2007	124,962
2008	1,825,235
2009	3,071,380
Total	5,997,767

Table showing the number of jobs in Enterprise Ireland supported companies in North Tipperary over the six year period 2004-2009

North Tipperary	2004	2005	2006	2007	2008	2009
Full Time jobs in existence	2,954	2,938	2,982	3,157	2,583	2,201
Jobs created	181	195	205	286	84	9

Source: Forfás Employment Survey 2009.

### **FÁS Training Programmes.**

200. **Deputy Máire Hocht** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons in north Tipperary who availed of FÁS services in the years 2004 to 2009 broken down by year. [5275/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The information requested is being collated and will be communicated to the Deputy as soon as possible.

### **Departmental Bodies.**

201. **Deputy Máire Hocht** asked the Tánaiste and Minister for Enterprise, Trade and Employment the cost of operating the National Employment Rights Authority in 2009. [5283/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The cost of operating the National Employment Rights Authority (NERA) in 2009 was €7.94 million. The pay related aspects of running the office amounted to €6.55 million and, non-pay elements represented a cost of €1.39 million. Section WRF follows.

### **Job Creation.**

202. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken or proposes to take to encourage job retention and job creation with particular reference to the need to create the climate for investment and the creation of jobs. [5285/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Enterprise Ireland has in place a structured response model where closures and downsizings of multinational companies (MNCs) and larger indigenous companies take place. The agreed response model is a speedy, effective and relatively positive outcome to closures and downsizings, leading to new business start-ups supported by EI or the County and City Enterprise Boards (CEBs). This model gives State agencies a pivotal role in supporting the recovery of the economy. In 2010, Enterprise Ireland will focus on sustaining companies that will, as the year progresses, lead to these companies preparing for growth. Enterprise Ireland will place a strong focus on 4 key areas to achieve this as follows:

- maintaining & winning new sales;
- driving lean and competitiveness;
- promoting innovation, commercialisation, & R&D and
- developing new start up companies & fostering entrepreneurship

Business growth, job creation and job retention are inherent considerations in the activities of the CEBs. The boards provide financial and non-financial assistance including priming grants, expansion/development grants and feasibility/innovation study grants. In addition, a wide range of business advice such as programmes covering business management, mentoring, e-commerce, enterprise education, and women in business networks are also available. In 2010, the CEBs will continue to assist micro-enterprises throughout the country through the provision of a range of other important business supports such as mentoring, business training and business



[Deputy Mary Coughlan.]

advice designed to help stimulate indigenous enterprise creation and to boost employment creation and retention.

IDA Ireland continues to market Ireland as a location of choice for the newcomer and for existing investors. Last September, I launched IDA's new innovation-focused overseas marketing campaign, designed to position Ireland as the pre-eminent location for companies who are seeking to invest in future innovation. I am in the process of reviewing a new strategy for the future direction of FDI which IDA has developed. This strategy will set out some specific initiatives which IDA will undertake to retain existing and secure new FDI. In addition, it will identify the opportunities in the FDI markets, while stressing the importance of restoring our relative international competitiveness if we are to maximise FDI potential.

### **Cost Competitiveness.**

203. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason that newspapers here are available on the shelves in other jurisdictions at a considerably lower price; and if she will make a statement on the matter. [5286/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The issue of price differentials between this jurisdiction and elsewhere and particularly with our neighbouring jurisdiction in Northern Ireland and the UK has been a matter of concern for some time. The House will be aware that I have been engaging with all the elements in the retail sector to bring greater clarity as to the reasons for the differential in prices. My Department and its agencies have undertaken a series of actions within the last 12 to 18 months aimed at ensuring that there is the greatest degree of transparency possible as to the reasons for the north south price differentials. These actions included National Consumer Agency Price Comparison Surveys; the Forfás Report on the Cost of Running Retail Operations in Ireland; and the Competition Authority Study on the Retail-Related Import and Distribution Sector.

As regards comparisons in relation to the price of newspapers, it is important to point out that VAT at the rate of 13.5% is imposed on the sale of newspapers in Ireland, whereas other jurisdictions, such as the UK, do not impose VAT in respect of newspapers.

In terms of general price comparisons, the Consumer Price Index as published by the Central Statistics Office (CSO) for December 2009 shows that consumer prices in Ireland continue to fall. Consumer prices were on average 5% lower in December 2009 as compared with prices in December 2008. Insofar as the UK is concerned, the Retail Prices Index (RPI) for December 2009 as published by the UK Office for National Statistics shows that consumer prices are actually increasing and that prices increased by 2.4% in December 2009 as compared with prices in December 2008. At the European level, the EU Harmonised Index of Consumer Prices, which is accepted as the most appropriate measure for community wide price comparisons, shows that in the year to November 2009 there was a fall of 2.8% in prices in Ireland as compared with an increase in prices of 1% (provisional) throughout the EU as a whole.

204. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she has engaged with the retail sector with a view to achieving some degree of equilibrium with adjoining jurisdictions; if she will address the issue of products produced here being freely available on shelves in other jurisdictions at a vastly reduced price; and if she will make a statement on the matter. [5287/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The issue of price differentials between this jurisdiction and elsewhere and particularly with our

neighbouring jurisdiction in Northern Ireland and the UK has been a matter of concern for some time. The House will be aware that I have been engaging with all the elements in the retail sector to bring greater clarity as to the reasons for the differential in prices. My Department and its agencies have undertaken a series of actions within the last 12 to 18 months aimed at ensuring that there is the greatest degree of transparency possible as to the reasons for the north south price differentials. These actions included National Consumer Agency Price Comparison Surveys; the Forfás Report on the Cost of Running Retail Operations in Ireland; and the Competition Authority Study on the Retail-Related Import and Distribution Sector.

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The above returns show that prices are falling more rapidly in Ireland than in Northern Ireland, the UK and in the EU as a whole. Whilst this overall narrowing in the differential in prices is very much to be welcomed and clearly will benefit consumers, there remain some areas where the differential in prices continues to be high. The Government is determined to continue to pursue this issue so as to ensure that Irish consumers receive and can expect to receive a fair deal in the goods and services that they buy.

### **Imports and Exports.**

205. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which imports under various headings have fluctuated throughout the past five years and to date in 2010; and if she will make a statement on the matter. [5288/10]

206. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the trend in respect of exports under the various headings throughout each of the past five years and to date in 2010; and if she will make a statement on the matter. [5289/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I propose to take Questions Nos. 205 and 206 together.

Merchandise Trade statistics, by category, are available up to October 2009 and Services Trade statistics, by category, are only available up to end-2008, from the Central Statistics Office. The following data therefore sets out trends for the most significant export and import categories for the five full years of 2004 — 2008 and, in the case of Merchandise Trade, also for January-October 2009 with data for January — October 2008 for comparison.

Ireland's export performance in recent times has been admirable. In the period 2004-2008, annual growth in total Irish exports has averaged 5.5%. For the first nine months of 2009 there has been a reduction of only 0.6%, a remarkable performance when compared to our EU partners. The latest merchandise figures released by *Eurostat* (the EU Statistics body) last month, show that Ireland has the smallest rate of decline in merchandise exports in the EU for the period January-October 2009 as compared to January — October 2008; that most EU countries showed a decline of least -20%; and that after Germany, with a merchandise trade

[Deputy Billy Kelleher.]

surplus of €105bn, Ireland has the second highest surplus in absolute terms at €33bn. Many of the larger Member States are showing very substantial deficits, including the United Kingdom, France and Spain.

#### Merchandise Exports

	Value (€ m) / year						
	2004	2005	2006	2007	2008	Jan.- Oct. 2008	Jan.- Oct. 2009
Organic Chemicals (mainly for pharmaceutical sector)	14,651	17,757	17,059	19,641	17,816	14,881	16,171
Medical & Pharmaceutical Products	15,155	14,537	14,247	14,749	16,750	13,698	16,461
Computers	13,383	13,980	14,063	12,577	9,329	7,645	5,601
Essential Oils, Perfume Materials; Toilet & Cleansing Preps	4,762	5,217	5,328	5,318	5,455	4,625	4,662
Electronic Components & integrated circuits	5,528	4,911	5,133	4,795	4,793	4,079	2,839
Pacemakers, cds, dvds & other digital media	4,873	5,053	4,937	5,025	4,764	3,917	4,010
Chemical Materials & Products	2,300	2,322	2,431	2,664	3,516	3,092	2,898
Medical Devices	3,796	2,703	2,308	2,109	2,806	2,257	2,499
Meat & Meat Preps.	2,054	2,176	2,392	2,383	2,390	1,994	1,785
Shannon Free Airport Trade & Unclassified Trade	2,874	2,671	2,144	1,888	1,965	1,624	2,139

#### Merchandise Imports

	Value (€ m) / year						
	2004	2005	2006	2007	2008	Jan.- Oct. 2008	Jan.- Oct. 2009
Computers	7,855	9,195	10,452	9,277	6,749	5,728	3,165
Petroleum, petroleum products & related materials	2,255	3,315	3,842	4,479	4,913	4,308	2,619
Road Vehicles	3,292	3,797	4,102	4,575	3,228	2,810	675
Electronic Components & integrated circuits	4,721	4,353	3,809	3,294	2,887	2,388	1,926
Medical & Pharmaceutical Products	1,970	1,995	2,235	2,397	2,867	2,331	2,346
Pacemakers, cds, dvds & other digital media	3,035	3,202	3,084	3,041	2,753	2,238	1,956
Shannon Free Airport Trade & Unclassified Trade	1,308	1,254	1,080	2,398	2,513	2,108	1,946
Aircraft and Parts (not including engines)	1,539	2,036	1,452	2,605	2,299	2,215	3,516
Telecommunications & Sound Equipment	1,678	2,026	2,129	1,978	1,762	1,430	1,023
Organic chemicals (mainly for pharmaceutical sector)	2,209	2,117	2,084	1,947	1,749	1,488	1,386

## Services Exports

	Value (€ m) / year				
	2004	2005	2006	2007	2008
Computer services	15,100	15,755	18,298	21,726	23,284
Merchanting	2,480	4,018	5,301	8,816	9,817
Insurance	7,821	6,909	8,738	8,799	8,582
Financial services	4,267	4,850	6,214	7,440	6,850
Operational leasing	2,110	4,076	5,439	5,803	5,483
Tourism and travel	3,536	3,863	4,258	4,426	4,279

## Services Imports

	Value (€ m) / year				
	2004	2005	2006	2007	2008
Royalties/Licences	15,169	15,482	17,534	18,621	22,549
Other trade related services	7,559	7,609	8,391	9,642	9,904
Tourism and travel	4,184	4,898	5,446	6,300	7,055
Advertising and market research	6,289	*	*	6,474	6,976
Insurance	6,039	5,976	7,239	7,133	6,517
Other	3,348	3,564	3,634	4,139	4,906

\*Suppressed by CSO for confidentiality reasons.

**Job Creation.**

207. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs created in the service sectors throughout Ireland in each of the past five years and to date in 2010; the number of jobs last in the same period; and if she will make a statement on the matter. [5290/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Industrial Development Agency employment figures are compiled annually in the Forfás Annual Employment Survey, the most up to date of which details employment figures up until 2008. The 2009 employment figures are currently being compiled and are due to be published at the end of February 2010. Details of the agency employment figures are set out in the following tabular statement.

Statistical information in relation to County and City Enterprise Boards is collated annually. My Department does not collect or retain information on the number of specific job losses in County and City Enterprise Board assisted companies nor is such information retained on a sectoral basis. However the cumulative figures for the jobs existing in County and City Enterprise Board assisted companies is set out in the following tabular statement for the five years to end 2008. Figures in respect of 2009 are currently being collated and should be available in early February 2010.

The Government through the state development agencies, Enterprise Ireland and IDA Ireland together with the County and City Enterprise Boards and Shannon Development, are committed to promoting Ireland as a location of choice for job creation and enterprise development.

[Deputy Mary Coughlan.]

Industrial Development Agency Employment Figures

Year	2004	2005	2006	2007	2008
Services — Full time jobs created	10,972	11,221	12,515	13,279	11,018
Services — Part time/temp jobs created	4,849	3,764	3,427	3,896	3,996
Services — Total jobs created	15,821	14,985	15,942	17,175	15,014
Services — Job losses full time jobs	-8,720	-8,381	-6,540	-8,396	-8,243
Services — Job losses part time/ temp jobs	-3,603	-4,162	-3,022	-3,883	-4,299
Services — Total job losses	-12,323	-12,543	-9,562	-12,279	-12,542

County and City Enterprise Boards	end 2004	end 2005	end 2006	end 2007	end 2008
Number of jobs existing in CEB-supported companies	28,296	30,234	32,279	34,545.5	33,811

208. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of manufacturing jobs created here in each of the past five years and to date in 2010; the number of jobs lost in the same period; and if she will make a statement on the matter. [5291/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Industrial Development Agency employment figures are compiled annually in the Forfás Annual Employment Survey, the most up to date of which details employment figures up until 2008. The 2009 employment figures are currently being compiled and are due to be published at the end of February 2010. Details of the agency employment figures are set out in the following tabular statement.

Statistical information in relation to County and City Enterprise Boards is collated annually. My Department does not collect or retain information on the number of specific job losses in County and City Enterprise Board assisted companies nor is such information retained on a sectoral basis. However the cumulative figures for the jobs existing in County and City Enterprise Board assisted companies is set out in the following tabular statement for the five years to end 2008. Figures in respect of 2009 are currently being collated and should be available in early February 2010.

The Government through the state development agencies, Enterprise Ireland and IDA Ireland together with the County and City Enterprise Boards and Shannon Development, are committed to marketing Ireland as a location of choice for investment, enterprise development and employment creation.

## Industrial Development Agency Employment Figures

Year	2004	2005	2006	2007	2008
Manufacturing — Full time jobs created	14,120	16,614	16,324	14,188	10,363
Manufacturing — Part time/temp jobs created	6,582	6,835	6,444	5,187	4,497
Manufacturing — Total jobs created	20,702	23,449	22,768	19,375	14,860
Manufacturing — Job losses full time jobs	-17,878	-15,609	-15,718	-16,870	-21,838
Manufacturing — Job losses part time/temp jobs	-5,598	-6,339	-6,841	-6,076	-7,905
Manufacturing — Total job losses	-23,476	-21,948	-22,559	-22,946	-29,743

County and City Enterprise Boards	end 2004	end 2005	end 2006	end 2007	end 2008
Number of jobs existing in CEB-supported companies	28,296	30,234	32,279	34,545.5	33,811

**Cost Competitiveness.**

209. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the discussions she has had with the business sector with a view to achieving some degree of equilibrium in respect of business costs throughout Ireland; and if she will make a statement on the matter. [5292/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am in regular contact with business leaders and representative groups around the country and also receive ongoing advice from my Department and the heads of the enterprise development agencies that report to my Department. These discussions assist in framing the Government's response to all aspects of the current economic situation.

Prices across the economy have fallen substantially. The last Consumer Price Index data from the Central Statistics Office show that prices fell by 5 per cent in December 2009 compared to December 2008. A further reduction in prices is forecast for next year, meaning our cost competitiveness position in relation to our trading partners is improving.

**Job Losses.**

210. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs lost throughout the country in each of the past five years and to date in 2010; the number of new jobs created in the same period; and if she will make a statement on the matter. [5293/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** According to the most recent QNHS, Quarter 3 2009, employment has dropped by 71,500 and unemployment has increased by 184,200 in the past 5 years.

QNHS Q3	2005	2006	2007	2008	2009
Employment	1,993,900	2,071,900	2,149,800	2,107,100	1,922,400
Unemployment	95,600	102,600	103,300	159,400	279,800

Source CSO Quarterly National Household Survey Quarter 3.

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The following table sets out the number of full-time jobs created by enterprise agency assisted firms only (IDA Ireland, Enterprise Ireland and Shannon Development), for the years 2004 to 2008. The 2009 employment figures are currently being compiled and are due to be published at the end of February 2010.

Job Gains (Full Time Jobs)

	2004	2005	2006	2007	2008
All Sectors	25,092	27,835	28,839	27,467	21,381

Job Gains (Part Time/ Temp Jobs)

	2004	2005	2006	2007	2008
All Sectors	11,431	10,599	9,871	9,083	8,493

Job Gains (All Jobs)

	2004	2005	2006	2007	2008
All Sectors	36,523	38,434	38,710	36,550	29,874

There is no exact measure of the number of jobs lost, however, the Department records the number of redundancies notified to them on a monthly basis. In the past 5 years there have been 189,907 redundancies reported. The following table sets out the number of redundancy notifications received on a monthly basis for the 2005 to 2009.

Actual Redundancies for 2005-2009

	2005	2006	2007	2008	2009	Total
State	23,156	23,684	25,459	40,607	77,001	189,907

211. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs lost throughout County Kildare in each of the past five years and to date in 2010; the number of new jobs created in the same period; and if she will make a statement on the matter. [5294/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** According to the most recent QNHS, Quarter 3 2009, employment in the Mid-East region, which includes Kildare has increased by 6,400 and unemployment has increased by 22,800 in the past five years.

QNHS Q3-Mid East	2005	2006	2007	2008	2009
Employment	228,300	238,600	257,200	250,000	234,700
Unemployment	9,100	8,800	10,500	15,400	31,900

Source: CSO Quarterly National Household Survey Quarter 3.

The following table sets out the number of full-time jobs created in Co. Kildare in enterprise agency assisted firms only (IDA Ireland, Enterprise Ireland and Shannon Development), for the years 2004 to 2008. The 2009 employment figures are currently being compiled and are due to be published at the end of February 2010.

Kildare Agency Assisted Employment Creation

	2004	2005	2006	2007	2008
Job Gains (Full Time)	1,233	1,028	916	670	353
Job Gains (Other)	422	521	192	122	142
Job Gains (All)	1,655	1,549	1,108	792	495

There is no exact measure of the number of jobs lost, however, the Department records the number of redundancies notified to them on a monthly basis. In the past 5 years there have been 7,883 redundancies reported for Co. Kildare. The following table sets out the number of redundancy notifications received on a monthly basis for the 2005 to 2009.

Actual Redundancies for Co. Kildare 2005-2009

	2005	2006	2007	2008	2009	Total
Kildare	745	796	1,147	1,904	3,291	7,883

### Small Business Initiatives.

212. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the need for State sponsored initiatives to help small business access credit; the initiatives in other countries being monitored by her Department and their potential here; and if she will make a statement on the matter. [5304/10]

213. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has examined an initiative (details supplied) and its relevance here. [5305/10]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 212 and 213 together as they both relate to State sponsored initiatives to help small business access credit.

In supporting small and medium enterprises, the Government's focus has been on actions to sustain a positive business environment, including the proper functioning of the banking system, allied with specific targeted supports for SMEs through my Department's enterprise development agencies. Access to finance and bank credit for SMEs have been a major concern.

My Department and I have held regular meetings with the representative bodies of the SME sector and other stakeholders in relation to issues impacting on the sector. I established the Roundtable on Access to Bank Credit and subsequently the Credit Supply Clearing Group with a dedicated e-mail contact point on my Department's website, to specifically deal with access to bank credit issues.

The Government has focused on creating a fit for purpose banking system and taken actions to sustain the banks and facilitate the flow of credit to the wider economy. The Bank Guarantee Scheme, the Banks' Recapitalisation Scheme, the nationalisation of Anglo Irish Bank and the passing of the NAMA Act were all aimed at this. The NAMA Act has been further strength-



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ened by the Government amendment providing the Minister for Finance with a power to issue guidelines, to the participating institutions in the NAMA process, on lending practices and procedures to improve the flow of credit to small and medium-sized enterprises and, if necessary, to other sectors. My colleague the Minister for Finance has already announced the establishment of the new Credit Review System which will examine the credit policies and practices of the banks, particularly for SMEs. This new system will inform Government as to what further action might be necessary to secure the flow of credit to Irish enterprise and, through publication of the analysis from the review process, help ensure that the performance of the banks participating in NAMA is obvious to all.

Under the Recapitalisation Scheme, additional measures were introduced to support SMEs including a commitment to increase lending capacity to SMEs by 10%; the establishment of a €100m environmental and clean energy innovation fund by each bank; the contribution of a further €15m by each bank to new or existing seed capital funds; the introduction of the banks' Code of Conduct on Business Lending to SMEs, and the undertaking of two Independent Reviews of Bank Lending by Mazars published last July and last December, respectively.

In the context of access to finance, Irish Banks have drawn down European Investment Bank (EIB) funding for loans for SMEs. In 2009, the EIB made €300m available to Bank of Ireland, Allied Irish Banks and Ulster Bank for onward lending to SMEs carrying out investment projects. This was additional to €50m previously made available to Bank of Scotland Ireland through its UK parent. My colleague, Billy Kelleher, Minister for Trade And Commerce, met with representatives of these four banks to discuss progress on the take up of these funds. The banks have confirmed that significant approvals have already been made to clients in respect of these funds and the funds should be substantially committed by the first quarter of 2010. The banks are actively promoting their availability through their business managers and other contacts.

Within my own Department, the enterprise development agencies such as Enterprise Ireland, FÁS and the County and City Enterprise Boards continue to assist enterprises through their grant and advisory schemes. Significant allocations were made in my Department's Estimates for 2009 and 2010 to sustain the work of the development agencies. The Enterprise Stabilisation Fund and the Employment Subsidy Scheme were specifically introduced in 2009 to assist enterprises.

Government has also introduced formal arrangements to reduce the payment period by central Government Departments to their business suppliers from 30 to 15 calendar days. This commitment has effect on all valid invoices received on and from 15 June 2009 and is helping cash flow difficulties for enterprises.

SMEs are central to our economic development and the range of measures and supports in place will continue to help the sector adapt to the current economic climate. The services provided by the enterprise development agencies are kept under review and will be adjusted to respond to the current economic situation. Agencies would review their activities in light of international developments and best practice and I am prepared to consider any proposals for further supports for the SME sector.

In relation to the initiative referred to by the Deputy, many of the supports outlined are already being addressed or provided through our various enterprise support agencies in Ireland.

Last week, I confirmed that work is underway within my Department on the examination of a possible scheme of loan guarantees for the SME sector. This is in line with one of the recommendations contained in the Mazars report on credit availability. Enterprise Ireland and Forfas have carried out examinations of loan guarantee schemes in the UK and in some other

countries. Forfas, together with the Department, is carrying out a further examination and on completion of this work, I will bring the results before the Government. As with any initiative, we will need to ensure that any scheme developed directly assists businesses while at the same time safeguards the taxpayer.

*Question No. 214 answered with Question No. 173.*

### **EU Directives.**

215. **Deputy Joe Costello** asked the Minister for Finance when he will transpose the EU floods directive into law; the reason he has decided to transpose it by way of statutory instrument without recourse to the normal parliamentary process for primary legislation; and if he will make a statement on the matter. [4591/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** Directive 2007/60/EC of the European Parliament and of the Council on the Assessment and Management of Flood Risk is primarily concerned with the assessment and management of flood risks, with the aim of reducing adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods in the European Community.

There is a strong degree of alignment between the recommendations of the report of the flood policy review group of 2004 and the requirements of the EU floods directive. The outputs from the flood mapping and flood risk assessment and management studies programme, which commenced on foot of the national flood policy, adopted by Government in 2004, will also satisfy the requirements of the floods directive. Accordingly, the process of implementing the flood risk assessment programmes under national policy is taking place in conjunction with the transposition of the floods directive into Irish law.

The Statutory Instrument to transpose the directive is being examined by the Attorney General and I expect it to be transposed in the next few weeks.

### **Public Service Contracts.**

216. **Deputy Joe McHugh** asked the Minister for Finance if, in the interests of value for money for the taxpayer, he will alter the prequalification criteria for tendering for public projects in view of the fact that existing criteria favour larger companies; and if he will make a statement on the matter. [4688/10]

**Minister for Finance (Deputy Brian Lenihan):** The establishment of a list of competent firms interested in tendering for a particular project is an essential part of a prequalification procedure. For transparency purposes, it is a requirement that the number of firms being short listed should be stated in the contract notice published on eTenders or, in the case of projects above the EU threshold, in the Official Journal of the European Union. The prequalification criteria in EU Directive 2004/18/EC and SI No. 329 of 2006 and the underlying principles in the EU Treaty are there to give confidence to businesses who express an interest in a particular procurement opportunity that they will be treated equally and fairly.

There are two parts to prequalification. The first deals with minimum standards which a contracting authority must set out in a suitability questionnaire applicable in particular situations. Minimum standards can vary from project to project depending on size, nature and complexity. The overriding objective for all contracting authorities, when establishing minimum standards, is to adhere to the underlying principles in the EU Treaty of non-discrimination, proportionality, fairness and transparency. I should say that the establishment of minimum standards is a matter for the relevant contracting authorities to determine as they are nearest

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to the activity and therefore best placed to decide what is appropriate in particular situations. The minimum standards for suitability criteria in use by various Government Departments, Offices and Agencies, and which are in the public domain at present are published on my Department's construction website [www.constructionprocurement.gov.ie](http://www.constructionprocurement.gov.ie)

The second part of prequalification is qualitative selection. This is used to assess firms that pass the minimum standards so that those with the best marks go forward to a tender list up to the maximum number stated in the contract notice.

I am conscious of the pressures facing SMEs and I have asked my Department to develop national guidelines for minimum standards for suitability criteria for construction-consultants and works contractors. However, I should say that, even with these guidelines in place, local input by contracting authorities will continue to be required in particular situations. When the work of developing national guidelines is complete, they will be published on the Department's construction website.

### **Motor Vehicle Registration.**

217. **Deputy Mary Alexandra White** asked the Minister for Finance his plans to amend the format of vehicle registration plates, and in particular of replacing year of registration with the CO<sub>2</sub> emissions band of a car; and if he will make a statement on the matter. [5032/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that there are no plans to amend the existing format of vehicle registration plates.

The registration-numbering format under the existing system has a number of very important advantages. Firstly, it provides a fast and efficient method of vehicle identification for the State agencies involved in the management of the national vehicle fleet, namely, An Garda Síochána, the Department of the Environment, Heritage and Local Government, the Road Safety Authority and the Revenue Commissioners, and indeed for members of the public. Secondly, it allows buyers of used vehicles to ascertain, at a glance, both the year and county of registration of a vehicle.

The levels of CO<sub>2</sub> emissions for vehicles are available from vehicle manufacturers' brochures/websites and on the Sustainable Energy Ireland (SEI) website: [www.sei.ie](http://www.sei.ie).

### **Motor Industry.**

218. **Deputy Tom Hayes** asked the Minister for Finance the position regarding a family car; and if a family will qualify for the car scrappage scheme where one spouse has owned the car for more than five years and has the car in their name but where this car is insured under the name of the other spouse, and where insurance companies have not historically required or needed the ownership of the car to be changed in order to change the named driver in the past. [5034/10]

**Minister for Finance (Deputy Brian Lenihan):** The draft legislation as outlined on the Revenue Commissioners website (and reproduced below); shows that the scheme contains a number of conditions which must be fully complied with in order to qualify for the scrappage allowance. The car being scrapped:

- must be registered in the State in the name of the registered owner of the new car for at least 18 months previous to the date of scrappage;
- must be ten years old or more from the date of first registration;

- must be scrapped on or after 10 December 2009;
- must be scrapped within 60 days of the date of the new car being registered, or have been scrapped within 60 days immediately before the date of the new car being registered;
- must have a valid NCT test certificate, or one that has expired no more than 90 days immediately before the date of scrapping or documentation to indicate that it has been presented for and failed an NCT roadworthiness test in the previous six months;
- must have been insured for use on the road in the name of the registered owner for at least 12 months in the 18 months immediately prior to the date of scrapping.

The Deputy will appreciate that with any legislation, there is the possibility for what are commonly referred to as ‘hard cases’. However, as with any legislatively-based scheme, the letter of the law must be implemented. Should an exception be made in one case, it would be difficult to justify the full implementation of the rules in other cases.

The scheme was designed in this way to provide simplicity of interpretation, clarity of eligibility, and absolute consistency of implementation of the scheme by insisting that the same name must appear as the owner of the scrapped car, the policy of insurance issued in respect of the scrapped car and the registration documents for the new car.

### **Liquor Licensing.**

219. **Deputy George Lee** asked the Minister for Finance the person whom a person (details supplied) in Dublin 16 should contact in order to renew the wine licence for their business; if he will post them out any documentation that is required in order to do this; and if he will make a statement on the matter. [5367/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that all Excise Licence Licensees should apply to the Revenue Commissioners’ National Excise Licence Office in order to renew their Excise Licence. This office deals with the application and renewal procedure for customers requiring an Excise Duty Licence.

The contact details are as follows: Revenue Commissioners, National Excise Licence Office, Government Offices, The Glen, Waterford. Telephone: 1890 500 400 Email: exciselicences@revenue.ie

### **Local Authority Staff.**

220. **Deputy Leo Varadkar** asked the Minister for Finance if he has received any correspondence from FÁS or from a council (detail supplied) seeking an exemption from the public service recruitment embargo in order to allow the local authority in question to recruit staff to supervise FÁS work placement and training programmes; if such a request has been received; his views on same; if not, when he will issue a response; and if he will make a statement on the matter. [4455/10]

**Minister for Finance (Deputy Brian Lenihan):** There is no record of any correspondence from FÁS or from the Council mentioned by the Deputy having been received in my office in recent times with regard to the recruitment of staff to supervise FÁS work placement and training programmes.

As the Deputy is aware there is a moratorium in force in relation to recruitment and promotion in the public service. While I have authority from the Government to grant exceptions in respect of the filling of particular posts, this arises only in very exceptional circumstances

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and only when all other options (such as the reassignment of responsibilities or redeployment) have been exhausted. In the first instance, the Department of the Environment, Heritage and Local Government oversees the implementation of the moratorium in the local authority sector.

### **Departmental Expenditure.**

221. **Deputy Joan Burton** asked the Minister for Finance when he will publish the monthly tax and expenditure profiles for 2010. [4460/10]

**Minister for Finance (Deputy Brian Lenihan):** Monthly profiles of tax revenue and debt servicing expenditure will be published with the end-January Exchequer Returns.

The monthly expenditure profiles will be based on the allocations published in the *Revised Estimates for Public Services 2010*, and will be published shortly thereafter.

### **Tax Code.**

222. **Deputy David Stanton** asked the Minister for Finance if he will consider refunding VAT to farmers who construct alternative energy generators such as wind turbines on their property in order to provide electricity for farming operations; and if he will make a statement on the matter. [4504/10]

**Minister for Finance (Deputy Brian Lenihan):** Farmers who are registered for VAT are accountable persons for VAT in respect of all their taxable activities, whether those activities consist solely of farming or both farming and other activities such as the generation of electricity for provision to the national grid. As accountable persons for VAT, they would be entitled to claim input credit for VAT charged on the installation of an alternative energy generator, such as a wind turbine, for use in their taxable activities.

In so far as farmers who are not registered for VAT are concerned, they are not in the normal course entitled to credit for, or repayment of, VAT incurred by them on their business inputs. The Value-Added Tax (Refund of Tax) (No 25) Order, 1993 provides for refunds to unregistered farmers for tax borne on the “construction, extension, alteration or reconstruction of any building or structure which is designed for use solely or mainly for the purposes of a farming business”. However, while the installation of an alternative energy generator may be the construction of a structure, such a structure is not “designed for use solely or mainly for the purposes of a farming business”. It is designed rather to generate electricity for wherever required. Consequently, the installation of alternative energy generators does not come within the scope of the VAT refund order.

### **National Asset Management Agency Staff.**

223. **Deputy David Stanton** asked the Minister for Finance the number of persons employed directly by the National Asset Management Agency; and if he will make a statement on the matter. [4505/10]

**Minister for Finance (Deputy Brian Lenihan):** The NAMA Act 2009 provides that NAMA staff members will be assigned to it from the NTMA. I am advised by NAMA that the NTMA currently has assigned ten staff to NAMA.

The NAMA draft business plan published in October 2009 set out details on the proposed staffing in NAMA and its different operational units.

### **National Aquatic Centre.**

224. **Deputy Jimmy Deenihan** asked the Minister for Finance if the Valuation Office will stand over the valuation of the lease of the National Aquatic Centre which was prepared on the 25 October 2002; and if he will make a statement on the matter. [4527/10]

**Minister for Finance (Deputy Brian Lenihan):** The Valuation Office is the State property valuation agency, headed by the Commissioner of Valuation. The office provides statutory valuations under the provisions of the Valuation Act 2001. It also provides a valuation consultancy service to Government Departments and public bodies.

The Valuation Office provided a valuation for VAT purposes on the National Aquatic Centre dated 25 October 2002 on foot of a request from the public body concerned.

The Commissioner of Valuation is independent in the exercise of his duties and I, as Minister for Finance, have no function in decisions in this regard.

### **Flood Relief.**

225. **Deputy John McGuinness** asked the Minister for Finance the position regarding a report submitted by Kilkenny County Council in relation to the works required to prevent future flooding of Graiguenamanagh, County Kilkenny; the time it will take to consider this report; if he will expedite a response; and if he will make a statement on the matter. [4536/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Commissioners of Public Works have completed their examination of the flood risk management study, submitted by Kilkenny County Council in relation to Graiguenamanagh and other locations in County Kilkenny. They are currently in the process of arranging a meeting with the local authority with a view to identifying flood relief measures, which might be undertaken to alleviate the flooding problem in this area.

### **Departmental Properties.**

226. **Deputy Denis Naughten** asked the Minister for Finance if he will list the unoccupied dwelling houses owned by the Office of Public Works in the Dublin region; the value of any such properties; and if he will make a statement on the matter. [4557/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The information sought by the Deputy is currently being compiled by the Office of Public Works and will be forwarded directly to him shortly.

### **Public Sector Pay.**

227. **Deputy Leo Varadkar** asked the Minister for Finance the regulations he has made on foot of his powers under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009; if so, the details of such regulations; and if he will make a statement on the matter. [4574/10]

**Minister for Finance (Deputy Brian Lenihan):** Section 10 of the Financial Emergency Measures in the Public Interest (No 2) Act 2009 provides that the Minister for Finance can by Order bring the Act into operation on day or days appointed by the Minister. I brought the Act into operation on 21 December 2009 by Statutory Instrument No. 590 of 2009. No other regulations have been made by me under the Act.

For the information of the Deputy, the exercise of my powers under section 6 of the Act does not require the making of regulations.

### Tax Code.

228. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) is due a tax rebate for 2009 in view of the fact that they are being taxed as a single person and in fact the person is married; and if he will make a statement on the matter. [4581/10]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that a PAYE Balancing Statement P21 for the year 2009 together with any refund due will issue to the person concerned shortly.

### Site Management.

229. **Deputy Seán Sherlock** asked the Minister for Finance if the Office of Public Works has established a working group to develop an approach to the management of the Haulbowline site in County Cork; if so, the progress it has made; and if he will make a statement on the matter. [4610/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** On foot of Government Decision S11603K, the Office of Public Works is in the process of establishing a working group to develop a structured and coherent approach to the further management and development of the site. Draft terms of reference have been produced and are currently being circulated. The working group will be convened upon receipt of feedback.

Meanwhile, Cork County Council will continue to discharge site management responsibilities on an agency basis, in accordance with the Government decision.

### Pension Provisions.

230. **Deputy Leo Varadkar** asked the Minister for Finance if, under Statutory Instrument No. 4 of 2010, the pension scheme of companies (details supplied) will be considered participating pension schemes; and if he will make a statement on the matter. [4672/10]

**Minister for Finance (Deputy Brian Lenihan):** Section 22 of the Social Welfare and Pensions Act 2009 provides for a Pensions Insolvency Payment Scheme (PIPS) for the making of payments to or in respect of the relevant pensioners of participating pension schemes.

I have recently signed the statutory instrument giving effect to PIPS from 1 February 2010 for a pilot period of three years. From that date, it is open to any pension scheme that meets the criteria to apply to participate. The principal qualifying conditions for PIPS are that the sponsoring employer must be insolvent (in accordance with the definition used in the Protection of Employees (Employers' Insolvency) Act 1984) and the defined benefit pension scheme must be winding up in deficit.

Details of the application procedure and other guidance is being made available on my Department's website [www.finance.gov.ie](http://www.finance.gov.ie).

### Redundancy Payments.

231. **Deputy Jack Wall** asked the Minister for Finance the position regarding the case of a person (details supplied) in County Kildare who will take voluntary redundancy; the tax liability that will apply to them; their entitlement to social welfare benefit; and if he will make a statement on the matter. [4690/10]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that generally speaking, all payments made by employers to employees are regarded as "Pay" for tax purposes. Lump sum payments on a redundancy or a retirement, however, qualify

for special tax treatment — they may be exempt from tax or may qualify for some relief from tax.

The person concerned should submit a completed tax return for the relevant year which should include details of the lump sum payment to the Revenue Commissioners, East and South East Region, PAYE Mail Centre, P.O. Box 1, Rosslare Harbour, Co Wexford.

### **EU Directives.**

232. **Deputy Joe Costello** asked the Minister for Finance if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4714/10]

**Minister for Finance (Deputy Brian Lenihan):** There are currently three directives awaiting transposition into primary or secondary legislation under my Department's responsibility which have exceeded their transposition deadline. In the case of two of these the transposition timeline was late last year and it is expected that they will be transposed by means of Statutory Instrument shortly. The third outstanding directive has a January 2010 transposition date and will be brought into effect in the 2010 Finance Bill. A further four directives are due for transposition before the end of this year and three others are due in 2011. There is one directive with a transposition deadline of 2012. Details of these directives are set out in the following table. My Department is working to ensure the comprehensive transposition of these directives.



EU Directives to be transposed by the Department of Finance Directives overdue for transposition

Directive Number	Date of Adoption Transposition Deadline	Expected Transposition Date	Likely Method of Transposition
<b>2007/60/EC</b> Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks	23/10/2007 26/11/2009	A draft SI to transpose this directive into secondary legislation is nearing completion and will be signed within the next month.	Statutory Instrument
<b>2007/66/EC</b> Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts	11/12/2007 20/12/2009	It is anticipated that the Regulations will come into force shortly once the necessary Statutory Instrument is signed.	Statutory Instrument
<b>2008/118/EC</b> Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC	16/12/2008 01/01/2010	March 2010	Finance Bill

Directives due to be transposed by end 2010

Directive Number	Date of Adoption Transposition Deadline	Expected Transposition Date	Likely Method of Transposition
<b>2009/44/EC</b> Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (Text with EEA relevance)	06/05/2009 30/12/2010	By transposition deadline	Statutory Instrument
<b>Directive 2008/48/EC</b> Directive 2008/48/EC establishes a harmonised legal framework for the provision of credit in the EU. It replaces Directive 87/102/EEC which laid down minimum rules for consumer credit agreements within the EU.	22/05/2008 10/06/2010	By transposition deadline	Statutory Instrument
<b>Directive 2009/83/EC</b> Commission Directive 2009/83/EC of 27 July 2009 amending certain Annexes to Directive 2006/48/EC of the European Parliament and of the Council as regards technical provisions concerning risk management (Text with EEA relevance)	27/07/2009 31/10/2010	By transposition deadline	Statutory Instrument
<b>2009/111/EC</b> Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management (Text with EEA relevance)	16/12/2008 31/12/2010	By transposition deadline	Statutory Instrument

Directives due to be transposed in 2011 and 2012

Directive Number	Date of Adoption Transposition Deadline	Expected Transposition Date	Likely Method of Transposition
<p><b>Directive 2009/110/EC</b> Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC</p>	<p>16/12/2009 30/04/2011</p>	<p>By transposition deadline</p>	<p>Statutory Instrument</p>
<p><b>Directive 2009/69/EC</b> Council Directive 2009/69/EC of 25 June 2009 amending Directive 2006/112/EC on the common system of value added tax as regards tax evasion linked to imports</p>	<p>25/06/2009 01/01/2011</p>	<p>March 2010</p>	<p>Finance Bill</p>
<p><b>Directive 2009/162/EC</b> Council Directive 2009/162/EU of 22 December 2009 amending various provisions of directive 2006.112/EC on the common system of value added tax. This is a technical Directive.</p>	<p>22/12/2009 01/01/2011</p>	<p>By Transposition deadline</p>	<p>Statuary Instrument (Ministerial Regulations under the European Communities Act</p>
<p><b>Directive 2009/138/EC</b> Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (Text with EEA relevance)</p>	<p>25/11/2009 31/12/2012</p>	<p>By transposition deadline</p>	<p>Statutory Instrument</p>

### Social Insurance.

233. **Deputy Róisín Shortall** asked the Minister for Finance the reason for the delay in dealing with a complaint in respect of a person (details supplied) in Dublin 11; and if this person's PRSI liability is fully calculated and a decision reached. [4722/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that, in this case, there is a PRSI and tax liability outstanding for the year 2006.

I understand that the person in question wrote to the Revenue Commissioners on 30 October 2009 requesting clarification regarding the tax and PRSI paid. The Revenue Commissioners replied on the December 2009 confirming the amount of tax that was repaid to their spouse and clarified the position regarding the PRSI.

A Revenue official will make contact with the person to explain the liability in detail.

### Tax Code.

234. **Deputy Joe McHugh** asked the Minister for Finance the reason a 9% carbon tax is being imposed on agricultural diesel, while a 4% carbon tax is being imposed on road diesel; and if he will make a statement on the matter. [4726/10]

**Minister for Finance (Deputy Brian Lenihan):** I announced in the budget that a carbon tax at a rate of €15 per tonne is being introduced on fossil fuels. The tax was applied to petrol and auto-diesel with effect from midnight, 9 December 2009; and will apply from 1 May 2010 to kerosene, marked gas oil (also known as 'green diesel' or 'agricultural diesel'), liquid petroleum gas (LPG), fuel oil and natural gas. The application of the tax to coal and commercial peat is subject to a Commencement Order.

The carbon tax will result in an increase of approximately 4 cents per litre (excluding VAT) on agricultural diesel, broadly the same as that for regular diesel. However, the carbon tax has a higher percentage price impact on marked gas oil including agricultural diesel because the excise rate on it is considerably lower than that applying to regular diesel.

### Motor Vehicle Registration.

235. **Deputy Jan O'Sullivan** asked the Minister for Finance the regulations that apply to an EU citizen that is domiciled outside Ireland and their car is registered and taxed outside Ireland but who spends a number of months here each year; if that person has obligations regarding the registration and use of that car here; the rules that apply to an Irish citizen in similar circumstances that spends part of the year in another EU country; and if he will make a statement on the matter. [4745/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that vehicles imported permanently into the State must register for VRT purposes within seven days of arrival. This rule applies equally to vehicles imported by EU and non-EU persons.

However, section 135(a) of the Finance Act 1992 permits an EU or other foreign registered vehicle, which is temporarily brought into the State by a person established outside the State, to be exempted from the requirement to register for VRT purposes for a period normally not exceeding 12 months from the date upon which the vehicle concerned is brought into the State. While the vehicle is in the State under the provisions of such temporary exemption, it may not be driven by a State resident.

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Statutory Instrument No.60 of 1993 (Temporary Exemption from Registration of Vehicles Regulations) prescribes the criteria for eligibility for exemption from the registration requirement in respect of vehicles temporarily brought into the State.

At present, there is no requirement for vehicles imported under the temporary exemption provisions to be presented to the Revenue Commissioners in order to avail of the relief. However, section 64 of the Finance (No. 2) Act 2008 provides for the introduction of temporary registration, without the payment of VRT, of vehicles temporarily brought into the State for a period greater than 42 days. This section has yet to be commenced, but it is envisaged that it will come into operation later this year.

Documents relating to ownership, registration or vehicle transit into the State must be kept with the vehicle when it is in use in the State. Where the vehicle fails to meet the conditions for temporary exemption, it must be either permanently removed from the State or presented for registration.

The temporary exemption rules are in accordance with Article 39 of the EC Treaty, which provides for the free movement of EU citizens within member states. The Deputy may wish to note that a reciprocal arrangement is in place for residents of Ireland who bring cars temporarily to other member states. However, other member states may have different arrangements and/or periods of eligibility, ranging from the minimum requirement of normal residence of 185 days in a particular year to the more generous interpretation of “a period not exceeding 12 months” allowed in this State.

An Irish citizen wishing to spend part of the year in another member state should ensure familiarity with the temporary exemption regulations in force in that particular member state before bringing a vehicle into that state on a temporary basis.

### **Public Sector Pay.**

236. **Deputy Leo Varadkar** asked the Minister for Finance if his attention has been drawn to any group or class of public servants where it may be appropriate to utilise his powers under section 6 of the Financial Emergency Measures in the Public Interest (No. 2) Act 2009; if so, the cases examined; his response in each case; and if he will make a statement on the matter. [4758/10]

250. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [5095/10]

254. **Deputy Ruairí Quinn** asked the Minister for Finance if he will exercise his powers under section 8 of the Financial Emergency Measures in the Public Interest Act 2009, to exempt research staff at third level institutions from deductions under section 2 of that Act, having regard to the particular aspects and conditions of their employment that materially distinguish them from other employees in the public sector; and if he will make a statement on the matter. [5137/10]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 236, 250 and 254 together.

Section 6 of the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 provides that, in certain limited circumstances, the Minister for Finance may by direction

exempt or vary the application of the pay reductions provided for in the Act to public servants or groups of public servants.

Directions have been made by me under section 6 concerning the reduction of salary for the assistant secretary and deputy secretary grades in the Civil Service, and for certain public service grades related to the assistant secretary and deputy secretary grades. In the case of assistant secretary, deputy secretary and related public service grades, I decided that the pay reductions should comprise both a reduction in the salary scale and the termination of the scheme of performance-related pay previously applicable to the grades which entailed an average payment of 10% of salary. Representations were made to me in respect of the assistant secretary and deputy secretary grades by the Association of Assistant Secretaries and Higher Grades. The numbers of public servants covered by the directions is about 655.

I have also directed that an exemption from the pay reductions in the legislation should apply where those reductions would reduce the pay rate of public servants to at or below the statutory minimum wage. The direction will apply only to a small number of very atypical employments in the public service, normally linked to employment as part of intellectual disability support programmes. This direction was made after my colleague Minister of State, Deputy Martin Mansergh, brought the issue to my attention.

Representations from a number of Deputies have been made in relation to the application of the pay reductions to contract researchers. The Financial Emergency Measures in the Public Interest (No 2) Act, 2009 makes provision for the reduction in the pay rates of all persons employed by public service bodies with effect from 1 January 2010. As universities come within the definition in the Act of public service bodies, contract researchers employed by such universities are subject to the pay reductions provided for under the legislation, regardless of the source of funding for that employment. I have no proposals to exempt persons in that position from the pay reductions.

In addition, the Department of Health and Children has drawn my attention to outstanding awards arising from Report No 42 of the Review Body on Higher Remuneration in respect of certain HSE grades, which were not implemented prior to the enactment of the pay reduction legislation. No determination has been made in that case.

### **Banking Sector Investigations.**

237. **Deputy Richard Bruton** asked the Minister for Finance if civil servants will be freed from the prohibition on commenting on public policy at the proposed banking inquiry and the subsequent Oireachtas hearings; and if the secrecy surrounding Cabinet confidentiality will be waived. [4765/10]

**Minister for Finance (Deputy Brian Lenihan):** The Government has agreed a framework for a comprehensive investigation into the causes of the systemic failures in the Irish banking sector which will take place in two stages. The first stage of the investigation will consist of the preparation of two separate preliminary reports; one from the Governor of the Central Bank and a second from Mr Klaus Regling, a recognised international expert. The governor will examine and report on the performance of the functions of the Central Bank and the Financial Regulator, and Mr. Regling will be asked to conduct a preliminary investigation into the crisis in the Irish banking system and to inform the future management and regulation of the sector.

The second stage of the investigation will be the establishment of a statutory Commission of Investigation, which will be chaired by a recognised expert of high standing and reputation. It

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is envisaged its remit will be to examine and report on the causes of the systemic failures in the Irish banking sector which culminated in the need for the State guarantee, the recapitalisation programme, the nationalisation and rescue recapitalisation of Anglo Irish Bank and the establishment of the National Asset Management Agency in order to preserve financial stability.

Of course, the terms of reference will not be set until we have the benefit of the preliminary reports from the Governor of the Central Bank and from Mr. Regling and the views of the Oireachtas in relation to them. In examining these issues, the Commission of Investigation will have the powers available to it under the relevant legislation, which the Deputy is aware are substantial.

Under Article 28.4.3 of the Constitution, the confidentiality of discussions at meetings of the Government must be respected in all circumstances save for the limited exemptions provided for in the Article.

The framework agreed by the Government for the investigation will allow the causes of the systemic failures in the Irish banking sector to be identified and provide a basis for the work of the Commission of Investigation.

### **Flood Relief.**

238. **Deputy Dinny McGinley** asked the Minister for Finance if his attention has been drawn to the continuous flooding at a location (details supplied) in County Donegal; the steps he is taking address the situation; and if he will make a statement on the matter. [4791/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Office of Public Works has recently written to all local authorities inviting prioritised applications for minor flood mitigation works or studies to address localised flooding problems in their administrative areas, subject to specific criteria. It would be open to Donegal County Council to apply for funding for mitigation works in the location referred to under this scheme.

### **Tax Code.**

239. **Deputy Frank Feighan** asked the Minister for Finance if a one off housing development which was subject to a rezoning decision is subject to the new rate of capital gains tax introduced in the National Asset Management Agency Act, 2009; and if he will make a statement on the matter. [4792/10]

**Minister for Finance (Deputy Brian Lenihan):** The windfall tax rate of 80%, which was introduced under the National Asset Management Agency Act, applies to the portion of any profit or gain made on the disposal of land which is attributable to a rezoning, where both the rezoning and the disposal of land giving rise to the windfall occur after 30 October 2009. A rezoning for windfall tax purposes is defined as a change from a non-development land use — agricultural, amenity, open space or recreational use — to a development land use — residential, commercial or industrial use — or a mixture of such uses, or a change of development land use.

It is not clear from the Deputy's question whether he has a particular development in mind or when the land in question was rezoned. If no change of zoning was required, or if the land was rezoned before 30 October 2009, the windfall rate will not apply. However, the rate will apply if the land has been rezoned after that date.

There are two situations where such rezoned land may be disposed of without attracting the 80% tax rate:

1. Where the land is sold to an authority possessing compulsory purchasing powers solely because of the exercise by that authority of its compulsory purchase powers or where such an authority has given formal notice that it will exercise those powers.
2. Where the land is sold by a 75% subsidiary company of the National Asset Management Agency.

The 80% tax rate will only apply to the part of the profits or gains that is attributable to the rezoning decision. The balance of the profit or gain will continue to be taxed at the normal income tax, corporation tax or capital gains tax rates, as appropriate.

240. **Deputy Richard Bruton** asked the Minister for Finance the eligibility for mortgage interest relief in respect of a person who traded up their house in 2007, having purchased as a first time buyer in 2003, to continue to receive mortgage interest relief in the seven year period after 2007. [4856/10]

**Minister for Finance (Deputy Brian Lenihan):** Based on the information provided there would be an entitlement to mortgage interest relief from 2003, including entitlement on the new mortgage taken out when the person traded up to a new property in 2007. Having received mortgage interest relief for seven tax years from 2003 to 2009 at the first-time buyer rate, the person is now entitled to receive mortgage interest relief on the new property at the non-first time buyer rate of 15% per annum, on interest paid up to a maximum of €3,000, for a single person.

The entitlement to relief in this instance was due to end in 2013. However, in Budget 2010, I announced that I would be extending mortgage interest relief up to the end of 2017, at the appropriate rate, for those whose entitlement to relief was due to end in 2010 or after. This means those who took out qualifying loans from 2004. Full details of the measures giving effect to this announcement will be provided in the forthcoming Finance Bill.

241. **Deputy Noel Ahern** asked the Minister for Finance the date from which the reduced VAT rate of 21% applies; if it is in order for a utility company (details supplied) to issue invoices dated January 2010 at the old rate; and if he will make a statement on the matter. [4888/10]

**Minister for Finance (Deputy Brian Lenihan):** The reduction in the standard rate of VAT from 21.5% to 21% applies with effect from 1 January 2010. In the case of continuous supplies of telecommunications services, electricity or gas, for which a bill is issued at least every three months, the rate of VAT that should be charged is the rate in force at the date of issue of the bill. In all other cases of services to private individuals, the correct rate is the rate in force at the time of supply of the services.

The Revenue Commissioners have published a comprehensive information note about the application of the decrease in the standard rate of VAT, which is available on their website—[www.revenue.ie/en/tax/vat/leaflets/vat-rate-change.html](http://www.revenue.ie/en/tax/vat/leaflets/vat-rate-change.html).

Finally, I would add that Revenue are making enquiries in relation to the question of the issue of invoices at an incorrect rate by the company mentioned by the Deputy.



### Public Sector Pay.

242. **Deputy Noel Ahern** asked the Minister for Finance the position regarding civil servants and recent changes in pay and conditions; the reason job sharing staff have taken cuts in wages greater than specified in the Budget in view of the fact that this is seen as discriminatory against mainly women workers; his views on whether the cuts should be as specified for the individual rather than related to the full pay scale; if those on job sharing can seek additional hours or go back full time or is there a restriction on this; the reason payments under the pension levy have increased in 2010 while salaries have dropped. [4890/10]

**Minister for Finance (Deputy Brian Lenihan):** The pay reductions provided for in the Financial Emergency Measures in the Public Interest (No. 2) Act 2009, apply to the instruments setting rates of pay. It is a well established principle that the pay of job or work sharers and those on atypical work patterns is calculated by reference to the whole time equivalent pay rate for the grade or post in question. The reduced pay rates are, therefore, calculated in this way which is consistent with the legislation governing the conditions of employment of part-time workers. Accordingly, the reduction in the rate of pay for full time and job sharing public servants is the same and any change in this relationship would create an inequity in the rate of pay for those doing similar work. The option of those currently work sharing to increase their hours or return to full time duties will be dictated by the service needs and resources of the public service body where those public servants are employed.

The Pension Related Deduction (PRD) commenced in 2009 during which the PRD was in effect for 10 months. In 2010 the application of this deduction over 12 months results in a slightly higher PRD being deducted with effect from 1 January. However, this increase will be offset to some extent as earnings of public servants will reduce due to the application of reduced rates of pay in 2010.

### Freedom of Information.

243. **Deputy Brian O'Shea** asked the Minister for Finance if his attention has been drawn to the concern of the Ombudsman that the Irish Red Cross is excluded from the scope of the Freedom of Information Act; and if he will make a statement on the matter. [4921/10]

**Minister for Finance (Deputy Brian Lenihan):** The Irish Red Cross is a voluntary and autonomous body and having regard to its international character and the work it does it is not considered appropriate that FOI should apply to it.

### Urban Renewal Schemes.

244. **Deputy Bernard J. Durkan** asked the Minister for Finance the number of cities, towns, villages or other locations in urban or rural areas awarded Section 23, urban or environmental renewal or other special designated status or incentives in each of the past 10 years to date in 2010; the degree to which all such projects or proposals have been completed in accordance with requirements; the full extent of the cost in terms of tax foregone or otherwise in each case; the degree to which all such incentives were availed of in accordance with the regulations in each case; and if he will make a statement on the matter. [5010/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the relevant information available on the cost to the Exchequer of each of the property based tax reliefs is based on personal income tax returns filed by non-PAYE taxpayers and

corporation tax returns filed by companies for the years 2004 to 2007, the latest year that this information is available. These are set out in the following Table:

Costs to the Exchequer of each Property based Tax reliefs

Scheme	2004	2005	2006	2007
	€m	€m	€m	€m
Urban Renewal	57.4	137.3	140.5	109.3
Town Renewal	17.2	27.3	38.7	34.6
Seaside Renewal	10.1	7.3	6.4	8.0
Rural Renewal	16.1	24.7	38.0	48.5
Multi-storey car parks	3.6	26.2	16.6	9.6
Living over the Shop	1.1	1.3	2.7	3.0
Enterprise Areas	2.8	3.2	3.0	2.8
Park & Ride	0.1	2.7	2.8	1.4
Holiday Cottages	3.1	6.1	9.5	12.4
Hotels	37.7	67.0	106.6	118.0
Nursing Homes	7.0	12.4	14.7	18.3
Housing for the Elderly/Infirm	0.1	0.9	1.4	2.6
Hostels		0.15	0.82	0.72
Guest Houses		0.06	0.08	0.02
Convalescent Homes	0.2	0.2	1.7	0.5
Qualifying (Private) Hospitals	1.9	3.2	10.6	12.0
Qualifying Sports Injury Clinics	0.0	0.0	0.0	1.8
Buildings used for childcare purposes	3.9	5.4	6.0	9.8
Psychiatric Hospitals	0.0	0.0	0.0	0.1
Mental Health Centres	0.0	0.0	0.0	0.0
Student Accommodation	83.8	58.0	64.3	42.0
Total	246.1	383.4	464.4	435.4

I am also informed by the Revenue Commissioners that for the tax year 2003 and earlier years claims for tax incentive schemes on property were aggregated in tax returns with other claims and could not be distinguished from other reliefs claimed. Accordingly, the specific information on costs for 2003 and earlier years are not available. I am advised by Revenue that they are not yet in a position to provide data for 2008 and subsequent years in respect of tax costs of property incentives, as all tax returns filed for that year have not been processed.

As regards the mid-Shannon scheme which commenced in June 2008, complete data will not be available until all of the relevant tax returns for 2009 are filed and processed.

I have also set out below Section 23 property schemes indicating the county and qualifying areas/towns (Appendices 1 to 5), including the Rural Renewal Scheme, Town Renewal Scheme, Living over the Shop Scheme, Seaside Resort Scheme and Designated Islands, and the Integrated Area Urban Renewal Scheme. In the limited time available it has not been possible to provide the Deputy with any further material.

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Appendix 1: Rural Renewal Scheme — Qualifying Areas

County	Area — District Electoral Divisions
Cavan	Arvagh, Springfield, Killashandra, Milltown, Carrafin, Grilly, Kilconny, Belturbet Urban, Ardue, Carn, Bilberry, Diamond, Doogary, Lissanover, Ballymagauran, Ballyconnell, Bawnboy, Templeport, Benbrack, Pedara Vohers, Tircahan, Swanlinbar, Kinawley, Derrynananta, Dunmakeever, Dowra, Derrylahan, Tuam, Killinagh, Eskey, Teebane, Scrabby, Loughdawan, Bruce Hall, Drumcarban, Corr, Crossdoney, and Killykeen.
Leitrim	The administrative county of Leitrim.
Longford	The administrative county of Longford.
Roscommon	Ballintober, Castleheen, Carrowduff, Kilbride North, Lissonuffy, Killavackan, Termonbarry, Roosky, Kilglass North, Kilglass South, Bumlin, Cloonfinlough, Killurkin (in Roscommon Rural District), Strokestown, Annaghmore, Tulsk, Coolougher, Ballinlough, Kiltullagh, Cloonflower, Artagh South, Artagh North, Ballaghaderreen, Edmondstown, Loughglinn, Buckhill, Fairymount, Castlereagh, Frenchpark, Bellengare, Castleplunket, Baslick, Breedoge, Altnagowlan, Lough Allen, Ballyfarnan, Keadue, Aghafin, Ballyformoyle, Crossna, Kilbryan, Boyle Rural, Boyle Urban, Tivannagh, Rushfield, Tumna North, Tumna South, Killurkin (in Boyle No. 1 Rural District), Oakport, Rockingham, Danesfort, Cloontem, Kilmore, Elia, Ballygarden, Aughrim East, Aughrim West, Creeve (in Boyle No. 1 Rural District), Creeve (in Roscommon Rural District), Elphin, Rossmore, Cloonyquinn, Ogulla, Mantua, Lisgarve, Kilmacumsey, Kilcolgan, Estersnow, Croghan, Killummod, Cregga, Cloonygormican, Kilbride South, Kilgefin, Cloontuskert, Drumdaff, and Kiltreevan.
Sligo	Ballintogher East, Ballynakill, Lisconny, Drumfin, Ballymote, Cloonoghill, Leitrim, Tobercurry, Kilturra, Cuilmore, Kilfree, Coolavin, Killaraght, Templevanny, Aghanagh, Kilmastranny, Ballynashee, Shancough, Drumcolumb, Riverstown, Lakeview, Bricklieve, Drumrat, Toomour, Kilshalvy, Killdoon, Streamstown, Cartron, Coolaney, Owenmore, Temple, Annagh, Carrickbannagher, Collooney, and Ballintogher West.

Appendix 2: Town Renewal Scheme — Designated Towns

County	Towns
Carlow	Hacketstown, Muinbheag, Tinnahinch/Graiguenamanagh, Tullow
Cavan	Bailieborough, Ballyjamesduff, Cavan, Cootehill
Clare	Ennistymon, Milltown Malbay, Kilrush, Scarriff, Sixmilebridge,
Cork	Bantry, Chareville (Rathluirc), Cloyne, Doberaile, Fermoy, Kanturk, Skibbereen,
Donegal	Ardara, Ballybofey- Stranolar, Ballyshannon, Moville, Ramelton,
Galway	Ballygar, Clifden, Headford, Loughrea, Portumna
Kerry	Caherciveen, Castleisland, Killorglin, Listowel
Kildare	Castledermot, Kilcock, Kilcullen, Monasterevan, Rathangan
Kilkenny	Callan, Castlecomer, Pilltown, Thomastown, Urlingford
Laois	Mountmellick, Mountrath, Portarlinton, Rathdowney
Limerick	Abbeyfeale, Castleconnell, Croom, Kilmallock, Rathkeale
Lough	Ardee, Carlingford, Castlebellingham, Dubleer
Mayo	Ballinrobe, Belmullet, Claremorris, Foxford, Newport
Meath	Duleek, Kells, Oldcasrle, Trim
Monaghan	Ballybay, Castleblayney, Clones

County	Towns
Offaly	Banagher, Clara, Edenderry, Ferbane,
Roscommon	Roscommon
Sligo	Bellaghy-Charlestown, Rosses Point
Tipperary N.R.	Borrisokane, Littleton, Nenagh, Templemore
Tipperary S.R.	Cahir, Cashel, Fethard, Killenaule
Waterford	Cappoquin, Kilmacthomas, Portlaw, Tallow
Westmeath	Castlepollard, Kilbeggan, Moate
Wexford	Bunclody, Ferns, Gorey, Taghmon
Wicklow	Baltinglass, Carnew, Dunlavin, Tinahely

## Appendix 3: Living Over the Shop Scheme

Year	County	Designated Areas
2004	Cork	Qualifying Streets
2004	Dublin	Qualifying Streets
2004	Galway	Qualifying Streets
2004	Limerick	Qualifying Streets
2004	Waterford	Qualifying Streets
2007	Cork	Qualifying Streets
2007	Dublin	Qualifying Streets
2007	Galway	Qualifying Streets
2007	Limerick	Qualifying Streets
2007	Waterford	Qualifying Streets

## Appendix 4: Seaside Resort Scheme — Designated Resorts

County	Resort (note)
Clare	Kilkee, Lahinch
Cork	Clonakilty, Youghal
Donegal	Bundoran
Galway	Salthill
Kerry	Ballybunion
Louth	Clogherhead
Mayo	Achill, Westport
Meath	Bettystown, Laytown, Mosney
Sligo	Enniscrone
Waterford	Tramore
Wexford	Courttown
Wicklow	Arklow

*Note:* Schedule 8 to the Taxes Consolidated Act 1997 specifies the qualifying areas of the resorts.

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## Designated Islands

County	Island
Cork	Bere, Clear, Dursey, Hare, Long, Sherkin, Whiddy
Donegal	Arranmore, Inishbofin, Inishfree, Tory
Galway	Inishbofin, Inisheer, Inishmaan, Inishmore
Limerick	Foynes
Mayo	Claggan, Clare, Inishbiggle, Inishcottle, Inishlyre, Inishturk
Sligo	Coney

## Appendix 5: Integrated Area Urban Renewal Scheme — Areas Designated

City/County	Area/Town
Cork	Blackpool/Shandon, City Docks Area
Dublin	Ballymun, HARP, Inchicore/Kilmainham, Liberties/Coombe, North East Inner City, Millenium/ O'Connell Street
Galway	3 Suburban Local Authority Estates
Limerick	1 Large Central Area
Waterford	Periphery of commercial centre
Carlow	Carlow
Clare	Shannon
Cork	Bandon, Cobh, Mallow (N), passage West (S)/Glenbrook
Donegal	Buncrana
Dublin	Dun Laoghaire, Balbriggan, North West Blanchardstown, North Clondalkin, Tallaght
Galway	Tuam
Kerry	Tralee
Kildare	Athy, Kildare
Kilkenny	Kilkenny
Laois	Portlaoise
Limerick	Newcastlewest
Longford	Longford
Louth	Drogheda, Dundalk
Mayo	Ballina
Meath	Navan
Monaghan	Monaghan
Offaly	Birr, Tullamore, Clara
Sligo	Sligo
Tipperary	Roscrea, Thurles, Carrick-on-Suir, Tipperary
Waterford	Dungarvan
Wexford	Athlone, Mullingar
Wicklow	Arklow, Wicklow

**Public Sector Staff.**

245. **Deputy Ruairí Quinn** asked the Minister for Finance his plans to introduce another incentivised scheme for early retirement or a three year career break option for public servants; and if he will make a statement on the matter. [5045/10]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy will be aware the Incentivised Scheme of Early Retirement and the Special Civil Service Incentive Career Break Scheme were introduced as once-off measures that were included in the Supplementary Budget on 7 April 2009. Following implementation these measures were extended to staff in different areas in the public service. There is no current proposal to extend either of the schemes.

#### **Tax Code.**

246. **Deputy Thomas P. Broughan** asked the Minister for Finance if he has received a copy of a recent report (details supplied) on the implications of the €10 air travel tax; his views on the conclusions of the report which has estimated revenue losses of €482 million, up to 3,000 job losses and a 1.2 million reduction in departing passengers in the aviation industry here in a full year of the operation of the €10 departure tax as compared to a tax take of just €116 million to the Exchequer; if these figures reflect cost benefit analysis carried out by his Department and the Department of Transport; if he will publish the cost benefit analysis of the tax; and if he will make a statement on the matter. [45864/09]

**Minister for Finance (Deputy Brian Lenihan):** I have received a report commissioned jointly by Aer Lingus, Ryanair and Cityjet from Amsterdam Aviation Economics in relation to the air travel tax. The report and the analysis therein, including those assumptions made by the authors, continue to be examined by my officials.

However, I understand the report makes a number of important assumptions, and the data on which they are based, are omitted from the report. It would be useful if that data and indeed the underlying analysis were to be made available.

It should be acknowledged that the key reason why we have less people travelling through our airports is that domestic circumstances are influencing travel patterns and this situation is broadly being reflected on an international basis.

247. **Deputy Mary Upton** asked the Minister for Finance the changes which have been made to the artists' tax exemption in Budget 2010; and if he will make a statement on the matter. [47394/09]

**Minister for Finance (Deputy Brian Lenihan):** No changes were made to the artists exemption scheme in Budget 2010. However, the exempt income of artists is one of the specified reliefs which are subject to the restriction of reliefs measure. I announced significant changes in the Budget to the operation of the restriction from the 2010 tax year.

The adjusted income level at which the restriction will now come into operation was reduced from €250,000 to €125,000 and the level at which the full restriction will apply was also reduced from €500,000 to €400,000. In addition, the effective rate of income tax payable by those subject to the full restriction was increased from 20% to 30%. This income tax liability will be in addition to PRSI, the health levy and the income levy. These changes will affect, inter alia, artists with exempt income, where their adjusted incomes exceed the relevant thresholds by limiting the amount of income that can be exempted from income tax in a particular tax year. Full details of the proposed changes will be included in the forthcoming Finance Bill.

#### **Parking Regulations.**

248. **Deputy Joanna Tuffy** asked the Minister for Finance the position regarding the parking space at work levy; and if he will make a statement on the matter. [2468/10]

**Minister for Finance (Deputy Brian Lenihan):** My Department has recently completed the consultation process in respect of the introduction of the parking levy. My officials have now been directed to prepare the necessary documentation for its introduction on a pilot basis, in the Dublin city centre area. I will then determine the date from which it will commence.

#### **Flood Relief.**

249. **Deputy Pat Breen** asked the Minister for Finance if funding will be provided for a project (details supplied); and if he will make a statement on the matter. [5091/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** In November 2009, OPW became aware of flooding in Ennis, which had occurred in areas that were developed since the River Fergus (Ennis) Certified Drainage Scheme was designed. These include Fior Uisce and The Watery Road. The Local Authority have agreed to gather and submit information to OPW in respect of these flood events, and, subject to technical, economic and environmental factors, these areas will be considered for flood alleviation works.

*Question No. 250 answered with Question No. 236.*

251. **Deputy Noel J. Coonan** asked the Minister for Finance if he will provide capital funding for proposed flood relief works at a location (details supplied) in County Tipperary; when works will commence; the timeframe for completion; and if he will make a statement on the matter. [5117/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** Survey work for the River Mall (Templemore) Drainage Scheme is currently underway. Following completion of this work, OPW will be in a position to submit the proposed Scheme to the Minister for Finance for formal Confirmation, which will allow the proposed funding for the Scheme to be allocated. Construction works could begin soon after Confirmation. It is hoped that this will be before the end of the year. It is too early at this stage to state the duration of works, as the programme of works is not yet finalised.

#### **Mortgage Arrears.**

252. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the initiatives he will put in place in 2010 to provide assistance to homeowners struggling with negative equity and unrealistic mortgage repayments to stay in their houses. [2331/10]

**Minister for Finance (Deputy Brian Lenihan):** Home repossession should be and generally is the last resort for the lender. The preferred method of dealing with cases of arrears should be early intervention and engagement.

In the revised Programme for Government we have stated that we will be:

- Introducing new measures to protect families having difficulties with their home mortgage payments;
- Examining ways of expanding the existing options available for dealing with debt situations;
- Examining ways of expanding existing state sponsored mortgage-support measures.

The commitments contained in the revised Programme for Government span the broad area of personal debt management and its legislative framework. As several relate to the responsibil-

ities of several Government Departments, they will require close collaboration in the period ahead. In this regard, on foot of a Government decision, an interdepartmental working group has been established to look into possible options to assist mortgage-holders in arrears.

This Group will in time report back to me with recommendations for implementing commitments made in the revised Programme for Government. The Group's terms of reference include consulting with various external expert groups as well as examining options for improving state supports for home owners with mortgage arrears including schemes in operation in the USA and UK. These schemes are designed to address particular problems for particular groups of home owners and include options for refinancing mortgages, modifying the terms of existing loans, shared equity and purchase of mortgages for the purposes of renting back to the home owner.

Other matters to be considered by the Group will include the recommendations coming from the review of the Department of Social and Family Affairs Mortgage Interest Supplement Scheme when it is completed and any proposals that may emerge for improving the service provided by MABS.

The Law Reform Commission's (LRC) Consultation Paper on Personal Debt Management and Debt Enforcement has made an important contribution to policy formulation in this whole area. On foot of this publication an interdepartmental working group has been established to carefully examine the recommendations of the LRC, with a view to making speedy progress.

In relation to the position of mortgage holders generally, the Irish Bankers Federation published a Statement of Intent on 10 November 2009 which provides further reassurance to homeowners who find themselves genuinely unable to maintain mortgage repayments on their principal private residence. The Statement of Intent has been agreed and supported by all IBF members and is a welcome development. It is also welcome that the IBF Oversight Committee on the implementation of the Statement of Intent will include representation from the Money Advice and Budgeting Service (MABS).

This co-operative approach follows on from the IBF and the Money Advice and Budgeting Service (MABS) Operational Protocol on consumer debt, which was put into effect in September 2009. The Operational Protocol will enable MABS and the IBF to continue to work together effectively when dealing with debt problems of personal debtors who approach the MABS Service for assistance.

It should be noted that there are already other important arrangements in place to assist consumers who have fallen into arrears or are in danger of falling into arrears.

The Government provides support for payment of mortgages under the Mortgage Interest Supplement Scheme. This scheme is administered by the Community Welfare Service on behalf of the Department of Social and Family Affairs. It provides assistance where the mortgage relates to a person's principal private residence. Furthermore, people in difficulties with debt or in danger of getting into difficulties can avail of the services of the Money Advice and Budgeting Service (MABS). This is a national, free, confidential and independent service.

The Financial Regulator's Consumer Protection Code sets out requirements that a regulated entity must contact the consumer as soon as it becomes aware that a mortgage account is in arrears and that it must have in place a procedure for handling accounts in arrears.

The Financial Regulator also has in place a Code of Conduct on Mortgage Arrears. This Code applies to mortgage lending activities to consumers in respect of their principal private residence in the State and is mandatory for all mortgage lenders registered with the Financial Regulator. Under the code where a borrower is in difficulty the lender has to make every reasonable effort to agree an alternative repayment schedule and the lender has to give con-



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sideration, on a case-by-case basis, to alternatives such as deferral of payments, extending the term of the mortgage, changing the type of mortgage, or capitalising arrears and interest. Obviously cases will arise where the arrears persist despite newly agreed changes in repayment schedules. The Code provides that where such situations persist, the lender may reserve the right to enforce the mortgage agreement. However, it must wait at least six months from the time arrears first arise before applying to the courts to commence enforcement of any legal action on repossession of a borrower's primary residence. In the case of A.I.B. and Bank of Ireland, they must wait at least 12 months from the time arrears first arise.

### **Legislative Programme.**

253. **Deputy Terence Flanagan** asked the Minister for Finance when he will publish the legislation to establish the Central Bank of Ireland Commission; if he will open a consultation period in relation to the draft bill; and if he will make a statement on the matter. [5132/10]

**Minister for Finance (Deputy Brian Lenihan):** As I informed the House previously, I intend to initiate legislation to reform the institutional structures for financial regulation early this year and in this regard I will bring proposals to Government shortly in relation to the Bill to which the Deputy refers. It will then be a matter for the Government to decide on referring the Scheme of a Bill to the Office of the Attorney General for drafting and the eventual date of publication. I can assure the Deputy that appropriate consultations with stakeholders will be followed in relation to the policy matters to be addressed in the Bill.

*Question No. 254 answered with Question No. 236.*

### **Proposed Legislation.**

255. **Deputy Ruairí Quinn** asked the Minister for Finance his plans regarding the drafting of legislation to be included in the Finance Act 2010, which will oblige public bodies to charge VAT on certain services; if water charges will incur VAT at 13.5% or at 21%; if he will consider exempting schools, who have paid metered water charges since 1 January 2010, from having to pay VAT; and if he will make a statement on the matter. [5140/10]

**Minister for Finance (Deputy Brian Lenihan):** The forthcoming Finance Bill, which is published this coming Thursday 4 February 2010, includes provision to make public bodies subject to VAT in accordance with the European Court of Justice ruling against Ireland of 16 July 2009 in Case C-554/07. In summary, the VAT Act is being amended to provide that public bodies, including local authorities, are made subject to VAT where they engage in activities (a) other than in their capacity as a public authority (e.g. regulatory functions); (b) in the case of their capacity as a public authority when their treatment as non-taxable could lead to a distortion of competition; and (c) as outlined in Annex I of the EU VAT Directive, unless otherwise exempted, and unless the activity is carried out on such a small scale as to be negligible.

Services that will become liable to VAT include such services as waste collection, landfill and recycling services; off-street parking; toll roads; the operation of leisure facilities; rent from certain lettings of commercial property; and the supply of staff and data. It should be noted that such services are already subject to VAT if provided by a private operator. Such services would be subject to the standard or reduced VAT rate as appropriate.

However, other services operated by public authorities are not being made subject to VAT by the Finance Bill provision, as they are otherwise exempted. In that context, for example,

the supply of water, education, health and passenger transport services are not being made subject to VAT as they are otherwise exempted from VAT. Examples of the types of activities by public bodies where a charge applies which will remain outside the scope of VAT, include parking fines, fees for passports, driving licences etc, development levies, casual trading licences and certificates of compliance. These are purely regulatory functions.

Charges for water services will continue to be exempt from VAT under a derogation of the VAT Directive which allows Member States to continue to exempt such transactions where they were exempt on 1 January 1978. As Irish VAT law exempted the supply of water by local authorities on 1 January 1978 we are in a position to continue to exempt such services.

### **Eurozone Membership.**

256. **Deputy Thomas P. Broughan** asked the Minister for Finance if his Department has carried out any contingency studies or cost benefit analysis on any possible future suspension of Ireland's Euro membership in view of the ongoing difficulties for indigenous exports presented by the strong Euro; and if he will make a statement on the matter. [5157/10]

257. **Deputy Thomas P. Broughan** asked the Minister for Finance if the recent cuts in wages and benefits, the rise in unemployment in domestic industry and the thousands of households in negative equity has prompted his Department to conduct a review of all aspects of Ireland's membership of the Eurozone in the short to medium term; and if he will make a statement on the matter. [5158/10]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 256 and 257 together.

In the recent Lisbon Treaty referendum the Irish people reaffirmed our place at the heart of Europe. The Treaty sets out the conditions necessary for participation in the euro area, and therefore Ireland's membership of the Eurozone is not in question.

Furthermore, our membership of the European Union and the Eurozone in particular has played a vital role in our response to the current financial crisis. Thanks to the protection of being in a large monetary union, Ireland's currency has not been vulnerable to investor sentiment, as was the case in the early 1990s. Irish financial institutions have also been able to access the European Central Bank's substantial liquidity facilities. The benefits arising from membership of the Eurozone are; lower transaction costs, elimination of exchange rate risk with other euro area countries, as well as lower interest rates and increased price transparency and competition. The importance of these benefits are illustrated by the desire of many of those countries still outside the euro area to join.

258. **Deputy Thomas P. Broughan** asked the Minister for Finance if he has examined recent proposals from economists for a dual currency system, including the Euro, for the Eurozone states which have suffered severe economic shocks in the past two years and which reportedly need transitional monetary policy arrangements to fairly restructure their economies; and if he will make a statement on the matter. [5159/10]

**Minister for Finance (Deputy Brian Lenihan):** I am aware of the proposals which have been made by some economists recently.

As a member of the eurozone Ireland has benefited greatly over the last decade or so from being part of a large currency area. That said, there is no doubt that membership does mean adjusting to severe economic shocks must be done through improvements to our competitiveness and productivity. Clearly this involves internal adjustment through reducing prices and

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other costs as well as by enhancing productivity in the economy. I am encouraged that these required adjustments appear to be underway and I expect that we will see the benefits of an improvement in our unit labour cost.

### **Economic Forecasts.**

259. **Deputy Thomas P. Broughan** asked the Minister for Finance his latest forecast on the timeframe for Ireland to emerge from this recession; and if he will make a statement on the matter. [5160/10]

**Minister for Finance (Deputy Brian Lenihan):** In my Budget speech last December, I outlined my Department's expectation that economic growth would be positive by the second half of this year. Developments since then are consistent with this.

Furthermore, I note that the Central Bank, in its quarterly bulletin published last week, is also expecting positive annual growth by the second half of the year.

So while there is more to be done, we are clearly on the right path.

### **Income Data.**

260. **Deputy Máire Hootor** asked the Minister for Finance the number of people in north Tipperary earning between €0 and €25,000 per annum, €25,000 and €50,000, €50,000 and €75,000; €75,000 and €100,000; and those earning over €100,000 per annum. [5279/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that a breakdown of income data can generally be provided on a geographical basis on the basis of "bailiwick", which is the jurisdiction or boundaries within which Revenue Sheriffs, County Registrars or their officers operate. However, while separate breakdowns for "city" and "county" can be provided in the case of counties Dublin and Cork, the bailiwick indicator otherwise equates geographically with each "county". Accordingly, it is not possible to provide the information requested confined to North Tipperary.

### **Flood Relief.**

261. **Deputy Phil Hogan** asked the Minister for Finance when food relief works will be carried out at a location (details supplied) in County Kilkenny in view of recent bad flooding. [5299/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Commissioners of Public Works have completed an examination of a Flood Risk Management Study submitted by the Local Authority in relation to the possibility of providing flood alleviation works for Graiguenamanagh in Co. Kilkenny. They are currently in the process of arranging a meeting with the Local Authority with a view to identifying flood relief measures, which might be undertaken to alleviate the flooding problem in this area.

262. **Deputy Phil Hogan** asked the Minister for Finance when approval will be sanctioned to proceed to contract for flood relief works at a location (details supplied) in County Carlow. [5300/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** Preliminary proposals for a major flood relief scheme for Tullow were prepared by the Office of Public Works. However, subsequent developments in relation to a property in the town that was a

central focus of the proposals eroded the economic justification for the scheme to the extent that it was not considered viable.

Following recent contact between OPW and Carlow County Council officials, the Council has this month submitted an application for funding for minor flood mitigation works at Tullow that the Council propose to carry out this year. This application will be considered by the OPW in conjunction with all other applications submitted by Carlow County Council and other Local Authorities.

### **Consumer Credit.**

263. **Deputy Richard Bruton** asked the Minister for Finance his views on whether the collection of data on consumer credit and the use of that information for credit rating requires a fresh legislative framework to ensure fair competition between providers, to ensure consistent and fair methods of registering data, to evaluate the correct limits of data protection, to decide the public interest issue in the expanding use of this information as a passport for consumers in getting best value in financial services; and if he will make a statement on the matter. [5302/10]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy is aware, consumer credit including hire purchase and consumer hire, together with money lending and home loans, are governed by the Consumer Credit Act 1995. This legislation sets out important consumer protection measures, including the form and content of the credit agreements in respect of those types of loans. The Consumer Protection Code requires that before providing a product or service to a consumer a regulated credit institution must gather and record sufficient information from the consumer to enable it to provide a recommendation on a product or service appropriate to that consumer.

The Irish Credit Bureau (ICB) is an independent, commercial organisation which provides credit history information to its members and helps credit institutions to be better informed when making decisions on the provision of credit. I, as Minister for Finance, have no role in determining its operations or the scope of its activities. However, my officials have been in consultation with relevant stakeholders in relation to the kind of issues highlighted in the Deputy's question and will report to me on how best practice can be achieved in relation to credit history collection. I will then consider the options available to ensure a competitive market and fair practices in consumer credit can be maintained.

### **EU Funding.**

264. **Deputy Richard Bruton** asked the Minister for Finance the range of European Union programmes for providing credit to small and medium enterprises and the number of these from which Ireland has drawn down funding and the value of funding drawn down by small business here during 2009 on each programme; and if he is satisfied with the mechanism here for accessing these funds and if he is considering mechanisms outside the banking system for accessing such moneys. [5303/10]

**Minister for Finance (Deputy Brian Lenihan):** The decision of any eligible Irish undertaking, including financial institutions, to make an application under any particular EU scheme would be a commercial matter for the institution involved. Applications are between the undertaking involved and the relevant EU institution providing support. The Irish Authorities would not necessarily be made aware of individual applications made to EU support schemes which allow for direct applications. I am aware of two European programmes in operation from which Irish banks avail of funding; EIB loans for SMEs and the Competitiveness and Innovation Programme operated by the European Investment Fund. Four banks operating in Ireland have

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access to the EIB facility: Allied Irish Bank, Bank of Ireland and Ulster Bank have access to €100 million each and Bank of Scotland Ireland has access to €50 million. It is important to emphasise that the EIB makes funding available for onlending to SMEs as part of its mandate to assist the development of the SME sector. As a result, commercial banks that borrow from the facility are required to ensure that the money is onlent to SMEs for investment and expansion of their activities. It follows that there are significant constraints on lending from the EIB scheme. Borrowing for short-term working capital is generally not eligible, although a permanent increase in working capital required to develop an expanding SME would qualify. Loans for cash flow or the refinancing of other debt and generally for the takeover of other businesses would not qualify.

The Competitiveness and Innovation Framework Programme 2007-2013 (CIP) contains a financial instrument, the SME Guarantee Facility that aims to improve the financial environment for SMEs by facilitating their access to debt and equity finance, through financial intermediaries. The SME Guarantee Facility is operated by the European Investment Fund (EIF) on behalf of the European Commission. Irish financial intermediaries are free to make contact directly with the EIF concerning participation in the facility. I understand that some have done so. The Department of Enterprise, Trade and Employment has informed the Irish Bankers' Federation of the facility, the operation and the scope of the arrangement and has made itself available to any bank interested in pursuing the possibility of securing funding under the SME guarantee in terms of facilitating contacts with relevant officials in the European Investment Fund and/or the European Commission, for further advice and assistance. The distribution of drawdowns across institutions is of commercial sensitivity but indications are that substantial amounts of lending under the facility have been approved across a wide range of sectors. While participation by the financial institutions in any EU programme is a commercial decision for the institution concerned, I would urge financial institutions and SMEs to make use of EU funding opportunities where appropriate.

#### **Tax Clearance Certificates.**

265. **Deputy Bobby Aylward** asked the Minister for Finance if he will arrange to have a C2 clearance tax certificate issued to a person (detail supplied) in County Carlow. [5375/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the C2 Tax Clearance Certificate is available for collection at the Kilkenny Revenue District Office and the person concerned has been advised of this.

#### **Flood Relief.**

266. **Deputy Deirdre Clune** asked the Minister for Finance his plans to introduce supports for home owners who will be refused home insurance as a result of November 2009 flooding; and if he will make a statement on the matter. [5377/10]

**Minister for Finance (Deputy Brian Lenihan):** The question of considering the introduction of such supports does not arise at this time. It will be necessary in the first instance, in consultation with the insurance industry, to determine the extent to which the issue of the withdrawal of coverage gives rise to the difficulty highlighted in the Deputy's question. While the recent flooding in November 2009 may lead to a situation where some people are refused home insurance cover, I am satisfied from discussions that my Department has had with the insurance industry that many such people will retain coverage albeit with a higher premium or higher level of excess to reflect the increased risk. As the Deputy may be aware a key element of the

Government's response to this issue will be on flood preventative measures. While much will depend on the seriousness of the underlying flooding problem in the different localities, and how quickly these can be addressed, it is unlikely that there is a 'one size fits all' answer to this issue. In this regard the Government has allocated €50 million for flood risk management activities for 2010, which is administered by the Office of Public Works. This increased allocation will allow OPW to extend the number of Capital Works schemes already underway throughout the country. The OPW has also undertaken a rigorous collection of data and information since the November 2009 floods and has already met with several local authorities to review the recent flood events and identify actions required. This may well lead to further areas where works can be undertaken by OPW, in addition to the major schemes already under construction in Clonmel, County Tipperary; Mallow and Fermoy, County Cork; Ennis, County Clare; Mornington, County Meath; and the River Dodder in Dublin, as well as schemes at various stages of development which include Enniscorthy, County Wexford; Templemore, County Tipperary; and Bray and Arklow, County Wicklow.

### **Youth Services.**

267. **Deputy Tom Hayes** asked the Minister for Health and Children if consideration will be given in 2010 to an application for funding in 2009 by an organisation (details supplied) in County Tipperary. [4485/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** An application was received on behalf of the Youth Project referred to by the Deputy, to be considered for funding in 2008 under the Special Projects for Youth Scheme. Due to the large number of applications received and the limited funding available it was not possible to provide the funding requested. In light of budgetary constraints, the emphasis on the 2009 Youth Affairs budget was on supporting existing youth programmes and services for young people including those with fewer opportunities. Similarly in 2010, the focus is on consolidating and maintaining, insofar as possible, the level of existing programmes and services for young people. In that context, my office will not be in a position to consider any new applications for admission to its schemes in 2010.

### **Child Care Services.**

268. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support an organisation (details supplied). [4495/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for the Community Childcare Subvention Scheme (CCSS) which was introduced in January 2008 and provides support funding to community based not for profit childcare providers to enable them to charge reduced childcare fees to disadvantaged and low income working parents, and for the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which came into effect in January of this year. I understand that the service referred to by the Deputy is participating in both of these schemes and, in 2009, it received CCSS funding of €55,768. I understand that preliminary payments for 2010 have been made to the service, amounting to €13,942 in the case of the CCSS and €3,870 in the case of the ECCE scheme. Services participating in the CCSS and ECCE scheme were required to submit a 2010 return to my Office by 29 January 2010. These returns are now being processed and, when completed, the final amounts payable to participating services will be determined and further payments will be made as appropriate. I am not aware of any other funding amount due to be paid by my Office to the service in question.

### Drug Seizures.

269. **Deputy Joe Costello** asked the Minister for Health and Children if the Director of Public Prosecutions has determined if the gardaí can prosecute seizures of prescribed drugs which are sold on the streets; and if she will make a statement on the matter. [4588/10]

**Minister for Health and Children (Deputy Mary Harney):** The Director of Public Prosecutions is independent in the performance of his duties. I can only comment in relation to my responsibilities under the Misuse of Drugs Act 1977. Certain prescription medicines have been declared controlled drugs in accordance with the Misuse of Drugs Act 1977 — for example, products containing morphine, methadone, flunitrazepam and possession of these products, in contravention of the Act, is an offence. Under the Misuse of Drugs (Exemption) Order 1988, it is not an offence for a person to possess prescription medicines containing certain benzodiazepines. At the time of making of this Order, no international controls were in place on the possession of benzodiazepines. Some countries have moved to make it an offence to possess benzodiazepines. The position in Ireland is under review.

### Adoption Services.

270. **Deputy Billy Timmins** asked the Minister for Health and Children if she will respond to a query (details supplied); and if she will make a statement on the matter. [5121/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Adoption Bill 2009, is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The new legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future intercountry adoption arrangements will be governed by the terms of the Adoption Bill 2009 when enacted. The current policy position, as set out in the Adoption Bill 2009, is that for an adoption to be registered under the Bill it must be effected in a contracting State to the Hague Convention or in a country with which Ireland has a bilateral agreement. For non-Hague countries only those adoptions effected prior to the commencement of the new law can be registered on the Register of Inter-Country Adoptions to be established under the Bill. I announced on 26 January my intention to bring forward at Committee Stage an amendment to the Adoption Bill 2009 that will enable prospective adoptive parents to proceed with an adoption from a non-Hague or non-bilateral country, if prior to the establishment date, they have been issued with a Declaration of Eligibility and Suitability to adopt. The proposed amendment requires that the Adoption Authority (to be set up under the Act) would be satisfied that the particular adoption meets all the standards of the Hague Convention.

### Hospital Waiting Lists.

271. **Deputy George Lee** asked the Minister for Health and Children if her attention has been drawn to the difficulties that a person (details supplied) is facing due to their need for a special bed; the length of time that they will be on a waiting list; and if she will make a statement on the matter. [4470/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Traveller Community.**

272. **Deputy Olivia Mitchell** asked the Minister for Health and Children the services available specifically to members of the travelling community; if she will ensure that the budgets for these services will be maintained; and if she will make a statement on the matter. [4476/10]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to a service matter, it has been referred to the HSE for direct reply.

### **Medical Cards.**

273. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of medical cards in each local health office for each month between January and December 2009. [4487/10]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has the operational and funding responsibility for the medical card and GP visit card benefits. It collates medical card and GP visit card data by Local Health Office, age and gender. Therefore, my Department has asked the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

### **Health Services.**

274. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 3. [4494/10]

**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.

### **Preschool Services.**

275. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will make an exception to the age criteria and allow in respect of a child (details supplied) in Dublin 9 to avail of the free preschool year under the early childhood care and education scheme. [4497/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for the implementation of the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which commenced earlier this year. As the Deputy is aware, the scheme is open to children aged between 3 years and 3 months and 4 years and 6 months at 1 September each year. The most generous interpretation possible is being applied to this age range so that all children aged more than 3 years and 2 months and all children aged less than 4 years and 7 months (i.e. born on or between 2 February and 30 June in the relevant year) will qualify. This means that children born between 2 February 2006 and 30 June 2007 will qualify for the free pre-school year in September 2010 and children born between 2 February 2007 and 30 June 2008 will qualify for the free pre-school provision in September 2011. I understand that the child referred to by the Deputy will not be eligible to avail of the free pre-school provision in September 2010 but will be eligible in September 2011. While the majority of children commence school between the age of 4 years and 6 months and 5 years and 6 months, it is accepted that some parents choose to send their children to primary school at an earlier age and the ECCE scheme allows for children to attend the pre-school year and still commence primary school when they are just over 4 years and 2 months of age. However, the objective of the scheme is to make early learning in a formal setting available to all children in the key developmental year before they commence primary school, with appropriate age



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related activities and programmes being provided to children within a particular age cohort. Targeting the pre-school year at a particular age cohort is clearly fundamental to the scheme and it is necessary, therefore, to set minimum and maximum limits to the age range within which children will participate in the scheme each year. I am satisfied that the age range set for the scheme achieves a reasonable balance between supporting the provision of age related programmes and activities and providing flexibility to parents and their children and there are no plans to review the position at this stage.

**Medical Cards.**

276. **Deputy Seán Sherlock** asked the Minister for Health and Children the reason a medical card application has not been expedited in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4503/10]

**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.

277. **Deputy Michael Ring** asked the Minister for Health and Children if a medical card will be awarded in respect of a person (details supplied) in County Mayo. [4506/10]

**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.**

278. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the number of medical procedures that were carried out abroad each year for the past five years under the patient treatment fund; if such services were unavailable at hospitals here; and if she will make a statement on the matter. [4523/10]

**Minister for Health and Children (Deputy Mary Harney):** The National Treatment Purchase Fund (NTPF) was established to tackle the issue of excessive waiting times for hospital treatment for public patients. The Fund has been very successful in fulfilling this remit and has arranged treatment for almost 175,000 patients to date. On average, public patients now wait 3 months for their operations, down from between two and five years before the NTPF was established. The NTPF does not normally send patients for treatment outside Ireland. This was done some years ago, when there was insufficient capacity in some specialties in the private system in Ireland. That capacity now exists here. The Fund arranges, where convenient, for patients living in Border counties to be treated in private facilities in Northern Ireland.

Year	Numbers treated abroad		
	UK	NI	USA
2005	209	544	16
2006	140	624	13
2007	82	766	
2008	2	708	
2009	Nil	1,024	

### **Hospital Staff.**

279. **Deputy John McGuinness** asked the Minister for Health and Children the reason the consultant at Waterford Regional Hospital has not informed a person (details supplied) in County Carlow that they have retired and is no longer dealing with their case; the reason they have not been informed by the hospital; if their case, which is urgent, will be referred to another consultant for immediate consideration; if the operation required will be arranged without the person being placed on a waiting list for months or longer; and if she will make a statement on the matter. [4535/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### **Medical Aids and Appliances.**

280. **Deputy John McGuinness** asked the Minister for Health and Children the financial support her Department will provide to a person (details supplied) in County Kilkenny to purchase special hearing aids that would restore 70% of their hearing; the course of action that is open to this person; the financial assistance that is available in view of the fact that they have a limited income from social welfare and employment of two days per week. [4537/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### **National Drugs Strategy.**

281. **Deputy Mary Wallace** asked the Minister for Health and Children the steps she is taking to deal with the ongoing concerns regarding head shops and the sale of products which have been described as legal highs and party drugs; and if she will make a statement on the matter. [4556/10]

323. **Deputy Mary Alexandra White** asked the Minister for Health and Children her plans to address the sale of psychotropic drugs in head shop and to regulate such shops; and if she will make a statement on the matter. [5031/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 281 and 323 together.

The Misuse of Drugs Act 1977 and its associated regulations control the import, export, production, supply and possession of a range of named narcotic drugs and psychotropic substances listed in the Schedules to the Act. Substances are scheduled under the Act in accordance with Ireland's obligations under international conventions and/or where there is evidence that the substances are causing significant harm to public health in Ireland.

The list of scheduled substances is kept under ongoing review. For example, in 2006 psychotropic ('magic') mushrooms were banned and their possession and sale is now illegal. On 31 March 2009, BZP was similarly subjected to legislative control measures and criminal sanctions.

In the light of the health risks associated with some of the products being sold in so-called 'head shops', my Department is in the process of drafting regulations which will introduce controls, similar to those introduced recently in the UK, on a range of substances which are currently on sale in head shops. These regulations will make the possession and sale of these substances illegal and subject to criminal sanctions.

[Deputy Mary Harney.]

Some of the substances in question have legitimate uses — for example, in the production of plastics and industrial solvents. It will be necessary to assess the level of use of these substances by industry in Ireland and the implications for industry of placing these substances under the ambit of Misuse of Drugs legislation. In accordance with EU law, it will also be necessary to notify the Commission of any restrictions which may impact on legitimate industrial activities. It will be appreciated, therefore, that it is likely to be some months before the regulations can be implemented.

Minister of State John Curran, who has responsibility for co-ordinating the National Drugs Strategy, has identified head shops as an area of concern, and is currently considering the options available to more effectively control the activities of head shops.

A Research Advisory Group (RAG) has been established to identify possible options for the regulation of head shops. The RAG held its first meeting on 13 January 2010. It has representatives from the National Advisory Committee on Drugs, the Departments of Community, Rural and Gaeltacht Affairs, Justice, Equality and Law Reform, Health and Children, the Health Research Board, Revenue Custom's Service, the Forensic State Laboratory and other relevant stakeholders. The RAG will report incrementally until its work is complete.

#### **Services for People with Disabilities.**

282. **Deputy Joanna Tuffy** asked the Minister for Health and Children if the contract for the construction and fit out of new units at a hospital (details supplied) for persons with intellectual disabilities has been completed; if not, the reason for the delay; the projected opening date for same; and if she will make a statement on the matter. [4578/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

#### **Health Services.**

283. **Deputy Michael Ring** asked the Minister for Health and Children if home help will not be reduced in respect of a person (details supplied) in County Mayo. [4584/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Legal Fees.**

284. **Deputy John O'Mahony** asked the Minister for Health and Children further to Parliamentary Question Nos. 479 and 480 of 16 September 2009, the reason figures were not given for the Mayo and Roscommon Health Service Executive areas; when this information will be supplied; and if she will make a statement on the matter. [4587/10]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question concerns matters pertaining to the Health Service Executive, I have forwarded it to the Parliamentary Affairs Division of the Executive for attention and direct reply to the Deputy.

#### **Vaccination Programme.**

285. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding

the case of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [4590/10]

**Minister for Health and Children (Deputy Mary Harney):** I have always accepted the consensus view of the relevant expert bodies that the introduction of a universal high uptake vaccination programme in young girls, in conjunction with population based cervical screening, could significantly reduce overall cervical cancer incidence. The issue was not, therefore, whether the case for a cervical cancer vaccination programme was accepted by myself and the Government — because it always was — but how to place such a programme in order of clinical priorities for the allocation of scarce resources available for public health services and for the cancer programme in particular.

Recently I requested the HSE to initiate a tendering process for the procurement of a HPV vaccine with a view to commencing a HPV vaccination programme for all girls in first year in secondary school and until this process was completed I was not in a position to say if or when I would introduce this programme. This tendering process for the vaccine is now complete. We can now purchase the vaccine at a price much lower than we expected to pay in 2008 and at a price much closer to what is being paid in other countries. In these circumstances, the programme can now be delivered from the extra resources committed in this year's budget to the overall Cancer Programme.

The HSE is committed to starting this campaign during the current school year. This will involve the free vaccination of up to 30,000 girls mainly in school settings and an announcement of the details of the full programme involved will be made by the HSE in the near future. The programme will continue with vaccine being offered to all girls in first year in secondary school each year but it is not proposed to extend the vaccination programme to other classes at present.

#### **Inter-Country Adoptions.**

286. **Deputy Joe Costello** asked the Minister for Health and Children the position regarding inter-country adoption between Ireland and Vietnam; and if she will make a statement on the matter. [4592/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** In the process of re-negotiating the bilateral agreement on inter-country adoption with Vietnam serious issues came to light in relation to the Vietnamese adoption process. The issues were contained in the report on inter-country adoption commissioned by UNICEF and the Vietnamese Ministry of Justice and carried out by International Social Services (ISS). An earlier report published last August by the Vietnamese Ministry of Labour, Invalids and Social Affairs (MOLISA) was also considered in this regard. The UNICEF/ISS report, which was accepted by the Vietnamese Government, "proposes that Vietnam suspends inter-country adoptions for the necessary period during the year 2010 that will enable it to ensure optimal implementation of the Hague Convention and to prepare for the entry into force of the new law on adoption in 2011". The Report also raises serious questions regarding adoption practices in Vietnam, including as follows:

- (a) inter-country adoptions from Vietnam are essentially influenced by foreign demand, i.e. the availability of children who are "adoptable" abroad corresponds more to the existence of foreign prospective adopters than to the actual needs of "abandoned" and orphaned children;

[Deputy Barry Andrews.]

- (b) the circumstances under which babies become “adoptable” are invariably unclear and disturbing;
- (c) the inter-country adoption system is grounded in a remarkably unhealthy relationship between the mediating agencies and specific residential facilities; and
- (d) Governments and central authorities of “receiving countries” collectively at least, and individually in many instances have not effectively committed themselves to applying the basic principles of the Hague Convention or the recommendations of the treaty’s practical operation, in their dealings with Vietnam.

Having considered the contents of the two reports the Government decided, on 13th of January, to suspend indefinitely negotiations on a new bilateral inter-country adoption agreement with the Socialist Republic of Vietnam. As a result of this decision, all inter-country adoptions from Vietnam will be suspended until such time as the Adoption Bill 2009 has been enacted and both Ireland and Vietnam have ratified the provisions of the Hague Convention.

#### **Health Service Staff.**

287. **Deputy John O’Mahony** asked the Minister for Health and Children the number and cost of employment of agency staff by the Health Service Executive in the Health Service Executive Dublin mid-Leinster region, Health Service Executive Dublin north east, Health Service Executive south and Health Service Executive west, each year for the past three years broken down by medical and dental, nursing, allied health professionals, management and administration, non-nursing support staff, care assistants and all others in tabular form; and if she will make a statement on the matter. [4593/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

#### **Hospital Services.**

288. **Deputy Joe McHugh** asked the Minister for Health and Children if she will preview her efficiency plans for service plans at St. Luke’s Hospital, Dublin; if these plans will result in a contraction of services provided at the hospital; and if she will make a statement on the matter. [4617/10]

**Minister for Health and Children (Deputy Mary Harney):** Under the National Plan for Radiation Oncology (NPRO), there will be a network of four radiotherapy centres and two satellite centres by 2014. The four main centres will be located at Beaumont, St James’s, Cork and Galway plus two satellite centres — Limerick and Waterford. It is intended that services at the existing facility in St Luke’s in Dublin will have transferred in full to Beaumont and St James’s by the end of 2014. This decision is based on expert advice and is designed to ensure that radiation oncology is integrated with all other aspects of cancer care, including surgery and medical oncology. This is in line with best international practice.

The Board of St. Luke’s Hospital and its Executive Management Team are fully committed to supporting the Government’s decision in relation to the development of radiation oncology and a Transition Team has been established to oversee developments.

Phase 1 of the NPRO involves the construction of new facilities at St. James's Hospital and Beaumont Hospital and is currently underway and on target for completion by the end of this year. The first stage of the transfer of services from St Luke's to these hospitals will take place in mid 2010, with some staff and resources transferring from St Luke's. St Luke's will continue to provide radiation oncology services for the period up to the completion of the NPRO in 2014. During this period St Luke's will, together with the new facilities, form a Radiation Oncology Network for Dublin and the East. To facilitate the operation of the Network, St. Luke's will be incorporated into the HSE from July this year.

These developments will ensure increased radiation oncology capacity in the Dublin and Eastern region from the end of this year. Additional linear accelerators were also provided at St. Luke's in 2008 in order to provide sufficient capacity in the interim before completion of the NPRO in 2014.

### **Health Services.**

289. **Deputy Jack Wall** asked the Minister for Health and Children if a person (details supplied) in County Kildare has an entitlement to new glasses. [4673/10]

**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.

### **Mental Health Services.**

290. **Deputy James Reilly** asked the Minister for Health and Children when a decision will be made on the site for the relocation of the Central Mental Hospital, Dundrum, Dublin; the timeframe for the proposed construction of a new central mental hospital; the location of the new hospital the number of staff that will be employed in the proposed new hospital; the number of patients proposed for the facility; and if she will make a statement on the matter. [4692/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** It has been ascertained that the site proposed for the development of a new Central Mental Hospital (CMH) at Thornton Hall, Co Dublin, is not large enough to accommodate an Intellectual Disability Forensic Mental Health Unit and a Child and Adolescent Forensic Mental Health, the need for which has been identified by the HSE.

The question of the relocation of the CMH to an alternative site is currently under consideration by, and remains a priority for, the Government.

### **Hospital Services.**

291. **Deputy Jimmy Devins** asked the Minister for Health and Children the number of patients in counties Sligo and Leitrim treated for foot ulcerations which did not require a full or partial amputation in 2007 and 2008; and the number of these patients who had diabetes mellitus. [4701/10]

292. **Deputy Jimmy Devins** asked the Minister for Health and Children the number of patients under 65 years in counties Sligo and Leitrim treated for foot ulcerations, which did not require a full or partial lower limb amputation in 2007 and 2008; and the number of those patients who has diabetes mellitus. [4702/10]

293. **Deputy Jimmy Devins** asked the Minister for Health and Children the number of full or partial lower limb amputations carried out on patients residing in counties Sligo and Leitrim in 2007 and 2008; and the number of those patients who had diabetes mellitus. [4703/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I propose to take Questions Nos. 291 to 293, inclusive, together.

The information requested is contained in the table below.

Hospital Inpatient Enquiry: Foot Ulcerations, Lower Limb Amputations and Diabetes

	Area of Residence					
	Leitrim		Sligo		National Total	
	2007	2008	2007	2008	2007	2008
Number of admissions with a diagnosis of foot ulcerations and without a full or partial lower limb amputation	22	36	62	68	3,826	3,777
—Number of these patients with a diagnosis of diabetes	8	14	25	23	1,361	1,298
Number of admissions aged under 65 with a diagnosis of foot ulcerations and without a full or partial lower limb amputation	5	7	14	16	1,100	987
—Number of these patients with a diagnosis of diabetes	—	—	—	11	412	421
Number of full or partial lower limb amputations	—	9	8	11	703	667
—Number of these patients with a diagnosis of diabetes	—	5	—	7	334	338

*Source:* Hospital Inpatient Enquiry.

*Note:* Data refer to discharges from publicly funded acute hospitals. Private hospitals are not included.

*Note:* For reasons of patient confidentiality it is standard policy not to report cells of less than 5 cases. These cells have been marked with '—'.

The HSE is currently developing a programme for diabetes which will establish an integrated diabetic service between community and hospital. Its objective is to improve specific targets to reduce both acute and chronic complications. It will also include effective foot care to reduce severe infection and amputation in diabetes. The recommendations of the Expert Advisory group will be progressed within the context of the Diabetes programme.

#### **EU Directives.**

294. **Deputy Joe Costello** asked the Minister for Health and Children if there are EU Directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when she intends to transpose them into domestic law; and if she will make a statement on the matter. [4716/10]

**Minister for Health and Children (Deputy Mary Harney):** There are a number of EU Directives requiring transposition by my Department as follows:

Name	Date of Directive	Expected transposition date
Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures	16/12/08	Expected to be transposed by the due date of 1 April, 2010
Directive 2009/32/EC of the European Parliament and of the Council of 23 April, 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients	23/04/09	Expected to be transposed by mid-March, 2010
Commission Directive 2009/129/EC of 9 October 2009 amending Council Directive 76/768/EEC concerning cosmetic products for the purposes of adapting Annex III thereto to technical progress	09/10/09	Expected to be transposed by the due date of 15/04/10
Commission Directive 2009/130/EC of 12 October 2009 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress	12/10/09	Expected to be transposed by the due date of 15/04/10
Commission Directive 2009/134/EC of 28 October 2009 amending Council Directive 76/768/EEC concerning cosmetic products for the purposes of adapting Annex III thereto to technical progress	28/10/09	Expected to be transposed by the due date of 01/05/10
Commission Directive 2009/159/EU of 16 December 2009 amending, for the purpose of adaptation to technical progress, Annex III to Council Directive 76/768/EEC concerning cosmetic products	16/12/09	Expected to be transposed by mid-April, 2010
Commission Directive 2009/163/EU of 22 December 2009 amending Directive 94/35/EC of the European Parliament and of the Council on sweeteners for use in foodstuffs with regard to neotame	22/12/09	Expected to be transposed by the due date of 12/10/10
Commission Directive 2009/164/EU of 22 December 2009 amending, for the purpose of adaptation to technical progress, Annexes II and III to Council Directive 76/768/EEC concerning cosmetic products	22/12/09	Expected to be transposed by the due date of 15/08/10

### Medical Cards.

295. **Deputy Michael Creed** asked the Minister for Health and Children the reason persons (details supplied) have had their medical cards withdrawn; and if she will make a statement on the matter. [4728/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services.

296. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Galway will get their home help; if this home help provision will commence immediately. [4731/10]



**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Medical Cards.**

297. **Deputy Michael Ring** asked the Minister for Health and Children when a medical card will be renewed for a person (details supplied) in County Mayo. [4732/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Hospital Services.**

298. **Deputy Michael Ring** asked the Minister for Health and Children when a child (details supplied) in County Mayo will be given an appointment in Our Lady's Hospital for Sick Children, Dublin 12. [4737/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Medical Cards.**

299. **Deputy Michael Creed** asked the Minister for Health and Children when a decision will be made on an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4754/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Hospital Services.**

300. **Deputy Jimmy Deenihan** asked the Minister for Health and Children the number of patients residing in counties Kerry and Limerick treated for foot ulcerations, which did not require a full or partial lower limb amputation in 2007 and 2008; the number of those patients that had diabetes; and if she will make a statement on the matter. [4766/10]

301. **Deputy Jimmy Deenihan** asked the Minister for Health and Children the number of patients under 65 years residing in counties Kerry and Limerick treated for foot ulcerations, which did require a full or partial lower limb amputation in 2007 and 2008; the number of those patients that had diabetes; and if she will make a statement on the matter. [4767/10]

302. **Deputy Jimmy Deenihan** asked the Minister for Health and Children the number of full or partial lower limb amputations carried out on patients residing in counties Kerry and Limerick in 2007 and 2008; the number of those patients that had diabetes; and if she will make a statement on the matter. [4768/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I propose to take Questions Nos. 300 to 302, inclusive, together.

The information requested is contained in the table below.

## Hospital Inpatient Enquiry: Foot Ulcerations, Lower Limb Amputations and Diabetes

	Area of Residence					
	Kerry		Limerick		National Total	
	2007	2008	2007	2008	2007	2008
Number of admissions with a diagnosis of foot ulcerations and without a full or partial lower limb amputation	135	108	167	151	3,826	3,777
—Number of these patients with a diagnosis of diabetes	48	53	51	73	1,361	1,298
Number of admissions aged under 65 with a diagnosis of foot ulcerations and without a full or partial lower limb amputation	29	36	37	32	1,100	987
—Number of these patients with a diagnosis of diabetes	12	22	16	19	412	421
Number of full or partial lower limb amputations	45	23	36	42	703	667
—Number of these patients with a diagnosis of diabetes	19	5	19	24	334	338

Source: Hospital Inpatient Enquiry.

Note: Data refer to discharges from publicly funded acute hospitals. Private hospitals are not included.

Note: For reasons of patient confidentiality it is standard policy not to report cells of less than 5 cases. These cells have been marked with '—'.

The HSE is currently developing a programme for diabetes which will establish an integrated diabetic service between community and hospital. Its objective is to improve specific targets to reduce both acute and chronic complications. It will also include effective foot care to reduce severe infection and amputation in diabetes. The recommendations of the Expert Advisory group will be progressed within the context of the Diabetes programme.

### Housing Grants.

303. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [4770/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I am not aware of a scheme of financial assistance in the health services to cover the full cost of housing adaptations.

### Medical Cards.

304. **Deputy Seán Sherlock** asked the Minister for Health and Children the average waiting time for the processing of a medical card application in 2008; and if she will make a statement on the matter. [4780/10]

305. **Deputy Seán Sherlock** asked the Minister for Health and Children the average waiting time for an application for a medical card since the centralisation of the process in August 2009; and if she will make a statement on the matter. [4781/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 304 and 305 together.

[Deputy Mary Harney.]

As the Information sought by the Deputy is not provided by the Health Service Executive to my Department as a matter of routine, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

### **Child Abuse.**

306. **Deputy Maureen O’Sullivan** asked the Minister for Health and Children the plans that are in place to make guidelines and procedures issued by her Department regarding suspected child abuse legally binding; if there are procedures in place to the health boards and the Health Service Executive to properly record all cases of child abuse, both clerical and non-clerical; and if she will clarify the extent of the HSE’s obligations to notify the alleged perpetrator.

[4783/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** *Children First*, the National Guidelines for the Protection and Welfare of Children were published in 1999. These guidelines are intended to assist people in identifying and reporting child abuse. The guidelines highlight the roles and responsibilities of the HSE and An Garda Síochána, which are the two agencies with statutory responsibility for child protection. They also offer guidance to agencies and voluntary organisations that have contact with or provide services to children.

In line with the commitment in the Ryan Commission Implementation Plan the *Children First* guidelines have been revised and are available on the web-site of the Office of the Minister for Children and Youth Affairs. I will formally launch the revised guidelines in the near future.

The Ryan Commission Implementation Plan also contains a commitment to the drafting of legislation which will provide that all staff working with children employed by the State and in agencies in receipt of funding from the Exchequer will have: a duty to comply with the *Children First* National Guidelines; a duty to share relevant information in the best interests of the child; a duty to cooperate with other relevant services in the best interests of the child.

The revised *Children First* Guidelines contains guidance and best practice in relation to recording-keeping in respect of child welfare and protection concerns, including the use of the Child Protection Notification System (CPNS). The CPNS is a HSE record of every child about whom there is an ongoing child protection concern. The guidelines also set out guidance for the HSE in relation to informing and consulting with parents/carers of a child in the course of the assessment of a child welfare and protection concern. In addition the guidelines offer guidance to the HSE in respect of any obligation to notify the alleged perpetrator if contact is being made with that person’s employer or head of organisation in respect of the allegation.

### **Medical Cards.**

307. **Deputy Michael Ring** asked the Minister for Health and Children if a medical card application will be awarded in respect of a person (details supplied) in County Mayo in view of the fact that all requested information has been submitted. [4790/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Health Service Staff.**

308. **Deputy Bobby Aylward** asked the Minister for Health and Children if her attention has

been drawn to the situation which exists in a special needs school in County Kilkenny, whereby no full-time physiotherapist, speech therapist or occupational therapist services are available to approximately 70 children who are in need of such services on a weekly basis; when the full-time personnel will be made available to the school; and if she will make a statement on the matter. [4794/10]

**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.

309. **Deputy Mary Upton** asked the Minister for Health and Children if a non-Catholic chaplain may be appointed to a hospital (details supplied) in Dublin 8; if so, if the chaplain will be paid by the Health Service Executive; and if she will make a statement on the matter. [4810/10]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. With regard to the specific appointment of a hospital chaplain to an individual hospital, as this is a service matter it has been referred to the HSE for direct reply.

#### **Health Services.**

310. **Deputy Michael Ring** asked the Minister for Health and Children if she will intervene and ensure that home help is not reduced in respect of a person (details supplied) in County Mayo. [4861/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

311. **Deputy Michael McGrath** asked the Minister for Health and Children if a child (details supplied) in County Cork will be sanctioned for a third year in a special speech and language class at a school in County Cork. [4868/10]

**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.

#### **Special Educational Needs.**

312. **Deputy Michael McGrath** asked the Minister for Health and Children if a child (details supplied) in County Cork will be accommodated in a special speech and language class at a school in County Cork, in line with the recommendation of a psychological assessment. [4869/10]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

#### **Health Services.**

313. **Deputy John McGuinness** asked the Minister for Health and Children if medication will

[Deputy John McGuinness.]

be made available to a person (details supplied) in County Carlow; and if she will make a statement on the matter. [4870/10]

**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.

314. **Deputy Mary Upton** asked the Minister for Health and Children the supports that will be put in place in respect of a person (details supplied) in County Dublin who is in nursing home care since October 2006; and if she will make a statement on the matter. [4876/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Assisted Human Reproduction.**

315. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the recent court decision on human embryos; his plans to bring forward legislation in this area; if preparation of same has commenced and when it might be published; and if she will make a statement on the matter. [4886/10]

**Minister for Health and Children (Deputy Mary Harney):** The Supreme Court recently decided in the RvR (frozen embryos) case that the frozen embryos at issue in the case do not have the constitutional protection of Article 40.3.3 of the Constitution. It is my intention to bring forward proposals to Government later this year with a view to drafting legislation to govern the area of Assisted Human Reproduction and related practices. The work involved in developing these proposals will examine and consider — among other things — the issues arising from the frozen embryos Supreme Court judgment.

#### **Mental Health Services.**

316. **Deputy Brian O'Shea** asked the Minister for Health and Children if she has received a copy of the Children's Mental Health Coalition Manifesto; and if she will make a statement on the matter. [4913/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The provision of mental health services is a matter for the HSE. The question has been referred to the HSE for direct reply.

#### **Nursing Home Subventions.**

317. **Deputy Niall Collins** asked the Minister for Health and Children the position regarding a nursing home support scheme application in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [5005/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Medical Cards.**

318. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if and when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5015/10]

**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.

#### **Vaccination Programme.**

319. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the way a person (details supplied) in County Kildare will obtain the swine flu vaccination; and if she will make a statement on the matter. [5016/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

#### **Nursing Home Subventions.**

320. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when nursing home subvention will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5017/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Medical Cards.**

321. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [5018/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Health Services.**

322. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when assistance will be offered to a person (details supplied) in County Kildare; if the Health Service Executive has taken further action on foot of correspondence sent by this Deputy's office to the chief executive officer on 12 January 2010; and if she will make a statement on the matter. [5019/10]

**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.

*Question No. 323 answered with Question No. 281.*

#### **Thalidomide Survivors' Compensation.**

324. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children the number of thalidomide victims who reside here; the details of the supports provided for these persons; the details of funds administered by the State on behalf of the victims of the thalidomide drug; and if she will make a statement on the matter. [5035/10]

**Minister for Health and Children (Deputy Mary Harney):** There are 32 Irish victims of thalidomide, 28 of whom currently reside in the State.

Thalidomide preparations were marketed in Ireland from May 1959 to January 1962 when they were withdrawn from sale by the manufacturers. The preparations on sale in this country were manufactured by Chemie Grunenthal of Germany.

[Deputy Mary Harney.]

Irish victims of thalidomide receive compensation from the foundation set up under German legislation to provide compensation for victims of thalidomide.

The Irish Government decision of January 1975 granted, to each Irish victim of thalidomide, a lump sum of four times the equivalent German lump sum and a monthly allowance for life equivalent to the German monthly allowance.

The Irish monthly allowance, which has increased over the past 35 years, is paid by the Department of Health and Children and is currently between €514.59 and €1,109.46 per month.

The German and the Irish monthly allowance is tax-free and is not reckonable for State benefits. Each individual is entitled to a medical card and health services.

The Minister and Department officials have met with the Irish Thalidomide Association (ITA) on a number of occasions. The Association has made submissions to the Minister seeking additional compensation in the form of an additional lump sum payment, a substantial increase in their monthly payment and retrospection.

In May 2009, the Minister for Health and Children asked the Irish State Claims Agency to assess the ITA's requests in the context of Irish and International provisions for victims of thalidomide and in the context of Irish case law and precedent; and to advise the Minister accordingly. It is expected that the State Claims Agency will report before the end of February.

Any proposal which comes out of this process will need to be considered by Government.

#### **Fluoride Levels.**

325. **Deputy Ciarán Cuffe** asked the Minister for Health and Children the progress made in carrying out a study to determine the levels of fluoride in the population; and if she will make a statement on the matter. [5036/10]

**Minister for Health and Children (Deputy Mary Harney):** In 2007, the Health Service Executive (HSE) joined an EU Human Bio Monitoring programme.

The HSE will use this Human Bio Monitoring programme to collect information regarding the total exposure in the population to fluoride which will satisfy the Programme for Government commitment. I expect results from this programme in 2012.

The programme is due to commence in mid July, 2010.

#### **Hospital Accommodation.**

326. **Deputy Charles Flanagan** asked the Minister for Health and Children the position regarding a new specialised unit for cystic fibrosis patients at St. Vincent's Hospital, Dublin 4; and if she will make a statement on the matter. [5056/10]

**Minister for Health and Children (Deputy Mary Harney):** A new ward block to replace existing accommodation is being developed at St Vincent's University Hospital, the national tertiary centre for the treatment of adults with cystic fibrosis which currently treats 50% of patients with the condition.

This facility will provide single room en-suite in-patient accommodation (100 rooms) and a dedicated day unit for people with cystic fibrosis, including 10 single day treatment rooms with en-suite sanitary facilities. Tenders for this development are currently under consideration. The Health Service Executive estimates that the construction, equipping and commissioning of this block will take approximately 18 months. It is intended that the development will become operational as early as possible in 2011.

### Medical Cards.

327. **Deputy Jack Wall** asked the Minister for Health and Children when a medical card will be processed in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5058/10]

**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.

328. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will be issued with a replacement medical card; and if she will make a statement on the matter. [5060/10]

**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.

### Housing Aid for the Elderly.

329. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 9. [5063/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The Deputy may be aware that the Special Housing Aid for the Elderly Scheme previously operated by the Health Service Executive is no longer operational. The scheme was replaced by the Housing Aid for Older People (HAOP) in August 2008. This is now administered by the Local Authorities. The HSE no longer accepts applications under the old scheme. The issue of grant aid for home improvements, therefore, is a matter for my colleague the Minister for the Environment, Heritage and Local Government.

The part of Deputy's question in relation to the level of provision of home help and meals on wheels, for the individual concerned, has been referred to the Health Service Executive for direct reply.

### Health Service Staff.

330. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding the appointment of an orthodontist (details supplied) in the Health Service Executive South. [5064/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### Health Services.

331. **Deputy Róisín Shortall** asked the Minister for Health and Children the position regarding the provision of out of hours dental care; if there is a facility available to treat patients in north Dublin when specialist or emergency intervention is required. [5065/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

332. **Deputy Róisín Shortall** asked the Minister for Health and Children the position regarding access to the community welfare officer in a local health office (details supplied) in Dublin 5; if she is satisfied with the level of service being provided in the absence of a community welfare officer; and if there are immediate plans to make further staff and resources available



[Deputy Róisín Shortall.]

to this local health office in view of the increasing demands being placed upon this service due to increased unemployment. [5068/10]

**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.

#### **Medical Cards.**

333. **Deputy Catherine Byrne** asked the Minister for Health and Children the reason persons (details supplied) in Dublin 8 were not awarded a medical card; if they can appeal this decision to grant a general practitioner visit card only; and if she will make a statement on the matter. [5120/10]

**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 Waiting Lists.**

334. **Deputy John O'Mahony** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for their operation; and if she will make a statement on the matter. [5135/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Child Care Services.**

335. **Deputy Dinny McGinley** asked the Minister for Health and Children if an application has been approved for a grant towards the provision of child care facilities at a location (details supplied) in County Donegal; the position regarding same and when it is expected the facility will be completed. [5143/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for the National Childcare Investment Programme (NCIP) 2006 — 2010, under which capital grant funding is made available to community and commercial childcare providers for the development of childcare facilities.

In 2009, the group in question received capital grant approval of €600,000 under the NCIP. However, capital grant approvals under the NCIP are subject to satisfactory completion of all NCIP pre-contractual requirements including meeting the relevant timeframes which apply. I understand from Pobal, who assist my Office in implementing the NCIP, that the Group has not yet met these requirements. All NCIP capital grant applications must be at contract stage by 31 March 2010 and Pobal are currently working with the group to help them meet this deadline. I am not in a position to comment on whether or not the deadline will be met or on a completion date for the project.

#### **Medical Cards.**

336. **Deputy Joanna Tuffy** asked the Minister for Health and Children if she will expedite an application for a medical card in respect of a person (details supplied) in County Dublin; the reason for the delay; and if she will make a statement on the matter. [5146/10]

**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.

### **Inter-Country Adoptions.**

337. **Deputy Joe McHugh** asked the Minister for Health and Children if, in the aftermath of the ratification of the Adoption Bill a dispensation will apply to couples who receive declarations for adopting children from Russia; and if she will make a statement on the matter. [5149/10]

339. **Deputy Joe McHugh** asked the Minister for Health and Children if, in the aftermath of the ratification of the Adoption Bill a dispensation will apply to a couple who will have had assessment by 1 March and local approval by 21 April; and if she will make a statement on the matter. [5156/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 337 and 339 together.

The Adoption Bill, 2009, is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The new legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future intercountry adoption arrangements will be governed by the terms of the Adoption Bill 2009 when enacted.

The current policy position, as set out in the Adoption Bill 2009, is that for an adoption to be registered under the Bill it must be effected in a contracting State to the Hague Convention or in a country with which Ireland has a bilateral agreement. For non-Hague countries only those adoptions effected prior to the commencement of the new law can be registered on the Register of Inter-Country Adoptions to be established under the Bill.

I announced on 26 January my intention to bring forward at Committee stage an amendment to the Adoption Bill 2009 that will enable prospective adoptive parents to proceed with an adoption from a non-Hague or non-bilateral country, if prior to the establishment date, they have been issued with a Declaration of Eligibility and Suitability to adopt. The proposed amendment requires that the Adoption Authority (to be set up under the Act) would be satisfied that the particular adoption meets all the standards of the Hague Convention.

### **Health Services.**

338. **Deputy James Bannon** asked the Minister for Health and Children the reason weekly transport has been withdrawn from an old age pensioner (details supplied) in County Longford to attend Longford Westmeath Regional Hospital; and if she will make a statement on the matter. [5152/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

*Question No. 339 answered with Question No. 337.*

### **Health Service Staff.**

340. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the level of diabetes service provision across the north-east region including the role and number of dedicated service providers; her plans to introduce a podiatrist post linked to the local diabetes service; and if she will make a statement on the matter. [5161/10]

**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.

### **Preschool Services.**

341. **Deputy Michael McGrath** asked the Minister for Health and Children if she will respond to correspondence from a person (details supplied) in County Cork regarding the free pre-school year under the early child hood care and education scheme. [5175/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for the implementation of the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which commenced earlier this year. The Valuation Office, which comes under the remit of the Minister for Finance, is responsible for interpreting and implementing the Valuation Act 2001. In July 2009 the Valuation Office clarified that the ECCE scheme will result in certain services participating in the scheme being considered exempt from commercial rates.

Services covered by the exemption must be solely and exclusively used for the provision of educational services which are available to the general public and the expenses incurred in providing these services must be defrayed wholly or mainly by the State. To assist services to avail of this exemption, in September 2009, participating services were asked by their local City and County Childcare Committee to complete a declaration form confirming whether or not they considered that they would meet these criteria. A list of services which declared that they considered that they would meet these criteria was then forwarded to the Valuation Office. If the person referred to the by the Deputy has not returned a completed declaration form on this matter, I would advise that he contact his local Childcare Committee who will assist him to make this return.

### **Community Pharmacy Services.**

342. **Deputy Deirdre Clune** asked the Minister for Health and Children the steps she has taken to reduce the cost of prescription drugs; and if she will make a statement on the matter. [5176/10]

343. **Deputy Deirdre Clune** asked the Minister for Health and Children the options open to her to control the price of prescription drugs from the production line to the consumer; and if she will make a statement on the matter. [5177/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 342 and 343 together.

My Department and the HSE have implemented a number of reforms to reduce the cost of medicines for both the State and patients.

Under the terms of the current agreements between the HSE and pharmaceutical manufacturers which govern the supply terms, conditions and prices of medicines supplied under the GMS and other community drug schemes, price cuts of 35% are applied to all proprietary products for which generic alternatives are available on the Irish market. A report published by the National Centre for Pharmacoeconomics in May 2009 estimated that approximately €250 million will be saved due to off-patent price cuts, up to September 2010.

Since September 2006 a larger basket of reference countries has been used for determining the prices of new products accepted for reimbursement under the State drugs schemes. The current agreements also permit price adjustments to reflect price changes in the reference countries. In 2009 I reduced the wholesale mark-up payable on medicines from 17.66% to 10%

and reduced the retail mark-up payable under certain schemes from 50% to 20%. Savings from the measures have been estimated at €55 million for 2009 and €133 million on a full year basis.

Following recent discussions with pharmaceutical manufacturers, I am pleased to advise that agreement has been reached with the Irish Pharmaceutical Healthcare Association (IPHA) on price cuts of 40% for a large number of drugs and medicines with effect from 1 February. In addition, the rebate paid by IPHA member companies to the Health Service Executive in respect of drugs supplied under the GMS scheme has been extended to include all community drugs schemes and increased from 3.53% to 4%. The combination of these measures plus consequent savings in wholesale and retail mark-ups are expected to result in savings of approximately €94m in a full year.

I am disappointed to say that APMI member companies have declined at this stage to offer any reductions in the price of the generic drugs and medicines that they supply at this time. The current agreement with APMI expires in September 2010 and it is my firm intention to obtain savings from APMI of at least an equivalent level to those secured from IPHA.

It is also my intention to introduce a system of reference pricing combined with generic substitution under the GMS and community drugs schemes. A working group, comprising of officials from my Department and the HSE, is progressing this initiative, which will encourage greater use of cheaper generic alternatives and lead to further savings in the State's drugs bill. I expect to see significant progress on this in 2010, including the identification and implementation of legislative and administrative changes required to give it effect. My Department and the HSE continue to examine all options for containing pharmaceutical expenditure.

#### **Hospital Services.**

344. **Deputy Máire Hctor** asked the Minister for Health and Children the position regarding the intensive care unit at a hospital (details supplied) in County Tipperary; and the future plans for the unit. [5280/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

345. **Deputy Maureen O'Sullivan** asked the Minister for Health and Children the material and financial support received by a clinic (details supplied) in County Dublin; the role played by the Department, financial or otherwise in the site. [5298/10]

**Minister for Health and Children (Deputy Mary Harney):** My Department has no responsibility in relation to the private hospital facility referred to by the Deputy and has not provided it with financial or other support.

#### **Vaccination Programme.**

346. **Deputy Chris Andrews** asked the Minister for Health and Children if where a child in first year in secondary school has had the first of the two required cervical cancer vaccination injections privately, this child will receive the second injection through the State sponsored scheme. [5370/10]

**Minister for Health and Children (Deputy Mary Harney):** There are important clinical considerations that arise from the Deputy's question in terms of the interchangeability of vaccines from different manufacturers, the duration between doses and the number received to date. Accordingly, these matters are best raised by the individual with her own doctor at the appropriate time.

### Road Safety.

347. **Deputy Thomas P. Broughan** asked the Minister for Transport the reason the revised traffic signs manual has not been published to date in 2010 despite previously informing Dáil Éireann that the manual should be published in the third quarter of 2006 and in view of the fact that he commenced a review of the traffic signs manual in late 2004 with the aid of consultants and the National Roads Authority was awarded a contract for the publication of the revised traffic signs manual in 2008; the definite date for the publication of the manual; and if he will make a statement on the matter. [4454/10]

**Minister for Transport (Deputy Noel Dempsey):** Work on the comprehensive review and updating of the Traffic Signs Manual is continuing. I understand that the content of the Manual is expected to be finalised during the second quarter of this year. Amendments to the Road Traffic (Traffic and Parking) Regulations and the Road Traffic (Signs) Regulations will then be required to underpin new provisions in the Manual.

### Aviation Security.

348. **Deputy Thomas P. Broughan** asked the Minister for Transport if he is reviewing security measures at airports here in view of the recent security incident involving passengers travelling from Slovakia; and if he will make a statement on the matter. [4522/10]

**Minister for Transport (Deputy Noel Dempsey):** Aviation security at EU airports is governed by EU Regulations (EC) Nos. 2320/2002, 300/2008 and 820/2008. These Regulations established common Community rules in the field of civil aviation security, in force since January 2003. These Regulations and a series of supplementary implementing Regulations have been adopted into our National Civil Aviation Security Programme (NCASP).

All Irish airports with commercial flights are required to comply with the requirements of the EU Regulations and the National Civil Aviation Security Programme. These requirements include measures for the screening of departing passengers, their cabin and hold baggage. The Regulations stipulate that all departing passengers and their cabin baggage shall be screened in order to prevent prohibited articles from being introduced into security restricted areas and on board aircraft. Similarly, all hold baggage and cargo is required to be screened prior to being loaded onto an aircraft.

I understand that a Garda investigation is underway into the circumstances surrounding the incident regarding the import of an explosive substance to Ireland from the Slovak Republic on 2 January 2010. I refer the Deputy to the reply of my colleague the Minister for Justice to Question No. 223 of 20 January 2010 regarding this incident. My Department also raised this issue at a meeting of the EU Regulatory Committee for Aviation Security in Brussels on 21 January last. It is clear that the incident in question arose as a result of an error during an airport security exercise at Poprad-Tatry airport in the Slovak Republic and in no way reflects on the operation of aviation security at Dublin airport. The Slovak authorities have apologised for the incident on a number of occasions since.

The operation of aviation security at Irish airports is subject to monitoring by my Department's Aviation Services and Security Division to ensure that airports meet the requirements laid down in EU Regulations. I am satisfied that aviation security practices and procedures implemented at Irish airports conform to European Union common rules and to the highest standards internationally. These practices and procedures are subject to monitoring by my Department and are also the subject of periodic reviews by international organisations, such as the EU Commission and the International Civil Aviation Organisation (ICAO).

It is not the practice to comment on specific security measures in place or that may be implemented at the State's airports or on monitoring activities carried out by my Department. However, aviation security arrangements at Irish airports are kept under continuous review by my Department and the National Civil Aviation Security Committee, which is chaired by a senior official from my Department. The Committee comprises representatives of government departments, State airports, airlines, An Garda Síochána, the Defence Forces, Customs and Excise, An Post, the Irish Aviation Authority, the Irish Airline Pilots' Association and the regional airports.

### **Rural Transport Services.**

349. **Deputy Seán Fleming** asked the Minister for Transport if funding will be provided for evening rural bus services in County Laois and the rural transport programme for 2010; and if he will make a statement on the matter. [4531/10]

**Minister for Transport (Deputy Noel Dempsey):** Pobal administers the Rural Transport Programme (RTP) on behalf of my Department and has responsibility for making the funding allocations to community transport groups. I have no role in deciding on specific funding allocations.

### **Public Transport.**

350. **Deputy Joe McHugh** asked the Minister for Transport his views on a petition (details supplied) that was presented to him in September 2008 in response to his Department's consultation strategy on Transport 21; if he will undertake a feasibility study on this project; if the petition is still with his Department; and if he will make a statement on the matter. [4551/10]

**Minister for Transport (Deputy Noel Dempsey):** The petition referred to in the Question was highlighted in the Deputy's submission to the public consultation process undertaken in 2008 on a future sustainable transport strategy for Ireland. The submission, which was made electronically, indicated that the petition would be forwarded by post. A summary of the more than 480 submissions to the consultation process is set out in the final strategy approved by the Government and launched by me in February 2009. As the strategy is a policy framework to guide travel and transport to the year 2020 it does not deal with specific projects such as the ones proposed by the Deputy. Full details of the submissions and the policy response are set out on [www.smartertarvel.ie](http://www.smartertarvel.ie). Future investment in new road and railway networks are influenced by needs studies undertaken by the NRA and Iarnród Éireann. The present capital investment for these networks is set out in Transport 21 Programme. Given the existing priorities and the curtailed level of public funding for investment there are no plans to carry out feasibility studies on the projects referred to by the Deputy in his submission.

Finally, I understand that the Deputy's office was in touch some time ago enquiring whether the petition is still in my Department. There is no record of the petition being received in my Department.

### **EU Directives.**

351. **Deputy Joe Costello** asked the Minister for Transport if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4720/10]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is contained in the table below. While the EU Commission has, in large part, a monopoly on the initiation of legislation through proposals which include draft provisions, the dates of these drafts are not generally seen as significant and as such are not recorded in any centralised way by my Department. Many years may pass before a proposal is enacted into EU legislation and the enacted legislation may differ entirely from that draft.

No.	Title	Target Date for Transposition
1	Council Directive 2006/103/EC of 20 November 2006 adapting certain Directives in the field of Transport Policy, by reason of accession of Bulgaria and Romania.	Q1 2010
2	Directive 2007/58/EC of the European Parliament and of the Council of 23 October 2007 amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure.	Q1 2010
3	Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community.	Q1 2010
4	Directive 2006/126 on driving licences	Q2 2010
5	Directive 2008/57/EC on the interoperability of the rail system within the Community (recast)	Q4 2010
6	Directive 2008/96/EC of the European Parliament and the Council of 19th November 2008 on road infrastructure safety management	19th November 2010
7	Directive 2008/110 of the European Parliament and the Council of 16 December 2008 on safety on the Community's Railways (Railway Safety Directive)	Q4 2010
8	Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast)	2010
9	Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims	Q4 2011
10	Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast)	31/12/2010
11	Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC	31/5/2011
12	Directive 2009/45/EC of the European Parliament and of the Council on Safety Rules and Standards for Passenger Ships (Recast)	2010
13	Directive 2009/17/EC Of The European Parliament and Of The Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system	Q3 2010
14	Directive 2009/21/EC of The European Parliament and of The Council of 23 April 2009 on compliance with flag State requirements	Q2 2011

No.	Title	Target Date for Transposition
15	Directive 2009/15/EC of The European Parliament and of The Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast)	Q2 2011
16	Commission Directive 2009/112/EC of 25 August 2009 amending Council Directive 91/439/EEC. Commission Directive 2009/113/EC amending Directive 2006/126/EC (Fitness to Drive)	August 2010
17	Directive 2009/62/EC of the European Parliament and of the Council of 13 July 2009 relating to the space for mounting the rear registration plate of two or three-wheel motor vehicles.	Q1 2010
18	Commission Directive 2009/19/EC of 12 March 2009 amending, for the purposes of its adaption to technical progress, Council Directive 72/245/EEC relating to radio interference (electromagnetic compatibility) of vehicles	Q1 2010
19	Commission Directive 2008/89/EC of 24 September 2008 amending, for the purposes of its adaptation to technical progress, Council Directive 76/756/EEC concerning the installation of lighting and light-signalling devices on motor vehicles and their trailers.	Q1 2010
20	Council Directive 2009/13/EC implementing the Agreement concluded by the EC Shipowners' Association and the European Transport Workers' Federation on the Maritime Labour Convention 2006 and amending Directive 1999/63/EC on the organisation of seafarers' working time.	31/12/2010
21	Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles.	Q1 2010
22	Directive 2009/79/EC of the European Parliament and of the Council of 13 July 2009 on passenger hand holds on two-wheel motor vehicles.	Q1 2010
23	Directive 2009/78/EC of the European Parliament and of the Council of 13 July 2009 on stands for two-wheel motor vehicles.	Q1 2010
24	Directive 2009/80 of the European Parliament and of the Council of 13 July 2009 on the identification of controls, tell-tales and indicators for two or three-wheel motor vehicles	Q1 2010
25	Commission Directive 2009/108/EC of 17 August 2009 amending, for the purposes of adapting it to technical progress, directive 97/24/EC of the European Parliament and of the Council on certain components and characteristics of two or three-wheel motor vehicles.	Q1 2010
26	Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on Airport Charges	1 March 2011
27	Directive 2005/35/EC of the European Parliament and of the Council and Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 on ship-source pollution and on the introduction of penalties for infringements	16.11.2010
28	Commission Directive 2009/26/EC of 6 April 2009 amending Council Directive 96/98/EC on Marine Equipment	31/03/2010

### Coast Guard Service.

352. **Deputy Michael Ring** asked the Minister for Transport the way access for the Achill



[Deputy Michael Ring.]

Coast Guard to the Joint Coast Guard and Fire Brigade Rescue Centre on Achill Island, County Mayo will be progressed in view of the fact that the caretaker's agreement has been rejected by Mayo County Council; and if he will make a statement on the matter. [4736/10]

**Minister for Transport (Deputy Noel Dempsey):** The Director of the Coast Guard and the Director of Services for Mayo County Council are currently dealing directly on the matter. They met on 17 December 2009 and substantial progress has been made. A resolution of the final outstanding legal issue is being investigated by both sides.

### **Taxi Regulations.**

353. **Deputy Ciarán Cuffe** asked the Minister for Transport his views on amending the taxi regulations regarding taxi roof signs (details supplied); and if he will make a statement on the matter. [4740/10]

**Minister for Transport (Deputy Noel Dempsey):** This is a matter for the Commission on Taxi Regulation and not one in which I have any role.

### **Road Network.**

354. **Deputy John O'Mahony** asked the Minister for Transport if he will make funding available to Mayo County Council to repair the dangerous roads in County Mayo as a result of the recent weather conditions; and if he will make a statement on the matter. [4893/10]

**Minister for Transport (Deputy Noel Dempsey):** The improvement and maintenance of regional and local roads is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act 1993. The carrying out of works on these roads is a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority. When Exchequer grants for regional and local roads are allocated each year, my Department does not hold back a reserve allocation, at central level, to deal with weather contingencies. Holding back such an allocation would mean a reduction in the road grant allocations made to all local authorities at the beginning of each year.

The allocations made to local authorities are inclusive of a weather risk factor. Local authorities are expressly advised in the annual road grants circular letter that they should set aside contingency sums from their overall regional and local roads resources to finance necessary weather related works. The amount of money provided in the 2010 Estimates for funding regional and local roads is €411.177 million and this year's allocation will be based on that amount. I have, however, asked local authorities to provide details of exceptional road related costs associated with the recent flooding and prolonged severe weather, which fall outside the normal financial provision for winter maintenance. I will announce the 2010 regional and local road grant allocations by mid February 2010 at the latest.

### **Proposed Legislation.**

355. **Deputy Denis Naughten** asked the Minister for Transport his plans to commence section 13 of the Road Traffic Act 2002. [5148/10]

**Minister for Transport (Deputy Noel Dempsey):** I have no plans to commence section 13 of the Road Traffic Act 2002 at this time.

### **Financial Services Regulation.**

356. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform his views on whether the current legal framework for dealing with illegal moneylenders is appropriate; if he proposes to make any amendment or bring forward any proposals in this area; the number of persons that have been prosecuted, convicted, fined and imprisoned for offences relating to illegal money lending in each of the past five years; and if he will make a statement on the matter. [4457/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The regulation of moneylending is a matter primarily for my colleague, the Minister for Finance. Legislative provisions relating to moneylending are contained in the Consumer Credit Act 1995. I am advised that no-one can act as a moneylender unless a licence to engage in such activity has been granted by the Central Bank/Financial Regulator. In circumstances where a member of An Garda Síochána has reasonable grounds to suspect that someone is operating as an unlicensed moneylender then that member can, under the terms of the Consumer Credit Act 1995, question without warrant such an individual and remove from that person any documentation necessary for further investigation. It has not been possible within the timeframe to gather the statistics requested by the Deputy. I will however revert to the Deputy in due course when the information requested comes to hand.

### **Road Traffic Offences.**

357. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if he has received reports on developing a programme of alternative correction or rehabilitation programmes for road traffic offences in particular targeting high risk offenders as mandated under action 119 of the Road Safety Strategy 2007 to 2012; when he will publish the reports; the targets timeline for the introduction of such programmes; and if he will make a statement on the matter. [4500/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Action 19 of the Road Safety Strategy 2007-2012 provides for research and evaluation to be carried out on alternative correction/rehabilitation programmes for a range of road traffic measures. Of particular significance in progressing the initiative is the need for incentives for offenders to participate in such programmes, in particular, whether participation will be taken into account when the court is deciding on sanctions following conviction. This will have implications for road traffic legislation, which is the responsibility of the Department of Transport, and the legislation may require amendment in order to facilitate and promote this. My Department and the Road Safety Authority are consulting on how best to progress this action.

### **Residency Permits.**

358. **Deputy George Lee** asked the Minister for Justice, Equality and Law Reform the position regarding the renewal of a residency visa in respect of a person (details supplied) in Dublin 14; and if he will make a statement on the matter. [4502/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that I am aware of the case of the person in question. I understand that the permission to remain in the State granted to the person in question under the IBC/05 Scheme was renewed, as a temporary measure, for a further three month period on 26 January, 2010. The person concerned is advised to present at the offices of the Garda National Immigration

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Bureau in Burgh Quay two weeks prior to the expiry of this permission in order to have it extended for a further three years.

### **Sexual Offences.**

359. **Deputy Maureen O'Sullivan** asked the Minister for Justice, Equality and Law Reform if, in view of the Criminal Law Act 1997 section 7(2) and section 176 of the Criminal Justice Act 2006, he will confirm that the officials of the Catholic Church and their agents will be investigated and where the Director of Public Prosecutions deems it, prosecution will ensue; the proposals he has to track and supervise sex and child abuse offenders once released from prison; when a full sex offenders register will be implemented; if it is possible to extend the Health Service Executive's role along with that of the Garda and accomplish supervision of sex and child abuse offenders once released from prisons. [4542/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Commissioner has assured me that pursuing the perpetrators of abuse, whenever it may have occurred, is an absolute priority for An Garda Síochána. A number of perpetrators who have come to the attention of An Garda Síochána have already been brought to justice, proceedings are pending against others and a number of investigations are ongoing. The Commissioner has appointed Assistant Commissioner John O'Mahoney to examine the findings of the Dublin Archdiocese Commission of Investigation 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 report to the Commissioner 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 Commissioner has directed that the investigation be concluded at as early a date as possible.

The Sex Offenders Act 2001 contains a comprehensive series of provisions aimed at protecting children and other persons. The Act makes persons convicted of a range of sexual offences subject to notification requirements under its Part 2. The provisions of the Act also extend to any offenders convicted abroad of the same range of sexual offences who enter the State. An Garda Síochána has a system in place for the monitoring of persons subject to these requirements. The Domestic Violence and Sexual Assault Investigation Unit monitors and manages the notification provisions. The Unit maintains all information relating to persons who have obligations under the Act. There is a nominated Garda Inspector in each Garda Division who has responsibility for the monitoring of persons subject to the requirements of the Act in their Division. As soon as the Domestic Violence and Sexual Assault Investigation Unit is advised by a relevant authority, such as the Irish Prison Service, the Courts Service or a foreign law enforcement agency, of the impending release or movement of sex offenders into their area this information is immediately passed to the nominated Inspectors, who are advised of information relevant to their Division.

A High Level Group set up by my Department and involving An Garda Síochána, the Irish Prison Service, the Probation Service and the HSE is examining the arrangements in place for the management of sex offenders with a view to strengthening inter-agency co-operation and further enhancing public protection and safety. The group's remit includes a review of the procedures and legislation relating to the assessment, monitoring and supervision of convicted sex offenders. I am currently reviewing the criminal law on sexual offences, including the provisions of the Sex Offenders Act 2001. Should the need for changes to the law in this area be identified, I will bring proposals to Government seeking approval for the preparation of appropriate amendments to the legislation.

### **Citizenship Applications.**

360. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if he will process an application for naturalisation in respect of persons (details supplied) in County Limerick. [4546/10]

**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 January 2007.

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 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.

### **Drug Seizures.**

361. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the breakdown of each category of illegal drug seized in the Tralee and Listowel Garda Divisions, County Kerry, over the past five years; and if he will make a statement on the matter. [4548/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In the time available it has not been possible to compile the statistics which the Deputy has requested. I will communicate further with him when the information sought is to hand.

### **Garda Investigations.**

362. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the proposal to have the death of a person (details supplied) reinvestigated. [4552/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the investigation into the death of the person referred to by the Deputy was the subject of an intensive 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 Deputy will appreciate that, as the investigation is ongoing, it would be inappropriate for me to comment further at this time.

### **Registration of Title.**

363. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform

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when a mapping issue will be dealt with in the Land Registry in respect of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [4576/10]

364. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform when a land registry dealing number (details supplied) will issue to a person (details supplied) in view of the fact that it was lodged in April 2007; and if he will make a statement on the matter. [4577/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 363 and 634 together.

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 TDs and Senators which provides information on the current status of applications, such as the subjects of these questions, 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 queries have been forwarded to the PRA for attention and direct reply via the above mentioned service.

#### **Crime Levels.**

365. **Deputy George Lee** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that gardaí in Dublin South are telling victims of burglary that there has been an increase in burglaries due to the fact that criminals are looking for gold to sell in the many cash-for-gold establishments (details supplied) that have sprung up recently; if this is taking place nationwide; the strategy in place to combat this; his views on ensuring that persons must provide proof of ownership before being allowed to claim this cash for gold; and if he will make a statement on the matter. [4579/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Neither my Department nor An Garda Síochána have any function in relation to the regulation of legal transactions in gold. Furthermore, the informal purchase of gold is not specifically regulated in criminal legislation.

I have not been informed of any increase in burglaries due to the fact that criminals are looking for gold. However, I will keep this matter under review.

However, if members of the public have suspicions that goods being sold or traded may have been stolen, the correct action is for these suspicions to be referred to An Garda Síochána for investigation.

An Garda Síochána enforce the provisions of the criminal law in respect of theft and robbery, including theft and robbery of jewellery and precious metals. While the informal purchase of gold is not specifically regulated, the circumstances under which gold is being bought or sold may indicate the commission of certain offences, for example the handling of stolen property and or the possession of stolen property, which are offences under sections 17 and 18 of the Criminal Justice (Theft and Fraud Offences) Act, 2001 respectively.

### Land Registry.

366. **Deputy Pádraic McCormack** asked the Minister for Justice, Equality and Law Reform his views on the recent report on the shredding of historic and valuable documents, some dating from the late 19th century, which are to be destroyed as part of the Property Registration Authority's move toward e-conveyancing; the reason for destroying these valuable documents; and if he will make a statement on the matter. [4604/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Property Registration Authority (PRA) that it has no plans to shred historic and valuable documents. Since 1981 the Land Registry has been creating a computerised register to replace the former paper register. As part of the process of computerisation all paper folios have been scanned and indexed and the full archive of the original paper folios dating back to 1891 is now safely stored off-site and preserved for posterity. These can be accessed for research purposes, if required.

The newspaper article to which the Deputy refers appeared in *The Irish Times* on 23 December, 2009. The documents referred to in this article were "Land Certificates" only. Section 73(1) of the Registration of Deeds and Title Act 2006 provided that no new Land Certificates should be issued after 1 January, 2007. Section 73(2) of the Act provided that with effect from 1 January, 2010, all Land Certificates should cease to have force or effect. However, in the three year period 1 January, 2007 to 31 December, 2009, existing Land Certificates continued to have full force and effect and for this reason they were required to be lodged with any application for registration (dealing) in the Land Registry and could not be returned to the lodging party on completion of the application.

It should be noted that in the vast majority of cases, Land Certificates are computer print-out copies of the title registers (folios) and have no particular historic significance or intrinsic value. However, in a number of cases where the Land Certificate had been lodged in the PRA with an application, requests were made to the PRA to preserve a Land Certificate because of its' historical or sentimental value to the lodging party. In addition, the PRA itself implemented a policy of review and identification of Land Certificates which might have a historical or particular archival interest. These Land Certificates have been preserved and are retained in the Customer Services Unit (CSU) in the PRA's Chancery Street office.

As section 73(2) of the Act came into effect on 1 January, 2010 any Land Certificate which was lodged with an application for registration up to 31 December, 2009 is being returned to the lodging party on completion of the application. Similarly, where a Land Certificate was retained in the PRA at the request of the registered owner, arrangements may now be made to return the Land Certificate to the person registered as the owner of the property as of 31 December, 2009. In all such cases the Land Certificate will be accompanied with a letter explaining that it is no longer a legal document of title and cannot be pledged by way of security for borrowings.

### Firearm Licences.

367. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the number of legally held handguns that have been licensed in each Garda division since the enactment of the Criminal Justice (Miscellaneous Provisions) Bill 2009; and if he will make a statement on the matter. [4669/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I understand from the Garda Authorities that the total number of handguns licensed since the enactment of the

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legislation referred to is approx 450. This figure includes both restricted and non-restricted firearms and would, of course, include firearms for which certificates were previously held.

The Divisional breakdown requested by the Deputy is not available at the moment due to ongoing development works on PULSE, but will be at a later date. I will write to the Deputy when the information becomes available.

### **Citizenship Applications.**

368. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 189 of 21 January 2010, if correspondence (details supplied) will be noted; and if he will make a statement on the matter. [4675/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** On 27 May 2008, the person concerned, through his legal representative, submitted an application to remain in the State on the basis of his parentage of an Irish born Child. He was notified by letter dated 29 May 2008 that there was no procedure in place through which applications to remain in the State could be made on the sole basis of parentage of an Irish born child. He was further informed that as a person who was illegally present in the State, the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out reasons why he should not have a Deportation Order made against him. Representations were received from the person concerned at that time.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

The letter dated 16 December 2008, referred to by the Deputy, is an acknowledgment issued by a representative of my Department to the legal representative who submitted additional representations, dated 5 December 2008, on behalf of the person concerned.

### **Child Maintenance.**

369. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform his plans to introduce legislation to ensure that child maintenance enforcement orders are processed; and if he will make a statement on the matter. [4689/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The provisions in the law for ensuring that payments continue to be made by spouses in support of their dependent spouses and children are comprehensive. They include enabling powers for the courts to order attachment of the earnings of a debtor spouse, to order the securing of payments to the maintenance creditor, to order the payment of lump sums and to order arrears of maintenance to be paid by instalments.

While the law generally operates successfully in this area I am aware that difficulties have arisen in some cases because of the effect of a judgment of the High Court last year notwithstanding that the Enforcement of Court Orders (Amendment) Act 2009 made changes in the law consequent on that judgment. I am in consultation with the Attorney General with a view to developing early proposals for further legislation in this respect.

### EU Directives.

370. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4717/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not possible to provide the information sought by the Deputy at this time. I will be in contact with the Deputy when the information is to hand.

### Prison Committals.

371. **Deputy Ciarán Cuffe** asked the Minister for Justice, Equality and Law Reform if he has data regarding the number of ex-servicemen that are in custody in jails here; and if he will make a statement on the matter. [4746/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Prisoners on committal to prison are not obliged to provide any detail on their previous employment history. Such information is not routinely recorded by the Irish Prison Service. Accordingly, it is not possible to provide the information requested.

### Tax Code.

372. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the powers that the Garda Síochána has in respect of penalising, fining, and confiscating the vehicles of Northern Ireland car owners who drive in this jurisdiction with no displayed taxation; and if he will make a statement on the matter. [4756/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** All members of An Garda Síochána are tasked with the enforcement of relevant road traffic legislation, including the Road Traffic and Road Transport Acts. This may occur as part of specific road traffic law enforcement activity or general policing activity.

Section 41(1) of the Road Traffic Act 1994, as amended, provides for the making of regulations authorising the detention, removal and storage of vehicles and their subsequent release or disposal when used in a public place. A member of An Garda Síochána is authorised to detain a vehicle when he or she is of the opinion that the vehicle is being used without valid insurance, road tax or driving licence.

Under Department of Finance legislation the registration of vehicles is the responsibility of the Revenue Commissioners. I am advised by the Revenue Commissioners that their officers, who are based at numerous locations in the State, carry out regular and ongoing checks to identify and deal with breaches of vehicle registration tax regulations in connection with the use of foreign registered vehicles in the State. They also carry out coordinated national enforcement campaigns under finance legislation to detect infringements of law in this area.

### Garda Stations.

373. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Questions Nos. 398 and 399 of 24 June 2003, the progress made since that date. [4759/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda accommodation programme is based on agreed priorities established by An Garda Síochána and it is



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brought forward in close cooperation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation. Garda accommodation requirements are considered in the context of the Garda Síochána's identified accommodation priorities and in light of available resources.

I will write to the Deputy as soon as possible with the most up to date information from both the Office of Public Works and the Garda Síochána on the station in question.

#### **Legal Aid Service.**

374. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the cost to the Exchequer to date in 2009 of fees (details supplied) in relation to the ongoing Traveller feud in Tralee, County Kerry, which involves 32 individual legal aid applicants; and if he will make a statement on the matter. [4867/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The courts, through the judiciary, are responsible for the granting of legal aid having regard to the criteria set out in the Criminal Justice (Legal Aid) Act 1962. The Deputy will appreciate that eligibility for legal aid in criminal cases is determined by the Judge hearing the case and that I have no function in this regard. Whether or not an applicant is a member of the traveller community is not a consideration in determining eligibility; nor is personal information of that nature retained in respect of individuals to whom legal aid is granted.

#### **Bullying in the Workplace.**

375. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position regarding bullying in the wider public service; if complaints of bullying must be against a named individual or if cases can be taken against a bullying culture in an organisation; and if he will make a statement on the matter. [4884/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The formulation of policies for dealing with complaints of bullying in the civil service, or the wider public service, does not fall within the remit of my Department. Complaints that arise within my Department are dealt with in accordance with the Department of Finance policy document "A Positive Working Environment: An Anti-Harassment, Sexual Harassment and Bullying Policy for the Civil Service".

#### **Departmental Reports.**

376. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 172 of 21 January 2010, when a reply will issue; and if he will make a statement on the matter. [4894/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that the information requested in Question No. 172 of 21 January, 2010 is in the final stages of preparation. I expect to be in a position to forward the information to the Deputy shortly.

#### **Mental Health Services.**

377. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform if he has received a copy of the children's mental health coalition manifesto; and if he will make a statement on the matter. [5006/10]

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews):** I refer the Deputy to my reply to Parliamentary Questions Nos. 365 and 366 on Tuesday 26th January, 2010. While my office has since received proposals from this group, I understand this is primarily for my colleague Minister of State, Deputy John Moloney, who has responsibility for mental health issues.

### **Asylum Applications.**

378. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when residency and stamp four will issue in the case of a person (details supplied) in County Dublin 7; and if he will make a statement on the matter. [5020/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 169 of Thursday, 3 December 2009, in this matter.

The up to date position is that a representative of my Department has written to the person concerned in recent days seeking clarification on a number of matters. The case of the person concerned can be further considered upon receipt of a response from the person concerned to the issues raised in that communication.

379. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if specific provision will be made in respect of residency and accommodation in the case of a person (details supplied) in Dublin 14. [5021/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I regret to advise the Deputy that it is not possible to provide a response to his Question at this time. The information sought by the Deputy will be provided at a later date.

### **Commencement of Legislation.**

380. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the dates on which the Criminal Justice Surveillance Act, 2009, the Criminal Justice Miscellaneous Provisions Act, 2009 and the Criminal Justice Amendment Act 2009 were signed into law by the President following the passing of the legislation; when the enactment and commencement order was signed by the Minister in each case thereby giving full effect to the implementation of the legislation; the extent to which he made regulations or created statutory instruments in respect of any of the Acts; if he gave any directions or instructions or if he issued any circular that may have the effect of restricting the full implementation of any part, sector or sub section of any of the Acts which may in turn impede the efforts of the gardaí in the fight against organised gangland crime; and if he will make a statement on the matter. [5022/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Criminal Justice (Amendment) Act 2009 was enacted in full on 23 July 2009. Section 14 of this Act inserted a new provision, section 26A, into the Criminal Justice Act 2007 which introduces post-release (restrictions on certain activities) Orders which can be applied by a court to persons convicted of certain offences. Under the provision, the Minister shall prepare a scheme specifying two or more categories of restrictions and conditions that may be imposed by way of such an order. A draft of the Scheme must be laid before both Houses of the Oireachtas and this was done on 19 January 2010. A resolution seeking the approval of both Houses to the draft Scheme will be put before the Houses in due course. No directions, instructions or circulars have been issued in respect of the Act.

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The Criminal Justice (Surveillance) Act came into force on the 12 July 2009 following its signing into law by the President. All of the provisions came into force on that date. S.I. No. 275, which prescribes the form of written records of approval granted under sections 7 and 8 of the Act, was signed by the Minister on 20 July 2010. No directions, instructions or circulars have been issued in respect of the Act.

The Criminal Justice (Miscellaneous Provisions) Act, 2009, was enacted on 21 July 2009, and, having regard to the variety of matters coming within this enactment, provision was made for the sections to be commenced by Order of the Minister. Most of the Act is in force, as indicated in the detailed Table below. Other than in respect of the provisions referred to in the Table, those sections not commenced at present, are: sections 36, 38, 47, 52, and Part 3 of the Act (sections 21 to 24 inclusive); that Part relates to the Schengen Information System. No directions, instructions or circulars have been issued in respect of the Act.

Measures giving effect to the Criminal Justice (Miscellaneous Provisions) Act, 2009

Statutory Instrument	Criminal Justice (Miscellaneous Provisions) Act 2009 Orders for Commencement	Date of Commencement
S.I. 310 of 2009	(essentially covering Commencement of the Act, and provisions relating to Firearms) sections 1,2,3, sections 25 to 27, sections 29 to 33, sections 34 35,37 and 39; section 40 — insofar as it inserts new sections A and B after section 9 of the Firearms and Offensive Weapons Act 1990; sections 41 to 44.	1 August 2009, except for section 34, which came into effect on 1 January 2010
S.I. 293 of 2009	Section 28 (re transitional period for firearms licensing)	27 July 2009
S.I. 330 of 2009	Part 2 of the Act (sections 4 to 20 re European Arrest Warrant), and miscellaneous provisions in Part 5 — sections 45 and, 46; sections 48 (other than paragraph c(iii) thereof), 49, 50 and 51.	25 August 2009

### Deportation Orders.

381. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the order for deportation in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [5023/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my previous reply to his earlier Parliamentary Question No. 166 of Thursday, 2nd April, 2009. The judicial review proceedings referred to therein were finalised on the 25th January, 2010.

The deportation order remains valid and I am satisfied that the decision to deport is justified. However, if new information or circumstances have come to light, which have a direct bearing on this case and which have arisen since the original decision to deport was made, there remains the option of applying to me for revocation of the deportation order pursuant to the provisions of Section 3(11) of the Immigration Act, 1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful.

The effect of the Deportation order is that the person concerned must leave the State and remain thereafter out of the State.

### Asylum Applications.

382. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Louth; and if he will make a statement on the matter. [5024/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to his recent Parliamentary Question, No. 270 of Tuesday, 13 October, 2009, and the written Reply to that Question. The position in the State of the person concerned is as set out in that Reply.

383. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his views on whether the imminent threat of female genital mutilation in the event of deportation is considered ground for a full review of an application for residency and refugee status or the exercise of his discretionary powers in such issues; and if he will make a statement on the matter. [5025/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Deputy might wish to note that fears relating to female genital mutilation are regularly advanced to support asylum applications for Subsidiary Protection and in representations submitted under Section 3 of the Immigration Act 1999 (as amended).

Where such fears are represented as part of an asylum claim, it is a matter for the two statutory independent refugee status determination bodies, namely the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, to investigate such claims and, in each individual case, to make a recommendation to the Minister as to whether each applicant/appellant should, or should not, be declared to be a refugee, as defined in Section 2 of the Refugee Act, 1996 (as amended). Such investigations will have regard for the claims made by the applicant/appellant and measured against reputable, objective, up to date information relating to the applicant/appellant's country of origin. I, as Minister, ultimately decide whether to grant or refuse refugee status, based on the recommendations of the aforementioned statutory bodies and in accordance with the provisions of Section 17 of the same Act.

The Deputy might also wish to note that where an asylum application is refused at both first instance and appeal stages, the unsuccessful applicant is then afforded the opportunity to apply, separately, to the Minister for Justice, Equality and Law Reform for Subsidiary Protection in the State, in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006. Where such an application is made which contains an alleged fear of serious harm for reasons relating to female genital mutilation, the application is considered on the basis of its individual merits, having regard for the claims made by the applicant and measured against objective, reputable up to date information relating to the applicant's country of origin.

In addition to the above, each unsuccessful asylum applicant is afforded the opportunity, pursuant to the provisions of Section 3 of the Immigration Act 1999 (as amended), to submit written representations to the Minister for Justice, Equality and Law Reform setting out reasons as to why a Deportation Order should not be made against him/her. Any such representations submitted are considered under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. Where such representations represent issues relating to female genital mutilation, a detailed consideration is carried out to assess the validity of such claims having regard to the prevailing conditions in that person's country of origin.

[Deputy Dermot Ahern.]

In light of the above, the Deputy will appreciate that the State has a very comprehensive mechanism in place for the examination of cases where a fear of female genital mutilation is advanced by a person as part of an asylum application or as grounds to support a case to remain in the State.

The Deputy will also appreciate that in the absence of specific details being provided, it is not possible to comment on the case or cases to which he might be referring.

### **Citizenship Applications.**

384. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a decision for naturalisation will be decided on in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [5067/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not possible to provide the information sought by the Deputy at this time I will be in contact with the Deputy when the information is to hand.

### **Residency Permits.**

385. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [5089/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not possible to provide the information sought by the Deputy at this time. I will be in contact with the Deputy when the information is to hand.

### **Job Losses.**

386. **Deputy Noel J. Coonan** asked the Minister for Justice, Equality and Law Reform the number of employees that have lost their jobs in an establishment (details supplied) since the moratorium on recruitment announced in March 2009; the number of employees that work there at present; his long term plans for the establishment; his views on whether the current staff level will decrease or increase; and if he will make a statement on the matter. [5115/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I regret that the information requested by the Deputy is not readily to hand. I will write to the Deputy as soon as it is available.

### **Residency Permits.**

387. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No 1419 of 19 January 2010, the definition of acceptable evidence, that an EU national was exercising their EU rights here; and if he will make a statement on the matter. [5144/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to advise the Deputy that as per my reply to PQ No. 586 of 19 January 2010 that the individual in question was advised by letter on 23rd December 2009 that their application was refused on the basis that the person concerned failed to provide sufficient evidence that the EU National spouse was exercising his EU Treaty Rights in this State.

The individual was advised that if they felt the Deciding Officer in this case had erred in fact and/or law then they were entitled to request a review of the decision and the details of how

they could seek such a review were set out in the letter. I should advise that to date my Department has received no such request from the applicant. Should the applicant request a review it will then be a matter for the Review Officer to consider the application in further detail and at that stage they may indicate specific further documentation that may be required.

**Garda Investigations.**

388. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his views on a request (details supplied); and if he will make a statement on the matter. [5147/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the investigation into the death of the person referred to by the Deputy was the subject of an intensive 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 Deputy will appreciate that, as the investigation is ongoing, it would be inappropriate for me to comment further at this time.

**Prison Accommodation.**

389. **Deputy Brian O’Shea** asked the Minister for Justice, Equality and Law Reform his view on whether the chronic shortage of prison spaces is impacting on law enforcement; and if he will make a statement on the matter. [5167/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** For the information of the Deputy and, indeed, the House I am setting out some relevant statistics in the table below on the numbers in custody to give a snapshot of the situation. It is clear that in the past 10 to 15 years there has been a dramatic rise in the numbers of criminals in custody.

Date	Number in custody
6 February 1997	2,334
6 February 2001	3,024
6 February, 2004	3,167
6 February, 2007	3,262
6 February, 2008	3,433
6 February, 2009	3,698
1 February, 2010	4,132

This clearly demonstrates the impact increased resources provided to the Gardaí and the courts which this Government has provided is having in the fight against crime.

The Irish Prison Service has been proactively engaged in an ongoing 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 been provided. In addition, current projects will see a further 250 spaces provided by means of a new block in Wheatfield Prison which will accommodate approximately 200 prisoners and the re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces. This extensive prison building programme speaks for itself.

[Deputy Dermot Ahern.]

In addition, work is expected to commence this year on a new accommodation block in the Portlaoise /Midlands prison 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.

### **Illegal Dumping.**

390. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the progress made to date in pursuing persons who dump diesel sludge in border counties; the number of offences detected; the number of prosecutions taken for each of the past ten years; the outcome of such prosecutions; if he has had discussions with the authorities in Northern Ireland regarding this matter; and if he will make a statement on the matter. [5168/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am not in a position to provide the information sought by the Deputy at this time, but will do so as soon as the information is available.

### **Garda Deployment.**

391. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he will respond to a query (details supplied); and if he will make a statement on the matter. [5354/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The allocation of Garda resources, including personnel, together with overall policing arrangements and operational strategy, is a matter for the Garda Commissioner and senior Garda officers. Such allocation is continually monitored and reviewed and this ensures that optimum use is made of Garda resources and the best possible Garda service is provided to the general public.

All members of An Garda Síochána are tasked with the enforcement of relevant traffic legislation, including the Road Traffic and Road Transport Acts. This may occur as part of specific road traffic law enforcement activity or general policing activity. Members of An Garda Síochána carry out planned and unplanned checkpoints.

An Garda Síochána continually conducts enforcement initiatives to reduce road fatalities and serious injuries, increase driver awareness, promote an improved compliance culture amongst the road-users and prevent and detect breaches of road traffic and transport legislation.

Members of An Garda Síochána, in conjunction with Enforcement Officers from the Office of the Commission for Taxi Regulation, conduct a number of specific initiatives targeting the taxi/PSV industry to check PSV licences and other matters relating to the enforcement of road traffic and road transport legislation. These initiatives take place at peak times to ensure maximum supervision of the PSV industry.

### **Proposed Legislation.**

392. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform his views on the report by an organisation (detail supplied). [5374/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is assumed that the Deputy is referring to the Report recently published on the website of Transparency International (Ireland) on “An Alternative to Silence” concerning Whistleblower Protection in

Ireland. A key recommendation made by the organisation is that Ireland should adopt a generic whistleblower protection law.

Government policy on the provision of legal protection for whistleblowers is to address the issue on a sectoral basis. That is to say that legislation should, where appropriate, contain provisions providing protection for persons reporting suspected offences in good faith. There is already an extensive body of legislation in place, providing protection of this nature, including, most recently the National Asset Management Agency Act 2009, as well as legislation in the Health Sector, the Consumer Protection Act 2007 and the Competition Act 2002. The Employment Law Compliance Bill currently being progressed through the Oireachtas also proposes to include a provision for the protection of whistleblowers. The Prevention of Corruption (Amendment) Bill 2008, for which my own Department has responsibility, is currently awaiting Committee Stage in the Dail. It also makes provision for the protection of persons reporting suspected offences in good faith.

### **Industrial Development.**

393. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if there is an implementation group working on initiatives considered by the leaders from different sectors at the meeting in Farmleigh, Dublin; the main headings under which this work is being advanced; and if ordinary citizens may input into the process. [5307/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Global Irish Economic Forum was convened by the Government with two broad objectives: to explore how the Irish at home and abroad, and those with a strong interest in Ireland, could work together and contribute to our overall efforts at economic recovery; and to examine ways in which Ireland and its global community could develop a more strategic relationship with each other, particularly in the economic sector.

The Government moved quickly to take forward the work begun at Farmleigh. On 13 October 2009, the Government considered the comprehensive report of the Forum prepared by my Department, and established a new inter-Departmental Committee, chaired by the Secretary General of the Department of Taoiseach, to consider the proposals, and to monitor progress and implementation across Departments.

All medium term and specific proposals suggested by participants at Farmleigh and noted in the report of the Forum have been reviewed by the relevant Departments and work is being actively taken forward under the majority of those headings ( a detailed list of the main themes and specific proposals to emerge and is available on [www.dfa.ie](http://www.dfa.ie) and [www.globalirishforum.ie](http://www.globalirishforum.ie) ).

This post-Forum process complements the work already underway across many of the areas discussed at Farmleigh, including through the Innovation Task Force and the implementation of 'Building Ireland's Smart Economy'.

As the Deputy will be aware, significant initiatives have already been announced — including the funding of a new landmark Irish Arts Centre in New York; the development of an Irish Innovation Centre in Silicon Valley; and the establishment of a Global Irish Network which I will launch in London this week. The Inter-Departmental Committee will report to Government later this month. I further intend to issue a public report on progress since the Forum in advance of St. Patrick's Day.

A number of the proposals arising from Farmleigh were of a nature that they were more suitably advanced by the private sector, and I am pleased that a number of participants and other individuals have been in contact with my Department in relation to initiatives, inspired by or related to the Forum, that they are taking forward.



[Deputy Micheál Martin.]

The process begun at Farmleigh is a dynamic one. I would urge any individual or group who have innovative ideas for furthering engagement with the Global Irish; or how our communities abroad can contribute further to economic recovery, to contact me through the Irish Abroad Unit of my Department. We would be happy to advise whether a project would be suitable for Government involvement, to assist as appropriate, or to refer them to another Department or State Agency, as may be required.

#### **Overseas Development Aid.**

394. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs the amount of money allocated to the Global Fund to Fight AIDS, Tuberculosis and Malaria, International Partnership for Microbicides, International AIDS Vaccine Initiative and the Global Alliance for Vaccines and Immunisations for 2006, 2007, 2008 and 2009. [4467/10]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Making an effective contribution to overcoming AIDS and other communicable diseases affecting the world's poorest citizens is central to Ireland's overseas development assistance programme. In pursuing this strategy, Ireland supports a portfolio of global health partnerships that include the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), the International Partnership for Microbicides (IPM), the International AIDS Vaccine Initiative (IAVI) and the Global Alliance for Vaccines and Immunisation (referred to as the GAVI Alliance). Irish support to global partnerships complements our work with the UN family and our backing for regional and country level efforts to overcome these diseases.

For the four years 2006 to 2009, the amount of money allocated to the four organisations in question was as follows: the Global Fund €71 million; IPM €12.1 million; IAVI €11 million; and GAVI €17.475 million.

These organisations have an impressive collective track record for delivering on targets and Ireland's partnership and engagement with them over this period has been an important part of our overall strategy to combat Aids and other communicable diseases.

395. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs the amount of money allocated to the UNFPA Reproductive Health Commodity Security Trust Fund in 2009; and if an allocation will be made for 2010. [4468/10]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The achievement of universal access to reproductive health is one of the objectives of the Programme of Action agreed at the International Conference on Population and Development in Cairo in 1994. In 2000, world leaders adopted the Millennium Development Goals, which include the commitment to reducing the maternal mortality ratio by three-quarters and achieving universal access to reproductive health, by 2015. The Government is committed to action in support of this objective, which is of vital importance for the welfare of women and children and for the fight against HIV and AIDS.

The Government is working in close cooperation with several partner agencies in the UN system to address maternal health issues in developing countries. There is a clear link between slow progress on the achievement of universal access to reproductive health and low levels of empowerment of women in developing countries. The range of issues involved form the core mandate of the United Nations Population Fund (UNFPA), with which the Government's aid programme, Irish Aid, has a close working relationship.

In recognition of its important mandate, the Government has contributed significant levels of funding to the UNFPA in recent years. In total, over the four years 2005 — 2009, the Government provided a €23.5 million in support of the UNFPA. This included contributions to the Reproductive Health Commodity Security Trust Fund of €500,000 in 2006, €1 million in 2007 and €1 million in 2008. In 2009, funding of €3 million was provided to the UNFPA, but no additional contribution was made to the Trust Fund. I expect that funding allocations for contributions to UN Agencies in 2010 will be finalised shortly.

### **Child Abuse.**

396. **Deputy Maureen O’Sullivan** asked the Minister for Foreign Affairs if, subsequent to his meeting with an archbishop (details supplied), he is satisfied that there will be full and frank compliance with future requests albeit via the usual diplomatic channels; if he has made it clear to the papal nuncio that religious members of the Catholic Church here are subject to the same laws as any other citizen of the State; if he has been given a date by the congregation of the doctrine of the faith in the Holy See when the State will be granted access to all the files sent there by the 26 Catholic dioceses. [4541/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I met with the Papal Nuncio, H.E. Archbishop Giuseppe Leanza, on Tuesday 8 December to discuss the report of the Dublin Archdiocese Commission of Investigation and the issue of the cooperation received by the Commission from the Holy See and successive Papal Nuncios as it carried out its investigations. At this meeting, I emphasised to Archbishop Leanza the importance of the Vatican providing a substantive response to inquiries from the Commission, and stressed the Government’s expectation that the Holy See would provide the fullest possible cooperation with any ongoing or future State investigations into clerical child abuse.

The Nuncio undertook to convey this position to the Vatican. He assured me that there had been no intention on the part of the Holy See to withhold cooperation from the Commission, and noted that the Vatican had made known to the Commission, through the Government, its expectation that such inquiries would be pursued through the appropriate diplomatic channels.

My Department remains available to provide any assistance requested by the Commission in support of its investigations.

### **International Agreements.**

397. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if he will respond to a query (details supplied); and if he will make a statement on the matter. [4697/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) is intended, when it comes into force, to set up a mechanism that will make it possible for individuals or groups of individuals to submit a complaint to the UN Committee on Economic, Social and Cultural Rights in regard to alleged violations of their economic, social and cultural rights by a State Party to the Optional Protocol. It does not create any new substantive rights.

Following consideration by the UN Human Rights Council, the text of the Optional Protocol was presented to the UN General Assembly, which adopted the text by consensus on 10 December 2008.

Officials of this Department were actively engaged at all stages of negotiation on the Optional Protocol, in consultation with other relevant Government Departments, our EU partners, other UN member States and civil society/NGO representatives.

[Deputy Micheál Martin.]

Inter-Departmental consultations on consideration of Ireland's signature and ratification of the Optional Protocol are continuing, with this Department playing a co-ordination role.

The Optional Protocol opened for signature in New York last September. I had arranged for Ireland to be represented at the opening ceremony even though we were not in a position to sign. So far thirty one (31) States have signed. Only nine of the twenty seven EU member States have signed at this point. No State has yet ratified the Optional Protocol. The Optional Protocol can only come into force three months after the deposit with the UN Secretary-General of the tenth instrument of ratification or accession.

As I have indicated previously, I can assure the Deputy that I will make every effort to ensure that the consideration of Ireland's signature and ratification by relevant Government Departments is completed as quickly as possible.

### **EU Directives.**

398. **Deputy Joe Costello** asked the Minister for Foreign Affairs if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4715/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Department of Foreign Affairs has no EU Directives awaiting transposition.

While my Department has an overall coordinating role in EU matters, responsibility for transposing EU measures into Irish law rests with those Departments with responsibility for the policy areas covered by individual EU measures.

My colleague, Mr. Dick Roche T.D., Minister of State for European Affairs, chairs an Inter-departmental Coordinating Committee on European Affairs, which keeps the transposition of EU measures under constant review.

### **Human Rights Issues.**

399. **Deputy Joe Costello** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that the European Rule of Law Mission in Kosovo has refused to meet with a person (details supplied) from the Roma Refugee Foundation to discuss the failure to medically treat or evacuate the Roma families living in the toxic camps in north Mitrovica; and if he will make a statement on the matter. [5297/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government takes a close interest in the situation of Roma families in Kosovo and, in particular, residents of the camps around Mitrovica which are exposed to high levels of lead contamination.

The Taoiseach raised the living conditions of the Roma when he met with President Sejdiu and Prime Minister Thaci during his visit to Kosovo on 22 December 2008. The Deputy will also be aware that the matter was the subject of an adjournment debate on 25 November 2008, when my colleague, Peter Power T.D., emphasised Ireland's support for all efforts to address the plight of the residents in these camps.

My officials regularly raise the issue at senior level within the EU both in Brussels and in Kosovo. An official of my Department met last October with the Head of Operations of the European Commission Liaison Office (ECLO) in Kosovo. This is the EU body charged with co-ordinating national and international efforts to secure a long-term sustainable solution to the difficulties facing the Roma community in Kosovo. Our Ambassador in Budapest, who is

accredited to Kosovo, followed up on the matter with the EU Presidency in Pristina last November.

I am pleased to report that ECLO has drawn up a €5m project to help resolve this humanitarian problem in cooperation with the Government of Kosovo and USAID. ECLO signed a contract with an NGO (Mercy Corps Scotland) on 14 December 2009 to implement this project. The objective is to resettle and reintegrate up to 90 Roma families living in these camps in North Mitrovica. It also includes provision for medical services and the treatment of children from the camps as well as access to education and other social services. The project starts this month and will be carried out over the next two and a half years.

In recent days my officials have also been in touch with EULEX, the EU's rule of law mission in Kosovo. EULEX confirmed they have invited the individual mentioned by the Deputy to discussions at a meeting to take place shortly.

We will continue to pursue the question of Roma resettlement with the responsible authorities and our EU partners and monitor the implementation of this project with the objective of contributing to the closure of the Osterode and Cesmin Lug camps.

The Deputy will also wish to be aware that Ireland has supported a broad range of projects to assist the Roma community in the Western Balkans region, including Kosovo. From 2005 to 2009, Irish Aid allocated €850,000 towards development and educational projects with the Roma community in Kosovo. In addition, Ireland contributed €200,000 to the World Bank's Roma Education Fund, which works in eleven countries in Central and Eastern Europe, including Kosovo.

#### **Tourism Revenue.**

400. **Deputy Máire Hctor** asked the Minister for Arts, Sport and Tourism the estimated value to the Exchequer of hunting parties coming here every year. [5278/10]

403. **Deputy Máire Hctor** asked the Minister for Arts, Sport and Tourism the estimated number of hunting-related tourists to visit here during the years 2004 to 2009 broken down by year. [5264/10]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 400 and 403 together.

The Central Statistics Office publishes monthly reports detailing the number of overseas visitors coming into Ireland as well as more detailed quarterly data on the duration, expenditure and purpose — in terms of business, leisure or visiting friends and relatives — of such visitors.

In addition, the Tourism agencies, Fáilte Ireland and Tourism Ireland, publish annual reports with their estimates, based on surveys, of the number of overseas visitors that engage in various popular activities while in Ireland, including hiking/walking, golf, fishing, cycling and equestrian activities.

Estimates of the numbers of overseas visitors engaging in, or travelling to engage in, hunting are not available. Hunting is a niche product and measurement of very niche products is not feasible through the surveys conducted at national level by the tourism agencies. Accordingly, I am unable to provide the figures requested.

#### **EU Directives.**

401. **Deputy Joe Costello** asked the Minister for Arts, Sport and Tourism if there are EU directives which require to be transposed into primary or secondary legislation; the list of such

[Deputy Joe Costello.]

directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4707/10]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Department's ambit does not include matters that are usually the subject of EU Directives. Accordingly, the Department has no such Directives currently awaiting transposition into primary or secondary legislation.

#### **International Agreements.**

402. **Deputy Ciarán Cuffe** asked the Minister for Arts, Sport and Tourism if he will sign up to the Council of Europe's enlarged partial agreement on sport; and if he will make a statement on the matter. [4762/10]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** In relation to the Council of Europe and the Enlarged Partial Agreement on Sport (EPAS), it is recognised that the Council of Europe has played an important role in Irish sport policy. The principles of sport policy defined in the Irish Sports Council Act 1999 are based on the Council of Europe's European Sports Charter and our national anti-doping programme was established based on the elements of the Council's Anti-Doping Convention. As Sport no longer forms part of the Council of Europe's centrally budgeted activities, Ireland is not presently a member of the Council's EPAS. My Department does however follow EPAS events and programmes for continued consideration in the context of Irish sport policy. In view of the exceptional economic constraints at present and the need to prioritise developments in relation to the roll out of the EU sports provisions established by the Lisbon Treaty, this Department has not sufficient resources to expand involvement to direct participation in EPAS in 2010.

*Question No. 403 answered with Question No. 400.*

#### **National Drugs Strategy.**

404. **Deputy Deirdre Clune** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he has taken to ensure the control and regulation of head shops and the products they sell. [5385/10]

409. **Deputy Mary Wallace** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he is taking to deal with the ongoing concerns regarding head shops and the sale of products which have been described as legal highs and party drugs; and if he will make a statement on the matter. [4553/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 404 and 409 together.

I have voiced my concerns in regard to the activities of head shops, and substances represented as "legal highs", on numerous occasions since my appointment as Minister of State with responsibility for the National Drugs Strategy. My concerns in relation to these substances centre on:

- the potential health hazards arising from the use of these products; and
- the possibility that their use may act as a gateway to the use of illicit drugs.

This issue is causing concern across Europe and a number of countries, including the UK, have taken action, each adapting their approach to reflect their laws and experiences. However, no EU Member State has come up with a comprehensive response thus far.

The National Drugs Strategy 2009-2016, which I launched in September 2009, includes two actions aimed at addressing the issues involved:

- Monitoring the activities of headshops and all businesses involved in the sale of psychoactive substances, with the objective of ensuring that no illegal activity is undertaken and ensuring that steps are taken to reform legislation in this respect where it is deemed to be appropriate; and
- Keeping drugs-related legislation under continuous review, with particular focus on new synthetic substances, new or changed uses of psychoactive substances, and against the background of EU and broader international experience and best practice.

As provided for under the Strategy, I held a number of meetings in late 2009 with the Ministers for Health & Children, Justice, Equality & Law Reform and Education & Science. I have also met with the Garda Commissioner and with senior officials of various Departments and Offices. Headshops and the sale of “legal highs” were discussed at many of these meetings and some possibilities for addressing the activities of headshops were suggested.

Following more recent communication with my colleague, Mary Harney T.D., Minister for Health & Children, who has overall responsibility for the Misuse of Drugs Act, the primary legislation through which these substances can be regulated, she has indicated that her Department is currently preparing further regulations which will introduce controls on a range of substances.

Furthermore, the activities of these establishments are being monitored on an on-going basis by An Garda Síochána and Revenue’s Customs Service with a view to ensuring that no substances that are currently illegal are being sold.

I have also been in contact with the Attorney General about other possible approaches to the matter. Associated with this, I have raised issues around public liability insurance, product liability insurance and consumer protection with the Department of Enterprise, Trade & Employment, as well as planning issues with the Department of Environment, Heritage & Local Government.

Meanwhile, the National Advisory Committee on Drugs will carry out some research in this area at my request, taking account in particular of the approach adopted in the legislation recently introduced in the UK. Also, reflecting the concerns being expressed throughout society, the Regional Drugs Task Forces hosted a conference last week, which I launched, to explore the issues involved.

From the level of engagement outlined, the Deputy can be assured that I am committed to pursuing appropriate responses to counter the potential threats of headshops and “legal highs”.

### **Grant Payments.**

405. **Deputy Finian McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs if he will support an organisation (details supplied). [4495/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I have responsibility for the Community Childcare Subvention Scheme (CCSS) which was introduced in January 2008 and provides support funding to community based not for profit childcare providers to enable them to charge reduced childcare fees to disadvantaged and low income working parents, and for the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which came into effect in January of this year.

[Deputy Éamon Ó Cuív.]

I understand that the service referred to by the Deputy is participating in both of these schemes and, in 2009, it received CCSS funding of €55,768. I understand that preliminary payments for 2010 have been made to the service, amounting to €13,942 in the case of the CCSS and €3,870 in the case of the ECCE scheme. Services participating in the CCSS and ECCE scheme were required to submit a 2010 return to my Office by 29 January 2010. These returns are now being processed and, when completed, the final amounts payable to participating services will be determined and further payments will be made as appropriate. I am not aware of any other funding amount due to be paid by my Office to the service in question.

406. **Deputy Arthur Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs if a decision has been made on the daily rate available to the mná tí in the Gaeltacht under the Scéim na bhFoghlaimoirí Gaeilge. [4515/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy will be aware, my Department's allocation for 2010 has been reduced. However, I am happy to inform the Deputy that Scéim na bhFoghlaimoirí Gaeilge will be maintained in 2010 and that assistance will once again be available for those Gaeltacht households that provide accommodation for students under this scheme. A decision has not yet been made with regard to the specific rate that will apply for 2010 but I hope to be in a position to decide this in the coming weeks.

407. **D'fhiafraigh Deputy Arthur Morgan** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil cinneadh déanta maidir leis an ráta laethúil do mhná tí sa Ghaeltacht faoin Scéim na bhFoghlaimoirí Gaeilge. [4516/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Mar is eol don Teachta, tá an soláthar airgid atá ar fáil do mo Roinnse i 2010 laghdaithe. É sin ráite, tá áthas orm a chur in iúl don Teachta go bhfuil i gceist agam leanúint le Scéim na bhFoghlaimoirí Gaeilge i 2010 agus go mbeidh cúnaimh ar fáil arís faoin Scéim ó mo Roinnse do na teaghlaigh sa Ghaeltacht a chuireann lóistín ar fáil do na scoláirí. Níl cinneadh déanta go fóill faoin ráta sonrach deontais a bheidh i gceist do 2010 ach tá súil agam go mbeidh ar mo chumas socrú a dhéanamh faoi sin sna seachtainí atá romhainn.

#### **Rural Transport Services.**

408. **Deputy Seán Fleming** asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be provided from his Department in 2010 to enable a project (details supplied) in County Laois to continue in 2010. [4530/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The group referred to by the Deputy was one of seven organisations funded under a pilot Rural Transport Evening/Night-time Scheme, supported by my Department, which ceased at the end of 2009. All the groups involved also manage rural transport services in their local areas as part of the Rural Transport Programme (RTP) funded by the Department of Transport. While funding for the pilot project has now ceased, it is important to note that funding under the RTP for 2010 has been retained at the same level as last year.

There is now an opportunity for the seven groups, and indeed all the providers of services under the RTP, to assess their services for the possible inclusion of more evening transport services. It is my understanding that some groups already provide some level of evening services

and I would urge all service providers to respond to the needs of their local communities in making such services available.

*Question No. 409 answered with Question No. 404.*

### **Family Mediation Services.**

410. **Deputy Seán Barrett** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for ending community support programme funding of €8,134 to a mediation service (details supplied) in County Dublin; if his attention has been drawn to the fact that this will force the closure of this service of the community; if he will reinstate this funding to the group in question; and if he will make a statement on the matter. [4611/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The organisation referred to by the Deputy transferred to my Department's Community Service Programme (CSP) in 2006 from the Social Economy Programme which was operated by FÁS. An application and business plan was subsequently approved for funding and a contract commenced at the beginning of April 2007. That contract expired at the end of December 2009 and an offer has been made to renew it for a further period.

Funding of €46m is available under the CSP in 2010, an overall reduction of some 9% over last year. When account is taken of administrative and related project costs, the reduction in the funding available to directly support CSP projects is generally of the order of 8%. Of the 450 or so organisations approved to deliver services under the CSP — an increase of 80 on the position at the beginning of 2009 — contracts in respect of some 320 projects expired at the end of last year. In the current economic climate, I am very keen that the current levels of employment in these organisations is maintained. However, given the reduction in overall funding for the CSP, I can only do this by abolishing the non-wage grant that was previously payable.

In this context, the Deputy should note that I have provided organisations — including the group referred to by the Deputy — with an opportunity to apply for an immediate review of their 2010 funding allocation where it has implications for the sustainability of the service being delivered or where the organisation has concerns of its financial viability.

It should also be noted that, in the context of being potentially offered three year contracts to the end of 2012, relevant organisations will have their financial situation and operations more comprehensively examined. A key requirement of the CSP is that organisations contracted to deliver services undertake to generate a significant level of resources from non-public sources by way of trading, charging fees, fund raising, etc. I should also add that some 130 organisations that have contracts extending into 2010 are unaffected at this time by the reduction in the non-wage grant.

### **EU Directives.**

411. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if there are EU Directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4709/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** At present, my Department does not have any EU Directives which require to be transposed into primary or secondary legislation.



### Departmental Funding.

412. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs if the original allocation of funding for an organisation (details supplied) will be maintained for 2010; and if he will make a statement on the matter. [4757/10]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** The organisation referred to by the Deputy was advised of its 2010 allocation in December 2009 and I do not envisage any cut to that allocation during 2010.

### Departmental Reports.

413. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs further to Parliamentary Question No. 237 of 21 January 2010, when a reply will issue; and if he will make a statement on the matter. [4895/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** In response to Parliamentary Question 237 of 21 January, I undertook, in the interest of completeness, to arrange for additional information regarding substantive reports (i.e. reports other than internal reports, assessments, audits, etc.) commissioned in 2007, 2008 and 2009 to be provided by my Department directly to the Deputy. I am advised that this additional information will be posted to the Deputy by 5 February 2010.

### Community Development.

414. **Deputy Charles Flanagan** asked the Minister for Community, Rural and Gaeltacht Affairs the grant available from his Department to a group (details supplied) in County Offaly in 2010; if his attention has been drawn to the work that this group undertakes; and if he will make a statement on the matter. [5055/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The organisation referred to by the Deputy was approved for funding under the 2006 call for applications under my Department's Community Services Programme (CSP). While the organisation's contract with CSP expired at the end of December 2009, an offer to renew the contract for a further period was made in recent weeks.

415. **Deputy Róisín Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the outcome of an appeal by a group (details supplied) in Dublin 9. [5131/10]

**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 good international practice and to support the ongoing evaluation of the programmes. Both programmes had a community development element and were delivered through separate local delivery structures. These programmes came to an end on 31 December 2009 and have been superseded by a new programme, the Local and Community Development Programme (LCDP).

In advance of proceeding to establish a single programme across CDPs and Partnerships, my Department undertook an evaluation of individual community development projects. Many of these projects span across two decades, with quite diverse activities. The objective of the review was to identify those projects that produce tangible, appropriate benefits for the communities they serve. The vast majority of projects fell into this category and were offered funding under

the new programme in 2010. Where projects were not recommended for continued funding, an appropriate appeals mechanism was provided and a CDP Appeals Board established.

The Appeals Board completed its work on 29 January 2010 and the Deputy may be aware that its report has been published on my Department's website at [www.pobail.ie](http://www.pobail.ie). I am also arranging for a copy to be forwarded to her directly.

I understand that the project referred to by the Deputy has been informed by the Appeals Board of its decision to uphold the original decision of my Department to cease CDP funding for it. The Deputy will appreciate that it is now a matter for the voluntary board of management to decide the company's future strategy in light of the decision of the Appeals Board. My officials have been in contact with the project and have indicated that if the company decides to cease operations and to wind-up, my Department will, without prejudice, seek to assist the directors in discharging their statutory responsibilities. Such assistance could include limited financial assistance. The Deputy will appreciate that due account would have to be taken of the nature and extent of any net liabilities arising.

### **Civil Registration.**

416. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the mechanism that is available to a person (details supplied) to have their child's surname registered after they are married; and if she will make a statement on the matter. [4582/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The registration of births, including the assignment of surnames in birth entries, is governed by the provisions contained in the Civil Registration Act, 2004. Section 24 of the Act provides for the re-registration of a birth which has already been registered in circumstances where the parents inter-married subsequent to the birth of the child and it also stipulates that it is the duty of such parents to furnish to a registrar the necessary information with a view to obtaining the re-registration of the birth of that child.

Section 24 also deals with the matter of the surname of the child and it includes a provision which entitles parents to change the surname already assigned to the child in the birth entry where there is agreement between the parents. It is suggested that the parents in this case should contact the registration office where the original registration was carried out and the registrar will advise them as to what documents and information will be required for having the birth re-registered.

### **Social Welfare Benefits.**

417. **Deputy Edward O'Keeffe** asked the Minister for Social and Family Affairs if she will investigate the Health Service Executive's decision to refuse an application for back to school allowance in respect of a person (details supplied) in County Cork. [4594/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

418. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs the support available for a self-employed person whose business is viable but is not returning a living wage; if that person can claim income support; if there are circumstances in which they could avail retrospectively of the back to work allowance or a similar payment, in order to keep the business afloat until the economy improves; and if she will make a statement on the matter. [5129/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

### **Farm Partnerships.**

419. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the number of farm partnerships established to have existed retrospectively by the scope section of her Department since June 2008 to date in 2010; and if she will make a statement on the matter. [3934/10]

420. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the number of farm spouses, identified as having participated in a farm partnership retrospectively, that paid PRSI contributions retrospectively to reconcile their record; the monetary value of these payments; and if she will make a statement on the matter. [3935/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 419 and 420 together.

Spouses who are actively engaged in a commercial partnership, including the operation of a farm, are treated as individual self-employed contributors and are thus liable to social insurance contributions. In this way, both spouses incur a liability to pay self-employed PRSI, and build up entitlement towards a contributory state pension and other social welfare benefits. On foot of a Programme for Government commitment, an information booklet, *'Working with your spouse: how it affects your social welfare contributions and entitlements'*, was developed between the Department of Social & Family Affairs and the Revenue Commissioners to set out the social welfare and tax implications of families co-working in a shared business. The booklet was published on 25th of June, 2008. The booklet clarified existing procedures in relation to the recognition of commercial partnerships between husbands and wives for social insurance purposes, including retrospective payment of social insurance, but did not involve any change in existing policy or administration.

To date, 401 commercial partnerships have been found to exist in farm cases. In cases where a commercial partnership is found, the income arising from the partnership is split between both parties and their PRSI liabilities recalculated. Any additional PRSI due is then collected from the contributor. To date, PRSI liabilities totalling €795,006 have been determined in respect of 293 of these cases with a further 32 contributors having no liability. The remaining 76 cases are in the process of being finalised.

### **Social Welfare Benefits.**

421. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs when a decision will be made on a domiciliary allowance in respect of a person (details supplied). [4453/10]

459. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4609/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 421 and 459 together.

In the time available it is not possible to provide the information requested.

### **Pension Provisions.**

422. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs the position

regarding the calculation of the State contributory pension entitlement of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4456/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

423. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the grounds on which fuel allowance was withdrawn from a person (details supplied) in County Cork; if she will review the circumstances with a view to reinstating this payment; and if she will make a statement on the matter. [4461/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

424. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 1176 of 19 January 2010, if no incorrect information was sent by her Department to An Post in relation to jobseeker's payments for Christmas week in 2009; and if she will make a statement on the matter. [4469/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** As outlined in my response to Question no. 1176 following the initial agreement of the payment dates some revisions were made to some jobseeker payment dates. The revised dates related to some payments due on the 28 and 29 December and were agreed with An Post. The revisions were communicated throughout the An Post network on 8 December, in good time and in advance of the due dates for the payment affected. I am therefore satisfied that while the Christmas schedule was not incorrect, it was revised. Given the time between the notification to post offices and the dates the payments were due, this should not have interfered with the collection of jobseeker's payments.

#### **Departmental Correspondence.**

425. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs further to a previous parliamentary question, when the inspector's report will be completed in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4471/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Care of the Elderly.**

426. **Deputy George Lee** asked the Minister for Social and Family Affairs the assistance she will provide to a person (details supplied) in Dublin 14, who is not entitled to the living alone allowance, the heating allowance or the old age pension due to the fact that they are considered, by her Department, to be a dependent of their spouse even though their spouse is in full-time care in hospital; and if she will make a statement on the matter. [4472/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

**Social Welfare Code.**

427. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs her plans to review the habitual residence conditions on social welfare entitlements in view of the number of returning Irish diaspora; and if she will make a statement on the matter. [4491/10]

477. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will respond to the issue raised in a newspaper article (details supplied); the way returning emigrants that declare their intention to stay, have family ties and produce evidence of disconnection with their previous place of residence can be refused social welfare benefits on the basis of the habitual residence rule; the guidelines which deciding officers are operating to; and if she will make a statement on the matter. [4755/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** It is proposed to take Questions Nos. 427 and 477 together.

Under EU social welfare law, it is illegal to distinguish between EU workers on the basis of nationality alone. Therefore, in the context of the opening of the Irish labour market to workers from 12 new EU member states in 2004, it was considered necessary to protect Ireland from 'welfare tourism' by ensuring that people with little connection to this country could not qualify for welfare payments immediately upon arrival in Ireland.

The effect of the habitual residency requirement is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on arrival in Ireland, regardless of citizenship, nationality, immigration status or any other factor.

Decisions concerning habitual residence are subject to five factors which have been laid down by the European Court of Justice, and which are now incorporated into our domestic social welfare legislation. These are:

- (a) the length and continuity of residence in the State or in any other particular country;
- (b) the length and purpose of any absence from the State;
- (c) the nature and pattern of the person's employment;
- (d) the person's main centre of interest, and
- (e) the future intentions of the person concerned as they appear from all the circumstances.

The vast majority of Irish nationals applying for social welfare support satisfy the HRC condition. Difficulties might arise however if, for example, it seems that the person's main centre of interest is still abroad — e.g. they have a spouse living abroad or still own property abroad etc. Between 1 May 2004 and 31 December 2009, of those Irish citizens whose circumstances called for detailed investigation in this respect, 89% were found to satisfy the habitual residence condition. Only 11% were refused on HRC grounds.

However, Irish nationals returning to live here on a permanent basis should experience no difficulty in demonstrating that they satisfy the requirements of the Habitual Residence Condition. The guidelines published by the Department address this as follows: In the context of the first factor listed above, they make it clear that a person may attain habitual residence on arrival here. The guidelines state:

On the other hand, a short stay in Ireland does not automatically prove that an applicant has maintained his/her habitual residence abroad. Periods of residence abroad and the nature

of that residence prior to the date of the latest arrival in Ireland may be relevant in assessing what is the person's main centre of interest and settled intention.

Consider the length and continuity of the applicant's residence in Ireland and in the other country: has s/he lived in Ireland before, if so for how long? has the applicant stayed in different countries outside Ireland? how long did the applicant reside in the previous country before coming or returning to Ireland? are there any remaining ties with his/her former country of residence?

Later, in the context of determining the applicant's main centre of interest, the Guidelines say:

. . . . a person who previously lived in another country or countries may now have moved to Ireland on a permanent basis and established a main centre of interest here. For example, a person who has retired from missionary or other service abroad and has chosen to resettle in Ireland should be considered to have his/her main centre of interest here.

The Guidelines are kept under constant review to ensure that they give clear guidance to deciding officers in dealing with the relevant issues and are updated or amended as the need arises. Every notice of disallowance sets out the claimant's rights to request a review of the decision or to lodge an appeal to the Social Welfare Appeals Office. These options allow every claimant the opportunity to produce additional evidence in support of their case, and to have any error of judgment addressed appropriately.

#### **Family Support Services.**

428. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that carer's allowance will cease in respect of a person (details supplied) in County Wexford; if she will advise on the way they can obtain appropriate financial support to fund the necessities of life; and if she will make a statement on the matter. [4496/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

429. **Deputy Niall Collins** asked the Minister for Social and Family Affairs if she will expedite a disability allowance claim in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [4507/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Appeals.**

430. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding a jobseeker's benefit appeal in respect of a person (details supplied) in County Mayo. [4509/10]

432. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when a decision will issue on an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4512/10]

434. **Deputy Niall Collins** asked the Minister for Social and Family Affairs the position regarding an appeal against the discontinuance of a disability benefit claim in respect of a

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person (details supplied) in County Limerick; and if she will make a statement on the matter. [4519/10]

439. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs the position regarding a respite care grant application appeal in respect of a person (details supplied) in County Cork. [4558/10]

454. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4596/10]

457. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs when a decision will issue in an appeal for jobseeker's allowance in respect of a person (details supplied) in County Cork as any delay impacts on training opportunities; and if she will make a statement on the matter. [4603/10]

458. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for disability allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4605/10]

465. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs when a person (details supplied) in County Wexford will expect to have their jobseeker's appeal determined; and if she will make a statement on the matter. [4691/10]

474. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when an oral hearing will take place in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4729/10]

481. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [4773/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose taking Questions Nos. 430, 432, 434, 439, 454, 457, 458, 465, 474, and 481 together.

In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

431. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs if a person (details supplied) in County Wexford whose social welfare record indicates a yearly average of 9.69 contributions, this figure will be rounded up to an average of 10 in order to give them an entitlement to a State pension; and if she will make a statement on the matter. [4511/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 432 answered with Question No. 430.*

433. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork has received correspondence indicating that their State contributory pension is being disallowed from the 31 January 2009 on the basis that the

contents of section 110 (1) of the Social Welfare (Consolidation) Act 2005; if she will review this decision; and if she will make a statement on the matter. [4514/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 434 answered with Question No. 430.*

#### **Social Welfare Benefits.**

435. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Louth is considered to be €3 per week over the qualifying limit for mortgage interest supplement and is being denied support despite their low income; and if she will make a statement on the matter. [4520/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Appeals.**

436. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if an appeal against her decision to discontinue payment of carer's allowance in respect of a person (details supplied) in County Kilkenny will be expedited; if a decision will be issued in view of the medical facts. [4534/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Insurance.**

437. **Deputy John McGuinness** asked the Minister for Social and Family Affairs the financial support her Department will provide to a person (details supplied) in County Kilkenny to purchase special hearing aids that would restore 70% of their hearing; the course of action that is open to this person; the financial assistance that is available as they have a limited income from social welfare and employment of two days per week. [4538/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Medical Appliance Benefit Scheme currently offers assistance towards the cost of a hearing aid, both analogue and digital. The scheme provides a grant of up to half the cost of a hearing aid or repairs to a hearing aid, subject to a fixed maximum of €760 per aid.

To qualify for Medical Appliance Benefit you must satisfy certain PRSI conditions. A person aged 25 to 65 must have a total of 260 paid PRSI contributions since first starting work and either have 39 paid or credited PRSI contributions in the relevant tax year on which the claim is based or 26 paid PRSI contributions in both the relevant tax year and the tax year immediately before the relevant tax year.

The person referred to has only 30 PRSI contributions in the relevant tax year and only 3 contributions in the tax year immediately before the relevant tax year, consequently he does not qualify for Medical Appliance Benefit. Any customer wishing to apply for a hearing aid using a medical card should contact the Department of Health and Children.

#### **Social Welfare Benefits.**

438. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs the reason a



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person (details supplied) in County Dublin had their jobseeker's allowance payment reduced by approximately €60 per week without prior notification; and if she will make a statement on the matter. [4549/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 439 answered with Question No. 430.*

440. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs if the financial assessment of an application for family income supplement takes into account family outgoings, such as mortgage payments or car loan or if it is based on gross income. [4559/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

441. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs when a person (details supplied) in County Cork last applied for the household benefits package; and the reason the application was refused. [4560/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

442. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when a decision will issue on an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4561/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

443. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when an application will be finalised in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4562/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

444. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4563/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

445. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4564/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

446. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when an application will be processed in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4568/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

447. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare. [4569/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

448. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if he will support the case of a person (details supplied). [4575/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

449. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be awarded a State transition pension. [4583/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

450. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the position regarding an application for State pension in respect of a person (details supplied) in County Meath. [4585/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

451. **Deputy George Lee** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact in 2009, a married unemployed person whose partner was working was in receipt of €100 per week but is only in receipt of €91.70 per week, this is a reduction of 8% rather than the 4% announced in Budget 2010; if she will reverse this cut to ensure that the reduction in income is only 4%. [4586/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The various social assistance schemes operated by my Department are means tested and include schemes such as jobseeker's allowance and one-parent family payment. For means test purposes, account is taken of the value of any capital or property owned by the person in addition to any cash income the person might have including, inter alia, earnings from employment, income from self-employment, foreign social security pensions and occupational pensions. If a person has a spouse or a partner, the means of that person is also taken into account.

As provided for in social welfare legislation, where a person has means the weekly value of those means is deducted from the maximum weekly rate of payment and a reduced rate is payable. Where a person has weekly means in excess of the maximum personal rate of the relevant social assistance payment, no payment is made.

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The purpose of the means test is to reflect that fact that the person has other income or assets available to support him or her. Accordingly, the total weekly income available to that person or couple comprises both the value of the means of the person in addition to any social assistance payment they may be entitled to.

In addition, where a person has income from certain sources, some of that income is disregarded. In the case of jobseeker's allowance, for example, the first €20 per day is disregarded, subject to a maximum of €60 per week and 60% of the balance is assessed where a claimant or a spouse/partner has income from employment,

Where a person has no means, jobseeker's allowance is payable at the maximum rate of payment. In the case of a single person, the maximum weekly rate was €204.30 in 2009 and is €196 in 2010, a reduction of €8.30 per week or 4.1%. In the case of a couple with no means, the reduction is €13.80 per week, also 4.1%, from €339.80 to €326 .10 (including the qualified adult allowance). The effect of the Budget changes in rates of payment where a person has means can be illustrated by way of the following example. In the case of a couple where the claimant is unemployed and the spouse or partner is working three days per week with net earnings of €460 per week, jobseeker's allowance of €99.90 per week would have been payable in 2009. This reduced rate is equivalent to the combined maximum weekly personal and qualified adult rates of €339.90 less weekly means of €240. Accordingly, the total income of the couple in this example would have been €559.90 per week in 2009 comprising net earnings of €460 and jobseeker's allowance of €99.90.

Consequent on the reduction in the maximum weekly personal and qualified adult rates of jobseeker's allowance announced in Budget 2010, the total weekly income of the couple will reduce to €546.10 per week in 2010, an overall reduction of €13.80 per week or 2.5%.

As the example shows, the overall reduction in percentage terms in total family income for persons on reduced rates of jobseeker's allowance is somewhat less than applies in the case of a person with no means who receives the maximum rate of payment. This arises because the element of their total income which is represented by their means is not affected by the recent Budget. The introduction of pro-rata reductions for recipients of reduced rate jobseeker's allowance payments would further reduce the overall percentage loss in total family income when compared with that experienced by persons who had no means and are, accordingly, totally dependent on the social welfare payment.

Similar effects will occur in relation to other social assistance payments. The precise level of reduction in overall family income will vary as the income disregards and assessment rates vary from scheme to scheme. No change was made in Budget 2010 in relation to the means testing arrangements where a claimant or a spouse/partner is engaged in employment in order to maintain incentives to take up, or remain in, employment.

Where a claimant, or his or her spouse, is in employment and net earnings from that employment reduce for one reason or another, the claimant should request his or her Social Welfare Local Office, or the relevant Department Headquarters Office dealing with the claim, to review their means. In the event of a reduction in means, the level of entitlement will increase.

452. **Deputy Mattie McGrath** asked the Minister for Social and Family Affairs when a decision will be made on an application for disability allowance in respect of a person (details supplied) in County Tipperary; and the reason for the delay. [4589/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

453. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4595/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 454 answered with Question No. 430.*

455. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if she will reinstate the household benefits package in respect of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [4597/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

456. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) has been refused jobseeker's allowance in view of the fact that they are only employed for three days a week; and if she will make a statement on the matter. [4602/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Questions Nos. 457 and 458 answered with Question No. 430.*

*Question No. 459 answered with Question No. 421.*

460. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an application for rent allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4613/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

461. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if a person whose spouse earns an annual salary of €33,303 gross will qualify for a farm assist payment. [4614/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

462. **Deputy John O'Mahony** asked the Minister for Social and Family Affairs when a decision will issue on jobseeker's assistance in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [4616/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

463. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will amend the rent supplement payment in respect of a person (details supplied) in Dublin 9. [4671/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

464. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if a person (details supplied) in County Kildare is entitled to the household benefits scheme and fuel allowance; and if she will make a statement on the matter. [4676/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 465 answered with Question No. 430.*

#### **Pension Provisions.**

466. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the position regarding a review of a pension in respect of a person (details supplied) in County Meath. [4693/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

467. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied) in Dublin 13; and if she will make a statement on the matter. [4696/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

468. **Deputy Billy Timmins** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [4698/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

469. **Deputy Paul Gogarty** asked the Minister for Social and Family Affairs if her attention has been drawn to the backlog in processing the case of a person (details supplied) in County Dublin; if some form of discretionary top-up supplemental welfare payment could be made in the interim, pending a formal categorisation of people in such a position; and if she will make a statement on the matter. [4699/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

470. **Deputy Tom Sheahan** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kerry does not qualify for an old age non-contributory pension; and if she will make a statement on the matter. [4700/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **EU Directives.**

471. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if there are EU

Directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when she intends to transpose them into domestic law; and if she will make a statement on the matter. [4718/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** There are no EU Directives in force in the social welfare area which have not yet been transposed into domestic legislation.

#### **Pension Provisions.**

472. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she is satisfied that all outstanding PRSI has now been paid in respect of a person (details supplied) in Dublin 11 and that they have met all the qualifying criteria for a pension; if not, the items that remain outstanding; if her Department has been in touch with the Revenue Commissioners to verify the position of this person. [4723/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

473. **Deputy Dan Neville** asked the Minister for Social and Family Affairs if an application for old age contributory pension will be processed in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [4725/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 474 answered with Question No. 430.*

#### **Social Welfare Appeals.**

475. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs if an application for jobseeker's allowance has been received in respect of a person (details supplied) in County Donegal; when the application was received; if the application has been investigated and a decision made; and if she will make a statement on the matter. [4735/10]

484. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a carer's allowance appeal will be finalised in respect of a person (details supplied) in County Mayo. [4782/10]

502. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if a date has been scheduled for an oral hearing appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4911/10]

519. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Meath. [5096/10]

520. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the position regarding an appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5119/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 475, 484, 502, 519 and 520 together.

[Deputy Mary Hanafin.]

Due to industrial action by the Public Service Executive Union and the Civil Public and Services Union, I am unable to provide the information sought by the Deputy.

#### **Social Welfare Benefits.**

476. **Deputy Michael Creed** asked the Minister for Social and Family Affairs when a decision will be made on an application for the household benefits package in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [4753/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 477 answered with Question No. 427.*

478. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [4760/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

479. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs when a decision will issue regarding an application for a contributory old age pension in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [4771/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

480. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the position regarding an application for farm assist in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [4772/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 481 answered with Question No. 430.*

482. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the number of persons in receipt of the jobseeker's allowance who have had their payments stopped due to commencing employment, no longer satisfying the means test for a reason other than commencing employment and any other reason for each of 2006, 2007, 2008 and 2009; the number of new recipients who commenced receiving the jobseeker's allowance in each of 2006, 2007, 2008 and 2009; and if she will make a statement on the matter. [4775/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Due to the industrial action currently being taken by the Public Service Executive Union and the Civil and Public Services Union, I am unable to provide the information sought by the Deputy.

483. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the number of persons in receipt of jobseeker's benefit who have had their payments stopped due to commencing employment, an increased number of hours worked and earnings, reaching the end of the maximum payment period, and any other reason for each of 2006, 2007, 2008 and 2009; the number of new recipients who commenced receiving the jobseeker's allowance in each of 2006, 2007, 2008 and 2009; and if she will make a statement on the matter. [4776/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 484 answered with Question No. 475.*

#### **Pension Provisions.**

485. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the reason her Department is requesting that farm women in receipt of contributory old age pensions reimburse her Department despite a decision made some years ago which provided a mechanism to such women who worked with their spouses all their lives on the farms without any recognition for their years of duty and dedication to farming and to their families for receiving such a pension; and if she will make a statement on the matter. [4784/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

486. **Deputy Mary Upton** asked the Minister for Social and Family Affairs the funding options that are available to a person (details supplied) in Dublin 6W in order that they can continue their third level education and avail of crèche facilities for their child; and if she will make a statement on the matter. [4812/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Departmental Information Campaigns.**

487. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will produce an information leaflet on the options available to unemployed persons in relation to temporary, casual, project-based short-term work, and nixer-type work and the consequences in terms of tax and their jobseeker payment as there is a lack of information and clarity which is encouraging black-market activity, social welfare fraud, and welfare dependency. [4813/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The primary objective of the Department's information policy is to ensure that all citizens are made aware of the wide range of schemes and services available and that they are kept informed of changes and improvements as they occur. The Department operates a network of some 130 local and branch offices throughout the country. Each Local Office has officers who are dedicated to providing information and are available to explain supports and services to people.

This locally based service is supported by a central Information Unit which operates a LoCall information line (1890 66 22 44) which customers may call for information and guidance on their entitlements. The Department produces a comprehensive range of information leaflets and booklets and these are available in a wide range of outlets, including Social Welfare Offices,



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Citizens Information Centres and Post Offices. Booklets are also available from the LoCall Leaflet Request Line 1890 20 23 25.

Funding is also provided annually to the Irish National Organisation for the Unemployed (INOUE) to produce their booklet “Working for Work”, which contains full information on Jobseekers payments and the training and development options available to Jobseekers as well as advice on job searching, tax and other social services provided by other Departments and agencies. INOUE provide free copies of the “Working for Work” booklet to people in receipt of social welfare payments. The Department’s website, [www.welfare.ie](http://www.welfare.ie), contains full information on its range of schemes and services, including Jobseekers supports, and has a Frequently Asked Questions section dedicated to Jobseekers.

The Citizens Information Board, which comes under the aegis of the Department, is the national information agency with responsibility for supporting the provision of independent information and advice on the broad range of social services including social welfare services. Information is provided through Citizen Information Centres and other offices throughout the country, through the Citizens Information Phone Service (1890 777 121) which operates from 9am to 9pm Monday to Friday and on their website at [www.citizensinformation.ie](http://www.citizensinformation.ie). The Citizens Information Board recently launched a new website dedicated to people recently made unemployed, called [www.losingyourjob.ie](http://www.losingyourjob.ie). This site provides a single point of information for anyone looking for assistance with unemployment or reduced hours.

One of the conditions for receipt of Jobseekers payments is that the customer be unemployed for at least three days out of six per week. Jobseekers must declare any days worked to their local office when “signing-on”. Welfare fraud is theft and, while the level of fraud on most schemes is very low, the Department is doing everything that it can to crack down on people who abuse the system. In drafting the recent Budget, the Government was conscious of the need to avoid disincentives for people to move from welfare to work as these could lead to long-term dependency on welfare. The changes recently made in welfare rates address some of these disincentives. Information regarding these changes is available on the Department’s website, [www.welfare.ie](http://www.welfare.ie).

I am satisfied that the Department is taking all necessary steps to ensure that unemployed people are made aware of their entitlements, options and obligations.

### **Social Welfare Benefits.**

488. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if rent supplement, back dated to the date of suspension, has been awarded to a person (details supplied) in County Kilkenny, in accordance with the decision of the appeals officer. [4857/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

489. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied); and if she will make a statement on the matter. [4879/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

490. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs if a person (details supplied) in County Wexford is entitled to continue to receive carer’s allowance for six

weeks after the death of their mother; if her attention has been drawn to the fact that the claimant has received no payment since the date of their mother's death; when they will receive their entitlement; and if she will make a statement on the matter. [4882/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

491. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs the position regarding a person (details supplied) who has a paymaster general pension below the non-contributory rate; if they are entitled to apply for a non-contributory State pension; the target date for processing same; and if it will be paid as an addition to his paymaster general pension, or if full non-contributory social welfare pension can be awarded and the paymaster pension cancelled. [4885/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Departmental Reports.**

492. **Deputy John O'Mahony** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 249 of 21 January 2010, when a reply will issue; and if she will make a statement on the matter. [4896/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** A reply to Parliamentary Question No. 249 (Ref No. 2631/10) of 21 January 2010 was issued to the Deputy on 1 February 2010.

#### **Social Welfare Benefits.**

493. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs, in view of the errors in calculating the number of Irish citizens refused payments in 2008 under the habitual residence condition, as revealed in her reply to Parliamentary Question No. 442 of 26 January 2010, if she will give an assurance that the 2009 figure of 738 provided in her reply to Parliamentary Question No. 760 of 19 January 2010 is accurate. [4900/10]

494. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the process involved in counting people who were refused payment based on failure to satisfy the habitual residence condition; and if the consequent figures can be regarded as accurately reflecting all persons who fail to satisfy the HRC for payment administered by her Department. [4901/10]

495. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if she will provide a breakdown of the various offices of her Department that are involved in assessing habitual residence and the specific roles they play in the process. [4902/10]

496. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the number of Irish, British, EU 13, new member state and non-EEA citizens refused a payment based on failure to satisfy the habitual residence condition by citizenship category in each year since 2004 to date in 2010. [4903/10]

497. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the number of persons, whether Irish, British, EU13, new member states and non-EEA states, who have applied for a social welfare payment; and the number refused a social welfare payment based on the habitual residence condition in each local social welfare office since the habitual residence condition was introduced. [4904/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 493 to 497, inclusive, together.

In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

498. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of applicants approved under section 110(2) for contributory State pension for farm partnerships to date in 2010; and if she will make a statement on the matter. [4905/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

499. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if any of the persons with whom her Department is now in correspondence were originally approved under section 110(2) for a contributory State pension for farm partnerships; and if she will make a statement on the matter. [4906/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

500. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of applicants approved under section 110(2) for a contributory State pension for business partnerships to date in 2010; and if she will make a statement on the matter. [4907/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

501. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if any of the persons with whom her Department is now in correspondence were originally approved under section 110(2) for a contributory State pension for business partnerships; and if she will make a statement on the matter. [4908/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 502 answered with Question No. 475.*

#### **Social Welfare Benefits.**

503. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the social welfare entitlements of a person (details supplied) in County Louth. [4912/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** “In the time available it is not possible to provide the information requested”.

### Social Welfare Appeals.

504. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a disability allowance claim appeal can be opened in respect of a person (details supplied) in County Mayo. [4918/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

### Social Insurance.

505. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the criteria for determination of a partnership status in cases such as the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5026/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Spouses who operate in a commercial partnership may be brought into the social insurance system, subject to meeting some of the general criteria outlined below:

- There is a written partnership agreement
- Each partner writes cheques on the business accounts in their own right
- There is a joint business account
- It is apparent to those doing business with the partnership that a partnership exists
- Business accounts and activities are in joint names of the partners
- Each partner makes a significant contribution to the running of the business
- The business is owned jointly by the partnership
- The profits and losses of the partnership are shared by each partner
- The business stationery reflects the existence of a partnership.

No application for commercial partnership status has been received in the case of the person mentioned (details supplied).

### Social Welfare Benefits.

506. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when child benefit will be restored in the case of a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [5027/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

507. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if a person (details supplied) in County Kildare qualifies for back to education allowance; and if she will make a statement on the matter. [5028/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

508. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when a bereavement grant will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5029/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

509. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when one parent family allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5030/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

510. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the social welfare entitlements of persons (details supplied) in County Meath. [5037/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

511. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs if she will examine the case of a person (details supplied) in County Cork. [5040/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

512. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in Dublin 13; and if she will make a statement on the matter. [5043/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

513. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs if a companion pass will issue to a person (details supplied) in County Cork. [5044/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

514. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs if she will confirm receipt of an application for jobseeker's benefit in respect of a person (details supplied) in County Dublin; when payment will be awarded; and if she will make a statement on the matter. [5061/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

515. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason social welfare payments in respect of persons (details supplied) in Dublin 9 have been stopped for the past four weeks; and if she will arrange for the reinstatement of these payment. [5066/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

516. **Deputy Michael Creed** asked the Minister for Social and Family Affairs when a person (details supplied) in County Cork will receive their illness benefit payment; and if she will make a statement on the matter. [5090/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

517. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs when a decision will issue on the application for carer's allowance in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [5092/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

518. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs if she will ensure that payment of jobseeker's benefit is arranged in respect of a person (details supplied) in County Wexford; and if she will make a statement on the matter. [5094/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

*Question No. 519 answered with Question No. 475.*

*Question No. 520 answered with Question No. 475.*

#### **Departmental Records.**

521. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the percentage of applications for social welfare payment that were refused on first instance for failure to satisfy the habitual residence condition but subsequently granted on appeal, for Irish citizens, British citizens, EU13, new member states and non-EU citizens, by citizenship category and by year since 2004 to date in 2010. [5128/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

522. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs if the respite grant for carers will be paid in 2010; and if she will make a statement on the matter. [5130/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The respite care grant will be paid in the usual way in June 2010. The level of grant was not changed in the recent budget.

Supporting and recognizing carers in our society is, and has been, a priority of the Government since 1997. In 2005, the respite care grant was extended to all people providing full time care and attention, regardless of their means or social insurance contributions and it was made payable in respect of each care recipient. From June 2007, the level of the grant was increased by €300 per year to €1,500 per year in respect of each person being cared for. In Budget 2008, the level of the grant was increased by a further €200 per year to €1,700 in respect of each care recipient.

523. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the status of a payment to a person (details supplied) in County Cork; and if she will make a statement on the matter. [5142/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

524. **Deputy James Bannon** asked the Minister for Social and Family Affairs the reason a carer's allowance was disallowed in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [5151/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

525. **Deputy James Bannon** asked the Minister for Social and Family Affairs when a person (details supplied) who has been here for 18 months and has refugee status will be paid job-seeker's allowance; and if she will make a statement on the matter. [5153/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

526. **Deputy Tom Sheahan** asked the Minister for Social and Family Affairs if a person (details supplied) in County Kerry is entitled to a contributory pension. [5163/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

527. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs if a person (details supplied) in County Cork is entitled to apply for the back to education allowance; and if she will make a statement on the matter. [5171/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Departmental Records.**

528. **Deputy Máire Hocht** asked the Minister for Social and Family Affairs the number of applications for farm assist by farmers in north County Tipperary for the years 2005 to 2009; the number of applications approved and the amount paid out in north County Tipperary over this period; and if these figures can be broken down by year. [5282/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

529. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she will take steps to expedite an application for jobseeker's allowance in respect of a person (details supplied) in County Westmeath; when a decision will be made thereon; and if she will make a statement on the matter. [5360/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Appeals.**

530. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she will take steps to have an application for jobseeker's allowance in respect of a person (details supplied) in County Westmeath reviewed in the context of the fact that it is 2010 and means assessment should be significantly different in this regard; and if she will make a statement on the matter. [5361/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Social Welfare Benefits.**

531. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Westmeath has not been awarded illness benefit; and if she will make a statement on the matter. [5362/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

532. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she will expedite an application for carer's allowance in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [5364/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

533. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she will take steps to expedite an application for jobseeker's allowance in respect of a person (details supplied) in County Westmeath; if an early decision will be made thereon; and if she will make a statement on the matter. [5365/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Pension Provisions.**

534. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs when a decision will issue on a pension in respect of a person (details supplied); and when they will receive arrears. [5371/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

535. **Deputy Edward O'Keeffe** asked the Minister for Social and Family Affairs if she will transfer a person (details supplied) in County Cork to invalidity pension. [5372/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.



### Social Welfare Benefits.

536. **Deputy Edward O’Keeffe** asked the Minister for Social and Family Affairs the position regarding an application to the Health Service Executive in respect of a person (details supplied) in County Cork. [5373/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

### Flood Relief.

537. **Deputy Deirdre Clune** asked the Minister for Social and Family Affairs the supports available to persons whose homes were damaged in the November 2009 flooding; the amount that will be provided; the amount that has been paid out to date in 2010; the action that will be taken for persons with no home insurance; and if she will make a statement on the matter. [5376/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In recognition of the devastation suffered by people in many areas of the country as a result of the flooding from November 2009 onwards, the Government set up a Humanitarian Assistance Scheme to provide income tested financial support to people who have suffered damages to their homes not covered by insurance. An initial sum of €10million has been set aside by the Government for this purpose.

Community Welfare Service staff throughout the country have been providing support to families since this flooding occurred. Up to the 22nd January 2010 they had already made over 1,952 payments to 1,135 individuals to the value of €790,000. The average payment per individual is almost €700, with the largest payment to an individual in excess of €20,000. Initially, the vast bulk of applications for humanitarian assistance were for small amounts to assist with basics such as food, clothing, bedding, heating and the hire of dehumidifiers.

As the flood waters began to recede in some areas and householders were able to assess the extent of damage to the contents of their homes, claims have been submitted and approved for items such as carpets, flooring, furniture and white goods. While assistance is available for structural repairs to homes not covered by household insurance, very few large scale claims have been made at this stage. This is because homeowners have not yet established the cost of repair in many cases, for example because they are awaiting a builder’s estimates. It is expected that large scale claims will be received over the coming weeks. The level of payment available under the aid scheme to any qualified individual depends on the severity of the damage to that person’s home and the extent of the loss experienced as well as household income and general family circumstances. Application forms and information about the Humanitarian Assistance Fund are available from the Department of Social and Family Affairs website, [www.welfare.ie](http://www.welfare.ie). This material is also available through the Citizens Information Service, and the HSE website, [www.HSE.ie](http://www.HSE.ie).

### Social Welfare Benefits.

538. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Westmeath has not been provided with a companion pass; if the decision to refuse same will be reviewed; and if she will make a statement on the matter. [5381/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

539. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if a person (details supplied) in County Westmeath is entitled to a fuel allowance; if so, the reason that this person is not awarded this allowance; and if she will make a statement on the matter. [5383/10]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the time available it is not possible to provide the information requested.

#### **Sail Training Scheme.**

540. **Deputy Jimmy Deenihan** asked the Minister for Defence his plan for a replacement sail training vessel for the Asgard II for 2010; and if he will make a statement on the matter. [5165/10]

**Minister for Defence (Deputy Willie O’Dea):** In the context of settling the Estimates for my Department for 2010, the Government decided that the national sail training scheme operated by Coiste an Asgard would be discontinued as recommended in the Report of the Special Group on Public Service Numbers and Expenditure.

The decision to discontinue the scheme was a difficult one. I am conscious of the fact that it will come as a great disappointment to many. However, the reality is that in the current difficult economic situation there is no option but to make reductions in all areas of public expenditure, including Defence. In that regard my priority is to ensure that the Defence Forces have the resources to discharge their allotted tasks at home and abroad.

#### **EU Directives.**

541. **Deputy Joe Costello** asked the Minister for Defence if there are EU Directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4710/10]

**Minister for Defence (Deputy Willie O’Dea):** EU Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directive 2004/17/EC and 2004/18/EC is required to be transposed by 21 August 2011. It will be transposed by way of secondary legislation.

#### **Prison Committals.**

542. **Deputy Ciarán Cuffe** asked the Minister for Defence if he has data regarding the number of ex-servicemen that are in custody in jails here; and if he will make a statement on the matter. [4747/10]

**Minister for Defence (Deputy Willie O’Dea):** Information relating to individuals who are in prison is a matter for my colleague the Minister for Justice, Equality and Law Reform. My Department would not be aware, therefore, of the number of ex-servicemen who are in custody in prisons in this country.

#### **Overseas Missions.**

543. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence his involvement in the cold response exercises due to be held in Norway from 18 February to 5 March 2010; and the number of military personnel that will be involved. [4814/10]

**Minister for Defence (Deputy Willie O’Dea):** Cold Response 2010 is a multinational training exercise with the Norwegian Armed forces, focused on cold weather maritime/amphibious operations, interoperability of expeditionary forces, and special and conventional ground operations. The exercise will be held in Norway from 18 February 2010 to 5 March 2010. Participants from fourteen (14) nations, comprising 8,900, personnel will take part in this exercise. The exercise is based on a major NATO led Crisis Management Operation mandated by the UN Security Council under Chapter VII of the UN Charter.

The Irish Defence Forces will not be participating in this exercise. On receipt of an invitation from the Norwegian Military Authorities, I have approved the attendance of two Defence Force officers at the Distinguished Visitors Day, which will take place between 23 and 24 February 2010.

### **Defence Forces Equipment.**

544. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence if a contract will be granted to an Israeli company (details supplied) for Irish military equipment; and if so, if the humanitarian situation with regard to the Palestinians was a consideration when granting the contract. [4815/10]

**Minister for Defence (Deputy Willie O’Dea):** My Department initiated a tender competition in 2009 for the supply of Surveillance and Target Acquisition equipment for four out of a total of twenty seven Light Tactical Armoured Vehicles that are being supplied by BAE Systems in South Africa. Following a detailed evaluation of tenders, the contract for the award of the equipment, with a value of €2.37m inclusive of VAT, was awarded to Elbit Systems Limited in Israel. The four Surveillance and Target Acquisition Suites are required to enhance the capability of the Defence Forces to carry out overseas Peace Support Operations. They will be used as an information-gathering asset and will provide a means to enhance force protection and the safety of Irish troops whilst on such missions.

My Department conducts tender competitions in accordance with EU procurement guidelines. For procurements of defensive equipment in excess of €1million, the Code of Conduct on Defence Procurement is observed, and competitions are advertised by the European Defence Agency as was the case with the tender competition for the Surveillance and Target Acquisition equipment. Tender competitions are held in accordance with the EU Code of Conduct on Export Controls. The tender competitions are open to companies in individual countries in accordance with the terms of all United Nations, Organisation for Security and Co-operation in Europe and European Union arms embargos or restrictions. Neither Elbit Systems Limited nor Israel have had embargos or restrictions imposed on them by any of these organisations. The Department of Defence is obliged to deal impartially with all companies that are entitled to enter its procurement competitions and must evaluate tenders on the basis of objective criteria set out in the tender documentation.

### **Overseas Missions.**

545. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence further to Parliamentary Question No. 475 of 26 January 2010, the region that NATO covers. [4819/10]

**Minister for Defence (Deputy Willie O’Dea):** The North Atlantic Treaty Organisation (NATO) is a Trans-Atlantic intergovernmental organisation with 28 members drawn from Europe and North America. The introduction to the NATO Treaty specifically states that “The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments”. Since

the early 1990s, cooperation between NATO and the United Nations has broadened significantly, and in September 2008, the two organisations established a framework for expanded consultation and cooperation between them. NATO has been mandated by the United Nations Security Council on various occasions to undertake operations on its behalf to maintain international peace and security.

#### **Marine Accidents.**

546. **Deputy Jimmy Deenihan** asked the Minister for Defence when the report of the marine casualty investigation board into the sinking of the Asgard II will be published; and if he will make a statement on the matter. [5166/10]

**Minister for Defence (Deputy Willie O’Dea):** The question raised by the Deputy is a matter for the Marine Casualty Investigation Board, which is a statutory independent body.

#### **Defence Forces Operations.**

547. **Deputy Máire Hctor** asked the Minister for Defence if the Defence Forces received any request for assistance from North Tipperary County Council to help deal with the recent weather conditions. [5268/10]

**Minister for Defence (Deputy Willie O’Dea):** Neither my Department nor the Defence Forces received an official request for assistance from North Tipperary County Council during the recent periods of flooding and cold weather.

#### **Waste Management.**

548. **Deputy Fergus O’Dowd** asked the Minister for the Environment, Heritage and Local Government if he has had discussions with the Northern Authorities or the British Government regarding the dumping of diesel sludge in Border counties; and if he will make a statement on the matter. [5169/10]

570. **Deputy Fergus O’Dowd** asked the Minister for the Environment, Heritage and Local Government if he has sought contributions from authorities in Northern Ireland towards the cost of disposal of diesel sludge and clean up of the environment; and if he will make a statement on the matter. [4910/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 548 and 570 together.

In the context of developing a framework agreement with Northern Ireland authorities on the repatriation of waste illegally deposited there which originated in Ireland, the costs for Ireland resulting from the deposition of hazardous chemical sludges from both the historic and continuing illegal activity associated with oil laundering between the jurisdictions has been raised. Both the Northern Ireland authorities and the Irish authorities have agreed to give separate consideration to how this matter might be better addressed on a co-operative basis, including the matter of liability for historical disposal costs. Further discussions on this issue will be held in 2010.

#### **Urban Renewal Schemes.**

549. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the refurbishment work in Kilfinane town centre, County Limerick. [4462/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Urban and Village Regeneration Programme 2000-2006, grant assistance was provided by my Department to local authorities for a range of interventions to upgrade the fabric of the built environment in cities, towns and villages. Final funding allocations under this Programme, which ended in early 2008, involved total EU and Exchequer co-financed expenditure of over €158m. My Department part funded regeneration works at Kilfinane, County Limerick during the course of the programme. The total grant assistance provided amounted to €1,331,184. The detailed costings for the individual component parts of the project are held by Limerick County Council who were directly responsible for the management and implementation of the regeneration project. My Department has not funded any water or sewerage works in Kilfinane.

#### **Water and Sewerage Schemes.**

550. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied). [4493/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Responsibility for ensuring that an adequate water supply is available to consumers in the Dublin area rests primarily with the local authorities in the Dublin region. All local authorities, including Dublin City Council, were asked in July 2009 to submit an assessment of needs for water and sewerage services in their areas to my Department by 23 October 2009. My Department is currently considering these assessments, which 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. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

The recent severe weather has pointed up the need to sustain our efforts in the provision of water services infrastructure and, in particular, the replacement and rehabilitation of older mains. A greater focus on such works will be a key priority of the Water Services Investment Programme 2010-2012. Consultants engaged by Dublin City Council are, at present, preparing a Preliminary Report for the longer term water supply needs of the greater Dublin area. One of the options being explored is the possibility of supplying the region with desalinated water. The consultants are due to submit their report to the City Council during this year.

551. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of sewerage schemes for villages (details supplied) in County Kerry; and if he will make a statement on the matter. [4539/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Ballylongford, Lixnaw and Tarbert Sewerage Schemes were among a group of over 90 towns and villages for which Kerry County Council has been preparing reports and carrying out studies to optimize the delivery of wastewater infrastructure in the county. These reports and studies were included in my Department's Water Services Investment Programme 2007-2009. Planning for these schemes has progressed during this period, but additional information relating to each scheme is awaited from Kerry County Council.

Local authorities were asked in July 2009 to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. My Department is currently considering these assessments, which 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. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

### **Departmental Funding.**

552. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the funding application options for a project (details supplied) in County Donegal; and if he will make a statement on the matter. [4550/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's civic structures conservation grants scheme or the Heritage Council's heritage management scheme may represent appropriate application options for purposes of funding for conservation works on Kilmacrennan Abbey.

The civic structures conservation grants scheme provides grants for the restoration and conservation of buildings of significant architectural heritage merit which are in civic ownership or occupation and generally open to the public. Applications for funding are currently being accepted under this scheme and the closing date for the receipt of applications is 19 February 2010. Further details are available on [www.environ.ie](http://www.environ.ie).

My Department also provides funding to the Heritage Council for capital grants to assist conservation works to buildings. The Council's heritage management scheme, which supports projects that apply good heritage practice to the management of places, collections or objects, is scheduled to be advertised in September of this year for funding of projects in 2011. Enquiries in relation to this scheme should be made directly to the Heritage Council; details are also available on [www.heritagecouncil.ie](http://www.heritagecouncil.ie).

### **Local Authority Functions.**

553. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the role or function of elected members of a local authority regarding the expansion or curtailment of an existing service to the public; and if he will make a statement on the matter. [4571/10]

554. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government if elected members of a local authority can advocate or endorse additional services provided to the public within the confines of a local authority budget; and if he will make a statement on the matter. [4572/10]

555. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the role or function of elected members of a local authority in the provision of services within a local authority; and if he will make a statement on the matter. [4573/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 553 to 555, inclusive, together.

Under the Local Government Act 2001 responsibility for the performance of local authority functions, as set out under various legislative codes, is shared between the elected Council and the Manager, with the Council having the pre-eminent role through its determination of the policy and budgetary framework and its powers of oversight and direction of the activities of the local authority. The Manager is responsible for the day to day running of the local authority, including staffing, within the priorities determined by the elected council.

### Planning Issues.

556. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government the timeframe for determining planning cases by An Bord Pleanála; his plans to further expedite the decision making process. [4580/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In 2009, An Bord Pleanála focused on dealing with a backlog of cases and restoring compliance with its statutory objective to determine cases within 18-weeks. The compliance rate has increased from 36% in September 2009 to 50% in December. These improvements in the latter part of 2009 will continue and it is expected that the compliance rate will continue to rise throughout 2010.

The Planning and Development (Amendment) Bill 2009 will assist the Board in achieving efficiencies of operation including through a reduction in the current statutory quorum of Board members from three to two for the purpose of determining certain classes of routine cases.

### Water and Sewerage Schemes.

557. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local Government when two connected projects (details supplied) in County Laois will be approved to go to tender; and if he will make a statement on the matter. [4606/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Laois Grouped Towns Sewerage Scheme was included in my Department's Water Services Investment Programme 2007-2009. The planning phase of this scheme has progressed during this period and my Department is currently awaiting proposals from the Council in relation to the DBO Contract. The Contract Documents for the Network contract have been submitted to my Department for examination.

Local authorities were asked in July 2009 to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. My Department is currently considering these assessments, which 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. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

### Radon Gas Levels.

558. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government his plans to address concerns about high levels of radon in the north-west specifically in counties Sligo and Donegal; and if he will make a statement on the matter. [4670/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Government, largely through the Radiological Protection Institute of Ireland (RPII), has for many years now worked towards assessing the extent of the radon problem throughout the country. Between 1992 and 1999 the RPII carried out a National Radon Survey to measure radon concentrations in Irish homes. The principal objectives were to measure the scale of the radon problem in Ireland and to identify areas at higher risk of radon concentrations above the National Reference Level of 200 becquerels per metrecubed(Bq/m<sup>3</sup>).

The Government's approach to radon, which is similar to that of the majority of EU Member States, is to concentrate efforts on increasing public awareness of the risks posed by the build

up of radon in the home. Householders, particularly those living in known high radon areas, have been strongly encouraged by the RPII to have their homes tested for radon and to undertake remediation works where necessary.

Almost 38,000 homes have now been measured for radon by the RPII. The results of these tests have been compiled into a central database, which has greatly aided our knowledge and understanding of the extent of Ireland's radon problem.

Measurements carried out to date by the RPII show the following results for counties Sligo and Donegal:

County	Total number of houses measured	Number of houses in categories of radon concentration				Percentage of measured homes above 200 Bq/m <sup>3</sup>
		0-199 Bq/m <sup>3</sup>	200-799 Bq/m <sup>3</sup>	> 800 Bq/m <sup>3</sup>	Max(Bq/m <sup>3</sup> )	
Sligo	1,470	1,115	295	56	5,508	24
Donegal	1,180	1,125	55	0	512	5

In Sligo nearly 24% of the homes measured were above 200 becquerels per metre cubed (Bq/m<sup>3</sup>) with the maximum value measured at 5,508Bq/m<sup>3</sup>.

In Donegal 5% of the homes measured were above 200 Bq/m<sup>3</sup> with the maximum value of 512 Bq/m<sup>3</sup>.

In December 2009, the RPII collaborated with Sligo County Council in holding a public meeting in Sligo town aimed at promoting local awareness of radon. The RPII has carried out targeted information campaigns in high radon areas and, in some instances, where areas with particularly high radon levels have been found the RPII has written directly to householders. This approach will be continued so that householders in high radon areas are encouraged to address monitoring and remedial requirements effectively and economically.

If a dwelling is found to have a high radon level remediation work may be recommended. Technical guidance on radon remediation techniques is available in a booklet issued by my Department: Radon in Buildings — Corrective Options. The RPII has also issued guidance: Understanding Radon Remediation — A Householder's Guide.

In addition, the website of the RPII provides a list of companies who can provide a radon remediation service and the RPII can offer specific advice and recommendations. Members of the public can access information on radon on the RPII website, [www.rpii.ie](http://www.rpii.ie). Publications and information leaflets about radon can be downloaded free of charge. The RPII can also be contacted on freephone 1800 300 600.

### **Departmental Programmes.**

559. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government his views on a submission (details supplied); and if he will make a statement on the matter. [4674/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The project in question, which is at an early stage of development, is part of my Department's Remedial Works Programme 2009-2011. The project proposal was received in late 2008 and, following an evaluation process, approval in principle issued from my Department in February 2009.



[Deputy Michael Finneran.]

Following a meeting between my Department and Kildare County Council on 18 November 2009, the Council agreed to review and submit further details on the design, costing and phasing of the project. Upon receipt they will be considered by my Department with a view to reaching agreement with the Council as soon as possible on a programme of works.

### **Water and Sewerage Schemes.**

560. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government if he will approve the preliminary report for a scheme (details supplied) and take into account the water needs assessment report adopted by Cork County Council on the 14 December 2009 and the codicil added to that report by unanimous decision of the members that the scheme should be prioritised; and if he will make a statement on the matter. [4694/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department is finalising its assessment of Cork County Council’s Preliminary Report for the Courtmacsherry / Timoleague Sewerage Scheme, which was included for funding in my Department’s Water Services Investment Programme 2007-2009. A decision on the preliminary report for this scheme will be notified to the Council as soon as possible in the light of the finalisation of the Water Services Investment Programme for 2010 to 2012.

Local Authorities were asked in July 2009 to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. My Department is currently considering these assessments, which 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. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

### **EU Directives.**

561. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4713/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** There are currently four Directives in my Department’s area of responsibility, which are outstanding for transposition. These include one directive requiring partial transposition by end 2009 and the remaining provisions by 31 December 2012. A further ten Directives are due for transposition between April 2010 and the beginning of 2012. Details of the Directives involved are set out in the Table. My Department is working to ensure the comprehensive transposition of these Directives.

EU Directives to be transposed by the Department of the Environment, Heritage and Local Government

Directive Number / Subject	Date of Adoption and Deadline for Transposition	Expected Transposition Date	Likely Method of Transposition
2003/35/EC Directive on public participation in plans and programmes relating to the environment (already partially transposed)	26/05/2003 25/06/2005	At the earliest possible date	Statutory Instrument
2007/2/EC On establishing an Infrastructure for Spatial In-formation in the European Community (INSPIRE)	14/03/2007 15/05/2009	End of February 2010	Statutory Instrument
2008/50/EC On ambient air quality and cleaner air for Europe	21/05/2008 11/06/2010	By the Transposition Date	Statutory Instrument
2008/56/EC Establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)	17/06/2008 15/07/2010	By the Transposition Date	Statutory Instrument
2008/98/EC On waste and repealing certain Directives	19/11/2008 12/12/2010	By the Transposition Date	To be determined
2008/99/EC On the protection of the environment through criminal law	19/11/2008 26/12/2010	By the Transposition Date	To be determined
2008/101/EC Amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community	19/11/2008 02/02/2010	At the earliest possible date	Statutory Instrument
2008/105/EC On environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC	16/12/2008 13/07/2010	By the Transposition Date	Statutory Instrument

EU Directives to be transposed by the Department of the Environment, Heritage and Local Government — *continued*

Directive Number / Subject	Date of Adoption and Deadline for Transposition	Expected Transposition Date	Likely Method of Transposition
2008/112/EC Amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EEC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.	16/12/2008 01/04/2010	By the Transposition Date	Statutory Instrument
2009/29/EC Amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community	23/04/2009 31/12/2009 and 31/12/2012	At the earliest possible date and By the Transposition Date	Statutory Instrument
2009/30/EC Amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC	23/04/2009 31/12/2010	By the Transposition Date	Statutory Instrument
2009/71/EURATOM Establishing a Community Framework for the nuclear safety of nuclear installations.	25/06/2009 22/07/2011	By the Transposition Date, if necessary.	Transposition may not be required in this case as Ireland does not have any nuclear installations. It is hoped that this will be confirmed in the first quarter of 2010.
2009/90/EC Laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status	31/07/2009 21/08/2011	By the Transposition Date	Statutory Instrument
2009/126/EC On Stage II Petrol Vapour Recovery during refuelling of motor vehicles at service stations.	21/10/2009 01/01/2012	By the Transposition Date	Statutory Instrument

### **Ministerial Meetings.**

562. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government the number of meetings between him and an organisation (details supplied) in the context of legislative initiatives by his Department; and if he will make a statement on the matter. [4748/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I had one meeting with representatives of the organisation in question on 30 June, 2009, at their request, to discuss a number of issues with regard to my responsibilities under the Wildlife Acts.

### **Flood Relief.**

563. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if an organisation (details supplied) in County Cork will be entitled to have an application for financial assistance to deal with flood damage considered under the flood relief fund; and if he will make a statement on the matter. [4750/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I assume the question refers to the supplementary funding I provided to local authorities in flood affected regions towards meeting the immediate and exceptional costs incurred in dealing with the recent flooding crisis. There is no fund available in my Department to financially assist owners of private properties or sports facilities in meeting the costs of flood damage.

### **Water and Sewerage Schemes.**

564. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied); and if he will make a statement on the matter. [4785/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Carrigaholt/Labasheeda sewerage scheme was included for funding in my Department's Water Services Investment Programme 2007-2009.

In June 2008, my Department approved Clare County Council's Preliminary Reports for the Carrigaholt/Labasheeda scheme, with approved grant funding of €1.547 million. I understand that the Council is advancing the detailed planning of this scheme.

In July 2009, local authorities were asked to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. My Department is currently considering these assessments, which 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. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

565. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government if adequate funding is allocated to local authorities to ensure that the required repairs are carried out to the water system in order that persons will be guaranteed a consistent and safe supply of water to meet their needs; and if he will make a statement on the matter. [4788/10]

566. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government if he has plans to ensure that the upgrading of the water system for Dublin city will be carried out; and if he will make a statement on the matter. [4789/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 565 and 566 together.

Substantial funding of €508m is being provided this year from the Exchequer for the provision of water services infrastructure. This level of investment continues to reflect the priority assigned by Government to meeting EU standards for drinking water and providing critical water supply infrastructure, which has seen additional drinking water treatment capacity and additional drinking water storage capacity equivalent to the needs of a population of 855,000 and 1.5 million, respectively, provided in the period 2000-2008.

All local authorities, including Dublin City Council, were asked in July 2009 to submit an assessment of needs for water and sewerage services in their areas to my Department by 23 October 2009. My Department is currently considering these assessments, which 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. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

The recent severe weather has pointed up the need to sustain our efforts in the provision of water services infrastructure and, in particular, the replacement and rehabilitation of older mains. A greater focus on such works will be a key priority of the Water Services Investment Programme 2010-2012.

#### **Ministerial Correspondence.**

567. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will furnish a response to correspondence (details supplied); and if he will make a statement on the matter. [4865/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 149 of 28 January 2010. The position is unchanged.

#### **Housing Policy.**

568. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government if he has plans to make financial allocations for local authority housing programmes available to Clare County Council, Ennis Town Council, Kilkee Town Council, Kilrush Town Council and Shannon Town Council for 2010; if so; when he will make these allocations; and if he will make a statement on the matter. [4878/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Housing allocations for 2010 will issue to all housing authorities, including Clare County Council, Kilrush Town Council and Ennis Town Council, in March 2010. The publication of the annual allocations for the Social Housing Investment Programme will follow discussions with each housing authority at Housing Action Plan [HAP] meetings to be held in February. Housing authorities have been issued with provisional allocations for 2010 to enable them to maintain momentum on their work programmes and as a basis for discussion at the forthcoming HAP meetings.

### Environmental Policy.

569. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government the amount of funding requested and granted to each local authority for each of the past 10 years in relation to all costs regarding the removal of diesel sludge and clean up of the environment as a result, in their administrative area; the cost each year for the export of such sludge for treatment; and if he will make a statement on the matter. [4909/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Submissions were received in 2003 from Louth and Monaghan County Councils concerning the difficulties they were encountering in dealing with deposits of waste oil residue from the process of illegal oil laundering at various locations in their respective functional areas. As an exceptional measure, my Department has provided annual payments from the Environment Fund to the two local authorities to cover the disposal costs concerned. These payments are made in arrears based on actual costs incurred by the two local authorities. The amounts presented in the following table include costs incurred by the local authorities concerned in respect of the export of diesel sludge for treatment. Since 2003, Louth County Council has received €2,068,058 to help offset costs incurred with the disposal. A further claim for €74,833 is currently under consideration by the Department. Since 2003, Monaghan County Council has received €1,276,621 to help offset costs incurred with the disposal.

Year	Local Authority	Amount Requested	Payment Amount
		€	€
2003	Louth County Council	469,930	469,930
2003	Monaghan County Council	168,357	168,357
2004	Louth County Council	354,000	354,000
2004	Monaghan County Council	279,000	279,000
2005	Louth County Council	454,702	400,000
2005	Monaghan County Council	327,322	327,322
2006	Louth County Council	536,000	194,945
2006	Monaghan County Council	273,883	273,883
2008	Louth County Council	139,233	134,221
2008	Monaghan County Council	182,428	182,428
2009	Louth County Council	521,870	514,962
2009	Monaghan County Council	45,631	45,631
		3,752,356	3,344,679

*Question No. 570 answered with Question No. 548.*

### National Parks and Wildlife Service.

571. **Deputy Mary Alexandra White** asked the Minister for the Environment, Heritage and Local Government the number of conservation rangers for County Carlow; his plans for such staffing resources for County Carlow; and if he will make a statement on the matter. [5033/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In addition to the management team at district, regional and divisional levels, ten Conservation Rangers provide cover for the South East Region which includes the Carlow area. Staffing resources in the region are allocated on the basis of regularly assessed priorities.

### **Water Supply Contamination.**

572. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1156 of 26 September 2007, if local authorities here have followed his Department's request to install continuous chlorine alarms and turbidity meters at appropriate locations at the treatment plant or in the distribution network in order to avoid trihalomethanes produced by high levels of chlorine and organic compounds; and if he will make a statement on the matter. [5051/10]

573. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the legal limit set for trihalomethanes in public water supplies; the levels that were recorded in water supplies in 2006, 2007, 2008 and 2009; and if he will make a statement on the matter. [5052/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 572 and 573 together.

During 2007, water services authorities were asked by my Department to review the operation of all water treatment plants (and associated infrastructure) and to ensure that the installation of continuous chlorine alarms and turbidity meters at appropriate locations at the treatment plant or in the distribution network (including at reservoirs) is progressed without delay. This request was restated in August 2008 by the Environmental Protection Agency (EPA) who issued a circular to water services authorities recommending the installation of a chlorine monitor and alarm in each public water supply.

Under the European Communities (Drinking Water) (No.2) Regulations 2007, the EPA is responsible for the supervision of public water supplies. The EPA is responsible for ensuring that each public water supply has appropriate treatment in place, including chlorine and turbidity monitors and alarms, where appropriate. In November 2009, the EPA issued an advice note to each water services authority on the approach to dealing with turbidity in drinking water. This was one of a series of six drinking water advice notes issued by the EPA during 2009.

Under the Drinking Water Regulations, the EPA can issue a binding direction to a water services authority to take the relevant action to ensure compliance with the parameters set out in the Regulations. Failure to comply with such a direction may lead to prosecution. The Drinking Water Regulations imposed a parametric value for trihalomethanes of 150 micro grammes until 25 December 2008; thereafter, a parametric value of 100 micro grammes became effective. In 2006, compliance with the parametric value for trihalomethanes was 96.6% and in 2007 compliance was 97.3%. The EPA has not completed its analysis of sampling results for 2008 and 2009.

### **Social and Affordable Housing.**

574. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government if he will approve a funding application from Dublin City Council for a concierge service for a development (details supplied) in Dublin 9, in view of the level of anti-social behaviour in the area and in a bid to combat the level of nuisance that persons in this development are experiencing. [5076/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** My Department will shortly meet with Dublin City Council as part of the Annual Housing Action Plan process at which time this proposal, which was submitted in

December 2009, can be considered in the context of the Council's priorities for funding from within its 2010 social housing investment allocation.

### **Environmental Policy.**

575. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government the arrangements that have been made for compensating farmers for the expenditure involved in replacing tanks for storing milk which run on R22 gas; the way this will be administered; the way other countries are managing this change-over; and if he will make a statement on the matter. [5084/10]

576. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government the date of the deadline for the removal of tanks for storing milk using R22 gas; the reason this policy has been implemented; the cost of such a measure for the industry as a whole and for each individual farmer, as assessed by his Department; and if he will make a statement on the matter. [5085/10]

577. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government if the policy of banning R22 for refrigeration will be reversed due to the heavy cost it imposes on farmers during the current economic period; and if he will make a statement on the matter. [5086/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 575 to 577, inclusive, together.

HCFC-22 (or R22) is a refrigerant gas that has been commonly used in refrigeration and air-conditioning systems for more than four decades. However, releases of HCFC-22, such as those from leaks, are damaging to the environment as they contribute to ozone depletion. HCFC-22 gas has been banned from use in tanks used for the storage of milk in consequence of an EU Regulation, which is under EU law directly applicable in all Member States, on Ozone Depleting Substances (ODS). Regulation 2037/2000 (EC), on ODS, essentially banned the use of HCFCs for the manufacture of new equipment in all refrigeration and air-conditioning applications. Furthermore, it prohibited the use of virgin HCFC gases, including HCFC-22, in all existing refrigeration, air conditioning and heat pump units from 1 January 2010.

Compliance with this regulation does not require the removal or prohibit the use of existing equipment containing HCFCs. The regulation affects existing milk storage tanks only in so far as requiring that recycled or reclaimed HCFC-22 is used in place of virgin gas during the service and maintenance of such equipment. This will be permitted until 31 December, 2014 after which time viable alternative products must be used in its place. The ban is considered appropriate due to the damaging effect of ODS and because cost effective alternatives are readily available.

As HCFCs are being phased out over an extended period of time, since 2001, it was not anticipated that any significant costs would be incurred by any sector. My Department has had ongoing consultation with the refrigeration industry on ODS through its representative body, the Institute of Refrigeration Ireland, to keep members up to date on developments. Given the lengthy phase — in period, industry has had sufficient time to prepare for any changes these regulations may generate and the issue of compensation does not arise.

The Environmental Protection Agency is the competent authority for the implementation of the ODS Regulations and provides advice and guidance on the controlled use of ODS through



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its website. The EPA also produced guidance notes for end users of HCFCs to raise awareness and assist in the phase out process. The guidance notes are available on the Agency's website, *www.epa.ie*. Information and guidance is also available on the Institute of Refrigeration's website, *www.instituteofrefrigerationireland.ie*.

### **Water Charges.**

578. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied). [5087/10]

581. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government his plans for metering the domestic water supply; if he proposes to charge for water in all private homes; when the metering system will be in place nationwide; and if he will make a statement on the matter. [5125/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Question Nos. 578 and 581 together.

As indicated in the reply to Question No. 14 of 14 January 2010, the renewed Programme for Government contains a commitment to introduce charges for domestic water use in a way that is fair, significantly reduces waste and is easily applied. I will be bringing detailed proposals to Government shortly on the approach to metering of households on public supplies. Where possible, each household on a public supply will be individually metered. Following the phased installation of the meters, all households on public supplies will be charged for water services based on usage. The metering programme is likely to take a number of years to complete.

### **Fire Stations.**

579. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government when an application for funding for a new fire station facility (details supplied) in County Tipperary will be approved; the timeframe for the provision of the funding; the reason for the delay; and if he will make a statement on the matter. [5114/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting local authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy. Following an application by North Tipperary County Council, approval in principle to extend the fire station in Templemore was granted in 2007 and it is understood that the Council has acquired a site adjacent to the existing fire station. Further investment in the fire service in North Tipperary will be considered under future capital programmes and will have regard to the fire authority's priorities, the spread of existing facilities, and the totality of demands from other fire authorities for available funding.

### **Local Authority Staff.**

580. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government his plans for lifting the embargo on the recruitment of staff at local auth-

orities to replace persons who have left or retired; if his attention has been drawn to the disruption of services to the public that this loss of staff is causing. [5122/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the terms of the Government's decision on implementation of savings in public service numbers no public service vacant post, however arising, may be filled by recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade. This decision is effective from 31 March 2009. My Department received a delegated sanction from the Department of Finance for implementation of the general moratorium on the filling of public sector posts in the Local Authority Sector, on condition that the overall staffing levels in the local authority sector are to be reduced significantly by the end of 2010 in adherence with the Government's Policy on Staffing and Numbers in the Public Sector. Local Authorities are expected, where vacancies arise, to consider options for reorganisation and reallocation of work to meet requirements. Under section 159 of the Local Government Act 2001, each County and City Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. The Housing Grants Section of my Department has not been advised by Galway City Council of any constraints on the administration of the suite of grants for older people and people with a disability arising from staffing shortages or from an inability to process and approve individual applications for grants.

*Question No. 581 answered with Question No. 578.*

#### **Building Regulations.**

582. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the position regarding the response from a company (details supplied) in County Wicklow to your reply of 30 December 2009 regarding their correspondence on building energy rating; and if he will make a statement on the matter.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A letter responding to the additional matters raised by the company concerned will be issued directly to the Deputy within one week.

#### **Hunting Licences.**

583. **Deputy Máire Hocht** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a hunting licence for hunt parties in north Tipperary. [5276/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department has not received an application for a hunting licence for hunt parties in north Tipperary. I should point out that a licence is not required from my Department for fox hunting as foxes are not a protected species under the Wildlife Acts.

#### **Animal Breeding Regulations.**

584. **Deputy Máire Hocht** asked the Minister for the Environment, Heritage and Local Government his plans regarding the regulation of puppy farms. [5277/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Dog Breeding Establishments Bill 2009 commenced second stage in the Seanad on 26 January 2010.

The Bill contains provision to give statutory effect to the recommendations of the Working Group that reviewed the management of dog breeding establishments. A dog breeding establishment is defined in the Bill as a premises with not less than 6 bitches of 4 months old capable of breeding.

The Bill proposes that all dog breeding establishments be required to register with the relevant local authority, pay a registration fee and meet a minimum set of veterinary, welfare and other standards, together with some associated requirements. Regulations will be introduced following its enactment and these will set out the detailed criteria for dog breeding establishments. Guidelines for dog breeding establishments to meet the requirements of the legislation will be introduced by way of Regulations following enactment of the Bill. The draft Regulations will be subject to consultation with interested parties to meet the requirements of the legislation.

In addition, my colleague the Minister for Agriculture, Fisheries and Food, Mr. Brendan Smith, T.D., is preparing an Animal Health and Welfare Bill.

### **Construction Industry.**

585. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his plans for better enforcement of building regulations; and if he will make a statement on the matter. [5301/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Building Control Act 1990 assigns primary responsibility for complying with the Building Regulations to the owners and builders of buildings. Responsibility for enforcement of the Regulations is vested in the 37 local Building Control Authorities, who are empowered to carry out inspections of buildings, issue enforcement notices for non-compliance with the Regulations and initiate Court proceedings, where appropriate.

The Building Control Act 2007 contains provisions, inter alia, to strengthen the enforcement powers of local Building Control Authorities, which are operative since 1 March 2008. Building Control authorities were given the option to bring summary prosecutions for all building code offences in the District Court, rather than by way of prosecution on indictment by the Director of Public Prosecutions in the Circuit Court. Authorities also have wider powers to make application to the High Court or the Circuit Court to secure Orders where buildings do not comply with the requirements of the Building Regulations. The maximum penalties for breaches of the Regulations have been substantially increased under the Act, from £800 (punts) to €5,000 on summary conviction; from £150 (punts) to €500 in respect of each day on which the offence is committed after summary conviction; and from £10,000 (punts) to €50,000 on conviction on indictment.

Moreover, Building Control Authorities are able to recoup costs incurred in taking enforcement action and to obtain the benefit of fines resulting from summary prosecutions brought by them.

The operation of the Building Control Acts is kept under ongoing review by my Department. I have no plans for further amendments to the Acts at present.

### Planning Issues.

586. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government the relevant regulations which pertain to application for planning permission to erect wind turbines, with particular reference to the location and proximity to areas of significant housing populations; and if he will make a statement on the matter. [5359/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Planning applications, including those applications for planning permission to erect wind turbines, must comply with the requirements of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001-2008.

My Department's Wind Energy Development Guidelines issued to planning authorities in June 2006 offers advice on determining applications for wind energy including various aspects of planning and site selection. One of the aims of these guidelines is to ensure consistency of approach throughout the country in the identification of suitable locations for wind energy developments, having regard to, *inter alia*, proximity to existing dwellings and settlements, noise and safety aspects, as well as impacts on the natural, built and geological heritage. The guidelines also clearly state that the relevant development plan policies should inform and be taken into account in assessing appropriate locations for wind energy developments.

Parts 1 and 2 of Schedule 2 of the Planning and Development Regulations 2001-2008 provide for certain exemptions from the requirement to obtain planning permission. Classes 2(b) and 56(c) of Part 1 and Class 18(b) of Part 2 of the Regulations provide for exemptions in relation to wind turbines, in homes and in the industrial, business and agricultural sectors, subject to conditions. A summary of the conditions relating to these exemptions is provided.

Wind turbines within the curtilage of a domestic property

- No exemption for building-mounted turbines
- Max height up to 13m
- Rotor diameter up to 6m
- Ground clearance of at least 3m
- Must be turbine height (including the blade of the turbine at the highest point of its arc) plus 1m from nearest party boundary
- Consent of Irish Aviation Authority (IAA) required if within 5kms of an airfield, etc
- Noise levels must be less than 43db(A) during normal operation
- Only 1 per site
- No structure constructed, erected or placed forward of the front wall of a house
- No logos, and non-reflective finish

Wind turbines within the curtilage of a commercial, industrial or agricultural property

- No exemption for building-mounted turbines
- Max height up to 20m

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- Rotor diameter up to 8m
- Ground clearance of at least 3m
- Must be turbine height plus 5m from nearest party boundary and non-electrical overhead cables
- Must be turbine height plus 20m from 38kV lines or own height plus 30m from lines of 110kV or more
- Consent of IAA required if within 5kms of an airfield, etc
- Noise levels must be less than 43db(A) at site boundary
- Only 1 per site, and not within an Architectural Conservation Area (ACA)
- No logos, and non-reflective finish.

#### **Animal Welfare Bodies.**

587. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if capital or current funding is available for voluntary run services for dog protection; and if he will make a statement on the matter. [5380/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Funding of voluntary run services for animal protection, including dog protection, is a matter for the Minister for Agriculture, Fisheries and Food. However, it is open to local authorities to make payments to voluntary run dog protection services where these relate to a service provided to the local authority in respect of its dog control functions.

#### **Departmental Schemes.**

588. **Deputy Dan Neville** asked the Minister for Communications, Energy and Natural Resources when funding will be provided for the warmer homes scheme to a premises (details supplied) in County Limerick; and if he will make a statement on the matter. [4490/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Warmer Homes Scheme (WHS), managed by Sustainable Energy Ireland (SEI), provides energy efficiency improvements to homes in, or at risk of, fuel poverty and is primarily delivered by community based organisations (CBOs).

Funding agreements for CBOs are generally entered into and reviewed/renewed on an annual basis subject to Exchequer funding allocation to SEI in line with the annual budget allocation process. The CBO in question, which provides essential energy efficiency services to vulnerable low income households in County Limerick and East County Clare, was given an interim direction to proceed with continued delivery of the Warmer Homes Scheme on 18th January 2010. A formal funding agreement for 2010 is expected to be in place with the CBO in the first week in February 2010.

A dedicated WHS hot line — 1800 250 204 — is now in operation and all queries on delivery dates for individual households and/or funding agreements are dealt with instantaneously. In addition, the WHS programme manager, Mr Michael Martin of SEI, is available to deal with queries on 042 939 1548.

### **Departmental Expenditure.**

589. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the estimated implementation costs for the Department of Health and Children and the Health Service Executive in relation to postcodes and the figures from 2006 published by consultants (details supplied); the maintenance costs; the monetary benefits; the net present value over 15 years; and if he will make a statement on the matter. [4795/10]

594. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the estimated implementation costs for his Department in relation to postcodes and the figures from 2006 published by consultants (details supplied); the maintenance costs; the monetary benefits; the net present value over 15 years; and if he will make a statement on the matter. [4798/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan)** I propose to take Questions Nos. 589 and 594 together.

Following the Government's approval of the implementation of a national postcode system for Ireland as recommended by the National Postcodes Project Board, my officials and I have been working to address the next steps in this project. Postcodes will bring opportunities for many across the whole economy, and while there may also be some costs for businesses and Government Departments in updating large address databases, most stakeholders consulted, who were in favour of postcodes, said that they would immediately implement them implying that any implementation costs incurred would be outweighed by the benefits.

The Deputy will be aware that the National Postcodes Project Board's report in 2006 estimated upfront costs of establishing a postcode address database, implementing and promoting the postcode would be in the region of €15m., and the ongoing annual maintenance costs of the address database, was estimated to be in the region of €2.5m. The actual figure in the latter regard will be decided in the context of the competitive process referred to below.

Following a Government decision in May 2007, consultants were asked to review and quantify the public sector benefits of introducing postcodes. Accurately determining the costs and benefits for Government Departments, proved to be a difficult task. The consultants, through a series of engagements with a number of Departments and using well established cost benefit analysis tools, estimated that upfront implementation costs would be €4.4m, with annual maintenance of €21,000, and monetary benefits of €4m. Net monetary benefits to the State, in terms of Government Services, were estimated at €22 million in the medium term and based on these figures, the consultants estimated that this project will deliver a net present value for the economy of €5.9m.

A competition was launched last week to select a body that will assist the Department in managing the delivery of a working postcodes system. That delivery will be effected by way of a competitive tender process.

### **Telecommunications Services.**

590. **Deputy Noel J. Coonan** asked the Minister for Communications, Energy and Natural Resources the percentage of broadband suppliers listed on a website (details supplied) that no longer exist; the number of times amendments to the supplier list are made to the website; his views on considering permitting a company to update his Department's website; his further

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views on the fact that this is an efficient and up to date service for consumers; and if he will make a statement on the matter. [4463/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The *broadband.gov.ie* website was originally set up to offer customers the opportunity to check the broadband service providers operating in their area for comparison and service delivery purposes. The information was exclusively provided, on a voluntary basis, by licensed service providers who advertised their coverage areas and suite of products on the website. The website was updated as and when service providers advised my Department of changes.

My Department has become concerned that the value of the website is now questionable as up-to-date information is not being provided by all service providers. For this reason, it has been decided to remove the website for the present but I consider that there is still a need for such information to be publicly available so as to facilitate consumer choice.

My Department is accordingly considering other options in this regard and is, in particular, engaging with the Commission for Communications Regulation (ComReg) to see if its website, “Callcosts.ie” could accommodate information for the public on the availability of broadband throughout the country.

#### **EU Directives.**

591. **Deputy Joe Costello** asked the Minister for Communications, Energy and Natural Resources if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4708/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The following directives are to be transposed and work is under way in my Department to have them transposed at the earliest opportunity.

Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of Audiovisual Media Services (The Audiovisual Media Services Directive). The required latest date of transposition was 19th December 2009.

The broadcasting elements of the Audiovisual Media Services Directive, representing its primary provisions, were transposed by the Broadcasting Act 2009 which was enacted on 12th July 2009. The elements of the Directive applicable to on-demand audiovisual media services will be transposed by secondary legislation, the drafting of which is at an advanced stage.

Directive 2008/6/EC of the European Parliament and of the Council of 20th February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal service. The required latest date of transposition is December 2010.

Directive 2009/119/EC of the European Parliament and of the Council of 14th September 2009 amending Directive 2006/67/EC, Directive 73/238/EEC and Decision 68/416/EEC with regard to obligations on Member States to maintain minimum stocks of crude oil and/or petroleum products. The required latest date of transposition is December 2012.

Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws. The required latest date of transposition is June 2011.

Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities and 2002/20/EC on the authorisation of electronic communications networks and services. The required latest date of transposition is June 2011.

Directive 2009/72/EC of the European Parliament and of the Council of 13th July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC. The required latest date of transposition is March 2011.

Directive 2009/73/EC of the European Parliament and of the Council of 13th July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC. The required latest date of transposition is March 2011.

Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009 amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community. The required latest date of transposition is May 2010.

Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources. The required latest date of transposition is December 2010.

### **Telecommunications Services.**

592. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources when broadband will be provided in an area (details supplied) in County Donegal; and if he will make a statement on the matter. [4721/10]

595. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources when broadband will be extended to a location (details supplied) in County Donegal; and if he will make a statement on the matter. [4883/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 592 and 595 together.

In December 2008, my Department entered into a contract with “3”, a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 is required to provide services, using a mix of technologies, to all fixed residences and businesses that are located within the NBS Coverage Area and which seek a service.

The company continues to progress its network rollout and NBS broadband services are available in almost half of the 1,028 designated Electoral Divisions (ED) to be covered under the Scheme.



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The attached table shows the 52 EDs to be covered under the NBS in County Donegal and identifies the 14 EDs that can now avail of NBS broadband services. The area of Rosstown falls within the Ballintra ED.

Details of all the areas to be covered by the NBS, including the status of the NBS rollout, are available at [www.three.ie/nbs](http://www.three.ie/nbs). Under the NBS contract, all EDs in the NBS Coverage Area will have broadband connectivity by end September 2010. National Broadband Scheme Electoral Divisions (ED) to be covered by the NBS in County Donegal

ED Name	ED reference No.	Status
ALTNAPASTE ED	57001	Live
ARDMALIN ED	57005	Live
BALLYSHANNON URBAN ED	57012	Live
CHURCH-HILL ED	57032	Live
CLOGHAN ED	57034	Live
EANYMORE ED	57061	Live
FANAD NORTH ED	57064	Live
FANAD WEST ED	57065	Live
GARTAN ED	57069	Live
KILLYMASNY ED	57099	Live
MALINBEG ED	57117	Live
MEENCARGAGH ED	57120	Live
SEACOR ED	57134	Live
TEMPLEDOUGLAS ED	57141	Live
ARAN ED	57003	Planned
ARDS ED	57006	Planned
BALLINTRA ED	57007	Planned
BALLINTRA ED	57008	Planned
BINBANE ED	57014	Planned
CARROWKEEL ED	57025	Planned
CARTHAGE ED	57026	Planned
CAVANGARDEN ED	57031	Planned
CLIFF ED	57033	Planned
CLOGHER ED	57036	Planned
CREENASMEAR ED	57043	Planned
CREESLOUGH ED	57044	Planned
CROVEHY ED	57046	Planned
DOE CASTLE ED	57052	Planned
DUNAFF ED	57056	Planned
DUNLEWY	57060	Planned
FEDDYGLASS ED	57066	Planned
FINTOWN ED	57068	Planned
GLEN ED	57070	Planned
GLENALLA ED	57071	Planned
GLENLEHEEN ED	57076	Planned
GORTAHORK ED	57081	Planned
GRAFFY ED	57083	Planned
GROUSEHALL ED	57086	Planned

ED Name	ED reference No.	Status
INISHKEEL ED	57090	Planned
KILGOLY ED	57094	Planned
LAGHY ED	57104	Planned
LETTERMACAWARD ED	57108	Planned
LOUGH EASK ED	57110	Planned
MAAS ED	57112	Planned
MALIN ED	57116	Planned
MEENACLADY ED	57119	Planned
PETTIGOE ED	57126	Planned
ST JOHNSTOWN ED	57135	Planned
TAWNAWULLY ED	57139	Planned
TEMPLECARN ED	57140	Planned
TERMON ED	57142	Planned

### Alternative Energy Projects.

593. **Deputy Thomas Byrne** asked the Minister for Communications, Energy and Natural Resources when work under the warmer homes scheme will be carried out on the home of a person (details supplied) in County Meath. [4764/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I can confirm that Sustainable Energy Ireland (SEI) has received an application under the Warmer Homes Scheme (WHS) from the individual in question. SEI will be assigning homes to contractors in this area by the middle of February and it anticipates that the individual will be contacted and the home surveyed before the end of March.

A dedicated WHS hot line — 1800 250 204 — is now in operation and all queries on delivery dates for individual households and/or funding agreements are dealt with instantaneously. In addition, the WHS programme manager, Mr. Michael Martin of SEI, is available to deal with queries on 042 939 1548.

*Question No. 594 answered with Question No. 589.*

*Question No. 595 answered with Question No. 592.*

### Departmental Reports.

596. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 307 of 21 January 2010, when a reply will issue; and if he will make a statement on the matter. [4897/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have written to the Deputy today with the information he requested.

### Alternative Energy Projects.

597. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources his views on the inclusion of a product (details supplied) in the list of energy efficient equipment in accordance with Section 46 of the Finance Act 2008. [5059/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Accelerated Capital Allowance (ACA) scheme is a tax incentive available for companies pay-

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ing corporation tax and aims to encourage investment in energy efficient equipment. The ACA allows a company to cut its taxable income by 100% of the capital cost of eligible energy efficient equipment in the first year of purchase. This compares to just 12.5% for ineligible plant and machinery. Since its inception, the scope of the scheme has been subject to frequent review and expansion, the most recent of which was announced in Budget 2010. Seven energy efficiency equipment categories, including lighting, are currently eligible under the scheme, with a further three categories to be introduced in the first half of this year. Sustainable Energy Ireland (SEI) is responsible for preparation of energy efficiency criteria and maintenance of the database of eligible products.

Currently, the eligible lighting control technologies under the ACA scheme are based on the use of intelligent sensors to control lighting levels and operation periods. The primary intention is to allow constant adaptation of the lighting levels to immediate environmental needs and occupancy levels in a building. This type of technology is thus focused on applications in buildings, rather than outdoor lighting where lighting needs and levels are determined by predetermined daily and seasonal cycles.

For this reason, a lighting control technology of the kind in question that is based on voltage regulation and timers, would not typically meet the criteria for lighting control equipment under the ACA scheme. Notwithstanding this, investigation has commenced into the possibility of including a greater variety of lighting technologies under the scheme, including technologies that cover street lighting. The lighting control technology in question is part of this review process, which is expected to be concluded in the first half of this year.

#### **Prospecting Licences.**

598. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources the degree of correspondence received from a company (details supplied) regarding a zinc find at the Stonepark townland near Ballybricken, County Limerick; the position regarding the mining licence; the possible economic benefit to the area; the amount of employment to be generated; and if he will make a statement on the matter. [5074/10]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** Six Prospecting Licences are currently held for the Stonepark and surrounding area of County Limerick by Connemara Mining Company PLC, which is in a joint venture with Teck Ireland Ltd. These licences were granted in 2005 for a six year period with the option of renewal at the end of the six year period. Connemara Mining Company PLC also holds 10 other Prospecting Licences in the wider Limerick area.

On the basis of the most recent public statements by the licensee, results to date are generally positive. In the event that discoveries do prove commercially viable, the company would be expected to proceed to the next phase in the process and apply for a State Mining Facility. There would of course, be other requirements such as planning permission from the relevant local authority and an Integrated Pollution Prevention and Control Licence (IPPCL) from the EPA. Given the stage at which the project is at, it is not appropriate for me at this time to make anticipatory comment on the economic benefits that would arise from a commercial mining operation.

#### **Telecommunications Services.**

599. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources the reason Rockcorry village and district, County Monaghan has not been included in the national broadband scheme which has been rolled out through a company (details

supplied); if his attention has been drawn to the fact that there is no coverage in this area through other mobile broadband systems; and if he will make a statement on the matter. [5082/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, satellite and fibre.

I understand that broadband is available in the general area of Rockcorry village, County Monaghan, from wireless service providers and therefore this area will not be addressed by the National Broadband Scheme (NBS).

It is important to clarify that, in designing the NBS, which was approved by the EU Commission, a balance had to be struck between reaching as many unserved areas as possible and minimising the impact of the scheme on businesses already providing broadband services in rural areas.

EU State Aid and competition rules govern how states can intervene in areas where there are existing service providers. Accordingly, the NBS is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion.

More recently, the EU Commission has announced the European Economic Recovery Plan (EERP) under which some funding has been set aside for rural broadband initiatives. My Department is currently considering the detailed design and implementation of a scheme which would address the issue of unserved rural premises outside of the NBS areas, including any unserved premises in County Monaghan.

It is hoped to commence the scheme this year with the identification of premises not capable of receiving broadband. State Aid approval has been granted by the European Commission as part of the overall process of securing the necessary approvals and funding for the scheme.

### **Departmental Schemes.**

600. **Deputy Máire Hootor** asked the Minister for Communications, Energy and Natural Resources the number of farmers in north County Tipperary who availed of the warmer homes initiative scheme during 2009. [5267/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In 2009, 203 homes in Tipperary received measures under the Warmer Homes Scheme (WHS). The WHS is available to people in receipt of the Fuel Allowance. Recipients are generally long term unemployed, pensioners, persons with a disability etc. Details on the occupational status of recipients are not collected.

A dedicated WHS hot line — 1800 250 204 — is now in operation and all queries on delivery dates for individual households and/or funding agreements are dealt with instantaneously. In addition, the WHS programme manager, Mr. Michael Martin of Sustainable Energy Ireland, is available to deal with queries on 042 939 1548.

### **Telecommunications Services.**

601. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources his views on recent calls for the construction of new metropolitan area networks in the five national spatial strategy centres in Shannon, Ennis, Mallow, Tuam and Castlebar that do not have such networks; and if he will make a statement on the matter. [5369/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The position in regard to future Exchequer investment in any further phases of the Metropolitan Area Networks (MANs) Programme, will be guided by; (i) the policy paper on Next Generation Broadband, which I published in June 2009 and which set out the general forecast for broadband policy; (ii) the Value for Money and Policy Review of Phase I of the MANs Programme, which was published in July 2008, and direct Exchequer investment; and (iii) the availability of resources. My officials are currently analysing potential options for further investment under the MANs Programme in the light of that which I have just outlined.

#### **Electricity Supply Board.**

602. **Deputy Deirdre Clune** asked the Minister for Communications, Energy and Natural Resources if the Electricity Supply Board will be entitled to an indemnity from the State if found to have been responsible for any part of the damage to homes in Cork as a result of the flooding in late November 2009; and if he will make a statement on the matter. [5379/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** ESB is an independent body under statute and the matter referred to by the Deputy arises from ESB operational matters in which I have no function.

#### **Alternative Energy Projects.**

603. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he is pursuing an agreement at EU level for the draft agreement, due to the decision on 2 February 2010, on a new round of funding to be allocated from the emissions trading schemes allowances for the development of carbon capture and storage and support projects on innovative renewable energy technologies; if he has identified renewable energy projects that would promote sustainable economic and social development in isolated rural communities and provide employment in isolated rural communities which is part of the qualifying criteria for this EU funding; and if he will make a statement on the matter. [5386/10]

604. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he will make funding available to co-finance renewable energy projects in isolated rural areas that will be applicable to a new round of EU funding for such projects; and if he will make a statement on the matter. [5387/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 603 and 604 together.

The New Entrant Reserve (NER) 300 is a budget of 300 million EU emission unit allowances (EUAs) allocated in December 2008 to finance innovative demonstration projects in the fields of carbon capture and storage (CCS) and Renewable Energy.

As the Deputy will be aware, the purpose of the meeting on the 2nd of February is to decide on the Draft Commission Decision, which includes eligibility criteria that will be used to select projects under the NER 300 programme. My officials have been fully engaged with this process since its inception, and are actively involved in trying to bring this process to a successful conclusion. However, it is entirely premature to move to identify suitable projects, given that it is not yet known what the grounds for selecting these projects will be.

#### **Fisheries Protection.**

605. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food his plans regarding the granting of permission to allow commercial fishermen to fish for bass at sea; the

way he will ensure the preservation of the inshore bass stock; and if he will make a statement on the matter. [4793/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Federation of Irish Fishermen (FIF) has made a proposal regarding the possibility of a limited offshore Sea Bass fishery to my colleague Minister Killeen. Minister Killeen is giving careful consideration to this proposal in conjunction with the Marine Institute and the Sea Fisheries Protection Authority and is particularly conscious of the necessity of maintaining the existing protection afforded to the inshore Sea Bass fishery. This factor is also recognised in the FIF proposal which gives assurances that the inshore Sea Bass fishery around our coast would not be targeted for commercial fishing. Under the FIF proposal, vessels would be permitted to land Sea Bass caught south of (51.30°N) in area VII. This area is approx 50 KM off the SE coast of Ireland.

Given the overall economic situation and the challenges facing fishermen generally, Minister Killeen is anxious to pursue any proposal that would create additional commercial fishing opportunities for the Irish fleet. In that context Minister Killeen has written to Minister Lenihan in the Department of Energy, Communications and Natural Resources, who has responsibility for inland fisheries, seeking his views on this proposal before making any final decision in the matter.

#### **Aquaculture Development.**

606. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food his role in the apparent blocking of grant aid to aquaculture companies here; his views on whether shellfish and fin fish farmers in the rest of Europe receive supports from the European fisheries fund; the reason for the delays on grant aid and licensing; and if he will make a statement on the matter. [5073/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The National Seafood Development Operational Programme 2007-2013 which inter alia provides funding for aquaculture development, was advertised for public consultation in October 2008. Following this consultation process, issues were raised by the Department of Environment, Heritage and Local Government and the Department of Communications, Energy and Natural Resources on behalf of CFB (Central Fisheries Board) regarding the grant-aiding of projects where environmental issues arise relating to compliance with the EU Birds and Habitats Directives and sea lice control on salmon farms.

Following a European Court of Justice judgement in December 2007 that Ireland was not in compliance with certain obligations under the EU Birds and Habitats Directives, this Department with its agencies working with the Department of Environment, Heritage and Local Government developed a plan to deliver compliance with the EU Birds and Habitat Directives for wild fisheries and aquaculture over a determined timeframe. This plan was submitted to DG Environment for consideration and has been subject to detailed discussions. While DG Environment had indicated that it was in principle supportive of the plan, it has recently advised that it remains concerned about certain aspects of the planned approach to delivering compliance for aquaculture licensing. I will continue to work with the Department of Environment, Heritage and Local Government to address the outstanding concerns of DG Environment.

In that regard, I secured €1m for to the collection of baseline data for assessment purposes in 2009 and a further €0.75m for 2010 in addition to funding provided by the Department of Environment, Heritage and Local Government. Following an EU tender, the Marine Institute

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appointed personnel to operate the data collection exercise. This process is ongoing and will support compliance of aquaculture and wild fisheries with the terms of the Birds and Habitat Directives.

In relation to sea lice issues, I have met Minister of State Lenihan on this issue, most recently last November. I advised on the significant progress made in relation to managing sea lice levels on salmon farms and the concerns of the Fishery Boards were also set down. I am hopeful that there is a better understanding of the issues involved from both Department's perspectives and that on this basis we can find a satisfactory resolution to the concerns raised.

Grants payable under the National Seafood Development Operational Programme 2007-2013 will be fully funded by the Irish Exchequer. There are no EU time restrictions on the adoption of the OP. Once the Operational Programme has been adopted, the individual schemes under the OP will have to be notified to the EU under EU State Aid guidelines. It is a matter for each EU Member State to make its own arrangements regarding the funding of its aquaculture sector, within the overall EU rules on grant aid.

In regard to delays in aquaculture licensing, the timeframe for reaching a determination in respect of applications will vary depending on location, species, scale and intensity of production, culture method, statutory status of sites, potential visual impact, access route and frequency of access to sites, other activities in the area etc. This does not include consideration of any submissions or observations raised during the public consultation period.

In the course of assessing applications for aquaculture licences a number of additional complexities have arisen due to the Natura 2000 status of many areas under the Birds and Habitats Directives. As I have stated earlier, my Department, in conjunction with the Marine Institute, is gathering the necessary baseline data appropriate to the conservation objectives of these areas so that the necessary assessment of these sites can be undertaken. Every effort is being made by my Department to expedite the determination of all outstanding cases having regard to the complexities of each case and the need to comply fully with all relevant national and EU legislation.

#### **Grant Payments.**

607. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Sligo will receive their REP scheme 4 payment; and if he will make a statement on the matter. [4459/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants where necessary to resolve outstanding issues.

#### **Food Safety Standards.**

608. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the reason

a food (details supplied) is on sale in Greece but not here; the criteria for marketing Irish products abroad; and if he will make a statement on the matter. [4510/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The decision to place food products on any particular market is a commercial matter for the companies involved.

#### **Fishing Fleet Modernisation.**

609. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his plans to introduce a decommissioning scheme in 2010 for boats less than 18 metres in length; and if he will make a statement on the matter. [4513/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There are no plans for a further decommissioning scheme at present. Any further scheme will be considered in the context of available funding and priorities for support within the seafood sector.

#### **Grant Payments.**

610. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Kerry will qualify for REP scheme 4 payment; and if he will make a statement on the matter. [4533/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My officials wrote to the person named about his application on 21 January 2010. Processing of his application for payment can be resumed when a reply to this letter is received.

611. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the position regarding an application under the farm improvement scheme in respect of a person (details supplied). [4544/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department has no record of having received an application for grant-aid under the Farm Improvement Scheme from the person concerned.

#### **EU Directives.**

612. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the number of persons that have been prosecuted under the legislation implementing the nitrates directive since its enactment; the specific offences that gave rise to these prosecutions; and if he will make a statement on the matter. [4570/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Nitrates Directive is transposed into Irish law by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009, S.I. No. 101 of 2009. Prosecutions for offences under these Regulations may be taken by a local authority, who are the designated competent authorities for the purposes of the Regulations, or by the Environmental Protection Agency. The Department of Agriculture, Fisheries and Food, therefore, does not undertake prosecutions under these Regulations.

#### **Harbours and Piers.**

613. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will



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provide this Deputy with a list of all piers and harbours projects that have been aborted or disengaged in the past ten years; and if he will make a statement on the matter. [4687/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Applications for funding under the Fishery Harbour & Coastal Infrastructure Development Programme are considered, subject to available Exchequer funding and overall national priorities, on an annual basis. Funding for approved projects must be drawn down before the end of the calendar year. Approval under the programme in a particular year does not imply a commitment of funding in any future year and any funding not drawn down within the calendar year of approval reverts to the Exchequer.

Every effort is made to facilitate ongoing projects but my Department is not in a position to guarantee funding for any particular project on a multi-annual basis. Because of the annual nature of the project funding and the fact that many of these projects are owned by and under the management of the local authorities concerned the department does not retain the type of information requested by the Deputy.

#### **Grant Payments.**

614. **Deputy Pádraic McCormack** asked the Minister for Agriculture, Fisheries and Food if the inspection regime being operated by his Department regarding the single farm payments and area based compensatory repayment is compelling farmers to have livestock on sensitive and designated uplands in the west and other areas; if he will assure farmers that they will not be forced to graze such areas in order to obtain aid under these schemes; his views on this issue; and if he will make a statement on the matter. [4695/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Applicants under the Disadvantaged Areas Scheme are required, inter alia, to have a holding with a minimum stocking level of 0.15 livestock units per forage hectare for the entire area declared. The stock needed to meet this requirement must be possessed, held and maintained for at least three continuous months of the year of application. However, the requirements under the Disadvantaged Areas Scheme fully take into account the grazing needs of sensitive uplands situated in various parts of Ireland. Applicants, who do not meet the minimum stocking density requirement on the grounds that their stocking levels are curtailed as a result of their participation in a REPS Plan or a Commonage Framework De-stocking Plan, or any other environmental scheme for the holding are eligible for payment under the Disadvantaged Areas Scheme. There is no minimum stocking requirements for the Single Payment Scheme but applicants must ensure that the land is maintained in Good Agricultural and Environmental Condition.

#### **EU Directives.**

615. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4706/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The EU directives due to be transposed into Irish legislation by my Department are detailed in the following table. The 29 directives listed will be transposed by the due date.

Title of Directive and date published in the Official Journal	Date by which Directive is to be implemented	Implementation by Act or Statutory Instrument (SI)
Commission Directive 2010/1/EU of 8 January 2010 amending Annexes II, III and IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJL7, 12.1.2010, pg. 7)	28 February 2010	S.I.
Commission Directive 2009/87/EC of 29 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include indoxacarb as an active substance in Annex I thereto (OJL198, 30.07.2009, p.35)	20 March 2010	S.I.
Commission Directive 2009/88/EC of 30 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include thiacloprid as an active substance in Annex I thereto (OJL199, 31.07.2009, p.15)	21 March 2010	S.I.
Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version) (OJL267, 8/10/2008, p.8)	31 March 2010	S.I.
Directive 2009/107/EC of the European Parliament and of the Council of 16 September 2009 amending Directive 98/8/EC concerning the placing of biocidal products on the market as regards the extension of certain time periods (OJL262, 6.10.2009, p.40)	14 May 2010	S.I.
Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC. (OJL 156, 16/06/2007. p.12)	30 June 2010	S.I.
Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production. (OJL182, 12/07/2007, p.10)	30 June 2010	S.I.
Commission Directive 2009/74/EC of 26 June 2009 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge (OJL166, 27.6.2009, p.40)	30 June 2010	S.I.
Commission Directive 2009/84/EC of 28 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include sulfuryl fluoride as an active substance in Annex I thereto (OJL197, 29.07.09 p. 67)	30 June 2010	S.I.
Commission Directive 2009/85/EC of 29 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include coumatetralyl as an active substance in Annex I thereto (1) (OJL197, 29.07.09 p. 28)	30 June 2010	S.I.
Commission Directive 2009/86/EC of 29 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include fenpropimorph as an active substance in Annex I thereto (1) (OJL197, 29.07.09 p. 31)	30 June 2010	S.I.

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Title of Directive and date published in the Official Journal	Date by which Directive is to be implemented	Implementation by Act or Statutory Instrument (SI)
Commission Directive 2009/92/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include bromadiolone as an active substance in Annex I thereto (OJL 201, 1.08.2009 p.43)	30 June 2010	S.I.
Commission Directive 2009/93/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include alphachloralose as an active substance in Annex I thereto (OJL 201, 1.08.2009 p.46)	30 June 2010	S.I.
Commission Directive 2009/99/EC of 4 August 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include chlorophacinone as an active substance in Annex I thereto (OJL 203, 5.08.2009 p.62)	30 June 2010	S.I.
Commission Directive 2009/141/EC of 23 November 2009 amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, theobromine, <i>Datura</i> sp., <i>Ricinus communis</i> L., <i>Croton tiglium</i> L. and <i>Abrus precatorius</i> L. (1) (OJL308, 24.11.2009, p.20)	1 July 2010	S.I.
Commission Directive 2009/89/EC of 30 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include nitrogen as an active substance in Annex I thereto (1) (OJL199, 31.07.2009, p.19)	31 August 2010	S.I.
Commission Directive 2009/91/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include disodium tetraborate as an active substance in Annex I thereto (OJL 201, 1.08.2009 p.39)	31 August 2010	S.I.
Commission Directive 2009/94/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include boric acid as an active substance in Annex I thereto (OJL 201, 1.08.2009 p.50)	31 August 2010	S.I.
Commission Directive 2009/95/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include aluminium phosphide releasing phosphine as an active substance in Annex I thereto (OJL 201, 1.08.2009 p.54)	31 August 2010	S.I.
Commission Directive 2009/96/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include disodium octaborate tetrahydrate as an active substance in Annex I thereto (OJL 201, 1.08.2009 p.58)	31 August 2010	S.I.
Commission Directive 2009/98/EC of 4 August 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include boric oxide as an active substance in Annex I thereto (OJL 203, 5.08.2009 p.58)	31 August 2010	S.I.
Commission Directive 2009/150/EC of 27 November 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include flooumafen as an active substance in Annex I thereto (OJL313, 28.11.2009, p.75)	30 September 2010	S.I.
Commission Directive 2009/151/EC of 27 November 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include tolylfluanid as an active substance in Annex I thereto (OJL313, 28.11.2009, p.78)	30 September 2010	S.I.

Title of Directive and date published in the Official Journal	Date by which Directive is to be implemented	Implementation by Act or Statutory Instrument (SI)
Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law(OJL 328, 6/12/2008, p.28)	26 December 2010	S.I.
Commission Directive 2009/106/EC of 14 August 2009 amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption(OJL212, 15/08/2009, p.42)	31 December 2010	S.I.
Commission Directive 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties (OJL 312, 27.11.2009, p. 44)	31 December 2010	S.I.
Commission Directive 2009/160/EU of 17 December 2009 amending Council Directive 91/414/EEC to include 2-phenylphenol as active substance(OJL338, 19.12.2009, p.83)	31 December 2010	S.I.
Council Directive 2009/143/EC of 26 November 2009 amending Directive 2000/29/EC as regards the delegation of the tasks of laboratory testing.(OJL 318, 4/12/2009, p. 23)	1 January 2011	S.I.
Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJL310, 25.11.2009, p.71)	14 December 2011	S.I.

### Grant Payments.

616. **Deputy Michael D'Arcy** asked the Minister for Agriculture, Fisheries and Food when the REP scheme payment will issue to a person (details supplied); when REP scheme payments will be made to farmers in County Wexford; when the last payments for County Wexford were made; and the date that payment should have been made. [4738/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My officials are still dealing with issues that arose in this person's REPS plan and will be in touch with him about the matter within 10 working days. REPS scheme payments are made on a weekly basis and the last payment run which included Wexford participants was made on 1 February 2010.

617. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive a decision on their application under the installation aid scheme which has been lodged with his Department for more than 12 months; and if he will make a statement on the matter. [4751/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Installation Aid Scheme. Under the terms of the Scheme, payment of the grant concerned is made once it has been established that the requirements of the Scheme have been met, including the conditions in relation to property, education and income. The outcome of my Department's examination of the application will be made known to the applicant shortly.

618. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their installation aid payment; and if he will make a statement on the matter. [4752/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Young Farmers' Installation Scheme. Under the terms of the Scheme, payment of the grant concerned is made once it has been established that the requirements of the Scheme have been met, including the conditions in relation to property, education and income. The outcome of my Department's examination of the application will be made known to the applicant shortly.

619. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Mayo will be allocated single payment scheme entitlements from the national reserve; and if he will make a statement on the matter. [4917/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named submitted an application under the 2005 National Reserve under Category B and the Hill Farmers' Scheme.

Category B catered for farmers who made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments included the purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments. The application submitted by the person named under this category was in respect of the purchase of lands. Under the terms and conditions for this category the lands had to have been purchased between the 1 January 2000 and 13 October 2003.

The person named submitted details indicating the lands that he was applying on was registered in his name on the 19 August 1999 and as this was prior to the 1 January 2000 he was not eligible under this category. The person named subsequently appealed this decision to the Single Payment Appeals Committee who upheld the Department's decision.

The Hill Farmers Scheme catered for farmers with commonage land who were prevented from expanding their sheep production during the 2000-2002 reference period pending publication of the Commonage Framework Plans in 2003. The farmers concerned must have had a stocking density of less than 3 livestock units per hectare in 2001 and their Single Payment must have been less than €6,000.

The Department's records indicate that the person named did not establish a stocking density in 2001 and did not expand into sheep production following the publication of the Commonage Framework plans in 2003. Therefore he was deemed ineligible under the Hill Farmers' Scheme. Officials from my Department will now liaise directly with the person named to establish if there are particular circumstances that may allow for a review of his case.

620. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Sligo will receive payment for the sale of cattle; and if he will make a statement on the matter. [5039/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A cheque for monies due to the person concerned issued from my Department on 22nd January 2010.

#### **Rural Environment Protection Scheme.**

621. **Deputy Seán Fleming** asked the Minister for Agriculture, Fisheries and Food the full

references on the location at which information can be obtained regarding the rules for the single farm payments scheme and the REP scheme. [5070/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The detailed rules governing the REPS 3 and 4 Schemes are contained in the Scheme 'Terms and Conditions' document, which may be amended by means of REPS Circulars issued by the Department. The 'Terms and Conditions' constitute a framework for the application of the detailed rules contained in the relevant Commission Regulations. In the case of REPS 3 Commission Regulation (EC) No. 445/2002 and 817/2004 apply, in the case of REPS 4 Commission Regulations (EC) No. 1974/2006 and 1975/2006 apply.

Both the 'Terms and Conditions' for REPS 3 (dated 5/2/04) and REPS 4 (dated 11/8/07) and relevant Circulars are available on my Department's website *www.agriculture.ie* under the Rural Environment/REPS link, or from local AES offices or the Department's REPS Section, Johnstown Castle Estate, Wexford.

The EU Regulations governing the Single Payment Scheme are Council Regulation (EC) No 73/2009, Commission Regulation (EC) No. 1120/2009 and Commission Regulation (EC) No. 1122/2009. The detailed rules concerning the Single Payment Scheme are contained in the Scheme's Terms and Conditions, printed annually, a copy of which is issued directly by my Department to each farmer. Additional copies are available at each of my Department's Regional and Local Offices for the benefit of new applicants. In addition, the Scheme's Terms and Conditions are posted on my Department's website. The Terms and Conditions advise applicants of the various requirements governing the Scheme and other direct payment schemes such as the Disadvantaged Areas Scheme.

#### **Grant Payments.**

622. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a REP scheme four payment will issue in respect of a person (details supplied) in County Monaghan. [5083/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants where necessary to resolve outstanding issues.

#### **Animal Identification Scheme.**

623. **Deputy Noel J. Coonan** asked the Minister for Agriculture, Fisheries and Food if he will delay the introduction of the new sheep tagging system, mandatory electronic identification, for two years as recommended by the EU Commissioner for Agriculture and Rural Development in order to allow the sheep industry to recover in tough economic times; his views on whether the system will impose a burden on an already struggling sector and that there is already a viable working tagging and identification mechanism in place here; and if he will make a statement on the matter. [5116/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The introduction of EID for sheep was agreed at EU level in late 2003. At that time, it was agreed to defer the implementation date until January 2008. The Council of Agriculture Ministers revisited this issue in December 2007 when it was agreed that the deadline for the compulsory introduction of EID should be set for 31 December 2009, six years after the original decision was taken. Regretfully, there is not sufficient support among other Member States and none from the European Commission for any further rollback in relation to the date for the mandatory introduction of EID.

The prevailing view at EU level is that Member States should proceed with implementation and other Member States have proceeded with implementation of EID on a mandatory basis. I, therefore, have no discretion as regards the date of implementation for electronic identification and in these circumstances, we now must proceed with its introduction.

The current National Sheep Identification System (NSIS) provides robust assurances in relation to animal identification and traceability and it is for that reason that I intend to build on the current system in the move to the introduction of EID in line with EU rules. Within that framework, I have secured major concessions in relation to EID in discussions with the European Commission. These concessions include a slaughter derogation which means that all lambs intended for slaughter and under 12 months old can now be exempted from EID. This will result in EID being largely confined to replacement breeding stock that are born after 31 December 2009. This means the vast majority of Irish sheep will be excluded from EID requirements, which will keep costs for producers to an absolute minimum and limit the burden on farmers.

Furthermore, where lambs identified under the slaughter derogation are subsequently retained for breeding purposes they can then be tagged with an EID device at the second holding. This is a major breakthrough in facilitating existing trade practice in the sector and addresses concerns raised by Irish farming organisations that the new EID system would eliminate the sale of breeding sheep at marts, which would otherwise have an adverse effect on competitiveness in the industry.

### **Food Industry.**

624. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 335 of 27 January 2010, the details of the measures geared to improving the competitiveness of the food industry which will be operated by Enterprise Ireland using €7 million from budget 2010; when these measures will be made public; and if he will make a statement on the matter. [5136/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The objective of the €7 million in funding which will be provided by my Department and administered by Enterprise Ireland is to improve competitiveness within the food sector in export markets. This is linked to sustaining viable companies and enabling them to exploit world market opportunities. The focus of initiatives in 2010 will be to enable key exporting companies to adopt sustainable 'best-in-class' lean business practices, by use of world class business consultancy assistance, funded by grant assistance. In addition, leading food companies will be assisted in developing leadership and management capability to best international standards through world-class programmes. These needs were clearly identified in the report of the Food Expert Skills Group in 2009.

In respect of timing, the roll-out will be throughout 2010, with tailored initiatives in lean business processes for large, medium and small exporting companies in the industry.

### Grant Payments.

625. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food if money saved on the pigmeat recall scheme will be available to fund a stock and crop hardship fund for farmers and growers affected by extreme weather conditions. [5150/10]

628. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the amount of savings on the pork recall scheme; and if he will make a statement on the matter. [5366/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 625 and 628 together.

I am aware of the difficulties experienced by farmers and others as a result of the recent inclement weather conditions.

In that regard I have received representations on behalf of growers in relation to losses to potatoes and vegetable crops arising from the severe frost conditions since Christmas and the matter is currently being considered by my Department.

Under the Agreement between my Department and the Pigmeat industry, a financial facility of up to €180m was made available to deal with the consequences of the pigmeat recall, following the dioxin incident of December 2008. To date my Department has processed and paid approximately €85 million in respect of applications for compensation in relation to pigmeat products withdrawn from the market. Payment applications are still being processed under the Scheme and it is not possible at this stage to say whether there will be any savings in the 2010 estimates provision.

626. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food if consideration has been given to providing compensation to potato farmers who have lost large portions of their crop because of the recent weather conditions. [5265/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I am aware that due to very wet conditions in November 2009 a proportion of the total national area of potatoes remained unharvested at the end of the year. Since Christmas Ireland has experienced very severe frost conditions which have resulted in losses to potatoes. The extent of losses would be influenced by location and the extent to which the potatoes were exposed.

I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

### Rural Environment Protection Scheme.

627. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food the number of farmers in north County Tipperary who will be eligible for REP scheme in 2010. [5266/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There are currently 1,676 farmers in REPS in North Tipperary who will be eligible for payments in 2010. In addition, 39 farmers applied for REPS after the 2009 deadline of 15 May and before the scheme was closed to new applicants in July 2009. If their applications are valid, these farmers will begin their REPS 4 contracts in 2010 and will also be eligible for payment.

*Question No. 628 answered with Question No. 625.*



### **Schools Refurbishment.**

629. **Deputy Niall Collins** asked the Minister for Education and Science if he will assist a school (details supplied) in County Limerick; and if he will make a statement on the matter. [4858/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has no record of having received an application from the school in question for funding of this nature.

However, schools have funds for ongoing works of a minor nature and it is the responsibility of the school authority to decide on the best use of these funds in light of the needs of the school.

In addition, a school may apply for funding under the under the Summer Works Scheme to provide access for all to school buildings for more substantial works.

### **Adult Education.**

630. **Deputy Jan O’Sullivan** asked the Minister for Education and Science the access to education that is available to adult asylum seekers; the Further Education and Training Award Council level courses for which they are eligible; and if he will make a statement on the matter. [4899/10]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Adult asylum seekers with a right to work are entitled to access further education programmes on the same basis as Irish nationals. This includes full-time programmes like the Vocational Training Opportunities Scheme (VTOS), Youthreach and Post-Leaving Certificate (PLC) as well as part-time programmes under the Back to Education Initiative (BTEI), Adult Literacy and Community Education. All of these programmes are provided at FETAC Levels 1-6 or equivalent and all participants, including asylum seekers, are entitled to avail of certification, where it is provided.

Adult asylum seekers without a right to work are entitled to free access to Adult Literacy and English as a Second Language (ESOL) courses as well as mother culture supports.

### **Higher Education Grants.**

631. **Deputy Kathleen Lynch** asked the Minister for Education and Science the number of applicants awaiting approval for higher education maintenance grants from Cork County Council; and if he will make a statement on the matter. [4916/10]

632. **Deputy Kathleen Lynch** asked the Minister for Education and Science the number of applicants awaiting approval for higher education maintenance grants from Cork City Council; and if he will make a statement on the matter. [4919/10]

671. **Deputy Kathleen Lynch** asked the Minister for Education and Science the number of applicants awaiting approval for higher education maintenance grants by Cork City Council; and if he will make a statement on the matter. [5008/10]

672. **Deputy Kathleen Lynch** asked the Minister for Education and Science the number of applicants awaiting approval for higher education grants from Cork County Council; and if he will make a statement on the matter. [5009/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 631, 632, 671 and 672 together.

As at 22 January 2010 Cork County Council had received a total of 2,125 grant applications for the academic year 2009/2010. A decision has been reached on 975 applications. A further 1,012 applicants have been requested to supply additional information. A total of 138 applications have yet to be assessed.

As at 22 January 2010 Cork City Council had received a total of 1,203 grant applications for the academic year 2009/2010. A decision has been reached on 1,167 applications. A further 6 applicants have been requested to supply additional information. A total of 30 applications have yet to be assessed.

### **School Staffing.**

633. **Deputy Paul Gogarty** asked the Minister for Education and Science if he will report on progress made in objectively identifying the 200 additional new teaching posts agreed in the Revised Programme for Government and allocated as part of Budget 2010; the education partners that have been consulted regarding same; when a finalised list will be completed; if the schools gaining the additional posts will be publicised; and if he will make a statement on the matter. [4458/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The renewed Programme for Government provides for 500 teaching posts to schools over the next three years over and above additional posts that will arise due to demographic increases. Following consultation with the education partners clear and transparent criteria have been agreed for the allocation of these posts. One hundred posts will be allocated to each sector, primary and post-primary in the current school year. The education partners consulted in each sector were school management bodies, teachers’ and parents’ representatives.

At primary level posts have been allocated to schools that had increased enrolments in the current school year and which, as a result of last year’s pupil-teacher ratio change, lost out on a teaching post in this year by either one, two or three pupils. My Department has contacted the schools in question and in the interest of transparency the list of schools has also been published on my Department’s website.

The list will be fully completed when the 30 September 2009 enrolment returns are received from the remaining schools that have not yet submitted them to my Department.

At post primary level and with immediate effect, the current rule based arrangements for the allocation of learning support posts to schools have been revised and a revised staffing schedule has issued in recent days from my Department to the schools in question. Agreement has also been reached on the allocation of 50 additional posts to the primary sector and 100 to the post-primary sector for the coming school year, 2010/11. At primary level as these posts are additional to those required to cater for demographic growth, some improvement will be made to the staffing schedule for the 2010/11 school year. These improvements will be targeted at medium-to-larger schools typically under the greatest pressure in relation to class sizes.

At post-primary level, additional supports will be targeted at co-educational schools in single post-primary catchment areas and at schools that join together with other local post primary schools to increase subject choice in a town.

### **Higher Educational Grants.**

634. **Deputy Brendan Howlin** asked the Minister for Education and Science if his attention has been drawn to the fact that a person (details supplied) in County Wexford has been deemed a dependant of their parents for higher education grant purposes but has been refused by County Wexford Vocational Education Committee; if he will take steps to ensure that they are

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not deprived of the grant to which they are entitled; and if he will make a statement on the matter. [4473/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the Local Authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the assessing authority, and remains of the view that the body has not interpreted the schemes correctly in her/his case, an appeal form outlining the position may be submitted by the applicant to my Department.

No appeal has been received by my Department to date from the candidate referred to by the Deputy.

### **School Curriculum.**

635. **Deputy Brian Hayes** asked the Minister for Education and Science if teachers will receive access to the on-line encyclopaedia for schools from their homes; and if he will make a statement on the matter. [4474/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that following the establishment of a Digital Reference Content framework agreement, World Book and Britannica Online are now available to schools through the Scoilnet website and within the Schools Broadband Network. Each of these online encyclopaedias contain a diverse range of learning objects including text, research aids, video clips, 3D simulations and other media rich representations of information.

The National Centre for Technology in Education (NCTE) has been exploring ways to provide home access to this digital content to all teachers. The challenge is in authenticating those who will access the content from outside the Schools Broadband Network. This was done previously for 1,600 Geography teachers in regard to home access to Scoilnet Maps and digital mapping tools, and is very successful. Providing access to digital content to all teachers is a much larger project. However, the NCTE is currently working with HEAnet to implement an authentication system that will allow teachers to access this digital content from outside the Schools Broadband Network.

### **Traveller Community.**

636. **Deputy Olivia Mitchell** asked the Minister for Education and Science the services available specifically to members of the Traveller Community; if she will ensure that the budgets for these services will be maintained; and if he will make a statement on the matter. [4477/10]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Substantial improvements have been made with regard to the number of Traveller children participating in the education system. Information to hand indicates that participation at primary level and transition to post-primary is very close to 100% with in excess of 8,000

Traveller children enrolled in age appropriate classes in primary schools and some 2,600 enrolled at Post-Primary.

A key development in terms of advancing education for the Traveller Community has been the Report and Recommendations for a Traveller Education Strategy which was launched by my colleague Minister Mary Hanafin T.D. in November 2006. The Report covers all aspects of Traveller Education from pre-school right through to further and higher education within a lifelong learning context. The primary aim of the Strategy is to ensure a quality, integrated education for Travellers underpinned by the principles of inclusion and mainstreaming with an emphasis on equality and diversity and the adoption of an intercultural approach. This is in line with the Government's recommendations in the National Action Plan Against Racism (NAPAR) (2005).

At present my Department expends in excess of €70 million per annum directly on Traveller education from pre-school through primary, post primary and further and higher education. Direct supports include:

- 29 segregated Traveller pre-schools,
- some 503 resource teachers for Traveller pupils at primary level and additional teaching hours at post primary level,
- enhanced capitation for Traveller pupils at primary and post primary,
- the Visiting Teacher Service for Travellers,
- school transport arrangements for Traveller pupils and
- 33 Senior Traveller Training Centres.

My Department currently provides funding for segregated Traveller pre-schools. However, the phasing out of segregated education at all levels of the Education system is one of the objectives set out in the 2006 Traveller Education Strategy. This strategy built on earlier reports including the 1995 Task Force on the Travelling Community which specifically recommended the end of segregated provision. In looking at young Traveller children's experience in a segregated pre-school, the Traveller Education Strategy pointed out the missed opportunity for 'Traveller and settled children living in the same geographical area to interact with one another, go to pre-school together and learn from one another'.

The target set in the Traveller Education Strategy is for the integration of all pre-school services for Travellers over a 10 year period, i.e., by 2016.

With the introduction of the ECCE scheme which provides universal free pre-school provision for all children, the Boards of Management of segregated pre-schools have been asked to look at their service coming within the ECCE scheme or to look at closing the Traveller pre-school where there are sufficient places available in community or private pre-schools where the Traveller child can avail of an integrated service place. Because of the alternatives available, my Department is not going to continue to maintain a budget for a segregated service when all interested parties are in unanimous agreement that this segregated service should end.

The Visiting Teacher service for Travellers (VTST), comprising 41 posts nationally, supports and facilitates the Traveller community to engage fully at all levels of the education system, from pre-school through compulsory education to post-Leaving Certificate programmes. Visiting Teachers work successfully with families, schools and other relevant agencies to promote and maximise participation, and to ensure continuity of education and optimum attainment for

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all Traveller children in an intercultural, anti-racist education system. As announced in May 2009, the VTST is one of four services now coming together under the remit of the National Educational Welfare Board in a new strategic integration of services focusing on participation, attendance and retention in the school system.

The other services include the Home School Community Liaison Service (HSCL) and the School Completion Programme (SCP) as well as the National Educational Welfare Service. This expanded remit will bring together the four individual services under one common management team thereby providing for a single, more focused, strategic direction at local, regional and national levels reflecting equally the nature and strength of each of the services. The underlying rationale for this new single strategic approach, acknowledging and utilising the combined strengths and capacities of the four services, is to deliver better outcomes for children, families, including the Traveller Community, and schools.

All Adult and Further Education programmes funded by my Department are already open to Travellers. This includes part-time programmes funded under the Adult Literacy and Community Education scheme and the Back to Education Initiative as well as full-time programmes such as Youthreach, Vocational Training Opportunities Scheme and the Post-Leaving Certificate programme. Travellers are accessing these programmes in increasing numbers.

In addition, the Senior Traveller Training Centre (STTC) programme has been in operation since 1974. The STTC programme provides second chance educational opportunities for members of the Traveller community over 18 years of age. The programme is usually of two years duration and learners receive a training allowance.

The 2006 'Report and Recommendations for a Traveller Education Strategy' recommended that STTC provision be reviewed. Following that, there was a Value for Money Review of the Youthreach and STTC programmes, which was published in 2008, and which recommends the phasing out of the STTC programme over the medium to long term and the integration of Travellers into mainstream Adult and Further Education programmes. It is on this basis that my Department has decided to phase out segregated provision for Travellers.

STTC provision was reduced by 100 places to 984 places from September 2009 and Budget 2010 provided for a reduction of a further 300 places to 684 places with effect from September 2010. My Department is currently in discussions with the Irish Vocational Education Association, representing the VECs, to decide on the best method of progressing the phasing out process while continuing to provide for the education needs of adult Travellers. The aim of the strategy is to remove all remaining segregated provision and to this end my Department has been in contact with the Patrons of the two remaining segregated Traveller schools and arrangements for the phased closure of the schools are currently being considered. The Visiting Teachers for Travellers, supported by other local school support personnel will work with families to ensure that children can be accommodated in other schools. My Department is also liaising with the relevant VECs regarding the future of the two remaining Junior Education Centres that cater for Traveller students.

In excess of €1.5m was spent in 2009 on exceptional school transport arrangements for approx 900 primary and post primary Traveller children. These arrangements have been maintained for the current school year but are being reviewed in the light of the Traveller Education Strategy which states that Traveller children should use the mainstream school transport scheme in operation at present and that only in exceptional circumstances, based on special needs, should special transport be provided as a positive action measure.

A consultative forum to focus on addressing the implementation of the strategy involving Traveller representative groups, Education Partners and other key stakeholders was established

in October 2009. To date two meetings of the Forum have been held and a third meeting is scheduled for early June.

The principle of inclusion is at the core of the current strategy and future provision will focus on the development of more inclusive and intercultural school practice and environment through the whole school planning process, admissions policies, codes of behaviour and whole school evaluation. A key aim of the strategy is to enhance access and education service delivery to Travellers. Future provision will focus on 'individual educational need' rather than 'Traveller identity'. It is not possible to give the Deputy any commitments in terms of current budgets being maintained into the future. This will depend on a number of factors including the successful implementation of the recommendations of the strategy and the redistribution in favour of provision on the basis of identified educational need of Traveller students and the need for my Department to prioritise the available resources to maximum effect across the education sector to enhance educational outcomes for all including Traveller children and adults.

### **Special Educational Needs.**

637. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 1123 of 19 January 2010, the schools at which the National Council for Special Education structured appeals process whereby schools and parents can appeal special education needs organiser decisions is currently being piloted; the duration of the pilot scheme; when this appeal system will be available to all schools and parents; and if he will make a statement on the matter. [4478/10]

638. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 1123 of 19 January 2010, if there is an avenue of appeal of review for parents and schools who are unhappy with a special education needs organiser decision if they do not have any new information; and if he will make a statement on the matter. [4479/10]

639. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 119 of 20 October 2009, if the National Council for Special Education has established an independent appeal advisory committee, comprising an independent chair, a parents' representative and a school management representative, which will consider cases where schools consider that the appeals process was inadequate or inappropriate in addressing the concerns or represents an irrational interpretation of the facts and application of the policy criteria; the membership of same; and if he will make a statement on the matter. [4480/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 637 to 639, inclusive, together.

The Deputy is aware the National Council for Special Education (NCSE) intends to introduce a structured appeals process whereby schools and parents, where appropriate, may seek to appeal the decision of a Special Educational Needs Organiser in relation to the allocation of resources.

I am pleased to advise the Deputy that the current pilot phase of this structured appeals process is scheduled for completion later this month. The NCSE has advised that on completion of the pilot phase it intends to fully introduce a structured appeals process for all schools. I am asking the NCSE to contact the Deputy directly in relation the issues he has raised about the structured appeals pilot.

Separately, the NCSE will then set up an independent Appeal Advisory Committee, comprising an independent chair, a parents' representative and a school management representative.

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This Committee will consider cases where schools consider that the new appeals process was inadequate or inappropriate in addressing the concerns raised. I will request the NCSE to advise the Deputy of the membership of this Advisory Committee once it has been set up.

640. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 118 of 20 October 2009 the amount allocated by his Department to the special education appeals board in 2009 and 2010; the expenditure in 2009; and if he will make a statement on the matter. [4481/10]

641. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 118 of 20 October 2009, if the position of Chairperson and two ordinary staff members of the special education appeals board will be renewed in April 2010; if additional staff will be appointed to the board; when the SEAB will begin accepting appeals; and if he will make a statement on the matter. [4482/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 640 and 641 together.

The Education for Persons with Special Educational Needs (EPSEN) Act, 2004 provides for the establishment of the Special Education Appeals Board (SEAB), to hear and determine appeals under the act. The appellant sections of the Act have not yet commenced. As the Deputy is aware, the commitment in the renewed Programme for Government is to develop, in consultation with stakeholders, a costed multi-annual plan to implement some priority aspects of the EPSEN Act, focusing on measurable, practical progress in education and health services for children with special needs. All parts of the EPSEN legislation, which have not been commenced to date, will be considered during this process.

The Deputy will be aware that SEAB does not have a separate budget. My Department spent €68,695 in 2009 in funding its operations, having estimated for costs of €100,000. An allocation of €70,000 has been made for 2010. The term of office of the inaugural board members will end in April 2010. This issue is under active consideration in my Department.

642. **Deputy Tom Hayes** asked the Minister for Education and Science the number of special needs assistants hours received by a school (details supplied) in County Tipperary. [4486/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I understand that the Deputy is referring to the level of learning support/resource teaching (LSRT) resources allocated to the school in question. The school has the support of one learning support resource (LSRT) post, 5 hours of which are shared with another school. According to information available to my Department the enrolment in the school was 44 pupils in the 2005/06 school year and is 82 pupils in the current school year. The general allocation model was introduced in primary schools in September 2005 to ensure that each school has learning support/resource teaching support available to meet the needs of children with high incidence special educational needs.

The allocation system under the general allocation model was linked to the school’s enrolment in 2005 and it was decided not to review this aspect until the model had been in operation for three years. This review is now underway. The allocation to schools was however enhanced in the case of schools experiencing large increases in enrolment and which satisfied the conditions under my Department’s Developing School Criteria.

Schools decide themselves how best to use this allocation based on the needs of the pupils and how to adjust their support in line with the changing needs of pupils as they mature. My

Department provided a circular SP ED 02/05 to schools to assist them in deploying the General Allocation Model resources.

The Deputy will be aware that my Department's policy is to support the inclusive education of students with special educational needs across the schools system. In this context, a range of supports are provided to schools to enable them cater for pupils with special educational needs. The supports available include additional teaching support, special needs assistant support, school transport and grants for the purchase of teaching materials and specialised equipment.

The National Council for Special Education (NCSE), through local Special Educational Needs Organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports. All schools have the names and contact details of their local SENOs. Parents may also contact their local SENOs directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### **School Transport.**

643. **Deputy Brian O'Shea** asked the Minister for Education and Science if he will review the situation whereby students at second level availing of the school transport scheme are charged the full amount even in the situation when they are only availing of the transport for part of the year as in the case of a person (details supplied) in County Waterford. [4492/10]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** A new annual school transport charge, which replaced the term charges, was introduced for the 2009/10 school year. Provision was made for parents to spread the charge over two payments in July and December.

This new method of payment assists Bus Éireann in planning an efficient and cost-effective school transport service well in advance of a school year based on the level of demand for seats. It also provides comfort to parents in the knowledge that on payment of the charge, a seat is guaranteed for the school year in question.

I appreciate the Deputy's concerns in this matter. In that regard, my Department, in conjunction with Bus Éireann, is prepared to review aspects of the current arrangements in the light of experiences this year.

### **Special Educational Needs.**

644. **Deputy Olivia Mitchell** asked the Minister for Education and Science if his attention has been drawn to the cuts in both mainstream teachers and special needs assistants recommended by a special education needs organisation group for a school (details supplied); if his further attention has been drawn to the effect this will have on the ability of the school to fulfil its challenging function; and if he will make a statement on the matter. [4501/10]

646. **Deputy Brian Hayes** asked the Minister for Education and Science the number of teachers and special needs assistants that will be cut from a school (details supplied) in Dublin 24 as part of a recent special education needs organiser review; and if an appeal system is in the place. [4566/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 644 and 646 together.

As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocat-



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ing resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support.

The NCSE is an independent agency with responsibility for determining the appropriate staffing levels in relation to the support of pupils with special educational needs in mainstream and special schools. The Deputy will be aware that the NCSE, through its network of SENOs, is at present carrying out a review of SNA allocations in all schools with a view to ensuring that the criteria governing the allocation of such posts are properly met. This is an exercise in identifying surplus posts which are in the system and which do not meet the current criteria — posts that have been retained when a pupil’s care needs have diminished or where the pupil has left.

I understand from the NCSE that the review process in the school in question is not fully complete and is expected to be completed within the coming days. In cases where adjustments to the staffing allocation in a school are necessary, the NCSE will liaise with the school authorities regarding the adjustment process. The Deputy may also be aware that the NCSE is currently in the process of establishing an appeals process and a pilot of this process is almost concluded. I understand that in a few weeks, all schools will be in a position to avail of the appeals process.

In the meantime, the NCSE will undertake to review a decision taken by a SENO on foot of a request from a school or parents/guardians, when accompanied by relevant additional information such as professional reports which may not have been to hand at the time of the decision.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie)

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

### **Schools Building Projects.**

645. **Deputy Seán Ó Feargháil** asked the Minister for Education and Science if he will indicate the expenditure to date by his Department in developing an education campus at a location (details supplied) in County Kildare; and if he will make a statement on the matter. [4517/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I wish to advise the Deputy, that the expenditure to date for the campus is approximately €20.1 million of which €5.3 million relates to site purchase costs. This site was purchased by the VEC. The remainder relates to the expenditure incurred to date for the provision of school buildings referred to by the Deputy.

*Question No. 646 answered with Question No. 644.*

### **Special Educational Needs.**

647. **Deputy Brian Hayes** asked the Minister for Education and Science the number of special needs assistants that have recently lost their employment following a decision of the National Economic and Social Council. [4567/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the National Council for Special Education (NCSE), through its network of Special Educational Needs Organisers (SENOs), is at present carrying out a review of Special Needs Assistant

(SNA) allocations in all schools. The purpose of this review is to ensure that all SNA posts meet the criteria governing the allocation of such posts, as outlined in my Department's Circular 07/02.

As part of this review, the NCSE will identify and suppress any surplus posts which do not meet the scheme's criteria — for example, posts that have been retained when a pupil's care needs have diminished or when the pupil has left.

The allocation for any school, and any adjustments to that allocation, depends on a number of factors such as the number of pupils with care/medical needs leaving, the number of new pupils, the changing needs of the pupils and any surplus identified. Furthermore, schools can make applications at any time with the result that the individual situation of any school can change and allocations are not static for a school year in the same way as are, for example, classroom teaching posts. The NCSE is independent in the making and issuing of its decisions relating to SNA allocations. SENOs are communicating the outcome of the review directly to schools as the review progresses. The NCSE has advised that the review will be completed by end March 2010.

I wish to assure the Deputy that SNA support will continue to be made available to schools which have enrolled pupils who qualify for such support.

#### **Telecommunications Services.**

648. **Deputy Seymour Crawford** asked the Minister for Education and Science when the Internet service will be restored to a school (details supplied) in County Cavan; his views on the fact that this is unfair; and if he will make a statement on the matter. [4607/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I understand that the school that the Deputy is referring to, requested that their satellite broadband connection be removed due to building works in September last. When the building work was completed the satellite connection was not reinstated immediately as my Department had commenced the award of new contracts under Phase II of the Schools Broadband Programme, and this school was due to be awarded to a new Service Provider.

Due to unforeseen technical issues that service provider was unable to provide a technical solution to the school and the school has since been re-awarded under the new contracts to Eircom. Eircom are currently in the process of installing the new broadband service and it is expected to be fully installed this week. The new product, which can deliver up to 7.1 Mbts broadband, should ensure that the school will see a marked improvement in their broadband solution. My Department is monitoring the provision of broadband to schools during this transition phase of the Schools Broadband Programme and will keep this school under review.

#### **National Drugs Strategy.**

649. **Deputy Olivia Mitchell** asked the Minister for Education and Science the extent of the budget cuts to local drugs task force mainstreamed funding in Dún Laoghaire Rathdown; if his attention has been drawn to the impact this will have on services in an area (details supplied); and if he will make a statement on the matter. [4608/10]

650. **Deputy Seán Barrett** asked the Minister for Education and Science the reason for the withdrawal of local drugs task force mainstreamed funding to a project (details supplied) in County Dublin which adversely affects the provision of services; if his attention has been drawn to the fact that this will force the project to cease providing services from the end of March

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2010, leaving the surrounding area with no youth service provision; if he will reverse the decision to cease funding; and if he will make a statement on the matter. [4612/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 649 and 650 together.

My Department provides funding for thirty eight projects in Local Drugs Task Force areas, including the projects specifically referred to by Deputies Mitchell and Barrett. These projects, through a variety of programmes and activities, seek, in the main, to encourage young people not to engage in drug-taking. My Department originally took on responsibility for funding these projects through a mainstreaming process, whereby projects on interim funding were assigned to a number of departments and State agencies. Thirty five of the projects are administered by the three VECs in Dublin City, Dublin County and in Dún Laoghaire, while the remaining three projects are funded directly by my Department. The allocations for the 38 projects over the past three years were as follows:

- 2007 — €3,621,000;
- 2008 — €3,715,000;
- 2009 — €3,643,000

Arising from Budget 2010, it was decided that funding for these projects was to be reduced to €2,461,000 in 2010. I acknowledge the difficulties arising for projects and my Department is currently reviewing the implications of this decision for the individual projects concerned.

#### **Schools Building Projects.**

651. **Deputy Joe McHugh** asked the Minister for Education and Science when a project (details supplied) in County Donegal will progress to the next stage; his views on whether it makes sense for his Department to progress this project in view of the fact that his Department is paying €114,881.20 per annum on rental of accommodation for students; and if he will make a statement on the matter. [4685/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The building project at the school referred to by the Deputy is at an advanced stage of architectural planning and has been assigned a band 1.1 rating. An enabling works contract to provide a new sewage plant and filtration bed at the school was approved in 2009. The progression of all large-scale building projects, including this project, is dependent on prioritisation of the competing demands on my Department’s capital budget. The building project for this school will be considered in the context of my Department’s multi-annual school building and modernisation programme for 2010 and subsequent years. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

652. **Deputy Joe McHugh** asked the Minister for Education and Science when an extension project at a school (details supplied) in County Donegal will go to tender; when it will commence; the estimated completion date; and if he will make a statement on the matter. [4686/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers has applied to my Department for major capital funding. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 2 rating. The priority attaching to individual projects is determined by published prior-

itisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are available on the Department's website, [www.education.ie](http://www.education.ie).

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

#### **EU Directives.**

653. **Deputy Joe Costello** asked the Minister for Education and Science if there are EU directives which require to be transposed into primary or secondary legislation; the list of such directives; the date they were drafted by the Commission; when he intends to transpose them into domestic law; and if he will make a statement on the matter. [4711/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** There are no EU Directives which require to be transposed into primary or secondary legislation by my Department.

#### **Schools Building Projects.**

654. **Deputy Michael Creed** asked the Minister for Education and Science if he is satisfied with the access road to a school (details supplied) in County Cork; if he will provide some funding towards the improvement of this access road; and if he will make a statement on the matter. [4749/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The new site for the school referred to by the Deputy was acquired by the school Patron from a local developer as a result of a land swap. My Department has funded the construction of the new school. However, the project scope was predicated on the assurance that certain site development works and appropriate site access from the main road were to be carried out by the developer such as access road/path as part of the overall deal with the school Patron. It has been brought to my attention that the developer has not, as yet, completed this work. I understand that the Board of Management of the school is engaging with the developer to progress the terms of their agreement. My officials are monitoring the situation.

#### **Schools Patronage.**

655. **Deputy Ciarán Cuffe** asked the Minister for Education and Science the action he has taken following Educate Together's request to be recognised as a patron for second level schools; when a decision on this issue will be expected; and if he will make a statement on the matter. [4761/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** My Department is considering a number of broad policy issues relating to the recognition process for second level schools and the application from Educate Together to be recognised as a patron body at second level is being fully examined within the context of the relevant legal, financial and other factors. At a meeting last year between officials from my Department and representatives from Educate Together, there was a wide-ranging and constructive discussion about the issues associated with Educate Together's application to become a patron at second level. The discussion also

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focussed on the blueprint for post-primary education published by Educate Together in June of last year. This blueprint outlines the approach by Educate Together to providing an inclusive education where all young people, whatever their ability, will be provided with learning opportunities and classroom practices that explicitly take account of the different ways students learn. In view of the range of issues involved, it has not been possible to bring this matter to a conclusion as quickly as I would have liked. However, it is my intention to finalise this matter and convey a decision to Educate Together at the earliest date possible.

### **Schools Building Projects.**

656. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a school building project (details supplied) in County Dublin will proceed to construction; and if he will make a statement on the matter. [4763/10]

685. **Deputy Olivia Mitchell** asked the Minister for Education and Science if the replacement building required for a school (details supplied) will be funded as part of this year’s funding allocation; and if he will make a statement on the matter. [5155/10]

689. **Deputy Alan Shatter** asked the Minister for Education and Science the reason for the delay in sanctioning the funding for the construction of a new permanent school building at a school (details supplied) in County Dublin in view of the fact that original permission had already been given; if his attention has been drawn to the conditions at the school which both students and teachers have to tolerate; and when he will sanction the commencement of the school building project. [5284/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 656, 685 and 689 together.

The project for the school referred to by the Deputies has been announced to progress to tender and construction. Stage 2(a) for the project was approved in late December and the Design team have been authorised to progress to stage 2(b) of architectural planning. Stage 2(b), which involves application for planning permission, fire certificate etc. and the preparation of tender documents, is the immediate precursor stage to tender and construction. Although the project is progressing well, it will not be possible to give an indication of the timeframe for completion of the tender and construction process until planning permission has been secured and stage 2b of architectural planning has been completed.

### **School Staffing.**

657. **Deputy Brian Hayes** asked the Minister for Education and Science the number of teacher, principal and deputy principal retirements in the year 2009 by comparison to 2008 and 2007 on a county basis; and if he will make a statement on the matter. [4769/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information sought by the Deputy is being compiled and will be sent to him as soon as possible.

### **Schools Building Projects.**

658. **Deputy Paul Connaughton** asked the Minister for Education and Science the position regarding the proposed new national school at a location (details supplied) in County Galway; and if he will make a statement on the matter. [4774/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm that the school to which the Deputy refers has made an application to the Department for major capital funding. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 1 rating. As part of the assessment process a review of the long term projected staffing determined there should be a Principal plus 8 assistant mainstream class teachers. This was notified to the school authorities in January 2007. Following a site visit to the school, it was decided that the existing school site could not accommodate a new 8 classroom school and that a new school is required. The Patron has advised that parish land to the rear of the existing school site will be made available to accommodate the provision of the new 8 classroom school.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of the current competing demands on the capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

### **Student Support Schemes.**

659. **Deputy Mary Upton** asked the Minister for Education and Science the funding options that are available to a person (details supplied) in Dublin 6W in order that they may be adequately funded to continue in third level education; and if he will make a statement on the matter. [4811/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The main financial support available to students in higher education is the Maintenance Grant. Students who are entering approved courses are eligible for financial assistance where they satisfy the relevant conditions including those relating to residence, means, age, nationality and previous academic attainment. Apart from the maintenance grants scheme and the free fees initiative, financial support is also available to students, in approved third level institutions, through the Student Assistance Fund. The objective of the Fund, is to assist students, in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Information on the Fund is available from the Access Officer at the candidate’s College.

In addition, Section 473A Taxes Consolidation Act, 1997 provides for tax relief on tuition fees, at the standard rate of tax in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU and non-EU member states. Further details on claiming this relief are available from the candidate’s local tax offices or on Revenue’s website at <http://www.revenue.ie>.

### **Schools Emergency Repairs.**

660. **Deputy Richard Bruton** asked the Minister for Education and Science if he will approve a grant for plumbing services and additional tank capacity in respect of a school (details supplied) in Dublin 5 which had disruption of water supply during the recent bad weather. [4855/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I understand that the school authority has been in telephone contact with the Building Unit of my Department concerning a problem with the water tanks. I understand that an application for emergency funding will be submitted in the near future. When this application is received it will be assessed without delay and the school authorities will be notified of the outcome.

661. **Deputy Niall Collins** asked the Minister for Education and Science if he will assist a school (details supplied) in County Limerick; and if he will make a statement on the matter. [4859/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Emergency works grants are made available to those schools most in need of resources as a result of unforeseen emergencies of a capital nature that may arise during the school year. It is open to the school in question to submit an application for emergency funding to the Building Unit of my Department. Should such an application be submitted it will be assessed without delay and the school authorities will be notified of the outcome.

### **Schools Building Projects.**

662. **Deputy Seymour Crawford** asked the Minister for Education and Science the progress made towards the restoration and extension of a school (details supplied) in County Monaghan; his views on whether this is an opportune time to carry out the work in view of the fact that building and other costs have fallen dramatically since this scheme was agreed; and if he will make a statement on the matter. [4860/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The building project at the school referred to by the Deputy is at an advanced stage of architectural planning and has been assigned a band 2.1 rating. A stage 2(a) submission was approved by my Department in March 2009. The progression of all large-scale building projects, including this project, is dependent on prioritisation of the competing demands on my Department’s capital budget. The building project for this school will be considered in the context of my Department’s multi-annual school building and modernisation programme for 2010 and subsequent years. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

### **Third Level Courses.**

663. **Deputy Róisín Shortall** asked the Minister for Education and Science if his attention has been drawn to a recent recommendation from the Higher Education Authority that all plastering courses in the DIT are to be phased out by 2014; the rationale for this in view of the fact that this trade has been provided in County Dublin for more than 40 years; the basis for the decision given that Dublin has the greatest population base and therefore demand; if, in view of this, if he will reject this recommendation; and if he will make a statement on the matter. [4863/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware, the downturn in the construction sector has resulted in a significant fall off in the numbers of apprentices being recruited nationally. The number of FÁS registered apprentices requiring education and training has therefore dropped significantly in many trades. The Higher Education Authority has consulted widely with individual institutions on the impact of the reduction in these numbers on the level of apprenticeship provision in education sector.

Having regard to the inputs received, and to enable the necessary reductions in education provision for the construction and related trades to be implemented on an objective basis, across the country, an independent evaluation panel was established, to advise the HEA in relation to the appropriate levels of provision which should be maintained within the education sector having regard to likely future demand to 2014. This process has now been completed and the HEA has contacted the relevant institutions with the proposed allocations of apprentice provision as recommended by the evaluation panel. I understand that the HEA will be in

further contact with the Institutes of Technology sector to consider the implications of the recommended allocations and to assist the institutions in the management of these changes.

### **School Staffing.**

664. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary and secondary school teachers registered to teach under the teachers council as against the number who are actually teaching. [4866/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information requested by the Deputy is not available from my Department payroll databases, however I am given to understand from the Teaching Council that there are currently some 68,000 teachers registered with them.

The managerial authorities of secondary and community/comprehensive schools are advised that all teachers who apply for appointment to permanent, temporary and regular part-time teaching posts must be registered with the Teaching Council and this registration is verified before teachers are placed on my Department’s payrolls.

As, you are aware, I have indicated my intention to commence Section 30 of the Teaching Council Act in the near future. I have also indicated that the commencement of the section will provide for it to be regulated that a school may employ unregistered personnel on a time limited basis in exceptional circumstances.

I believe that the above proposed legislative arrangement reflects the situation facing schools today where it is not always possible, for a variety of reasons, to engage a registered teacher for substitution duty.

I intend that this proposed amendment will be facilitated under the Education (Patronage) Bill which is due to be published during the current term of the Oireachtas.

### **Pension Provisions.**

665. **Deputy Brian Hayes** asked the Minister for Education and Science the reason delays are occurring in the payment of pensions to part-time teachers, employed by vocational education committees, that retired in 2009, having had pension contributions deducted, where VECs have sought but have not received guidance from his Department on the way supplementary entitlements in respect of part-time employment are to be computed; the arrangements that he will make to ensure that such retired teachers will quickly receive all their retirement benefits, including annuities and other amounts due on foot of additional voluntary contributions which cannot be determined until VECs are given the advice they have requested; if, in view of the fact that delays in advising VECs are causing a chain reaction of delays to the persons affected, he will ensure that complete guidance is issued to all relevant authorities in respect pension entitlements related to part-time employment as teachers. [4877/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The award of superannuation benefits to retiring VEC staff is a matter in the first instance for the individual VEC concerned. In this connection, the initial award is calculated by the VEC. The payment function is performed by the appropriate local authority following receipt of the approved rates from the VEC.

In May 2008 detailed information on improvements on the way in which service and remuneration of part-time public servants is to be reckoned for superannuation purposes was issued from my Department to VECs. As a follow-up measure, in June 2008, a one-day seminar was held for relevant VEC staff to expand on the information and guidance already provided. A dedicated unit in my Department provide ongoing advice and guidance to support the VEC



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staff in the carrying out of their superannuation functions. Where issues emerge from VECs they are responded to in a timely manner. In addition, a working group has been established under the auspices of the Irish Vocational Education Association in which officials from my Department participate. This group facilitates the discussion of more complex part-time pension issues and the sharing of information on this topic.

The changes in superannuation of part-time staff may have added somewhat to the workload of VECs, on a short term basis. However in carrying out their functions it would be normal for the VEC to give priority to those who are retiring.

My Department has not been made aware by VECs of any specific cases where clarification from my Department is precluding them from making the superannuation awards to persons who have recently or are about to retire. If the Deputy has a particular case in mind and will provide me with the specific details, I will have the position examined promptly in the Pensions Section of my Department.

### **Schools Building Projects.**

666. **Deputy Michael Kennedy** asked the Minister for Education and Science if his attention has been drawn to the conditions of portacabins being used by a school (details supplied) in County Dublin which are unsuitable for use on health and safety grounds for pupils and teachers due to their ongoing deteriorating condition; if he will provide a progress report on the building of a new school; and if he will make a statement on the matter. [4881/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A major capital project at the school to which the Deputy refers is currently at an early stage of architectural planning. The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under my Department’s capital budget. The proposed building project will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme for 2010 and subsequent years. In light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

A firm of Chartered Quantity Surveyors had been engaged to develop new procedures and systems for the provision of temporary accommodation with a view to achieving best value for money and reducing overall rental costs for schools.

I am pleased to inform the Deputy that my Department’s review of the provision of temporary accommodation in schools is well underway. One aspect of the review involves the development of standard specifications for temporary accommodation, the development of new contractual terms to incorporate buy-out and relocation options to cater for individual local circumstances and appropriately protect the interests of the Department and school authorities.

A further strand involves negotiations between the Chartered Surveyors and prefab suppliers to buy out existing rental contracts or reductions in annual rent, as appropriate. An initial group of 46 schools with rented prefabricated accommodation has been identified for priority negotiations with suppliers to buy out existing rental contracts. A number of these prefabs have now been bought-out, including the prefabs at the school referred to by the Deputy, and negotiations are ongoing with a view to ending rental contracts for as many schools as possible in 2010.

The Chartered Surveyors carried out a site visit at this school on 26th June, 2009 and provided my Department with a report confirming that the units are in good condition and well maintained.

On 9th December 2009 the school authorities were informed that my Department had decided to purchase the temporary accommodation units and that this initiative was undertaken to achieve better value for money. They were also advised that this change in the funding arrangement for their temporary accommodation would not affect any application the school may have for permanent accommodation under the School Building and Modernisation Programme.

### **Higher Education Grants.**

667. **Deputy Noel Ahern** asked the Minister for Education and Science the position regarding third level maintenance grants; if there were changes of third level maintenance grants in Budget 2010 or in the estimates; if third level maintenance grants will be reduced and by how much; if any proposed reductions will take place in the second half of the current academic year 2009-2010 or the next academic year 2010-2011; and if he will make a statement with particular reference to person who is awaiting the second part of grant for 2009-2010. [4889/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As announced in Budget 2010, a reduction of 5% is being applied to the rates of student grants and scholarships. This reduction is being implemented in respect of all grant-holders from January 2010. Changes in the rates of student grant are considered as part of the annual Budget process each year and rates become effective on a financial, rather than an academic year basis.

The 2nd and 3rd instalments of the grant for the 2009/10 academic year will be reduced to reflect this decision. If an individual has applied for a grant for the 2009/10 academic year but has not yet received a 1st instalment, this will be paid at the higher rate.

From September 2010, as announced in the Budget, all new applicants who are in receipt of the Back to Education Allowance for all schemes and the VTOS allowances for those pursuing PLC courses, will be ineligible for student maintenance grants. The cost of the student services charge and any fees payable to colleges will continue to be met, for eligible students, by the Exchequer on their behalf. They should apply to their assessing authority to have their eligibility assessed.

Students currently in receipt of the BTEA or VTOS allowances and the maintenance grant will continue to be eligible for both payments for the duration of their current course, provided they continue to meet the terms and conditions of the scheme. Students progressing to a new course, with effect from 2010/11, will no longer be eligible for student maintenance grants but can apply for assistance towards the cost of the student services charge and any fees payable.

When I announced details of the student maintenance grant schemes for the 2009/2010 academic year I also gave notice that, with effect from the start of the 2010/11 academic year, further changes will be introduced. These include:

- Some social welfare allowances, including the Back to Education Allowance which had been excluded in the means-testing process, will be included as reckonable income in assessing eligibility for student grants;
- The income tax adjustment for farm stock relief will be disregarded in calculating reckonable income for means-testing purposes;

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- The residency requirement in the State for grant eligibility will be increased from one year to three out of the past five years for the student — a move that is in line with provisions already outlined in the Student Support Bill;
- The duration of the break in studies required for re-entry as an independently-assessed mature student will be increased from one year to three years.

### **Departmental Reports.**

668. **Deputy John O’Mahony** asked the Minister for Education and Science further to Parliamentary Question No. 329 of 21 January 2010, when a reply will issue; and if he will make a statement on the matter. [4898/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information sought by the Deputy in Question No. 329 of 21 January 2010 is not held centrally within my Department and accordingly is not readily available. The material requested is being compiled from separate details provided by the various line sections across my Department and will be forwarded to the Deputy shortly.

### **Higher Education Grants.**

669. **Deputy Michael Ring** asked the Minister for Education and Science the reason the higher education grants payable by the vocational education committees are assessed using the gross income for workers and the net income for those in receipt of social welfare; the reason assessments are based on the previous year’s income in view of the current economic climate as the means of many applicants has changed dramatically; and if he will make a statement on the matter. [4920/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The assessment of means under my Department’s student maintenance grant schemes is based on gross income from all sources. Therefore, all income is assessed from the same starting point, eliminating any distortion which might arise from different spending decisions.

The income thresholds are stated on a gross income basis — the average industrial wage by reference to which the thresholds are calculated represents gross pay before any deductions for income tax or PRSI.

I have no plans at present to depart from the above practice in respect of the determination of income.

The means test arrangements of the Student Maintenance Grant Schemes have been in operation since 1983 and are applied nationally. In the case of both the employed and self-employed gross income is assessed with certain specified social welfare and health service executive payments excluded.

Rent allowance and Supplementary Welfare Allowance are not excluded payments, they are therefore included in the calculation of reckonable income for grant purposes.

The means test for a grant application is normally based on income in the last full financial year. Therefore, eligibility for a student grant for the academic year 2009/10 will be assessed on income from the 2008 financial year.

However, if there has been a permanent change of circumstances at any time during the period 1st of January 2009 to the last term of the 2009/10 academic year which may affect reckonable income, then eligibility for the grant may be re-assessed to reflect those changed

circumstances. Where a dependent student's parent experiences a permanent change in income level, for example, through a reduction in working hours or unemployment, then they may apply to their local authority or VEC to have their eligibility for a grant assessed on the basis of the new income level.

### **Psychological Service.**

670. **Deputy Brian O'Shea** asked the Minister for Education and Science if he has received a copy of the children's mental health coalition manifesto; and if he will make a statement on the matter. [5007/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I am aware of the manifesto of the Children's Mental Health Coalition, which recommends the provision of guidelines to schools on mental health, the expansion of the Social Personal and Health Education support team, the delivery of SPHE in every school year, and raises issues regarding the operation of the National Educational Psychological Service.

The Social Personal and Health Education (SPHE) programme is a mandatory part of the curriculum in primary schools and in junior cycle since 2003 and is designed to promote positive mental health. It is already supported by comprehensive teacher guidelines and curriculum support services which provide training and advice for schools and a resource directory.

Its aim is to foster personal development, health and well being of children, to help them create and maintain supportive relationships, and develop the skills and attitudes for responsible citizenship. SPHE is designed for implementation in the context of a caring whole-school approach which is supported by the pastoral care structures in schools.

The implementation of the SPHE curriculum has been supported by national programmes of professional development for teachers at primary and post primary level provided by the curriculum support services. These services continue to be maintained in the current school year, but my Department is not in a position to expand them at the present time.

Schools also use Mental Health Matters, a resource pack on mental health for 14 to 18 year olds developed by Mental Health Ireland on an optional basis as a module in the Transition Year Programme, an element of the Leaving Certificate Applied Programme, a component of the SPHE programme or an element of other subjects such as Religion or Home Economics.

All post-primary schools also provide a guidance and counselling service for their students and they receive ex-quota hours from the Department for this provision. The service includes the provision of individual guidance and counselling for students either at critical stages in their education or at times of personal crisis.

The National Educational Psychological Service (NEPS) operating within my Department provides a range of services both direct and indirect which support the personal, social and educational development of all children in primary and post-primary schools. NEPS also liaises with HSE services as appropriate in its service to schools.

My Department's commitment to the NEPS service has been recently reiterated within the Renewed Programme for Government which commits to an overall expansion of NEPS psychologist numbers to 210. Currently NEPS staffing numbers stand at 154.

*Question No. 671 and 672 answered with Question No. 631.*

### **Special Educational Needs.**

673. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position regarding the special needs assistants at a school (details supplied) in County Kildare; if he will

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confirm that the necessary funding is available to the school to meet the current complement of SNAs for the year 2010; and if he will make a statement on the matter. [5012/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

I wish to assure the Deputy that SNA support will continue to be made available to schools which have enrolled pupils who qualify for such support.

### **Schools Building Projects.**

674. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the date at which the authorities at a school (details supplied) in County Kildare received approval for the establishment of an autism spectrum disorder unit; the number of students for which it was intended to cater; the number of students now enrolled; the degree to which his Department is aware of the temporary nature of the accommodation in use for this purpose; the extent to which this limits and restricts the operation of the full range of facilities within this school; if his attention has been drawn to the numerous attempts by the school authorities to secure the relevant and necessary accommodation and facilities to operate the unit as originally intended; if he proposes to take any action to address his Department’s failure to honour its original commitments in this issue; and if he will make a statement on the matter. [5013/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I wish to advise the Deputy that a special class for autism was approved for the school in question in April 2007. He will be aware that special classes for children with autism may cater for up to 6 children and I have been advised that there are currently two children enrolled in the class in question.

The school has made application to my Department for major capital funding. This application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a Band 1 rating.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on my Department’s capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

### **Special Educational Needs.**

675. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when class-room assistance will be arranged for a person (details supplied) in County Kildare; if he has taken any further action on foot of correspondence sent by this Deputy to him in 12 January 2010; and if he will make a statement on the matter. [5014/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

A copy of the correspondence referred to by the Deputy has been forwarded to the NCSE for their attention and direct reply.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### **Schools Building Projects.**

676. **Deputy Olivia Mitchell** asked the Minister for Education and Science if the promised national primary school (details supplied) in Leopardstown, County Dublin will be included in the new school starts to be announced shortly; and if he will make a statement on the matter. [5038/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project for the school referred to by the Deputy is currently at an early stage of architectural planning.

The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department’s capital budget.

The proposed building project will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme for 2010 and subsequent years. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

677. **Deputy Michael McGrath** asked the Minister for Education and Science if the stage 2(b) report has been submitted by the design team to his Department in respect of a planned new primary school building (details supplied) in County Cork; when the project will proceed to tender stage. [5041/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers has been announced to proceed to tender and construction and is currently at an advanced stage of architectural planning.

My Department received the stage 2(b) submission for this project from the Design Team recently and it is currently being considered by my Department.

On completion of the review of the Stage 2(b) submission, my Department will revert to the school regarding next steps in the progression of the project towards tender and construction.

### **Transition Year Programme.**

678. **Deputy Michael D’Arcy** asked the Minister for Education and Science if secondary schools have an obligation to allow all students, including special needs students, to do transition year or if they can refuse permission for such; and if he will make a statement on the matter. [5075/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Every year my Department invites all second level schools to participate in the Transition Year Programme.

[Deputy Batt O’Keeffe.]

The management authority of each school carries responsibility for making decisions regarding the Transition Year Programme in that school. Guidelines have been issued by my Department to support schools in this process. In some schools, the programme is compulsory for all students. In those that offer it as an option, circumstances may arise where it is necessary to limit the number of students who can avail of it.

It is the board of management of each individual school that decides the number of places available to students on programmes such as Transition Year. In cases where restrictions apply, schools should have clear procedures regarding how places are allocated to students.

### **Higher Education Grants.**

679. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of education grant appeals outstanding with County Wexford Vocational Education Committee. [5077/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Official’s in County Wexford Vocational Education Committee confirmed that they have 65 appeals outstanding.

### **Vocational Education Committees.**

680. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of grade three staff available to deal with education grant applications in County Wexford Vocational Education Committee. [5078/10]

681. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of grade four staff available to deal with education grant applications in County Wexford Vocational Education Committee. [5079/10]

682. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of grade five staff available to deal with education grant applications in County Wexford Vocational Education Committee. [5080/10]

683. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of grade six staff available to deal with education grant applications in County Wexford Vocational Education Committee. [5081/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 680 to 683, inclusive, together.

The deployment of administrative staff to any particular task, such as that referred to by the Deputy, is a matter for the management of the VEC. County Wexford VEC has advised my officials that one Grade V and two Grade III members of staff are currently assigned to the task of processing grant applications.

684. **Deputy Michael D’Arcy** asked the Minister for Education and Science the number of functions that are affected by County Wexford Vocational Education Committee staff not operating in a grade higher, acting, in their work. [5093/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy is of course aware of the Government decision to implement a recruitment and promotion moratorium in the public sector. In respect of Vocational Education Committees, positions other than teacher and SNA posts in schools, and teacher equivalents that are directly providing tuition to pupils in

schools, in special programmes or in an adult and further education, are comprehended by this decision.

The deployment of administrative staff to any particular task is a matter for the management of County Wexford VEC.

My Department has been informed that there is a vacancy at Grade VI level in the section dealing with student grant applications in County Wexford VEC. My officials have been informed by the VEC that the following functions have been somewhat affected by the non-filling of that vacancy: — Appeals, payment runs, overseeing of statistical returns to my Department and business planning for the section.

*Question No. 685 answered with Question No. 656.*

#### **Home Tuition Scheme.**

686. **Deputy Pat Breen** asked the Minister for Education and Science if he will review an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [5170/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the home tuition scheme provides funding to parents to facilitate tuition for children of school going age awaiting an educational placement and also to provide early educational intervention for pre-school children with autism where no educational placement is available.

The Deputy is aware that the child in question does not meet the eligibility criteria for home tuition as a school placement is available for him and has been available since November 2009. His home tuition allocation remained until the 22nd of December 2009 to allow for transitional arrangements to be put in place to enable a smooth transition to school.

I understand that the child’s parents do not wish to avail of the school placement. However, home tuition is only funded where no school placement is available.

#### **State Examinations.**

687. **Deputy Máire Hctor** asked the Minister for Education and Science the number of students taking part in the Leaving Certificate Applied in 2009/2010 academic year; and the way in which this compares with the past few years. [5269/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The number of students taking the Leaving Certificate Applied programme is extracted from the returns made by post-primary schools of students enrolled as at 30th September each year.

The number of students enrolled in the Leaving Certificate Applied programmes during 2008/2009 was 3,867 in the first year and 3,230 for the second year of the programme. The respective figures for 2007/08 were 4,010 and 3,427.

The processing of 2009/2010 enrolments as at 30th September is currently underway and therefore final figures are not available at this time.

#### **Flood Damage to Schools.**

688. **Deputy Máire Hctor** asked the Minister for Education and Science the number of schools damaged by the recent flooding and weather conditions on a county basis. [5270/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information requested by the Deputy is not available in my Department as any issues with school buildings arising from the recent weather conditions are a matter for schools’ insurers in the first instance.



[Deputy Batt O’Keeffe.]

Primary, Secondary and VEC schools which have suffered damage due to recent flooding and weather conditions should, in the first instance, contact their insurance companies. Community and Comprehensive schools should contact the Building Unit of my Department.

*Question No. 689 answered with Question No. 656.*

### **Schools Building Projects.**

690. **Deputy Charlie O’Connor** asked the Minister for Education and Science the position regarding the proposed building programme at a school (details supplied) in Dublin 24; his views on the concern of the school community in the matter; and if he will make a statement on the matter. [5355/10]

**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 the design team attended a stage 2(b) briefing which was held in my Department’s office in Tullamore on 21 January. Thereafter, a letter issued to the school authorising the design team to prepare and submit stage 2(b) documentation (detailed design/tender documents).

The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department’s capital budget.

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.

691. **Deputy Charlie O’Connor** asked the Minister for Education and Science the position regarding the building programme at a school (details supplied) in Dublin 6W; and if he will make a statement on the matter. [5356/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is at an advanced stage of architectural planning.

Representatives from the school and the design team attended a stage 2(b) briefing which was held in my Department’s office in Tullamore on 12 November last. Thereafter, a letter issued to the school authorising the design team to prepare and submit stage 2b documentation (detailed design/tender documents).

The school has advised that it expects that this documentation will be submitted by the end of February 2010.

The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department’s capital budget.

The proposed building project will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme for 2010 and subsequent years. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

### Site Acquisitions.

692. **Deputy Charlie O'Connor** asked the Minister for Education and Science if he has made progress in securing a site to facilitate the building programme of a school (details supplied) in Dublin 24; and if he will make a statement on the matter. [5357/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The acquisition of a site for the required school building project and the actual building project itself will be considered in the context of the capital budget available to my Department for school buildings generally having regard to the competing demands and existing commitments on my Departments School Building Programme.

I am not in a position to say when my Department will proceed to identify and acquire a suitable site for this school.

### Special Educational Needs.

693. **Deputy Arthur Morgan** asked the Minister for Education and Science the number of special needs assistants employed in schools in County Donegal; and if he will make a statement on the matter. [5358/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** There were 403 Special Needs Assistants (whole time equivalents) employed in schools in County Donegal on 29 January 2010 and paid on my Department's payroll. Three hundred and fifty (whole time equivalents) were serving in Primary schools and 53 in Secondary and Community/Comprehensive schools. The Deputy should contact Co Donegal Vocational Education Committee in relation to the number of Special Needs Assistants employed by them.

As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO's) for allocating Special Needs Assistants to Primary and Post Primary schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

### Higher Education Grants.

694. **Deputy Willie Penrose** asked the Minister for Education and Science if a person who has a primary degree from University College Galway, and who for the past ten years, has been involved in teaching English, at a English school in Tokyo and who now wishes to return home, to undertake a postgraduate degree can do so; if there is financial aid available to them to embark upon such a degree course; and if he will make a statement on the matter. [5363/10]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The principal financial support available to students in higher education is the student maintenance grant. Students who are entering approved courses are eligible for financial assistance where they satisfy the relevant conditions including those relating to residency, means, age, nationality and previous academic attainment.

When I announced details of the student maintenance grant schemes for the 2009/2010 academic year I also gave notice that, with effect from the start of the 2010/11 academic year, further changes would be introduced including a change to the residency requirement in the State for grant eligibility which will be increased from one year to three out of the past five years for the student — a move that is in line with provisions already outlined in the Student Support Bill.

[Deputy Batt O’Keeffe.]

In addition the full criteria for the 2010 maintenance grant schemes is currently being reviewed. Decisions on the 2010 schemes will be announced as soon as the process has been completed.

The decision on eligibility for student grants for the 2010/2011 academic year will be a matter for the relevant assessing authority — i.e. the local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the assessing authority, and remains of the view that the body has not interpreted the schemes correctly in her/his case, an appeal form outlining the position may be submitted by the applicant to my Department.

Detailed information on financial supports for students can be found on the website [www.studentfinance.ie](http://www.studentfinance.ie).

### **Schools Building Projects.**

695. **Deputy Willie Penrose** asked the Minister for Education and Science the number of primary schools and post primary schools scheduled for construction in 2010, 2011, 2012 in the school holiday programme; the number of additional classrooms and extensions at primary and post primary level scheduled to go to construction in 2010, 2011, 2012; and if he will make a statement on the matter. [5382/10]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I assume that the Deputy is referring to the Summer Works Scheme (SWS) in the first part of his question. The SWS is an annual devolved scheme financed from within the overall budget for the School Building and Modernisation Programme.

The development of a programme of works for the 2010 Scheme is currently underway. In this regard, the closing date for the receipt of applications was 27 November, 2009. Applications are currently being assessed and, in accordance with the timetable published with the Scheme, it is my intention to announce a list of successful applicants in the Spring.

While I am not in a position yet to say how many projects will be proceeding under the 2010 Scheme until the assessment process has been complete, I can tell the Deputy that since this Scheme was introduced in 2004, over 4,000 building projects have been carried out in schools at a cost of almost €378m.

With regard to large scale capital projects, I will be announcing details of this part of my Department’s capital programme for 2010 in due course.